



# **Massachusetts Compilation of School Discipline Laws and Regulations**

Prepared: January 31, 2020

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2020. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **Part I. Title 12. Chapter 69. Section 1D. Statewide educational goals; academic standards; vocational training; grant program.**

The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

The standards may provide for instruction in the issues of physical education, human immunodeficiency virus and acquired immune deficiency syndrome education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

##### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. [...] The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

##### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and



investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and

guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

**Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.**

Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

**Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.**

The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

**REGULATIONS**

**603 CMR 49.01. Authority.**

603 CMR 49.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, §37O, as added by St. 2010, c. 92.

**603 CMR 49.02. Scope and Purpose.**

603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603

CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

**603 CMR 53.01. Authority, purpose, and scope.**

(1) 603 CMR 53.00 is promulgated pursuant to the authority of the Department of Elementary and Secondary Education under G.L. c. 69, §§ 1A and 1B, G.L. c. 71, §37H, and G.L. c. 71, § 37H¾

(2) The purpose of 603 CMR 53.00 is:

(a) for those discipline offenses subject to G.L. 71, § 37H¾, as set forth in 603 CMR 53.01(3)(a), to limit the use of long-term suspension as a consequence for student misconduct until other consequences have been considered and tried as appropriate;

(b) to promote engagement of a student's parent in discussion of the student's misconduct, and options for responding to it;

(c) to assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion; and,

(d) to keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

(3) 603 CMR 53.00 sets forth, for all public preschool, elementary, and secondary schools and programs in Massachusetts, including charter and virtual schools:

(a) at 603 CMR 53.03 through 53.11, the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: 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 a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½;

(b) the minimum requirements and procedures necessary to ensure that all students who have been suspended, in-school or out-of-school, or expelled, regardless of the type of offense, have an opportunity to make academic progress during their period of suspension, expulsion, or removal from regular classroom activities; and

(c) the requirements pertaining to school discipline data reporting and analysis.

## **Scope**

### **LAWS**

**Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo

electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

(b) Bullying shall be prohibited:

(i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and

(ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

## **REGULATIONS**

### **603 CMR 49.04. Bullying and retaliation prohibited.**

(2) Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, shall be prohibited if the bullying:

(a) creates a hostile environment at school for the target;

(b) infringes on the rights of the target at school; or

(c) materially and substantially disrupts the education process or the orderly operation of a school.

# Communication of policy

## LAWS

### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. [...] Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district. [...]

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O.

### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

### **Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## **REGULATIONS**

### **603 CMR 18.05. Required Policies and Procedures**

#### (1) Admissions.

(a) No school, or program operated by a school, shall enroll eligible students under the provisions of 603 CMR 28.00: Special Education unless approved to do so by the Department.

(b) Prior to admission, the school shall provide to the parents and the local school district a written copy of the school's policies and procedures, including:

1. The school's statement of purpose;
2. The type of services provided;
3. Admission criteria;
4. Parents' rights as described in 603 CMR 18.05(4);
5. Health care, including provisions for emergency health care and/or hospitalization as described in 603 CMR 18.05(9);
6. Planning for both foreseen and emergency terminations as described in 603 CMR 18.05(6) and (7);
7. Methods of behavior support, violence prevention, discipline, management of harmful behavior by a student to himself or herself or others, and proper use of restraints as described in 603 CMR 18.05(5);
8. Activities related to daily living skills;
9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00: Special Education;
10. Clothing requirements;
11. A description of normal daily routines;
12. Any specific treatment strategy employed by the facility;
13. A description of any normally occurring religious practices;
14. Visiting hours and other procedures related to communication with students and the facility as described in 603 CMR 18.036(9);

15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;
16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility.
17. A copy of the approved school calendar.

**603 CMR 33.04. Filing of reports.**

- (1) On or before October 1 of each year, the principal or headmaster of every secondary school shall file a report as required by M.G.L. c. 269, § 19 with the Bureau of Student Services.
- (2) Such reports as required by 603 CMR 33.04(1) shall include the following certifications:
  - (a) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19 to every group or organization under its authority and to every member, plebe, pledgee or applicant for membership in such group or organization;
  - (b) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19, to every non-school affiliated organization;
  - (c) that the school has obtained an acknowledgement of receipt from an officer of every group or organization under its authority, and every individual which has received a copy of M.G.L. c. 269, " 17 through 19;
  - (d) that the school has obtained an acknowledgement from a contact person for each non-school affiliated organization that such organization has distributed a copy of M.G.L. c. 269, " 17 through 19, to every member, plebe, pledgee or applicant for membership in such group or organization;
  - (e) that the school has adopted a disciplinary policy with regard to the organizers of and participants in hazing which has been approved by the school committee, is available to anyone upon request and has been filed with the Bureau of Student Services as required by M.G.L. c. 71, § 37H.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 37H.3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.**

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

#### **REGULATIONS**

#### **603 CMR 53.05. Alternatives to suspension under Section 37H<sup>3/4</sup>.**

In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

### **Use of corporal punishment**

#### **LAWS**

#### **Part I. Title 12. Chapter 76. Section 37G. Corporal punishment of pupils prohibited; use of physical restraint; regulations.**

(a) The power of the school committee or of any teacher or any other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.



(b) The provisions of this section shall not preclude any member of the school committee or any teacher or any employee or agent of the school committee from using such reasonable force as is necessary to protect pupils, other persons, and themselves from an assault by a pupil. When such an assault has occurred, the principal shall file a detailed report of such with the school committee.

(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall require training of all personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to the parents.

#### **REGULATIONS**

No relevant regulations found.

### **Use of student and locker searches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Other in-school disciplinary approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **603 CMR 53.11. Exclusion from extracurricular activities and school-sponsored events.**

The principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c. 71, § 37H¾ or 603 CMR 53.00.

# ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

## **Grounds for possible suspension or expulsion**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- (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 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 principal.

#### **Part I. Title 12. Chapter 71. Section 37H1/2. Felony complaint or conviction of student; suspension; expulsion; right to appeal.**

Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

- (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. [...]
- (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. [...]

### **REGULATIONS**

#### **603 CMR 53.02. Definitions.**

- (3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, except 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 a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½ . A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.
- (4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½ " means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled

substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.

(5) "Expulsion" means 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 G.L. c. 71, §§37H or 37H½ 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 a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.

(7) "Long-term suspension" means 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. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, 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 that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

(11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

(13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.

#### **603 CMR 53.07. Emergency removal under Section 37H¾.**

(1) Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

(a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);

(b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);

(c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.

(d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

## **Grounds for mandatory suspension or expulsion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Limitations, conditions or exclusions for use of suspension and expulsion**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 84. Discipline of students on matters unrelated to school-sponsored activities prohibited.**

No student shall be suspended, expelled, or otherwise disciplined on account of marriage, pregnancy, parenthood or for conduct which is not connected with any school-sponsored activities; provided, however, that in the case of a pregnant student, the school committee may require that the student be under the supervision of a physician.

#### **Part I. Title 12. Chapter 76. Section 17. Hearing prerequisite to exclusion.**

A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him and his parent or guardian an opportunity to be heard.

### **REGULATIONS**

No relevant regulations found.

## **Administrative procedures related to suspension and expulsion**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions: [...]

(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 principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the 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.

**Part I. Title 12. Chapter 71. Section 37H1/2. Felony complaint or conviction of student; suspension; expulsion; right to appeal.**

(1) [...] 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) [...] 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.

**Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.**

(a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or

guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

**Part I. Title 12. Chapter 76. Section 16. Children excluded from school; remedies.**

Any pupil who has attained age eighteen, or the parent, guardian or custodian of a pupil who has not attained said age of eighteen, who has been refused admission to or excluded from the public schools or from the advantages, privileges and courses of study of such public schools shall on application be furnished by the school committee with a written statement of the reasons therefor, and thereafter, if the refusal to admit or exclusion was unlawful, such pupil may recover from the town or, in the case of such refusal or exclusion by a regional school district from the district, in tort and may examine any member of the school committee or any other officer of the town or regional school district upon interrogatories.

**Part I. Title 12. Chapter 76. Section 17. Hearing prerequisite to exclusion.**

A school committee shall not permanently exclude a pupil from the public schools for alleged misconduct without first giving him and his parent or guardian an opportunity to be heard.

**REGULATIONS**

**603 CMR 18.05. Required Policies and Procedures**

(6) Suspension.

(a) Upon admission of a student, the school shall provide a written policy on suspensions to the parents, and the school district or human service agency that placed the student. Such policy shall conform to the federal requirements on discipline pursuant to 34 CFR § 300.

(b) Whenever a student is suspended, the school shall immediately notify the parents or the Department of Social Services as appropriate, and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents or the Department of Social Services as appropriate and the public school district and human service agency responsible for the placement.

(c) No student may be suspended and sent home unless a responsible adult is available to receive the student.

(d) Once a student has been suspended for three consecutive school days or five non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent total suspension of the student from the program.

**603 CMR 53.08. Principal's hearing under Section 37H¾.**

(1) The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth in 603 CMR 53.08(3) in addition to those rights afforded to students who may face a short-term suspension from school.

(2) Principal Hearing - Short-term Suspension

(a) The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

(3) Principal Hearing - Long-term Suspension

(a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.

(b) At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:

In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;

the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;

the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;

the right to cross-examine witnesses presented by the school district;

the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.



(c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR 53.05, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall:

Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;

Set out the key facts and conclusions reached by the principal;

Identify the length and effective date of the suspension, as well as a date of return to school;

Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a);

Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language: a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(e) If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

#### **603 CMR 53.09. Superintendent's hearing under Section 37H<sup>3/4</sup>.**

(1) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.

(2) The student or parent shall file a notice of appeal with the superintendent within the time period set forth 603 CMR 53.08 (3) (c) 5.a). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

(3) The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.

(4) The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

(5) The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to

the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

(6) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under 603 CMR 53.08(3)(b).

(7) The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

(8) The decision of the superintendent shall be the final decision of the school district, charter school, or virtual school, with regard to the suspension.

### **603 CMR 53.12. Disciplinary offenses under Section 37H or 37H $\frac{1}{2}$ .**

(1) School districts shall adopt disciplinary policies and procedures applicable to a student who is accused of a disciplinary offense under G.L. c. 71, §§37H or 37H- $\frac{1}{2}$ . Such policies and procedures shall be consistent with the applicable statute and provide due process of law.

(2) The principal may remove a student who has committed a disciplinary offense under G.L. c. 71, §§37H or 37H $\frac{1}{2}$  from school for more than ninety (90) days in a school year.

(3) Any student who is removed from school for a disciplinary offense under G.L. c. 71, §37H or §37H $\frac{1}{2}$  shall have an opportunity to receive education services and make academic progress during the period of removal, as provided in 603 CMR 53.13.

