

DISCIPLINARY PROCEDURES, DUE PROCESS AND APPEAL RIGHTS

STEPS OF THE PROGRESSIVE DISCIPLINE SYSTEM

A progressive discipline system enables students to correct behavioral problems before they become severe. The process begins with the teacher identifying a problem and taking a number of steps with the student to correct the problem. These increasingly formal steps may include: verbal warning, student/teacher conference, parent contact, detention and office referral. If the problem persists, the Main Office becomes involved and additional progressive steps are taken. These steps include detention, in-school suspension, out-of-school suspension, and, when available, expulsion. Parent meetings, and counseling sessions may also be utilized during the progressive disciplinary process.

DETENTION

Detention is an extension of the school day assigned to provide consequences and deter violations of school rules/policies of class rules. Detention is held Monday - Friday from 2:07 p.m. - 2:55 p.m., approximately 50 minutes. Transportation home is available to students by a late bus which leaves school at approximately 3:00 p.m. Teachers and administrators can assign detentions. Detentions can be changed only by a student's Assistant Principal or Dean of Students. Request from the student's parent may be required. A student's due process rights under M.G.L. c. 71, §§ 37H, 37H1/2, and 37H3/4 are not triggered by the imposition of detentions.

Teacher Detention

When a teacher assigns a detention for minor discipline problems and/or academic issues, the student is expected to report to the teacher's classroom (unless asked to report to the designated detention area to serve the detention) by 2:07 p.m., and remain until detention ends at approximately 2:55 p.m. If a student does not attend the assigned detention(s), he or she will be referred for a detention cut and the discipline report will be forwarded to the students assigned Assistant Principal or Dean of Students for further disciplinary action. A teacher detention does not become part of a student's permanent disciplinary record.

Office Detention

The Main Office will assign a student one or more detentions for violation of school rules. A parent/guardian will be notified of the detention. Office detentions start promptly at 2:07 p.m. and end at 2:55 p.m. Students must be on time for detention, be prepared to work quietly, and remain for the allocated time. There is no talking, eating, drinking, sleeping or listening to or using any electronic device during detention. All school rules apply during detention. Students can be referred for a disciplinary infraction that occurs in the detention room to the Main Office. An accumulation of school detentions can lead to more serious levels of discipline, such as suspension, and may limit a student's opportunities to participate in school functions, such as athletics and cooperative work assignments (co-op). School detentions are part of a student's permanent disciplinary record.

Examples of Specific Offenses that may result in detention and/or suspension:

- Tardy for class
- Not prepared for class, gym or shop
- Being in an unauthorized area
- In corridor without a pass
- Cafeteria, corridor, technical programs, classroom, or bus disturbance
- Not following safety regulations
- Offensive language
- Major class disruption
- Not reporting to teacher/school detention
- Skipping class
- Insolent and disrespectful behavior

SUSPENSION

M.G.L. c. 71, §§ 37H, 37H½, and 37H¾ and 603 CMR 53 provide the legal framework for suspension of students in Massachusetts. It is the policy of Greater Lowell Technical High School to follow those laws and regulations. Below is an overview of those laws and how they will be implemented by Greater Lowell Technical High School.

Any suspensions will be imposed at the discretion of the Assistant Superintendent/Principal or his/her designee.

IN-SCHOOL SUSPENSION - UNDER CHAPTER 71, SECTION 37H3/4

An “in-school suspension” is defined as removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. In-school suspension for ten (10) school days or less, consecutively or cumulatively during a school year, shall not be considered a short term suspension under 603 CMR 53.02. If a student is placed in in-school suspension for more than ten (10) school days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

A student who receives an in-school suspension ten (10) school days or fewer, consecutively or cumulatively during a school year for a disciplinary offense is entitled to the following due process procedures:

1. The Assistant Superintendent/Principal or his/her designee shall inform the student of the disciplinary offense charged and the basis for the charge.
2. The student shall be permitted a fair and reasonable opportunity to dispute the charge(s) and to explain the circumstances surrounding the alleged incident.
3. If the Assistant Superintendent/Principal or his/her designee determines that the infractions occurred, the Assistant Superintendent/Principal or designee shall inform the student of the length of the in-school suspension (not to exceed 10 school days).

