

To: Mary Driscoll, Associate Superintendent/Elementary & Middle Schools
Fr: David Murphy, Deputy Superintendent/Administration
Cc: Carolyn Weisman, Asst. Corporation Counsel; Sam DePina, Operational Superintendent
Date: November 26, 2018

Re: Implications of recent student disciplinary settlement

You asked for a summary of the recent settlement agreement (settlement) reached between the Boston Public Schools (BPS) and families represented by Greater Boston Legal Services (GBLS). After reviewing the settlement, I have detailed the following noteworthy details of which school leaders should be aware.

Please refer to emails sent from Sam DePina (on November 21st and 26th), Al Taylor (November 26th) and Monique Carter (November 26th) for a schedule of trainings and professional development related to Code of Conduct (COC) implementation.

As has been previously stated, more than significant changes in current practice, the settlement commits BPS to adhering to statutory obligations regarding exclusionary disciplinary practices. The following guidance is not a detailed list of obligations imposed on the district or Central Office personnel, but is **geared only toward building-based BPS staff, including school leaders:**

- BPS staff responsible for adherence to the settlement include **all building-based administrations** (principals, headmasters, assistant principals/headmasters), deans of students, teachers, CFCs, special education coordinators, behavioral health specialists, paraprofessionals, and **any other staff directly or indirectly involved both with educating students and complying with state disciplinary laws** (excluding custodial and cafeteria staff). (Definitions)
- Schools **must document in writing** attempts to discipline students using non-exclusionary discipline before suspending a student. (I-A-1-b)
- Pursuant to Massachusetts law, schools must allow **suspended students to receive alternative educational services** in order to continue to make academic progress. (I-A-1-c)
- All documents related to exclusionary discipline must be provided in **primary language** spoken in a student's home. (I-A-1-d)
- Pursuant to the COC students and parents are **entitled to an interpreter** (provided by BPS, not a family member or other student) in their primary language during a disciplinary hearing. (I-A-1-e)



- Pursuant to Massachusetts, **emergency removals** may be employed only under specific circumstances. (I-A-1-f)¹
- By the conclusion of SY 18-19, and upon notice from the superintendent to school leaders, **no students in grades K0 – 2nd** shall be subject to exclusionary discipline. Students in these grade levels should instead be subject to progressive disciplinary measures as outlined in the COC.² (I-A-6)
- There will be opportunities for school leaders to convene with BPS staff and Code of Conduct Advisory Committee members during SY 18-19 and beyond, as well as **consultations with school site councils** to ensure appropriate amounts of feedback with regard to the implementation of the settlement and adherence to legal obligations. (I-A-7) There will also be an opportunity for school communities to participate in **surveys** during SY 18-19 on the implementation of the settlement and non-exclusionary disciplinary practices generally. (II-A-4-c)
- Effective SY 19-20 students in **grades 3rd – 5th** may only be **suspended** with the approval of an **Operational Superintendent** and under **specific** circumstances.³ (I-B-1)
- During SY 18-19 schools must create and implement a **uniform sign-out system** for students leaving the building during the school day that includes a notation of an emergency removal. Operational Superintendents will be working with school leaders to provide a model system and guidance on implementation. (II-A-1)
- Schools must **record** students' removal from school due to discipline in the district's Student Information System (SIS/ASPEN). (II-A-1-e)
- Schools shall **not file DCF reports on parents based on a failure to attend** a disciplinary hearing. (II-A-1-h)

¹ When the "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." G.L. c. 71 §37 ¾; 603 CMR 53.07

² The settlement is in the process of being implemented and the superintendent will notify school leaders once the prohibition on student suspensions (K0 - 2nd Grade) is in effect, which is anticipated to occur by the spring of 2019.

³ When the 3rd – 5th grade student has "assaulted a classmate or member of the educational staff and the principal has specific, articulable facts whereby the principal concludes the child would cause serious physical harm to a classmate or member of the educational staff if the child remained at school...(or) possessed a dangerous weapon or controlled substance, sexual misconduct, civil rights violations, or repeated bullying."