## **In-school suspension**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **603 CMR 53.02. Definitions.**

(6) "In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00.

#### **603 CMR 53.10. In-School suspension under Section 37H $\frac{3}{4}$ .**

(1) The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

(2) The principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the principal follows the process set forth in 603 CMR 53.10(3) through 603 CMR 53.10(5) and the student has the opportunity to make academic progress as set forth in 603 CMR 53.13(1).

(3) The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

(4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

## **Return to school following removal**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Use of restraint and seclusion**

### **LAWS**

#### **Part I. Title 12. Chapter 76. Section 37G. Corporal punishment of pupils prohibited; use of physical restraint; regulations.**

(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall require training of all personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to the parents.

### **REGULATIONS**

#### **603 CMR 46.01. Authority, scope, purpose and construction.**

(1) Authority. 603 CMR 46.00 is promulgated by the Board of Education pursuant to M.G.L. c. 69, § 1B, and c. 71, § 37G.

(2) Scope. 603 CMR 46.00 governs the use of physical restraint on students in publicly funded elementary and secondary education programs, including all Massachusetts public school districts, charter schools, collaborative education programs and special education schools approved under 603 CMR 28.09, except as provided in 603 CMR 18.05(5)(h). Educational programs in facilities operated by the Department of Youth Services shall comply with the restraint requirements of 102 CMR 3.00.

(3) Purpose. The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint. Physical restraint shall be used only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

(a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and

(b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

(4) Construction. Nothing in 603 CMR 46.00 shall be construed to limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Nothing in 603 CMR 46.00 precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

#### **603 CMR 46.02. Definitions.**

As used in 603 CMR 46.00, the following terms shall have the following meanings:

(1) Extended restraint: A physical restraint the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described in 603 CMR 46.06.

(2) Physical escort: Touching or holding a student without the use of force for the purpose of directing the student.

(3) Physical restraint: The use of bodily force to limit a student's freedom of movement.

(4) Public education programs: Public schools, including charter schools, collaborative education programs, special education schools approved under 603 CMR 28.09, except as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs.

(5) Restraint - Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian. The use of seclusion restraint is prohibited in public education programs.

(a) Mechanical Restraint: The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

(b) Seclusion Restraint: Physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."

(c) Chemical restraint: The administration of medication for the purpose of restraint.

(6) School Working Day: Any day or partial day that students are in attendance at the public education program for instructional purposes.

**603 CMR 46.03. Procedures and training.**

(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

- (a) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
- (b) A school policy regarding restraint that provides a description and explanation of the school's or program's method of physical restraint, a description of the school's or program's training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(2) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the school's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- (a) The program's restraint policy;
- (b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
- (d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
- (e) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

(3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal or director of each public education program or his or her designee shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department of Elementary and Secondary Education recommends that such training be at least sixteen (16) hours in length.

(4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

- (a) Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- (b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- (c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- (e) Demonstration by participants of proficiency in administering physical restraint.

**603 CMR 46.04. Determining when physical restraint may be used.**

- (1) Use of restraint. Physical restraint may be used only in the following circumstances:
  - (a) Non-physical interventions would not be effective; and
  - (b) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
- (2) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- (3) Prohibitions. Physical restraint is prohibited in the following circumstances:
  - (a) As a means of punishment; or
  - (b) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.
- (4) Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:
  - (a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
  - (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
  - (c) The exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A. These regulations shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

**603 CMR 46.05. Proper administration of physical restraint.**

- (1) Trained personnel. Only school personnel who have received training pursuant to 603 CMR 46.03(2) or 603 CMR 46.03(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- (2) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- (3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.
- (4) Duration of restraint. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, it shall be considered an "extended restraint" for purposes of the reporting requirements in 603 CMR 46.06.
- (5) Safety requirements. Additional requirements for the use of physical restraint:
  - (a) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.

(b) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(d) Following the release of a student from a restraint, the program shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

### **603 CMR 46.06. Reporting requirements.**

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of physical restraint as specified in 603 CMR 46.06(2) after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of a duration longer than five minutes

(2) Informing school administration. The program staff member who administered the restraint shall verbally inform the program administration of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal or director of the program or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.

(3) Informing parents. The principal or director of the program or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of restraint. If the school or program customarily provides a parent or guardian of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent or guardian in that language.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.

(e) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(f) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

(5) Report to the Department of Elementary and Secondary Education. When a restraint has resulted in a serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Elementary and Secondary Education within five school working days of the administration of the restraint. The program shall also provide the Department with a copy of the record of physical restraints maintained by the program administrator pursuant to 603 CMR 46.06(2) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).

**603 CMR 46.07. Special circumstances.**

(1) Special Circumstances - Students with Disabilities. Restraint administered to a student with a disability pursuant to an Individualized Education Plan ("IEP") or other written plan developed in accordance with state and federal law to which the public education program and the student's parent or guardian have agreed shall be deemed to meet the requirements of 603 CMR 46.00, except that the limitations on chemical, mechanical, and seclusion restraint set forth in 603 CMR 46.02(5), the training requirements set forth in 603 CMR 46.03, and the reporting requirements set forth in 603 CMR 46.06 shall apply.

(2) Special Circumstances - Individual Waiver of Reporting Requirements. Public education programs may seek a parent's or guardian's consent to waive the reporting requirements of 603 CMR 46.06 for restraints administered to an individual student that do not result in serious injury to the student or a program staff member and do not constitute extended restraint. Extended restraints and restraints that result in serious injury to a student or program staff member must be reported in accordance with the requirements of 603 CMR 46.06, regardless of any individual waiver to which the parent or guardian may have consented. Individual waivers should be sought only for students who present a high risk of frequent, dangerous behavior that may require the frequent use of restraint.

(3) Limitations on individual waivers.

(a) A public education program may not require a parent's consent to such a waiver as a condition of admission or provision of services.

(b) A parent may withdraw consent to such waiver at any time without penalty.

(4) Individual Waiver - documentation required. The program shall maintain the following documentation on site in the student's file and shall make such documentation available for inspection by the Department of Elementary and Secondary Education at its request at any time:

(a) The informed written consent of the parent or guardian to the waiver, which shall specify those reporting requirements(s) in 603 CMR 46.06(1)-(4) that the parent or guardian agrees to waive; and

(b) Specific information regarding when and how the parent or guardian will be informed regarding the administration of all restraints to the individual student.

(5) Prohibition on Program or Classroom Waivers: Nothing herein shall be construed to allow a program or classroom to receive an exemption or waiver from any of the requirements of 603 CMR 46.00 on behalf of all of the students enrolled in a particular program or classroom.



## Alternative placements

### LAWS

#### **Part I. Title 12. Chapter 69. Section 1N. Alternative education grant program.**

(a) The department of education, hereinafter referred to as the department, shall establish a grant program, subject to appropriation, to be known as the alternative education grant program for the purpose of providing grants to assist school districts and Horace Mann and commonwealth charter schools with the development and establishment of alternative education programs and services to students suspended or expelled from school. The grants shall support the development of alternative education programs which would:

- (1) allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives to provide educational services to suspended or expelled students; or
- (2) establish a district based alternative education program for those students. The grants may also be used to encourage the use of technology in alternative education programs.

The grants shall also encourage voluntary expansion of existing alternative education programs in the commonwealth, and shall be used to provide alternative education programs for students who are at risk of educational failure due to truancy, or dropping out of school. Grants may also be used to assist in developing programs that provide a range of approaches to address behavior issues, such as behavior specialists, in-school suspension rooms and crisis centers, in addition to out-of-school alternative settings.

Programs designed under the grants shall be developed at the middle and high school levels and shall afford students the opportunity to earn a high school diploma in accordance with section 1D, and to be taught to the same academic standards and curriculum frameworks established for all students in accordance with sections 1D and 1E. The programs shall make use of existing resources in school districts, educational collaboratives, community colleges, and other agencies, service providers, and organizations. Programs shall be designed as placements that, at a minimum, educate students to the same academic standards and curriculum frameworks as taught to all students, address behavioral problems, utilize small class size, address individual needs and learning styles, provide engaging instruction and a supportive environment, and, where appropriate, utilize flexible scheduling. The programs shall also provide a comprehensive array of social services to support a student's remediation of issues that cause school failure, excessive absenteeism, truancy and school dropout. Grant recipients shall develop remediation plans for students that address both academic and behavioral issues. Grants may also be made available for in-school regular education programs that include self-improvement, behavior management and life skills training to help provide students with tools to better manage their lives and attitudes, to support programs that use family-based approaches, and to assist students and teachers during the transition of students back into regular education classrooms.

A grant awarded pursuant to this subsection, shall require that recipients undertake ongoing program evaluations that document the effectiveness of the program in helping students to achieve academically to the same academic standards and curriculum frameworks required for all students, to develop self-management skills, and to reintegrate and remain in regular education classrooms. In awarding grants, priority shall be given to programs that employ interventions that have been empirically validated.

The department shall establish guidelines governing the alternative education grant program. The guidelines shall include, but not be limited to, a requirement that when a student is transferred to an alternative education program a representative of the school district shall meet with the student and the student's parents or legal guardian to develop an agreement that specifies the responsibilities of the

school, the student and the student's parents or legal guardian. The agreement shall, at a minimum, include:

- (1) a remediation plan to address both academic and behavioral issues;
- (2) a plan for frequent evaluations and assessments of the student's adjustment, and academic achievement and progress;
- (3) a requirement that the parents or legal guardian of the student attend specified meetings or conferences with teachers, or utilize such other means of communication as determined necessary to facilitate communication, to review and assist in the student's progress;
- (4) a timetable for reintegrating the student into a regular education classroom;
- (5) the student's and the parents' or legal guardian's acknowledgement that they understand and accept the responsibilities imposed by the agreement.

(b) The department shall establish a grant program, subject to appropriation, to assist school districts with the development and establishment of in-school regular education programs and services to address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence. As used in this subsection, students suffering from the traumatic effects of exposure to violence shall include, but not be limited to, those exposed to abuse, family or community violence, war, homelessness or any combination thereof. The grants shall support the development of school based teams with community ties that:

- (1) collaborate with broadly recognized experts in the fields of trauma and family and community violence and with battered women shelters;
- (2) provide ongoing training to inform and train teachers, administrators, and other school personnel to understand and identify the symptoms and trauma; and
- (3) evaluate school policy and existing school and community programs and services to determine whether and to what extent students identified as suffering from exposure to trauma can receive effective supports and interventions that can help them to succeed in their public school programs, and where necessary be referred quickly and confidentially to appropriate services.