4. On the same day as the in-school suspension decision, the Assistant Superintendent/Principal or designee shall make reasonable efforts to notify the parent/guardian orally of the offense, the reasons for his/her conclusion, and the length of the in-school suspension.
5. The Assistant Superintendent/Principal or his/her designee shall also invite the parent/guardian to a meeting on the day of the suspension, if possible, or as soon as possible thereafter to discuss the incident, the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior.
6. The Assistant Superintendent/Principal or his/her designee shall send written notice of the in-school suspension, including the reason and length of the suspension, and inviting the parent/guardian to a meeting with the Assistant Superintendent/Principal (described above), if such meeting did not already occur.

Students must follow the procedures below when placed into in-house suspension:

1. Reports to homeroom for attendance then proceeds to the in-school suspension room for the entire school day.
2. Maintains silence at all times.
3. Completes his or her daily class assignments, and assessments including some work provided by the in-house coordinator.
4. Eats lunch in the in-house suspension room.
5. Attends the regular afternoon session of detention.

OUT-OF-SCHOOL SUSPENSION - UNDER CHAPTER 71, SECTION 37H3/4

"Suspension" for the purpose of this section means short-term suspension and long-term suspension.

Short-Term Suspension

A short-term suspension is defined as the removal of a student from the school premises and regular classroom activities for ten (10) consecutive days or less.

The student does not attend school for the duration of the suspension and is not allowed on the school property.

A student must be picked-up by a parent/guardian or designee listed in the computer once a short term suspension is imposed. Any exception to this policy will be determined by the Assistant Superintendent/Principal or his/her designee. A parent conference is required before a student can return to school from a short-term suspension unless the

student or parent provides a good faith basis why such a conference is not possible and the Assistant Superintendent/Principal or his/her designee agrees to waive the conference.

A student who receives a short-term suspension for a disciplinary offense is entitled to the following due process procedures:

1. The Assistant Superintendent/Principal or his/her designee shall provide oral and written notice to the parent/guardian, offering an opportunity to meet and to discuss the violation as charged, prior to the suspension taking place. The notice shall set forth in plain language in English and the home language (if different than English) the disciplinary offense: the basis for the charge; the potential consequences (including the potential length of the suspension); the opportunity for the student to have a hearing with the Assistant Superintendent/Principal (including the opportunity to dispute the charges and present the student's explanation of the alleged incident and the opportunity for the parent to attend); the date, time, and location of the hearing; and the right to interpreter services for the student or parent, if necessary. Written notice to the parent/ guardian may be made by hand delivery, first class mail, email or by any other method of delivery agreed to by the Assistant Superintendent/Principal or his/her designee and the parent.
2. The student shall meet with the Assistant Superintendent/Principal or designee regarding the alleged offense. The Assistant Superintendent/Principal or designee shall make a reasonable effort orally and in writing to include the student's parent/guardian in this meeting. At the meeting, the student shall be told the basis for the nature of the disciplinary offense, and any other pertinent information. The student, and his/her parent if present, shall have the opportunity to dispute the charges, present additional information and to offer mitigating facts. 603 CMR 53 does not confer the right to counsel or cross-examine witnesses. The Assistant Superintendent/Principal or his/her designee, in his/her sole discretion, may permit the student to question his/her accuser or present his/her own witnesses.
3. The Assistant Superintendent/Principal or designee will issue a written determination of the suspension to both the student and the parent/guardian, including the key facts and conclusions reached, the reasons for the determination, and length and effective date of the suspension, a date of return to school, and the opportunity to make-up assignments and other needed school work. In normal circumstances, when students return from a short-term suspension they have one day to make-up work for each day of the suspension.

