

KROKIDAS & BLUESTEIN

ATTORNEYS

CHARTER SCHOOL ALERT

UPCOMING DEADLINE REMINDER: COMPLIANCE WITH NEW SCHOOL DISCIPLINE LAW

We wanted to remind public schools, including charter schools, of the quickly approaching deadline for compliance with the new school discipline laws, entitled *An Act Relative to Student Access to Educational Services and Exclusion from School*, set forth at Chapter 222 of the Acts of 2012 (the “New School Discipline Laws”). Last month, the Department of Elementary and Secondary Education (DESE) finalized the regulations implementing the New School Discipline Laws, a copy which can be found here: <http://www.doe.mass.edu/lawsregs/603cmr53.html>. The regulations go into effect July 1, 2014.

The New School Discipline Laws impose requirements in five broad categories of school discipline: (a) in-school suspensions; (b) emergency removals; (c) short-term suspensions; (d) long-term suspensions; and (e) appeals. Schools must provide students facing disciplinary action in any of these areas with detailed procedural protections. Further, students excluded through suspension or expulsion must be given the opportunity to make academic progress notwithstanding the suspension or expulsion.

In order to ensure compliance with the New School Discipline Laws, schools must take a number of steps, including the following:

- update school handbooks, including codes of conduct, to ensure that expulsion and suspension policies are consistent with the New School Discipline Laws;
- update current appeals procedures and notice requirements for students who are expelled or suspended, and create appropriate protocols and notice forms;
- develop guidelines for exit interviews to prevent students from dropping out;
- develop a plan regarding truancy notifications; and
- develop models for education plans for expelled and suspended students, including lists of the services the school will provide.

As a practical matter, schools would be well advised to consider creating separate templates and checklists for each of the five categories of discipline listed above in order to ensure that staff are complying with the New School Discipline Laws’ detailed procedures, and are documenting their compliance. (This may be particularly helpful given the regulatory requirement that specific student notices, or portions thereof, must be translated or interpreted in

the primary language of the affected student's home.) Charter schools are reminded that the required updates to the codes of conduct require approval from the Commissioner of the DESE.

Please contact Attorneys Elka Sachs (esachs@kb-law.com) or Anjali Waikar (awaikar@kb-law.com) if you would like assistance with drafting policies and procedures or preparing an education plan to ensure compliance with the New School Discipline Laws.