Grants may also be awarded to assist school districts in developing comprehensive programs to help prevent violence in schools, from whatever causes, and to promote school safety. The programs shall be designed to meet the following objectives: creating a school environment where students feel safe and that prevents problems from starting; helping students to take the lead in keeping the school safe; ensuring that school personnel have the skills and resources to identify and intervene with at-risk students; equipping students and teachers with the skills needed to avoid conflict and violence; and helping schools and individuals to reconnect with the community and share resources.

The department shall develop guidelines governing the implementation of the grant program authorized by this subsection. A grant awarded pursuant to this subsection shall require that recipients undertake ongoing evaluations of the effectiveness of the program. In awarding grants, priority shall be given to programs that are based on empirically validated interventions.

The department of education, in consultation with the department of public health and the department of mental health, shall establish an advisory committee to assist in implementing the grant program and in assisting public schools in addressing the learning and behavior problems of students who manifest trauma-related symptoms or classroom behavior that interferes with learning. Members of the advisory committee shall include but not be limited to: 3 educators, 1 of whom shall serve as the chair, appointed by the commissioner of the department of education; 2 leaders in the field of trauma and its relationship to school learning and behavior appointed by the commissioner of the department of public health; 2 leaders in mental health with expertise in family and/or community violence appointed by the commissioner of

mental health; 1 leader in battered women's services appointed by the commissioner of public health; 1 leader in the area of homelessness and its impact on children appointed by commissioner of mental health; and 3 parents, 1 each appointed by the commissioner of education, the commissioner of public health, the commissioner of mental health. The advisory committee, at its discretion, may select additional members with relevant experience including but not limited to child advocates, medical doctors and representatives of juvenile and probate court.

(c) The commissioner shall evaluate annually the effectiveness of programs established under this section including the potential for replicating such programs throughout the commonwealth. The annual evaluation shall also examine whether students in alternative education programs funded under this section are being taught to the same academic standards required for all students, how much time students are spending in the programs, the racial profile of expelled or suspended students and the percentages of the students who are in special education or bilingual education. The commissioner shall also provide technical assistance to school districts seeking to replicate programs funded under this section, and shall provide training for teachers in the development of effective remediation plans for students in alternative education, and in the development of skills, techniques, and innovative strategies to assist the students. In evaluating programs funded under subsection (b), the commissioner shall consult with the department of public health, the department of mental health, and the advisory committee established pursuant to said subsection (b).

**Part I. Title 12. Chapter 76. Section 21. Opportunity for academic progress for suspended students; education service plans; alternative educational services.**

Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. In developing the education service plan, principals may seek the cooperation or input of relevant health and human service, housing and nonprofit agencies education collaboratives, and other service providers. Any school or school district that expels a student or suspends a student for more than 10 consecutive school days shall provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service. Students exempt from attending school under section 1 of chapter 76 shall not be subject to this section.

Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation. The reimbursements shall be in addition to amounts distributed under chapter 70 and shall not be included in the calculation of base aid, as defined in section 2 of said chapter 70, for any subsequent fiscal year. Instructional costs eligible for reimbursement shall include only those costs directly attributable to providing alternative educational services under this section, such as salary of educational personnel, salary of related services personnel, costs for specialized books, materials or equipment, tuition costs, if the student is receiving services from other than the local public school, consultant costs if directly attributable to the student's instructional program and instructional costs of extended day or year services if such services are a part of the education service plan. Such costs shall be prorated as appropriate to reflect group

activities or costs for part-time services. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than 1 student, the costs of fringe benefits of personnel employed by the school district, nor the costs associated with the development of the education service plan or service coordination for the student. Instructional costs associated with an education service plan shall be reported to and approved by the department and shall be reimbursed according to the formula and procedures in said section 5A of said chapter 71B.

## **REGULATIONS**

### **603 CMR 53.02. Definitions.**

(10) "School-wide education service plan" means the document developed by a principal, in accordance with G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.

### **603 CMR 53.13. Education services and academic progress under Sections 37H, 37H½, 37H¾.**

(1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

(2) Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

(3) The principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c 69, §§ 1D and 1F.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

(b) For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- (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 principal.

##### **Part IV. Title 1. Chapter 269. Section 10. Carrying dangerous weapons/ possession of machine gun or sawed-off shotguns; possession of large capacity weapon or large capacity feeding device; punishment.**

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

#### **REGULATIONS**

No relevant regulations found.

### **Other weapons**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37L. Notification to school personnel of reporting requirements for child abuse and neglect and fires; reports of students possessing or using dangerous weapons on school premises; transferred students' school records.**

[...] any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of children and

families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

**Part IV. Title 1. Chapter 269. Section 14. Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution.**

(a) For the purposes of this section, the following words shall have the following meanings:

“Hijack”, to commandeer or to take control without authority.

“School”, any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

“Serious bodily injury”, bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 21/2 years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 21/2 years, or by fine of not less than \$1,000 nor more than \$50,000, or by both such fine and imprisonment.

**REGULATIONS**

No relevant regulations found.

## Students with chronic disciplinary issues

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Attendance and truancy

### LAWS

#### **Part I. Title 12. Chapter 76. Section 1. Requirements and exceptions.**

Every child between the minimum and maximum ages established for school attendance by the board of education shall, subject to section fifteen, attend a public day school in the town the student resides, or some other day school approved by the school committee, during the number of days required by the board of education in each school year, unless the child attends school in another town, for said number of days, under sections six to twelve, inclusive, or attends an experimental school project established under an experimental school plan, as provided in section one G of chapter fifteen, but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to the provisions of section three of chapter seventy-one B or of a child granted an employment permit by the superintendent of schools when such superintendent determines that the welfare of such child will be better served through the granting of such permit, or of a child who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee. The superintendent of schools may transfer to any specialized type of school on a full-time basis any child who possesses the educational qualifications enumerated in this section and in the opinion of the superintendent would be benefited by such transfer. The superintendent, or teachers in so far as authorized by him or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half day sessions in any period of six months. Absences may also be permitted for religious education at such times as the school committee may establish; provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto; and provided, further, that such time shall be no more than one hour each week. For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching, and, in order to protect children from the hazards of traffic and promote their safety, cities and towns may appropriate money for conveying pupils to and from any schools approved under this section.

Except as herein provided, pupils who attend approved private schools of elementary and high school grades shall be entitled to the same rights and privileges as to transportation to and from school as are provided by law for pupils of public schools and shall not be denied such transportation because their attendance is in a school which is conducted under religious auspices or includes religious instruction in its curriculum. Each school committee shall provide transportation for any pupil attending such an approved private school within the boundaries of the school district, provided, however, that the distance between said pupil's residence and the private school said pupil attends exceeds two miles or such other minimum distance as may be established by the school committee for transportation of public school students. Any school committee which is required by law to transport any pupil attending an approved

private school beyond the boundaries of the school district shall not be required to do so further than the distance from the residence of such pupil to the public school he is entitled to attend.

The school committee of each town shall provide for and enforce the school attendance of all children actually residing therein in accordance herewith.

**Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.**

Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

**Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.**

The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

**Part I. Title 12. Chapter 76. Section 2. Duties of parents; penalty.**

Every person in control of a child described in section one shall cause him to attend school as therein required, and, if he fails so to do for seven day sessions or fourteen half day sessions within any period of six months, he shall, on complaint by a supervisor of attendance, be punished by a fine of not more than twenty dollars. [...]

**Part I. Title 12. Chapter 76. Section 18. Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section.**

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student's tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit



interview. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within 10 days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than 14 days. The superintendent, or a designee, may proceed with any such interview without a parent or guardian if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.

The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.

**Part I. Title 12. Chapter 76. Section 19. Supervisors of attendance; employment.**

Every school committee shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education; provided, that such supervisors shall have attained the age of twenty-one years. The committees of two or more towns may employ the same supervisors of attendance.

**Part I. Title 12. Chapter 76. Section 20. Powers and duties of supervisors of attendance.**

Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

**REGULATIONS**

No relevant regulations found.

## Substance use

### LAWS

#### **Part I. Title 12. Chapter 71. Section 2A. Use of tobacco products within school building or facilities or on school grounds.**

It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

#### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students: student handbooks.**

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of [...] 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 principal.

#### **Part I. Title 12. Chapter 71. Section 91. Recovery High School; definition; enrollment; student performance; rules and regulations; deduction of home school district allotment for failure to transfer funds as required.**

(a) The term "Recovery High School" shall mean a public school or collaborative program for students diagnosed with substance use disorder or dependency, as defined by the Diagnostic and Statistical Manual of Mental Disorders IV-TR, that provides: (1) a comprehensive 4-year high school education, and (2) a structured plan of recovery.

(b) A school district shall transfer the state average foundation budget per pupil to a Recovery High School for a student meeting the following criteria: (1) the student is currently enrolled in the district or currently resides in the municipality in which the district is located; (2) the student is considered by a clinician, as defined by 105 CMR 164.006, to be clinically appropriate, using the criteria for Substance Use Disorders as defined in the Diagnostic and Statistical Manual of Mental Disorders IV-TR; and (3) the student meets all matriculation criteria as outlined by the sending district and the department of elementary and secondary education, with determination of academic eligibility based on existing documentation provided by the district. The district and the Recovery High School shall arrange to confer a diploma when a student completes state and district-mandated graduation requirements.

(c) A Recovery High School shall submit to the board of elementary and secondary education data considered necessary by the board to provide information regarding each student's academic performance. A Recovery High School shall also submit to the department of public health data regarding each student's recovery.

(d) The board of elementary and secondary education, in consultation with the department of public health and the department of mental health, shall promulgate rules and regulations, as necessary to implement this section.

(e) Failure by a school district to transfer funds to a Recovery High School as required in subsection (b) shall result in a deduction of the amount therein from the home school district's chapter 70 per pupil allotment for the following fiscal year.

## **REGULATIONS**

No relevant regulations found.

## **Bullying, harassment, or hazing**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students; student handbooks.**

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. [...] The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. [...]

#### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B.

"Bullying", the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

- (i) causes physical or emotional harm to the victim or damage to the victim's property;
- (ii) places the victim in reasonable fear of harm to himself or of damage to his property;
- (iii) creates a hostile environment at school for the victim;
- (iv) infringes on the rights of the victim at school; or
- (v) materially and substantially disrupts the education process or the orderly operation of a school.

For the purposes of this section, bullying shall include cyber-bullying.

"Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one

or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40.

"Department", the department of elementary and secondary education.

"Hostile environment", a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

"Plan", a bullying prevention and intervention plan established pursuant to subsection (d).

"Perpetrator", a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation.

"School district", the school department of a city or town, a regional school district or a county agricultural school.

"School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

"Victim", a student against whom bullying or retaliation has been perpetrated.

(b) Bullying shall be prohibited:

(i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and

(ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer

information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school

informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall:

- (i) publish a model plan for school districts and schools to consider when creating their plans; and
- (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools.

