

## **Original and Revised Proposed Regulations**

This document contains the original proposed regulation followed by the revision to that regulation.

### **Original Proposed Regulation – Preamble and School Safety**

A. Local Regulations. Each local board of education shall adopt a set of regulations [designed to maintain an environment of order and discipline necessary for effective learning. These regulations should provide for counseling and standards for appropriate disciplinary measures, and may permit suspension or expulsion] *that:*

- (1) Reflect a rehabilitative discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) Are designed to keep students in school so that they may graduate college and career ready;*
- (3) Prohibit disciplinary policies that trigger automatic discipline without the use of discretion; and*
- (4) Explain why and how long-term suspensions or expulsions are last resort options.*

### **Proposed Revision – Preamble and School Safety – Based on Discussion with MABE and comments from PSSAM**

A. *Local Board Authority. Each local board of education has both the responsibility and authority to adopt policies designed to create safe schools. In the context of school discipline, by the beginning of school year 2014-2015, each local board shall review and revise its student discipline policies and regulations with the goal of maintaining an environment of order, safety, and discipline necessary for effective learning. The policies and regulations at minimum shall:*

- (1) reflect a discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior;*
- (2) be designed to keep students connected to school so that they may graduate college and career ready;*
- (3) describe the conduct that may lead to in-school and out-of-school suspension or expulsion;*
- (4) allow for discretion in imposing discipline;*
- (5) address the ways the educational and counseling needs of suspended students will be met;*
- (6) explain why and how long-term suspension or expulsions are last resort options.*

## **Original Proposed Regulation – Expulsion**

B. Terms defined. In this regulation, the following terms have the meanings indicated:

(1) (text unchanged)

(2) “Expulsion” means [, at a minimum, the removal of the student from the student’s regular school program and may be further defined by a local board of education] *the total exclusion of a student from the student’s regular school program for 45 school days or longer for conduct that the superintendent determines, on a case-by-case basis, is violent or poses a serious danger of physical harm to others in the school.*

## **Proposed Revision – Expulsion – Recommended by the Workgroup**

B. (2) “Expulsion” means the [total] exclusion of a student from the student’s regular school program for 45 school days or longer [for conduct that the superintendent determines, on a case-by case basis, is violent or poses a serious danger of physical harm to others in the school], *which only may occur under the following circumstances:*

*(a) The superintendent or designated representative has determined that the student’s return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students or staff.*

*(b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable.*

*(c) The school system provides the excluded student with alternative educational services and appropriate behavioral support services to promote successful return to a regular academic program.*

### **Original Proposed Regulation – Extended Suspension**

(3) “Extended suspension” means the temporary removal of a student from [school for a specified period of time longer than 10 school days for disciplinary reasons by the local superintendent or the local superintendent’s designated representative] *the student’s regular school program for a time period between 11-45 school days for conduct that the superintendent determines, one a case-by-case basis, poses a danger of harm to other in the school.*

### **Proposed Revision – Extended Suspension –Recommended by the Workgroup**

B. (3) “Extended suspension” means the *exclusion* [temporary removal] of a student from a student’s regular school program for a time period between 11 and 45 school days [for conduct that the superintendent determines, on a case-by-case basis, poses a danger of harm to others in the school], *which only may occur under the following circumstances:*

*(a) The superintendent or designated representative has determined that:*

*(i) the student’s return to school prior to the completion of the suspension period would pose an imminent threat of serious harm to other students or staff; or*

*(ii) the student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.*

*(b) The superintendent or designated representative limits the duration of the exclusion to the greatest extent practicable.*

*(c) The school district provides the excluded student with alternative educational services and appropriate behavioral support services to promote their successful return to a regular academic program.*

## **Original Proposed Regulation – 10 Day Return**

### **C. Suspension and Expulsion.**

[(1) In those instances when the behavior of a student is disruptive and detrimental to the operation of the school, the student may be suspended or expelled.]

[(2)] (1) – [(3)] (2) (text unchanged)

[(4)] (3) Suspension for More than 10 Days or Expulsion.

(a) – (b) (text unchanged)

(c) If after the investigation the local superintendent or designated representative finds that [a longer] *an extended* suspension or *an* expulsion is warranted, the superintendent or designated representative promptly shall arrange a conference with the student and the student's parent or guardian.