Long-Term Suspension

A long-term suspension is defined as the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year.

The student does not attend school for the duration of the suspension and is not allowed on the school property. A parent conference is required before a student can return to school from a long-term suspension unless the student or parent provides a good faith basis why such a conference is not possible and the Assistant Superintendent/Principal or his/her designee agrees to waive the conference.

Except for students who are charged with offenses under M.G.L., Chapter 71, 37H or 37H1/2 (e.g., with possession of drugs or weapons on school grounds, assault on a staff member, or are charged with or convicted of a felony or felony delinquency), no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day the student is removed from school. Nor may long-term suspensions under M.G.L. Chapter 71 § 37H3/4 extend beyond the school year in which the suspension is imposed.

A student who receives a long-term suspension for a disciplinary offense is entitled to the following due process procedures in addition to those described for short-term suspensions:

1. The right to review the student's own record and any documents on which the Assistant Superintendent/Principal may rely, in making his/her decision regarding suspension;
2. The right to be represented by counsel (at the student's expense);
3. The right to present the student's own explanation of the alleged incident (but the student may not be compelled to do so);
4. The right to produce witnesses on his/her own behalf; and cross-examine witnesses presented by the school or district; and
5. The right to request the meeting be recorded and the student to receive a copy of the recording.
6. The Assistant Superintendent/Principal shall also provide the parent (if present) an opportunity to discuss the parent's conduct and offer information, including mitigating circumstances.
7. In addition, for long-term suspensions, the Assistant Superintendent/Principal's written notice of suspension shall contain all of the information listed in 603 CMR 53.08(3) (d), found at www.doe.mass.edu/lawsregs/603CMR53. As part of that information it shall include:
 - notice of the student's opportunities to receive educational services to make academic progress during the removal period
 - notice of the right to appeal the Assistant Superintendent/Principal's decision of long-term suspension with the Superintendent.
 - notice of right to make academic progress during suspension and notice of school-wide education service plan.

Appeal of Long-Term Suspension

A student placed on long-term suspension following an Assistant Superintendent/Principal's hearing has the right to appeal the suspension to the superintendent. The long-term suspension will remain in effect unless and until the superintendent reverses the Assistant Superintendent/Principal's decision on appeal.

The appeal of long-term suspension must be in writing, within five calendar days of the effective date of the long-term suspension. The student or parent/guardian may request an extension of up to seven (7) calendar days to submit this request for an appeal.

The superintendent or his/her designee shall hold an appeal hearing within three (3) school days of receiving the student's request for an appeal. The student or parent/guardian may request an extension of up to seven (7) calendar days for this appeal hearing to be held. The superintendent or his/her designee must include the parent/guardian in this appeal hearing, or else must show a good faith effort to include him/her. At the hearing, the student has the same rights afforded him/her at the Assistant Superintendent/Principal's meeting prior to issuing the long-term suspension. The Superintendent-Director's meeting will be audio recorded and the student/parent may request a copy of the recording.

The superintendent will issue a written decision within five (5) calendar days of the hearing, either upholding or lessening the suspension. This will be the school district's final decision on the matter.

School Offenses which May Result in Suspension

The following offenses may result in a school suspension of one or more days. The length of the suspension, which can be either an in-school suspension or an out-of-school suspension, will be determined by the Assistant Superintendent/Principal, Senior Assistant Principal, Assistant Principal or Dean of Students. In some instances, if the offenses listed below are of an extreme and very serious nature, the student may be expelled pursuant to M.G.L. c. 71, §§ 37H and 37H1/2:

1. Any act which endangers the health and the safety of the student and/or other members of the school community, whether within the school building itself, on school grounds or on school buses or school sponsored events.
2. Willful destruction of school property, including school buses. Restitution must be made.
3. Insubordination towards school employees.
4. Disorderly, vicious, illegal or immoral conduct in the building, on school grounds, on school buses, or school sponsored events.
5. Pulling false alarms.
6. Leaving school grounds without permission.
7. Profanity directed toward any school employee.
8. Fighting on school property, including school buses.
9. Assaulting another person on school property, including school buses.
10. Not reporting to the Main Office when instructed to do so.
11. Possession, use or sale of alcohol or a controlled substance in the school building, on school grounds, on school buses, or school sponsored events.

