



Code of Conduct Due Process Checklist

* For more detailed information please Consult 603 CMR 53 and/or BPS COC Sections 9, 10, 13, and 15

The Code of Conduct (COC) for the Boston Public Schools serves as the principal document guiding the implementation of student disciplinary procedures. The intent of this checklist is to assist headmasters, principals and school staff in following due process procedures while implementing the BPS Code of Conduct.

For students with disabilities, please refer to BPS Superintendent Circular SPE-15: Discipline Of Students With Disabilities for additional guidance and due process rights.

In general, students have a right to stay in school until the full suspension hearing is held. There are limited exceptions to this rule when: 1) student is accused of assaulting a staff member; 2) student is accused of possessing a dangerous weapon or drugs; 3) student is facing suspension in connection with a felony charge/complaint or felony delinquency complaint or adjudication; or 4) the student meets the emergency removal criteria listed below.

Emergency Removal From School (See Section 8 of BPS COC and 603 CMR 53:07):

- Student is alleged to have committed a suspendable offense pursuant to M.G.L. c. 71 § 37H ¾ (and as described in Section 8 of the Code of Conduct), *and* presents a continuous danger or materially and substantially disrupts the school, *and* there is no other way to alleviate this danger or disruption other than sending the student home, *and* the school makes adequate arrangements for the student's safety and transportation.
- School has **notified** Parent/Guardian/Caregiver prior to any removal occurring.
- The school has made adequate arrangements for the student's safety and transportation, prior to removing the student..
- School has fully completed and issued Attachment 3.1.1 to the parent/guardian and to the student.
- The school has provided the opportunity for academic progress (If student has not returned to school on the following day)
- The disciplinary hearing has taken place the next day following the removal, unless the parent/guardian provides a written request for a postponement of up to one day. Please remember that an Emergency Removal cannot extend beyond 2 additional days from the day of removal (maximum of 3 days).

Translations:

- School has provided notices to parent/guardian in English and in the home language. Please note that the Code of Conduct and all parent notices have been translated into the official BPS languages - Cape Verdean, Chinese, Haitian Creole, Portuguese, Somali, Spanish, and Vietnamese - and are available on the BPS Website and in the Superintendent's Office.

Interpreters:

- If applicable, the school has provided an interpreter at a meeting, conference, and/or hearing. Please note that this interpreter must be provided by BPS and cannot be a family member, student, or the Hearing Officer.

To request an interpreter please use this [Interpreter Request Form](#) from the Office of English Learners. You may also use the BPS [OELL Telephonic Interpretation Services](#).

- If translations or interpretations are not necessary, school has obtained written documentation stating as such.

Proper Notice When Considering School Exclusion:

- School has issued prior oral and written notice of a disciplinary hearing to the parent or guardian to review the situation prior to a school exclusion taking place. Please note that the notice must:
 - Include date, time and reason for hearing (cite Section of COC and list specific action by student)
 - Include the parent/guardian's right to legal representation (See attachment 5)



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- Include the parent/guardian's right to an interpreter
- Be in BOTH English and in the home language of parent(s), guardian(s) and caregiver(s).
- School has documented the dates, times and methodology of the prior oral and written notice of the hearing in ASPEN

Prior to Disciplinary Hearing:

- Confirm receipt of proper notice
 - In home language **and** English
 - For Oral Notice: Prior to the start of the hearing, have parent(s) or caregiver sign the area in the Disciplinary Hearing Sign In Form indicating that they scheduled the hearing orally and are aware that they are present for a disciplinary hearing. (COC Attachment 4.4)
 - Collect School Copy of written notice provided from parent(s) or guardian(s)

During a Disciplinary Hearing a Hearing Officer must:

- Ensure that at least two BPS personnel are present:
 - One to present the information and one to be the Hearing Officer.
 - Hearing officer can not present the evidence to him/herself at the Hearing (e.g. hearing officer cannot also serve as a witness).
- Have all parties present sign Disciplinary Hearing Sign In Form (COC Attachment 4.4)
- Review Ground rules of hearing
- State allegations of violations
- Provide Parent/Guardian and Student with opportunity to hear evidence
- Provide Parent/Guardian and Student with opportunity to question witnesses (With the exception of Section 9.5.4.)
- Provide Parent/Guardian and Student with opportunity to present evidence
- Provide a timely written decision:
- Inform Students, parents, guardians, caregivers of their Right to Appeal the decision of a disciplinary hearing
- If exclusionary discipline is warranted, provide opportunity for academic progress