The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

See <http://www.doe.mass.edu/bullying/BPIP.pdf> for Massachusetts Model Policy.

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means.

(l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

(m) Each school district, charter school, approved private day or residential school or collaborative school may adopt an anti-bullying seal to represent the district or school's commitment to bullying prevention and intervention.

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.

**Part IV. Title 1. Chapter 269. Section 17. Hazing; organizing or participating; hazing defined.**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

**Part IV. Title 1. Chapter 269. Section 18. Failure to report hazing.**

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

**Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group,



team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## **REGULATIONS**

### **603 CMR 33.01. Authority.**

603 CMR 33.00 is promulgated by the Board of Education pursuant to M.G.L. c. 269, § 19.

### **603 CMR 33.02. Scope and purpose.**

603 CMR 33.00 governs the content and frequency of reports secondary schools must file with the Board of Education regarding the distribution of copies of the law against hazing and the adoption of a disciplinary policy concerning the organizers of and participants in hazing activities.

### **603 CMR 33.03. Definitions.**

Hazing shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Non-school affiliated organization shall mean any group or organization that operates on the campus of a secondary school but is not under the authority of such school.

Secondary school shall mean any school, be it public or private, that has been designated or approved as a secondary school by the school committee.

### **603 CMR 33.04. Filing of reports.**

(1) On or before October 1 of each year, the principal or headmaster of every secondary school shall file a report as required by M.G.L. c. 269, § 19 with the Bureau of Student Services.

(2) Such reports as required by 603 CMR 33.04(1) shall include the following certifications:

(a) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19 to every group or organization under its authority and to every member, plebe, pledgee or applicant for membership in such group or organization;

(b) that the school has issued a copy of M.G.L. c. 269, §§ 17 through 19, to every non-school affiliated organization;

(c) that the school has obtained an acknowledgement of receipt from an officer of every group or organization under its authority, and every individual which has received a copy of M.G.L. c. 269, " 17 through 19;

(d) that the school has obtained an acknowledgement from a contact person for each non-school affiliated organization that such organization has distributed a copy of M.G.L. c. 269, " 17 through 19, to every member, plebe, pledgee or applicant for membership in such group or organization;

(e) that the school has adopted a disciplinary policy with regard to the organizers of and participants in hazing which has been approved by the school committee, is available to anyone upon request and has been filed with the Bureau of Student Services as required by M.G.L. c. 71, § 37H.

### **603 CMR 33.05. Notifying the Attorney General.**

(1) On November 1 of each year, the Commissioner of Education shall notify the Attorney General of any failure by a secondary school to file a report as required by M.G.L. c. 269, § 19.

### **603 CMR 49.01. Authority.**

603 CMR 49.00 is promulgated by the Board of Elementary and Secondary Education pursuant to M.G.L. c. 71, §37O, as added by St. 2010, c. 92.

### **603 CMR 49.02. Scope and purpose.**

603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603 CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

### **603 CMR 49.03. Definitions and terms (selected).**

Aggressor is a student or a member of school staff who engages in bullying, cyberbullying or retaliation towards a student as defined in M.G.L. c. 71, §37O.

Bullying, pursuant to M.G.L. c. 71, §37O, means the repeated use by one or more students or a member of school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- (a) causes physical or emotional harm to the target or damage to the target's property;
- (b) places the target in reasonable fear of harm to himself or herself or damage to his or her property;
- (c) creates a hostile environment at school for the target;
- (d) infringes on the rights of the target at school; or
- (e) materially and substantially disrupts the education process or the orderly operation of a school.

Bullying shall include cyberbullying.

Cyberbullying, pursuant to M.G.L. c. 71, §37O, means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include:

- (a) the creation of a web page or blog in which the creator assumes the identity of another person, or

(b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions in 603 CMR 49.03: Bullying(a) through (e).

Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions in 603 CMR 49.03: Bullying(a) through (e).

Hostile environment, pursuant to M.G.L. c. 71, §37O, means a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

Local law enforcement agency means a local police department.

Local plan means the bullying prevention and intervention plan required to be developed under M.G.L. c. 71, §37O.

Parent means a student's father or mother, or guardian.

Principal means the administrative leader of a public school, charter school, collaborative school, or approved private day or residential school, or his or her designee for the purposes of implementing the school's bullying prevention and intervention plan.

Retaliation means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

School means an approved private day or residential school, collaborative school, or charter school.

School district, pursuant to M.G.L. c. 71, §37O, means the school department of a city or town, a regional school district or a county agricultural school.

Student record has the meaning set forth in the Massachusetts Student Records Regulations, 603 CMR 23.02.

Target means a student victim of bullying or retaliation as defined in M.G.L. c. 71, §37O.

#### **603 CMR 49.04. Bullying and retaliation prohibited.**

School Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff or paraprofessionals.

(1) Bullying of a student is prohibited as provided in M.G.L. c. 71, §37O. Retaliation is also prohibited.

(2) Bullying shall be prohibited on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school. Bullying at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, shall be prohibited if the bullying:

(a) creates a hostile environment at school for the target;

(b) infringes on the rights of the target at school; or

(c) materially and substantially disrupts the education process or the orderly operation of a school.

(3) Each school district and school shall have procedures for receiving reports of bullying or retaliation; promptly responding to and investigating such reports, and determining whether bullying or retaliation has occurred; responding to incidents of bullying or retaliation; and reporting to parents and law enforcement as set forth in 603 CMR 49.05 and 49.06

**603 CMR 49.05. Notice to parents.**

(1) Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Nothing in 603 CMR 49.05 prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.

(2) Notice required by 603 CMR 49.05 shall be provided in the primary language of the home.

(3) Each school district and school shall include the requirements and procedures for communicating with the parents of the aggressor and target of bullying or retaliation in the local plan.

(4) A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

**603 CMR 49.06. Notice to law enforcement agency.**

(1) Before the first day of each school year, the superintendent or designee of a school district and the school leader or designee of an approved private day or residential school, collaborative school, or charter school shall communicate with the chief of police or designee of the local police department about the implementation of 603 CMR 49.06. Such communication may include agreeing on a method for notification, a process for informal communication, updates of prior written agreements, or any other subject appropriate to the implementation of 603 CMR 49.06.

(2) At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

(a) In making the determination whether notification to law enforcement is appropriate, the principal may consult with the school resource officer and any other individuals the principal deems appropriate.

(b) Nothing in 603 CMR 49.06 shall prevent the principal from taking appropriate disciplinary or other action pursuant to school district or school policy and state law, provided that disciplinary actions balance the need for accountability with the need to teach appropriate behavior.

(c) The principal shall respond to the incident as set forth in relevant provisions of the local plan consistent with 603 CMR 49.06.

(3) If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the school district or school, the principal of the school informed of the bullying or retaliation shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

(4) Each school district and school shall include the requirements and procedures for communicating with the local law enforcement agency in the local plan.

**603 CMR 49.07. Confidentiality of records.**

(1) A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.

(2) A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

(3) A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

## **Other special infractions or conditions**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **Part I. Title 12. Chapter 69. Section 1D. Statewide educational goals; academic standards; vocational training; grant program.**

The board shall establish a set of statewide educational goals for all public elementary and secondary schools in the commonwealth.

The standards may provide for instruction in the issues of physical education, human immunodeficiency virus and acquired immune deficiency syndrome education, violence prevention, including teen dating violence, bullying prevention, conflict resolution and drug, alcohol and tobacco abuse prevention.

##### **Part I. Title 12. Chapter 69. Section 10. Truancy prevention program certification process.**

The department of elementary and secondary education shall adopt regulations establishing a truancy prevention program certification process, consistent with the behavioral health and public schools framework developed pursuant to section 19 of chapter 321 of the acts of 2008, and shall require that the truancy prevention program evaluate the level of out-of-school support for students and families and address conditions that make students more likely to become truant including, but not limited to, previously unidentified or inadequately addressed special needs, bullying and harassment. Any truancy prevention program established under this section by a school district shall meet the requirements for certification adopted by the department.

##### **Part I. Title 12. Chapter 71. Section 13D. High schools; required subjects; driver training.**

[...] A driver education course shall include a module on the science related to addiction and addictive substances, including the impact of psychoactive substances on the brain and the effect of such substances on a person while operating a motor vehicle.

##### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

(2) Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation, including procedures for collecting, maintaining and reporting bullying incident data required under subsection (k); (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be

made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

**Part I. Title 12. Chapter 71. Section 96. Substance use prevention and abuse education policies for public schools.**

Each public school shall have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse. The school shall notify the parents or guardians of all students attending the school of the policy and shall post the policy on the school's website. The policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.

The department of elementary and secondary education, in consultation with the department of public health, shall provide guidance and recommendations to assist schools with developing and implementing effective substance use prevention and abuse education policies and shall make such guidance and recommendations publicly available on the department's website. Guidance and recommendations may include educating parents or guardians on recognizing warning signs of substance abuse and providing available resources. Guidance and recommendations shall be reviewed and regularly updated to reflect applicable research and best practices.

Each school district and charter school shall file its substance use prevention and abuse education policies with the department of elementary and secondary education in a manner and form prescribed by the department.

**REGULATIONS**

No relevant regulations found.

**Behavioral interventions and student support services**

**LAWS**

**Part I. Title 12. Chapter 69. Section 1P. Safe and supportive schools framework.**

(a) As used in this section the term "safe and supportive schools" shall mean schools that foster a safe, positive, healthy and inclusive whole-school learning environment that: (i) enables students to develop positive relationships with adults and peers, regulate their emotions and behavior, achieve academic and non-academic success in school and maintain physical and psychological health and well-being; and (ii) integrates services and aligns initiatives that promote students' behavioral health, including social and emotional learning, bullying prevention, trauma sensitivity, dropout prevention, truancy reduction, children's mental health, foster care and homeless youth education, inclusion of students with disabilities, positive behavioral approaches that reduce suspensions and expulsions and other similar initiatives.

(b) Consistent with the framework recommended by the behavioral health and public schools task force created under section 19 of chapter 321 of the acts of 2008, the department of elementary and secondary



education shall develop a safe and supportive schools framework. The framework shall provide guidance and support to schools to assist with the creation of safe and supportive schools that improve education outcomes for students.

(c) Subject to appropriation, any city, town or school district, by vote of its school committee, may implement the safe and supportive schools framework developed under subsection (b) in order to organize, integrate and sustain school and district-wide efforts to create safe and supportive school environments and coordinate and align student support initiatives.