12. Weapons carried or used in the school building, on school grounds, or on school buses.
13. Calling in a bomb threat.
14. The intentional spreading of rumors which disrupts the overall safety of the students and staff at Greater Lowell Technical High School.
15. Sexual harassment or any teen dating violence complaints which include a pattern of harassment, stalking, physical or emotional intimidation and fear for safety on the part of the reporting student.
16. Harassment/Bullying.
17. Improper use of the school's computer system.
18. Forgery of school documents and excused absence notes.
19. Cheating, including plagiarism.
20. Stealing.
21. Smoking (see Smoking Policy for possession of tobacco related paraphernalia.)
22. Repeated minor infractions that may not have been resolved through other means.
23. Derogatory comments regarding staff and/or students posted for public display such as Facebook or other media devices.
24. Unauthorized photos or videos of staff or students.
25. Any other offenses deemed appropriate to impose a suspension by the Assistant Superintendent/Principal or designee.

In-House Suspension, Short-Term and Long-Term Suspension/Extracurricular Activities and Athletics

A student who receives an in-house suspension, or a short or long-term suspension or expulsion will not be allowed to participate in any and all extra-curricular activities and social activities. If a student is an athlete, he or she will not be able to participate in any scheduled practices or games during the time of the suspension. This includes the last day of suspension when the school day has ended. If a student is suspended at the end of a school week (i.e., Thursday or Friday), and the length of the suspension carries over the next school week, the student cannot participate in any extra-curricular activities or, if the student is an athlete, any practices or games over the weekend.

EXPULSION - CHAPTER 71, SECTION 37H3/4

Expulsion is defined as the removal of a student from the school premises, regular classroom activities and school activities for more than ninety (90) school days, indefinitely, or permanently as permitted under M.G.L., Chapter 71, 37H or 37H1/2 for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction or adjudication or admission of guilt with respect to such felony, if the Assistant Superintendent/Principal determined that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L., Chapter 71, 37H or 37H1/2. A student may be expelled only pursuant to M.G.L. c. 71, §§ 37H and 37H1/2.

Offenses under M.G.L., Chapter 71, Sections 37H or 37H1/2 are not subject to 37H3/4 as to the duration of a child's removal from school, and may result in an expulsion for longer than 90 days or that extends beyond the school year.

MASSACHUSETTS GENERAL LAWS, CHAPTER 71, SECTION 37H

Massachusetts General Laws, Chapter 71, Section 37H, provides as follows:

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Assistant Superintendent/Principal.
- (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the Assistant Superintendent/Principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Assistant Superintendent/Principal.

After said hearing, an Assistant Superintendent/Principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the Assistant Superintendent/Principal to have violated either paragraph (a) or (b).

- (d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- (e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.
- (f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level

de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

- (g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

MASSACHUSETTS GENERAL LAWS, CHAPTER 71, SECTION 37H1/2

Massachusetts General Laws, Chapter 71, Section 37H1/2, provides as follows:

- (1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

- (2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written

notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

EMERGENCY REMOVAL – M.G.L. c. 71, § 37H3/4

A temporary emergency removal of a student is within the Assistant Superintendent/Principal's or designee's authority when a student is charged with a disciplinary offense and, in the Assistant Superintendent/Principal's or designee's judgment, the student's continued presence poses a danger to persons or property, or materially and substantially disrupts the order of the school, and there is no adequate alternative to alleviate that danger. The emergency removal shall not exceed two (2) school days following the day of the emergency. During this time the Assistant Superintendent/Principal or designee shall do the following:

- Make adequate provisions for the student's safety and transportation before removing him/her from school on an emergency basis.
- Make immediate reasonable efforts to orally notify the student and parent/guardian of the emergency removal and the reason for it.
- Provide written notice to the student and parent/guardian as provided in 603 CMR 63.06(2).
- Provide an opportunity for a hearing before the Assistant Superintendent/Principal (with the process due for a short- or long-term suspension, based on

the expected duration of the suspension), with the parent/guardian in attendance, within two school days of the emergency removal (unless the parties agree to an extension of time).

- Render a decision orally on the same day as the hearing, and a written notice of the hearing no later than the following school day.

ACADEMIC PROGRESS

Any student who is serving an in-school suspension, short-term suspension, long-term suspension or expulsion under M.G.L. c. 71, §§ 37H, 37H1/2, and 37H3/4 shall have the opportunity to earn credits, as applicable, make up tests, assignments, papers, and other school work as needed to make academic progress during the period of his/her removal.

Students who are expelled or suspended for more than 10 consecutive days will have an opportunity to continue to receive education service during their removal from school pursuant to the school-wide education service plan. The plan is available in the Assistant Superintendent/Principal's Office.

PROCEDURAL REQUIREMENTS APPLIED TO STUDENTS NOT YET DETERMINED TO BE ELIGIBLE FOR SPECIAL EDUCATION

1. If, prior to a disciplinary action the GLTHS District has knowledge that the student involved may be a student with a disability, then all procedural protections available to a student with a disability will be available to this student until and unless the student is subsequently determined not to be eligible. The GLTHS district may be considered to have prior knowledge if:
 - a. The parent had expressed concern in writing; or
 - b. The parent had requested an evaluation; or
 - c. GLTHS District staff had expressed directly to the Special Education Director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

The GLTHS District may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

2. If the GLTHS District had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district will conduct an evaluation in an expedited manner to determine eligibility.
3. If the student is found eligible as a result of the evaluation, the GLTHS District will provide services.

DISCIPLINING STUDENTS WITH SPECIAL NEEDS

The Greater Lowell Technical High School recognizes its responsibility in the education of students with special needs and adheres to the regulations of Chapter 71b, Section 3, of the Massachusetts General laws , as well as, the Federal Individuals with Disabilities Education Act 2004, 20 U.S.C. 1415(k) and 34CFR 300.530-300.536.

In summary these laws and regulations require that:

- Special education students may be removed for disciplinary reasons for **up to ten (10) school days** for any offenses using the same standards and procedures that apply to all students, unless the students IEP stipulates otherwise.
- **By the tenth (10th) cumulative school day of disciplinary removal (in-school and/or out-of-school) in the same school year**, the student's IEP Team must meet to determine the extent to which FAPE services are needed to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting IEP goals.
- No special education student should be removed for disciplinary reasons for **more than 10 consecutive days** from his or her permanent placement without a Manifestation Determination. This should occur within ten school days with the parent and/or guardian and relevant members of the student's IEP Team. If the IEP Team determines that the student's conduct is not a manifestation of his/her disability and that the conduct is not a direct result of the district's failure to implement the IEP, then the student may be disciplined in the same manner and for the same duration as to students without disabilities except that the student is entitled to services during the removal period. However, If the IEP Team determines that the student's conduct is a manifestation of his/her disability and/or that the conduct was a direct result of the district's failure to implement the IEP then the district must take immediate steps to remedy those deficiencies and the student must return to his or her placement.
- If the conduct that the special education student is being disciplined for involves the "special circumstances" of weapons, illegal drugs, controlled substances, or serious bodily injury, school personnel may remove the student to an interim alternative setting (IAES) for up to 45 school days, regardless of the manifestation determination. The IEP Team must determine the IAES.