*(d) The process described in §C(3)(a)-(c) of this regulation shall be completed by the 10<sup>th</sup> school day of the initial suspension. If additional time is necessary to complete the process, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the conduct at issue was violent, dangerous, or a threat to the safety of the school.*

## **Proposed Revision – 10 Day Return – Recommended by the Workgroup**

C. (3)(d) The process described in §C(3)(a)-(c) shall be completed by the 10<sup>th</sup> school day of the initial suspension. If additional time is necessary to complete the process, *either because of delays due to parent or guardian unavailability or due to the complexity of the investigation*, the student shall be allowed to return to school, unless the local superintendent or designated representative determines that the [conduct at issue was violent, dangerous, or a threat to the safety of the school] *student's return to school would pose an imminent threat of serious harm other students or staff.*

*(i) If the student is not allowed to return to school after the 10<sup>th</sup> day, the superintendent or designee shall notify the student and the parent or guardian within 24 hours and provide the reasons for the delay in the process and the denial of reentry.*

### **Original Proposed Regulation – Timelines For Decision**

[(d) ] (e) If after the conference the local superintendent or designated representative finds that *an extended* suspension [of more than 10 school days] or *an* expulsion is warranted, the student or the student’s parent or guardian may [:]

[(i) ] [Appeal] *appeal* to the local board within 10 days after the determination[;].

[(ii) ] Be heard before the local board or its designated committee; and

[(iii) ] Bring counsel and witnesses to the hearing.]

*(f) If an appeal is filed, it shall be heard before the local board or its designated committee or hearing officer and completed within 30 days of the date of appeal was received by the local board.*

*(g) The student or the student’s parent or guardian:*

*(i) Shall be provided the school system’s witness list and a copy of the documents that the school system will present at the hearing 5 days before hearing; and*

*(ii) May bring counsel and witnesses to the hearing.*

*(h) The local board shall issue its decision within 10 days after the close of the hearing.*

### **Proposed Revision – Timelines for Decision – Recommended by the Workgroup**

C. (3)(f) If an appeal is filed,[it shall be heard before] the local board or its designated committee or hearing officer [and completed within 30] *shall have 45 days from* [of] the date the appeal was received *to hear the appeal and issue a decision.*

*(i) This timeline period may be extended if the parent, guardian, or his/her representative requests additional time.*

*(ii) This timeline shall also apply in the event that the local board elects to use a hearing examiner.*

...

*(h) [The local board shall issue its decision within 10 days after the close of the hearing.] If due to extraordinary circumstances or unusual complexity of a particular appeal, the local board determines that it will be unable to hear an appeal and issue a decision within 45 days, it may petition the State Superintendent for an extension of time.*

## **Original Proposed Regulation – Minimum Education Services**

*F. Minimum Education Services. In order to establish accountability and to keep suspended or expelled students on track with classroom work, as is reasonably possible, each local board shall institute education services that at minimum provide that:*

*(1) Each student suspended or expelled out-of-school who is not placed in an alternative education program shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by teachers on a weekly basis and returned to the student; and*

*(2) Each principal shall assign a school staff person to be the liaison between the teachers and the various students on out-of-school suspension or expulsion and to communicate weekly about classwork assignments and school-related issues by phone or email with those out-of-school suspended/expelled students and their parents.*

## **Proposed Revision – Minimum Education Services for Short-Term Suspension – Recommended by the Workgroup**

*Add:*

*(3) For short-term suspensions, the local board of education shall ensure that:*

*(1) All schools under their jurisdiction shall provide all students who receive short-term suspensions with the opportunity to complete the academic work they miss during the suspension period without penalty.*

*(2) All schools under their jurisdiction shall provide all students who receive short-term suspensions, and their parents or guardians, with the contact information for a school employee who will be responsible for ensuring that the requirement described in section (F)(1) is met.*

*(3) All other aspects of the process for suspended students receiving missed assignments, completing missed assignments, and making up tests shall be identical with each school's established policy and practice for makeup work in the event of any other excused absence.*

**Original Proposed Regulation – Arrest on School Premises**

**.12 Arrests on School Premises.**

A.-E. (text unchanged)

*F. Beginning in the 2013-2014 school year, data on school arrests shall be reported in a manner and format developed by the Department and approved by the State Board.*

**Proposed Revision – Arrests on School Premises – Based on PSSAM comments**

A.-E. (text unchanged)

*F. Beginning in the 2015-2016 school year, data on school arrests shall be reported in manner and format developed by the Department, in consultation with local school systems, and approved by the State Board.*

**Original Proposed Regulation – Delinquent Acts**

**.15 Reporting Delinquent Acts.**

A.-B. (text unchanged)

*C. Beginning in the 2013-2014 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or the juvenile justice system in a form and manner developed by the Department and approved by the State Board.*

**Proposed Revision – Delinquent Acts – Based on PSSAM comments**

**.15 Reporting Delinquent Acts.**

A.-B (text unchanged)

*C. Beginning in the 2015-2016 school year, the local school systems shall report data to the Department on school arrests and referrals to law enforcement agencies or to the juvenile justice system in a form and manner developed by the Department, in consultation with local school systems, and approved by the State Board.*