(d) The self-assessment tool created by the department consistent with the recommendations of the behavioral health and public school task force created under said section 19 of said chapter 321 shall be organized according to the elements of the framework established under subsection (b), and shall be used by schools to: (i) assess the school's capacity to create and sustain safe and supportive school environments for all students; (ii) identify areas where additional school-based action, efforts, guidance and support are needed to create and maintain safe and supportive school environments; and (iii) create action plans to address the areas of need identified by the assessment.

The board shall develop procedures for updating, improving or refining the safe and supportive schools framework and the safe and supportive schools self-assessment tool, in consultation with the safe and supportive schools commission established under subsection (g).

(e) Subject to appropriation, any city, town or school district, by vote of its school committee, may develop and implement an action plan to create and maintain the safe and supportive schools framework. The action plan shall be developed by the school principal, in consultation with the school council established under section 59C of chapter 71, and shall be incorporated into the annual school improvement plan required under section 11; provided, however, that the district superintendent may approve an alternative process and schedule for developing school action plans. Nothing in this section shall be construed as to limit the ability of the school principal to appoint a team to develop the school's action plan; provided, however, that such team shall include a broad representation of the school and local community and the principal shall attempt to include teachers and other school personnel, parents, students and representatives from community-based agencies and providers.

School action plans shall be designed to address the areas of need identified through the use of the self-assessment tool described in subsection (d) and shall include the following: (i) strategies and initiatives for addressing the areas of need identified by the assessment; (ii) a timeline for implementing the strategies and initiatives; (iii) outcome goals and indicators for evaluating the effectiveness of the strategies and initiatives set forth in the plan, which may include attendance and graduation rates, bullying incidences, number of student suspensions, expulsions and office referrals, truancy and tardiness rates, time spent on learning and other measures of school success; and (iv) a process and schedule for reviewing the plan annually and updating it at least once every 3 years. School action plans shall be published on the school district's website.

(f) Subject to appropriation, the department shall facilitate and oversee the implementation of the safe and supportive schools framework in schools that vote to develop and implement the framework. The department shall, subject to appropriation: (i) provide technical assistance to schools on using the self-assessment tool and developing school action plans and to districts on coordinating with community service providers and developing strategies to facilitate the district-wide implementation of the framework; (ii) develop and disseminate model protocols and practices identified in the framework; (iii) establish a safe and supportive schools grant program, through which grantees shall pilot and share with other schools an effective process for developing and implementing school action plans; (iv) update its website to include the framework, the self-assessment tool, best practices and other information related to the implementation of the framework; (v) host regional trainings for schools and districts; and (vi) provide administrative support to the safe and supportive schools commission established under subsection (e).

Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners or other entities to support the functions established under this section; provided, however, that the department shall consider opportunities for education collaboratives or other regional service organizations to coordinate and disseminate training, technical assistance and information to school districts on the implementation of the framework.

(g) There shall be a safe and supportive schools commission to collaborate with and advise the department on the feasibility of state-wide implementation of the framework. The commission shall consist of 19 members: 1 of whom shall be the commissioner of elementary and secondary education or a designee, who shall serve as co-chair; 1 of whom shall be the secretary of education or a designee; 1 of whom shall be a school superintendent appointed by the Massachusetts Association of School Superintendents, Inc.; 1 of whom shall be a school committee member appointed by the Massachusetts Association of School Committees, Inc.; 1 of whom shall be a school principal appointed jointly by the Massachusetts Secondary School Administrators' Association and the Massachusetts Elementary School Principals Association; 1 of whom shall be a teacher appointed jointly by the Massachusetts Teachers Association and the American Federation of Teachers-Massachusetts; 1 of whom shall be a director of special education or a director of student support services appointed by the Massachusetts Administrators for Special Education; 1 of whom shall be an executive director of an education collaborative appointed by the Massachusetts Organization of Education Collaboratives; 1 of whom shall be a school psychologist appointed by The Massachusetts School Psychologists Association, Inc.; 1 of whom shall be a school social worker appointed by the Massachusetts Chapter of the National Association of Social Workers, Inc.; 1 of whom shall be a school adjustment counselor or guidance counselor appointed by the Massachusetts School Counselors Association, Inc.; 1 of whom shall be a school nurse appointed by the Massachusetts School Nurse Organization, Inc.; 1 of whom shall be an advocate with experience in education, behavioral health and the impact of trauma on learning appointed by Massachusetts Advocates for Children, Inc.; 1 of whom shall be a representative of the Parent/Professional Advocacy League, Inc. appointed by the Parent/Professional Advocacy League, Inc.; 1 of whom shall be a student appointed by the department of elementary and secondary education's student advisory council; and 4 members to be appointed by the secretary of education: 1 of whom shall be a former member of the behavioral health and public schools task force who participated in the development and statewide evaluation of the self-assessment tool; 1 of whom shall be a former member of the behavioral health and public schools task force with experience implementing the framework; 1 of whom shall be a representative of Massachusetts recovery high schools with expertise in adolescent substance use disorders; and 1 of whom shall be a representative from a community-based organization that provides services as part of the children's behavioral health initiative and that provides mental health services in schools. The commission shall select a co-chair from among its appointees.

The commission shall: (i) investigate and make recommendations to the board on updating, improving and refining the framework and the self-assessment tool as appropriate; (ii) identify strategies for increasing schools' capacity to carry out the administrative functions identified by the behavioral health and public schools task force; (iii) propose steps for improving schools' access to clinically, culturally and linguistically appropriate services; (iv) identify and recommend evidenced-based training programs and professional development for school staff on addressing students' behavioral health and creating safe and supportive learning environments; (v) identify federal funding sources that can be leveraged to support statewide implementation of the framework; (vi) develop recommendations on best practices for collaboration with families, including families of children with behavioral health needs; and (vii) examine and recommend model approaches for integrating school action plans, required under subsection (e), with school improvement plans and for using the framework to organize other school and district improvement processes.

The commission may collect and review data and feedback from schools as the schools complete the self-assessment tool and develop school action plans, and may convene stakeholders to facilitate solutions to challenges as such challenges arise during the implementation process. The commission may request from the department such information and assistance as may be necessary to complete its work.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: (i) the office of the child advocate; (ii) the department of early education and care; (iii) the department of children and families; (iv) the department of mental health; (v) the department of public health; (vi) the department of youth services; (vii) the department of developmental services; and (viii) any other parties or entities the commission deems appropriate.

The commission shall prepare and submit an annual progress report concerning the commission's activities with appropriate recommendations, together with drafts of legislation necessary to carry out such recommendations, if any, not later than December 31. The commission shall meet not fewer than 4 times annually. The commission shall submit such annual report to the governor and the clerks of the senate and the house of representatives, who shall forward the same to the chairs of the joint committee on education, the chairs of the joint committee on mental health and substance abuse, the joint committee on children, families and persons with disabilities, and the house and senate committees on ways and means. The first 3 annual reports shall include recommendations regarding: (i) federal funding sources that may support statewide implementation of the safe and supportive schools framework; (ii) training programs and professional development for school staff on creating safe and supportive learning environments; (iii) improving access to clinically, culturally and linguistically appropriate services; and (iv) addressing the administrative functions necessary to carry out the implementation of the safe and supportive schools framework.

**Part I. Title 12. Chapter 71. Section 2A. Use of tobacco products within school building or facilities or on school grounds.**

It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

**Part I. Title 12. Chapter 71. Section 37L. Notification to school personnel of reporting requirements for child abuse and neglect and fires; reports of students possessing or using dangerous weapons on school premises; transferred students' school records.**

[...] Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

**Part I. Title 12. Chapter 71. Section 97. Verbal screening tool for substance abuse disorders.**

(a) Subject to appropriation, each city, town, regional school district, charter school or vocational school district shall utilize a verbal screening tool to screen pupils for substance use disorders. Screenings shall occur on an annual basis and occur at 2 different grade levels as recommended by the department of elementary and secondary education, in consultation with the department of public health. Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools shall be approved by the department of elementary and secondary

education, in conjunction with the department of public health. De-identified screening results shall be reported to the department of public health, in a manner to be determined by the department of public health, not later than 90 days after completion of the screening.

(b) A pupil or the pupil's parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. A city, town, regional school district, charter school or vocational school district utilizing a verbal screening tool shall comply with the department of elementary and secondary education's regulations relative to consent.

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

(d) The department of elementary and secondary education shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section. School districts with alternative substance use screening policies may, on a form provided by the department, opt out of the required verbal screening tool. The form shall be signed by the school superintendent and provide a detailed description of the alternative substance use program the district has implemented and the reasons why the required verbal screening tool is not appropriate for the district.

(e) No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section.

## **REGULATIONS**

### **603 CMR 53.05. Alternatives to suspension under Section 37H<sup>3/4</sup>.**

In every case of student misconduct for which suspension may be imposed, a principal shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

## **Professional development**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(d) (4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school

environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

## **REGULATIONS**

### **603 CMR 46.03. Procedures and training.**

(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

- (a) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
- (b) A school policy regarding restraint that provides a description and explanation of the school's or program's method of physical restraint, a description of the school's or program's training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(2) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the school's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- (a) The program's restraint policy;
- (b) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (c) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
- (d) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
- (e) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

(3) In-depth staff training in the use of physical restraint. At the beginning of each school year, the principal or director of each public education program or his or her designee shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. The Department of Elementary and Secondary Education recommends that such training be at least sixteen (16) hours in length.

(4) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

- (a) Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- (b) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

- (c) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- (e) Demonstration by participants of proficiency in administering physical restraint.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.**

(d) [...] The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

##### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

#### **REGULATIONS**

##### **603 CMR 46.06. Reporting requirements.**

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of physical restraint as specified in 603 CMR 46.06(2) after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of a duration longer than five minutes

(2) Informing school administration. The program staff member who administered the restraint shall verbally inform the program administration of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal or director of the program or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint. The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.

(3) Informing parents. The principal or director of the program or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of restraint. If the school or program customarily provides a parent or guardian of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent or guardian in that language.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(c) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.

(e) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(f) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

(5) Report to the Department of Elementary and Secondary Education. When a restraint has resulted in a serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Elementary and Secondary Education within five school working days of the administration of the restraint. The program shall also provide the Department with a copy of the record of physical restraints maintained by the program administrator pursuant to 603 CMR 46.06(2) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).

**603 CMR 49.04: Bullying and retaliation prohibited.**

(3) Each school district and school shall have procedures for receiving reports of bullying or retaliation; promptly responding to and investigating such reports, and determining whether bullying or retaliation has



occurred; responding to incidents of bullying or retaliation; and reporting to parents and law enforcement as set forth in 603 CMR 49.05 and 49.06.

**603 CMR 53.03. Policies and procedures.**

Each school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of G.L. c.71, §37H<sup>3/4</sup>, G.L. c. 76, §21, and 603 CMR 53.00.

**603 CMR 53.04. Investigation of disciplinary incidents.**

Nothing in these regulations shall prevent a school administrator from conducting an investigation, including student interviews, of a school-related disciplinary incident.

## **Parental notification**

### **LAWS**

**Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(d)(5) The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

**Part I. Title 12. Chapter 71. Section 37H3/4. Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2.**

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a

principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

**Part I. Title 12. Chapter 76. Section 1A. Pupil absence notification programs.**

Upon the acceptance of this section by the local legislative body of a city or town, or by a majority vote of two-thirds of the member communities of a regional school district, the school committee of a city, town or regional school district shall establish a pupil absence notification program in all schools under its control. Said program may be developed with the assistance of the department of education. The parents or guardians of each pupil shall, annually, at the commencement of each school year, be sent a notice instructing them to call a designated telephone number at a designated time to inform the school of the absence of a pupil and the reason therefor. Said notice shall also require such parent or guardian to furnish the school with a home, work or other emergency telephone number where they can be contacted during the school day. If a pupil is absent and the school has not been notified by the designated time, the school shall call the telephone number or numbers furnished to inquire about said absence.

**Part I. Title 12. Chapter 76. Section 1B. Pupil absence notification program.**

The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

**Part I. Title 12. Chapter 76. Section 18. Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section.**

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student's tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit interview. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within 10 days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than 14 days. The superintendent, or a designee, may proceed with any such interview without a parent or guardian if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.

The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.

The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.

The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.

## **REGULATIONS**

### **603 CMR 49.02. Scope and purpose.**

603 CMR 49.00 governs the requirements related to the duty of the principal or leader of a public school, approved private day or residential school, collaborative school, or charter school to notify the parents or guardians of a target and an aggressor when there is an incident of bullying or retaliation, and to notify the local law enforcement agency when criminal charges may be pursued against the aggressor. 603 CMR 49.00 also address confidentiality of student record information related to notification of bullying and retaliation.

### **603 CMR 49.05. Notice to parents.**

(1) Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Nothing in 603 CMR 49.05 prohibits the principal from contacting a parent of a target or aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.

(2) Notice required by 603 CMR 49.05 shall be provided in the primary language of the home.

(3) Each school district and school shall include the requirements and procedures for communicating with the parents of the aggressor and target of bullying or retaliation in the local plan.

(4) A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07.

### **603 CMR 53.06. Notice of suspension and hearing under Section 37H<sup>3/4</sup>.**

(1) Except as provided in 603 CMR 53.07 and 603 CMR 53.10, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and

written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

(2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

- (a) the disciplinary offense;
- (b) the basis for the charge;
- (c) the potential consequences, including the potential length of the student's suspension;
- (d) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- (e) the date, time, and location of the hearing;
- (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- (g) if the student may be placed on long-term suspension following the hearing with the principal:
  - the rights set forth in 603 CMR 53.08 (3)(b); and
  - the right to appeal the principal's decision to the superintendent.

(3) The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

(4) Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

**603 CMR 53.07. Emergency removal under Section 37H<sup>3/4</sup>.**

(1) Nothing in these regulations shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);
- (b) Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
- (c) Provide the student an opportunity for a hearing with the principal that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

(2) A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

**603 CMR 53.10. In-School suspension under Section 37H<sup>3/4</sup>.**

(4) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(5) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

## **Reporting and referrals between schools and law enforcement**

### **LAWS**

**Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(d)(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) [...] If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

**Part IV. Title 1. Chapter 269. Section 10. Carrying dangerous weapons/ possession of machine gun or sawed-off shotguns; possession of large capacity weapon or large capacity feeding device; punishment.**

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

**Part IV. Title 1. Chapter 269. Section 14. Deadly weapons, explosives, chemical or biological agents, or other deadly device or substance; threatened use or presence; threat to hijack; disruption of school, public building or transport; punishment; restitution.**

(a) For the purposes of this section, the following words shall have the following meanings:

"Hijack", to commandeer or to take control without authority.

"School", any public or private preschool, headstart facility, elementary, vocational or secondary school, college or university.

"Serious bodily injury", bodily injury which results in a permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

(b) Whoever willfully communicates or causes to be communicated, either directly or indirectly, orally, in writing, by mail, by use of a telephone or telecommunication device including, but not limited to, electronic mail, Internet communications and facsimile communications, through an electronic communication device or by any other means, a threat:

(1) that a firearm, rifle, shotgun, machine gun or assault weapon, as defined in section 121 of chapter 140, an explosive or incendiary device, a dangerous chemical or biological agent, a poison, a harmful radioactive substance or any other device, substance or item capable of causing death, serious bodily injury or substantial property damage, will be used at a place or location, or is present or will be present at a place or location, whether or not the same is in fact used or present; or

(2) to hijack an aircraft, ship, or common carrier thereby causing anxiety, unrest, fear, or personal discomfort to any person or group of persons shall be punished by imprisonment in the state prison for not more than 20 years or imprisonment in the house of correction for not more than 2 1/2 years, or by fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever willfully communicates or causes to be communicated such a threat thereby causing either the evacuation or serious disruption of a school, school related event, school transportation, or a dwelling, building, place of assembly, facility or public transport, or an aircraft, ship or common carrier, or willfully communicates or causes serious public inconvenience or alarm, shall be punished by imprisonment in the state prison for not less than 3 years nor more than 20 years or imprisonment in the house of correction for not less than 6 months nor more than 2 1/2 years, or by fine of not less than \$1,000 nor more than \$50,000, or by both such fine and imprisonment.

**Part IV. Title 1. Chapter 269. Section 17. Hazing; organizing or participating; hazing defined.**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

**Part IV. Title 1. Chapter 269. Section 18. Failure to report hazing.**

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

**Part IV. Title 1. Chapter 269. Section 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report.**

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the

provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

## **REGULATIONS**

### **603 CMR 49.06: Notice to law enforcement agency.**

(1) Before the first day of each school year, the superintendent or designee of a school district and the school leader or designee of an approved private day or residential school, collaborative school, or charter school shall communicate with the chief of police or designee of the local police department about the implementation of 603 CMR 49.06. Such communication may include agreeing on a method for notification, a process for informal communication, updates of prior written agreements, or any other subject appropriate to the implementation of 603 CMR 49.06.

(2) At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

(a) In making the determination whether notification to law enforcement is appropriate, the principal may consult with the school resource officer and any other individuals the principal deems appropriate.

(b) Nothing in 603 CMR 49.06 shall prevent the principal from taking appropriate disciplinary or other action pursuant to school district or school policy and state law, provided that disciplinary actions balance the need for accountability with the need to teach appropriate behavior.

(c) The principal shall respond to the incident as set forth in relevant provisions of the local plan consistent with 603 CMR 49.06.

(3) If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the school district or school, the principal of the school informed of the bullying or retaliation shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

(4) Each school district and school shall include the requirements and procedures for communicating with the local law enforcement agency in the local plan.

## **Disclosure of school records**

### **LAWS**

#### **Part I. Title 12. Chapter 71. Section 97. Verbal screening tool for substance abuse disorders.**

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise



required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

## **REGULATIONS**

### **603 CMR 23.07. Access to student records**

(1) Log of Access. A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

- (a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
- (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
- (c) school nurses who inspect the student health record.

(2) Access of Eligible Students and Parents. The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

- (a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.
- (b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
- (c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.
- (d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

(3) Access of Authorized School Personnel. Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will

not permit any other third party to have access to such information without the written consent of the eligible student or parent.

(a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.

(d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

(e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.

(f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

(g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or

2. the parent has been denied visitation, or
3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

(b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

(c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

(d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).

(e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

**603 CMR 49.07. Confidentiality of records.**

(1) A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.

(2) A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.

(3) A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

## **Data collection, review, and reporting of disciplinary policies and actions**

### **LAWS**

#### **Part I. Title 12. Chapter 69. Section 1I. Performance of public-school districts and individual public schools; evaluation system; assessment instruments; report.**

The board shall adopt a system for evaluating on an annual basis the performance of both public school districts and individual public schools. With respect to individual schools, the system shall include instruments designed to assess the extent to which schools and districts succeed in improving or fail to improve student performance, as defined by student acquisition of the skills, competencies and knowledge called for by the academic standards and embodied in the curriculum frameworks established by the board pursuant to sections one D and one E in the areas of mathematics, science and technology, history and social science, English, foreign languages and the arts, as well as by other gauges of student learning judged by the board to be relevant and meaningful to students, parents, teachers, administrators, and taxpayers.

The system shall be designed both to measure outcomes and results regarding student performance, and to improve the effectiveness of curriculum and instruction. In its design and application, the system shall strike a balance among considerations of accuracy, fairness, expense and administration. The system shall employ a variety of assessment instruments on either a comprehensive or statistically valid sampling basis. Such instruments shall be criterion referenced, assessing whether students are meeting the academic standards described in this chapter. As much as is practicable, especially in the case of students whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples, projects and portfolios, and shall facilitate authentic and direct gauges of student performance. Such instruments shall provide the means to compare student performance among the various school systems and communities in the commonwealth, and between students in other states and in other nations, especially those nations which compete with the commonwealth for employment and economic opportunities. The board shall take all appropriate action to bring about and continue the commonwealth's participation in the assessment activities of the National Assessment of Educational Progress and in the development of standards and assessments by the New Standards Program.

In addition, comprehensive diagnostic assessment of individual students shall be conducted at least in the fourth, eighth and tenth grades. Said diagnostic assessments shall identify academic achievement levels of all students in order to inform teachers, parents, administrators and the students themselves, as to individual academic performance. The board shall develop procedures for updating, improving or refining the assessment system.

The assessment instruments shall be designed to avoid gender, cultural, ethnic or racial stereotypes and shall recognize sensitivity to different learning styles and impediments to learning. The system shall take into account on a nondiscriminatory basis the cultural and language diversity of students in the commonwealth and the particular circumstances of students with special needs. Said system shall comply with federal requirements for accommodating children with special needs. All potential English proficient students from language groups in which English learner programs established under chapter 71A are offered under chapter seventy-one A shall also be allowed opportunities for assessment of their performance in the language which best allows them to demonstrate educational achievement and mastery of academic standards and curriculum frameworks established under sections 1D and 1E. For the purposes of this section, a "potential English proficient student" shall be defined as a student who is

not able to perform ordinary class work in English; provided, however, that no student shall be allowed to be tested in a language other than English for longer than three consecutive years.

The commissioner is authorized and directed to gather information, including the information specified herein and such other information as the board shall require, for the purposes of evaluating individual public schools, school districts, and the efficacy and equity of state and federal mandated programs. All information filed pursuant to this section shall be filed in the manner and form prescribed by the department.

The board shall establish and maintain a data system to collect information from school districts for the purpose of assessing the effectiveness of district evaluation systems in assuring effective teaching and administrative leadership in the public schools. Such information shall be made available in the aggregate to the public; provided, however, that any data or information that school districts, the department or both create, send or receive in connection with educator evaluation that is evaluative in nature and which may be linked to an individual educator, including information concerning an educator's formative assessment or evaluation or summative evaluation or performance rating or the student learning, growth and achievement data that may be used as part of an individual educator's evaluation, shall be considered personnel information within the meaning of subclause (c) of clause Twenty-sixth of section 7 of chapter 4 and shall not be subject to disclosure under said clause Twenty-sixth of said section 7 of said chapter 4 or under section 10 of chapter 66.

Each school district shall file a report with the department every year by a date and in a format determined by the board. Said report shall include, but not be limited to, the following:

- (a) an outline of the curriculum and graduation requirements of the district;
- (b) pupil/teacher ratios and class size policy and practice;
- (c) teacher and administrator evaluation procedures;
- (d) statistics, policies, and procedures relative to truancy and dropouts;
- (e) statistics, policies, and procedures relative to expulsions and in-school and out-of-school suspensions;
- (f) percent of school-age children attending public schools;
- (g) racial composition of teaching and administrative staff;
- (h) enrollment and average daily attendance;
- (i) the annual budgets and expenditures for both the district and the individual schools in the district.

Each school district shall file a description of the following instructional procedures and programs with the department every year:

- (a) art and music programs;
- (b) technology education;
- (c) programs for gifted and talented students;
- (d) adult education programs;
- (e) library and media facilities;
- (f) condition of instructional materials including textbooks, workbooks, audio-visual materials, and laboratory materials;
- (g) types and condition of computers and computer software;
- (h) basic skills remediation programs;
- (i) drug, tobacco and alcohol abuse programs;
- (j) multi-cultural education training for students and teachers;

- (k) global education; and
- (l) nutrition and wellness programs.

Each school district and charter school shall file an annual report for the current school year regarding implementation of chapter 71B with the department every November 1 first in a format determined by the board. The report shall include, but not be limited to, the following:-

- (a) the number of children receiving services pursuant to said chapter 71B within each disability category as set forth in section 1 of said chapter 71B;
- (b) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a publicly operated day school program;
- (c) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private day setting;
- (d) the number of children, by grade level, within each such disability category and the costs of services provided by each such category for such children receiving their education in a private residential setting;
- (e) the number of children who remain in the regular education program full time; the number of children who are removed from the regular classroom for up to 25 per cent of the day; the number of children who are removed from the regular classroom between 25 and 60 per cent of the day;
- (f) the number of children who are placed in substantially separate classrooms on a regular education school site;
- (g) the number of children, ages three and four, who are educated in integrated and separate classrooms; and the assignment by sex, national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level; and
- (h) the number of children, by grade level, receiving special education services who are English learners.

**Part I. Title 12. Chapter 71. Section 37H. Policies relative to conduct of teachers or students: student handbooks.**

[...] The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

- (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.

**Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means.

(l) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

**REGULATIONS**

**603 CMR 46.03: Procedures and training.**

(1) Procedures. Public education programs shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students.

**603 CMR 53.14. Student suspension and expulsion data collection and reporting.**

(1) Every school district, charter school, and virtual school shall collect and annually report data to the Department regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals under 603 CMR 53.07, access to education services under 603 CMR 53.13, and such other information as may be required by the Department. Such data shall be reported in a manner and form directed by the Department.

(2) The principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. In reviewing the data, the principal shall assess the extent of

in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals under 603 CMR 53.07, and the impact of such disciplinary action on selected student populations. The principal shall further determine whether it is necessary or appropriate to modify disciplinary practices due to over-reliance on expulsion, in-school or out-of school suspension, or emergency removals, or the impact of such suspensions, removals, and expulsions on selected student populations compared with other students.

(3) In the fall of each year, the Department shall publish an analysis and report of student discipline data disaggregated by district and school, and by selected student populations, included but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. The data shall be reported in a manner that protects the identity of each student and shall be made available to the public online in a machine readable format.

(4) The Department shall annually determine the schools with the highest percentage of students expelled or placed on long-term suspension for more than ten (10) cumulative days in a school year. After review of the discipline data described in 603 CMR 53.14(3) and other relevant school and district information, including but not limited to student demographics, student performance, promotion, attendance, attrition, graduation, and dropout rates, the Commissioner shall identify schools that need assistance to reduce over-reliance on long-term suspension or expulsion as a consequence for student misconduct. The Department shall identify models that such schools may use to incorporate intermediate steps before long-term suspension and expulsion and to foster positive school climate.

Through use of statistical analysis, the Commissioner shall identify schools and districts with data that reflect significant disparities in the rate of suspension and expulsion by race and ethnicity, or disability. Such schools and districts shall develop and implement a plan approved by the Department to address such significant disparities.



## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

##### **Part I. Title 12. Chapter 76. Section 20. Powers and duties of supervisors of attendance.**

Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **MOUs, authorization, and/or funding**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37P. School resource officers.**

(a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

'School resource officer', a duly sworn municipal police officer with all necessary training, up-to-date certificates or a special officer appointed by the chief of police charged with providing law enforcement and security services to elementary and secondary public schools. For the purpose of this section a school resource officer shall be exempt under subsection (j) of section 10 of chapter 269, while serving in the officer's official capacity.

(b) Every chief of police, in consultation with the superintendent and subject to appropriation, shall assign at least 1 school resource officer to serve the city, town, commonwealth charter school, regional school district or county agricultural school. In the case of a regional school district, commonwealth charter school or county agriculture school, the chief of police of the city or town where the school is located, in

consultation with the superintendent, shall assign the school resource officer, which may be the same officer for all schools in the city or town.

In assigning a school resource officer, the chief of police shall consider candidates that the chief believes would strive to foster an optimal learning environment and educational community; provided further, that the chief of police may give preference to candidates who have received specialized training in child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies and behavioral threat assessment methods. The appointment shall not be based solely on seniority. The performance of school resource officers shall be reviewed annually by the superintendent and the chief of police. The superintendent and the chief of police shall enter into a written memorandum of understanding to clearly define the role and duties of the school resource officer which shall be placed on file in the office of the school superintendent.

**Part I. Title 12. Chapter 76. Section 19. Supervisors of attendance: employment.**

Every school committee shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education; provided, that such supervisors shall have attained the age of twenty-one years. The committees of two or more towns may employ the same supervisors of attendance.

**Part I. Title 12. Chapter 76. Section 20. Powers and duties of supervisors of attendance.**

Supervisors of attendance shall inquire into all cases arising under sections two and eight of chapter seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three, and ninety-five of chapter one hundred and forty-nine, and may apply for petitions under the provisions of section thirty-nine E of chapter one hundred and nineteen. They shall, if the court so orders, have oversight of children placed on probation; of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments in violation of section one hundred and ninety-seven of chapter one hundred and forty. They may apprehend and take to school without a warrant any truant or absentee found wandering in the streets or public places.

**REGULATIONS**

No relevant regulations found.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall:

- (i) publish a model plan for school districts and schools to consider when creating their plans; and
- (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools.

The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

See <http://www.doe.mass.edu/sfs/bullying/> for Massachusetts Model Policy.

##### **Part I. Title 12. Chapter 71. Section 97. Verbal screening tool for substance abuse disorders.**

(a) Subject to appropriation, each city, town, regional school district, charter school or vocational school district shall utilize a verbal screening tool to screen pupils for substance use disorders. Screenings shall occur on an annual basis and occur at 2 different grade levels as recommended by the department of elementary and secondary education, in consultation with the department of public health. Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools shall be approved by the department of elementary and secondary education, in conjunction with the department of public health. De-identified screening results shall be reported to the department of public health, in a manner to be determined by the department of public health, not later than 90 days after completion of the screening.

(b) A pupil or the pupil's parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. A city, town, regional school district, charter school or vocational school district utilizing a verbal screening tool shall comply with the department of elementary and secondary education's regulations relative to consent.

(c) Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

(d) The department of elementary and secondary education shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section. School districts with alternative substance use screening policies may, on a form provided by the department, opt out of

the required verbal screening tool. The form shall be signed by the school superintendent and provide a detailed description of the alternative substance use program the district has implemented and the reasons why the required verbal screening tool is not appropriate for the district.

(e) No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section.

## **REGULATIONS**

No relevant regulations found.

## **Funding appropriations**

### **LAWS**

#### **Part I. Title 12. Chapter 69. Section 1N. Alternative education grant program.**

(a) The department of education, hereinafter referred to as the department, shall establish a grant program, subject to appropriation, to be known as the alternative education grant program for the purpose of providing grants to assist school districts and Horace Mann and commonwealth charter schools with the development and establishment of alternative education programs and services to students suspended or expelled from school. The grants shall support the development of alternative education programs which would:

- (1) allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives to provide educational services to suspended or expelled students; or
- (2) establish a district based alternative education program for those students. The grants may also be used to encourage the use of technology in alternative education programs.

The grants shall also encourage voluntary expansion of existing alternative education programs in the commonwealth, and shall be used to provide alternative education programs for students who are at risk of educational failure due to truancy, or dropping out of school. Grants may also be used to assist in developing programs that provide a range of approaches to address behavior issues, such as behavior specialists, in-school suspension rooms and crisis centers, in addition to out-of-school alternative settings.

Programs designed under the grants shall be developed at the middle and high school levels and shall afford students the opportunity to earn a high school diploma in accordance with section 1D, and to be taught to the same academic standards and curriculum frameworks established for all students in accordance with sections 1D and 1E. The programs shall make use of existing resources in school districts, educational collaboratives, community colleges, and other agencies, service providers, and organizations. Programs shall be designed as placements that, at a minimum, educate students to the same academic standards and curriculum frameworks as taught to all students, address behavioral problems, utilize small class size, address individual needs and learning styles, provide engaging instruction and a supportive environment, and, where appropriate, utilize flexible scheduling. The programs shall also provide a comprehensive array of social services to support a student's remediation of issues that cause school failure, excessive absenteeism, truancy and school dropout. Grant recipients shall develop remediation plans for students that address both academic and behavioral issues. Grants may also be made available for in-school regular education programs that include self-improvement, behavior management and life skills training to help provide students with tools to better manage their lives and attitudes, to support programs that use family-based approaches, and to assist students and teachers during the transition of students back into regular education classrooms.

A grant awarded pursuant to this subsection, shall require that recipients undertake ongoing program evaluations that document the effectiveness of the program in helping students to achieve academically to the same academic standards and curriculum frameworks required for all students, to develop self-management skills, and to reintegrate and remain in regular education classrooms. In awarding grants, priority shall be given to programs that employ interventions that have been empirically validated.

The department shall establish guidelines governing the alternative education grant program. The guidelines shall include, but not be limited to, a requirement that when a student is transferred to an alternative education program a representative of the school district shall meet with the student and the student's parents or legal guardian to develop an agreement that specifies the responsibilities of the school, the student and the student's parents or legal guardian. The agreement shall, at a minimum, include:

- (1) a remediation plan to address both academic and behavioral issues;
- (2) a plan for frequent evaluations and assessments of the student's adjustment, and academic achievement and progress;
- (3) a requirement that the parents or legal guardian of the student attend specified meetings or conferences with teachers, or utilize such other means of communication as determined necessary to facilitate communication, to review and assist in the student's progress;
- (4) a timetable for reintegrating the student into a regular education classroom;
- (5) the student's and the parents' or legal guardian's acknowledgement that they understand and accept the responsibilities imposed by the agreement.

(b) The department shall establish a grant program, subject to appropriation, to assist school districts with the development and establishment of in-school regular education programs and services to address within the regular education school program the educational and psycho-social needs of children whose behavior interferes with learning, particularly those who are suffering from the traumatic effects of exposure to violence. As used in this subsection, students suffering from the traumatic effects of exposure to violence shall include, but not be limited to, those exposed to abuse, family or community violence, war, homelessness or any combination thereof. The grants shall support the development of school based teams with community ties that:

- (1) collaborate with broadly recognized experts in the fields of trauma and family and community violence and with battered women shelters;
- (2) provide ongoing training to inform and train teachers, administrators, and other school personnel to understand and identify the symptoms and trauma; and
- (3) evaluate school policy and existing school and community programs and services to determine whether and to what extent students identified as suffering from exposure to trauma can receive effective supports and interventions that can help them to succeed in their public school programs, and where necessary be referred quickly and confidentially to appropriate services.

Grants may also be awarded to assist school districts in developing comprehensive programs to help prevent violence in schools, from whatever causes, and to promote school safety. The programs shall be designed to meet the following objectives: creating a school environment where students feel safe and that prevents problems from starting; helping students to take the lead in keeping the school safe; ensuring that school personnel have the skills and resources to identify and intervene with at-risk students; equipping students and teachers with the skills needed to avoid conflict and violence; and helping schools and individuals to reconnect with the community and share resources.

The department shall develop guidelines governing the implementation of the grant program authorized by this subsection. A grant awarded pursuant to this subsection shall require that recipients undertake

ongoing evaluations of the effectiveness of the program. In awarding grants, priority shall be given to programs that are based on empirically validated interventions.

The department of education, in consultation with the department of public health and the department of mental health, shall establish an advisory committee to assist in implementing the grant program and in assisting public schools in addressing the learning and behavior problems of students who manifest trauma-related symptoms or classroom behavior that interferes with learning. Members of the advisory committee shall include but not be limited to: 3 educators, 1 of whom shall serve as the chair, appointed by the commissioner of the department of education; 2 leaders in the field of trauma and its relationship to school learning and behavior appointed by the commissioner of the department of public health; 2 leaders in mental health with expertise in family and/or community violence appointed by the commissioner of mental health; 1 leader in battered women's services appointed by the commissioner of public health; 1 leader in the area of homelessness and its impact on children appointed by commissioner of mental health; and 3 parents, 1 each appointed by the commissioner of education, the commissioner of public health, the commissioner of mental health. The advisory committee, at its discretion, may select additional members with relevant experience including but not limited to child advocates, medical doctors and representatives of juvenile and probate court.

(c) The commissioner shall evaluate annually the effectiveness of programs established under this section including the potential for replicating such programs throughout the commonwealth. The annual evaluation shall also examine whether students in alternative education programs funded under this section are being taught to the same academic standards required for all students, how much time students are spending in the programs, the racial profile of expelled or suspended students and the percentages of the students who are in special education or bilingual education. The commissioner shall also provide technical assistance to school districts seeking to replicate programs funded under this section, and shall provide training for teachers in the development of effective remediation plans for students in alternative education, and in the development of skills, techniques, and innovative strategies to assist the students. In evaluating programs funded under subsection (b), the commissioner shall consult with the department of public health, the department of mental health, and the advisory committee established pursuant to said subsection (b).

**Part I. Title 12. Chapter 71. Section 59D. School-community partnerships; grant program.**

Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

**REGULATIONS**

No relevant regulations found.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Community input or involvement**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 37O. School bullying prohibited; bullying prevention plans.**

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

##### **Part I. Title 12. Chapter 71. Section 59D. School-community partnerships; grant program.**

Superintendents and principals in every school district in the commonwealth shall pursue opportunities to establish school-community partnerships that may advance policy development, staff development, curriculum development, instructional enrichment and may provide material and financial support. The commissioner of education shall assist in and facilitate with the establishment of school-community partnerships. Subject to appropriation, the board shall establish a grant program to assist school districts in developing and implementing such partnerships.

#### **REGULATIONS**

No relevant regulations found.

## **Other or Uncategorized**

#### **LAWS**

##### **Part I. Title 12. Chapter 71. Section 2C. Implementation of policy and discipline code addressing teen dating violence in public schools.**

Each school district in the commonwealth, subject to appropriation, shall implement a specific policy and discipline code to address teen dating violence in public schools. The policy shall clearly state that dating violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating violence. The policy may include a teen dating violence prevention task force comprised of staff, students

and parents to provide awareness training and education for the school community. Topics to be covered in the policy include, without limitation, defining the issue of teen dating violence, recognizing warning signs, identifying issues of confidentiality, safety and appropriate legal school-based interventions.

**Part I. Title 12. Chapter 71. Section 93. Policy regarding internet safety measures for schools providing computer access to students.**

Every public school providing computer access to students shall have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet and shall notify the parents or guardians of all students attending the school of the policy. The policy and any standards and rules enforcing the policy shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a commonwealth charter school.

**REGULATIONS**

**603 CMR 53.02. Definitions.**

- (1) "Commissioner" means the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c. 15, §1F, or his or her designee.
- (2) "Department" means the Department of Elementary and Secondary Education.
- (3) "Disciplinary offense" means any alleged or determined disciplinary infraction by a student, except 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 a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½. A disciplinary offense, as defined, is subject to the provisions of G.L. c. 71, § 37H¾ and these regulations.
- (4) "Disciplinary offense under G.L. c. 71, §§37H or 37H½ " means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
- (5) "Expulsion" means 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 G.L. c. 71, §§37H or 37H½ 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 a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in G.L. c. 71, §§37H or 37H½.
- (6) "In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes under 603 CMR 53.00.



(7) "Long-term suspension" means 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. A principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, 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 that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

(8) "Parent" means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

(9) "Principal" means the instructional leader or headmaster of a public school or his or her designee for purposes of school disciplinary matters. The board of trustees of a charter school or virtual school shall designate in the school discipline code who will serve as the principal for purposes of 603 CMR 53.00.

(10) "School-wide education service plan" means the document developed by a principal, in accordance with G.L. c. 76, §21, that includes a list of education services available to students who are expelled or suspended from school for more than 10 consecutive days.

(11) "Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

(12) "Superintendent" means the chief executive officer employed by a school committee or board of trustees to administer a school system, charter school, or virtual school pursuant to G.L. c. 71, §§59, 59A, 89, or 94, or his or her designee appointed for purposes of conducting a student disciplinary hearing. The board of trustees of a charter school or virtual school shall designate in the school's discipline code who will serve as the superintendent for the purposes of 603 CMR 53.00.

(13) "Suspension" means short-term suspension and long-term suspension unless otherwise stated.

# State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Massachusetts provide additional context to state policy and regulations and, in some cases, may support the readers’ efforts to provide a positive disciplinary school climate.

| Title   | Description   | Website address (if applicable)   |
|---|---|---|
| <i>Website</i>  |   |   |
| Bullying Prevention and Intervention Resources, Massachusetts Department of Elementary and Secondary Education  | Presents information on bullying prevention and intervention resources and includes links to the model bullying prevention and intervention plan, laws and regulations, social emotional learning, and resources from state agencies. | <a href="http://www.doe.mass.edu/sfs/bullying/">http://www.doe.mass.edu/sfs/bullying/</a>     |
| Education Laws and Regulations, Massachusetts Department of Elementary and Secondary Education  | Presents relevant amendments and newly passed laws and regulations relating to education and schools.   | <a href="http://www.doe.mass.edu/lawsregs/">http://www.doe.mass.edu/lawsregs/</a>             |
| Safe & Supportive Schools, Massachusetts Department of Elementary and Secondary Education   | Provides an overview on safe and supportive schools and links to related resources that can help school districts and communities build safe and supportive learning environments.  | <a href="http://www.doe.mass.edu/sfs/safety/">http://www.doe.mass.edu/sfs/safety/</a>         |
| Student Discipline Resources and Information, Massachusetts Department of Elementary and Secondary Education  | Provides links to statewide resources and information regarding student discipline and alternative approaches to addressing school climate.   | <a href="http://www.doe.mass.edu/sfs/discipline/">http://www.doe.mass.edu/sfs/discipline/</a> |
| <i>Documents</i>  |   |   |
| Checklist - Required Content of Bullying Prevention and Intervention Plans under G.L. c. 71 § 37O, Massachusetts Department of Elementary and Secondary Education | Checklist for optional use when schools and districts create or review plans for inclusion of all elements required by the Massachusetts General Laws, Chapter 71, section 370.   | <a href="http://www.doe.mass.edu/sfs/bullying/">http://www.doe.mass.edu/sfs/bullying/</a>     |

| Title   | Description   | Website address (if applicable)   |
|---|---|---|
| Model Bullying Prevention and Intervention Plan (June 2014), Massachusetts Department of Elementary and Secondary Education   | Model plan addressing bullying prevention and intervention in Massachusetts schools.  | <a href="http://www.doe.mass.edu/sfs/bullying/#1">http://www.doe.mass.edu/sfs/bullying/#1</a>   |
| <i>Other Resources</i>  |   |   |
| 2017-18 Student Discipline Data Report All Offenses, Massachusetts Department of Elementary and Secondary Education   | The Student Discipline Data Report reports the disciplines that public-school students in Massachusetts received for the offenses committed, as reported by school districts in the School Safety Discipline Report (SSDR). | <a href="http://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=02750000&amp;fycode=2018">http://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=02750000&amp;fycode=2018</a> |
| Education Laws and Regulations Student Discipline Laws and Regulations: Question and Answers; Student Discipline Laws and Regulations, Massachusetts Department of Elementary and Secondary Education | Guidance document for interpreting and enforcing school discipline laws and regulations in Massachusetts schools.   | <a href="http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html">http://www.doe.mass.edu/lawsregs/advisory/discipline/QA.html</a>                                       |