

# School Discipline Tip Sheets

2025



**Student discipline rights and  
procedures in MA**

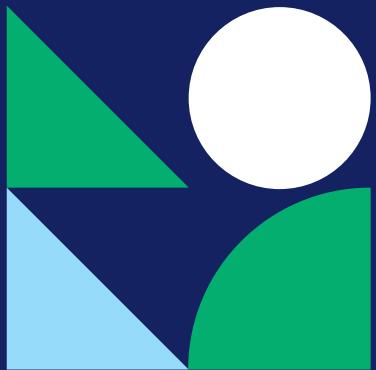
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# Alternatives to Discipline

## What the law requires

Schools in Massachusetts must consider alternatives to suspension for breaking most school rules.

## What are alternatives?

Alternatives can include a lot of different things. Some examples include mediation, conflict resolution, restorative justice, and collaborative problem solving.

## When alternatives are required:

Examples include swearing, dress code violations, leaving class without permission, wandering the halls or being in unauthorized areas.

## When alternatives are not required:

Alternatives are not required if the student brought drugs to school, assaulted a staff member, brought a dangerous weapon to school, or if the student has been charged or convicted of a felony.

### Accommodations:

Schools must provide accommodations for students with disabilities and students who speak or understand a language other than English.

### Documentation Requirements:

- Schools must keep records of any alternatives they tried and the result.
- If the school does not use alternatives to suspension or expulsion, they must explain the specific reasons why.
- If the school believes the student's presence would cause serious harm to another person while in school, the school must document why.



### Know Your Rights

If the school has not considered alternatives to discipline, has not documented why they didn't, and has suspended or expelled your child, your child's rights might have been violated.

# Emergency Removal

## What is Emergency Removal?

Emergency Removal happens when a child is taken out of school for a possible school rule violation before a suspension or expulsion hearing.

## Key Facts About Emergency Removal

1. It cannot last more than **2 school days**.
2. The school must prove that the student:
  - Poses a danger to people or property
  - OR**
  - Is seriously disrupting the school's ability to educate, AND there is no way to stop the danger or disruption in school.



### Know Your Rights

If you answer NO to any of these questions, your child's rights might have been violated:

- Did the school explain how your child posed a danger to people or property or was “materially and substantially” disrupting the school?
- Did the school consider other options – and explain those to you – before sending your child home?
- Did the school make sure there was a safe way for your child to get home?
- Did the school **IMMEDIATELY** try to notify you about the removal and why it was necessary?
- Did the school schedule a suspension/expulsion hearing at the time of the removal?
- Did the school inform you of your child's rights at the disciplinary hearing? (Note: There are different rights for short- and long-term suspensions, as well as for expulsion hearings.)

# Short Term Suspension

## What is short term suspension?

- A short-term suspension means your child is kept out of school for 10 school days or less.
- **NOTE:** Your child's school is required to have a code of conduct that explains the school rules, discipline procedures, and your student's rights.



## Know Your Rights

If you answer NO to any of these questions, your child's rights might have been violated:

- Before the suspension, did the school tell you in writing what rule was broken and why?
- Before the suspension, did the school inform you that your child has a right to a hearing?
- Did the school communicate with you in writing in your preferred language?

## Short-term Suspension

- At the hearing, did the school explain what rule your child broke and why?
- At the hearing, was your child allowed to tell their side of the story?
- At the hearing, did the school provide an interpreter if you needed one?
- Did the school consider **alternatives to suspension** before deciding to suspend your child?
  - Alternatives can include mediation, conflict resolution, restorative justice, and collaborative problem-solving.
- If your child was suspended, did you receive **written notice** of the suspension?
- Did the written notice include: **the reason for the suspension, how long the suspension will last, the day your child can return to school, information about how your child can make up missed work during the suspension?**
- If your child has been suspended for **more than 10 days total** in a school year, this becomes a long-term suspension, and your child has additional rights.

# Long Term Suspension

## What is long-term suspension?

- A long-term suspension means being kept out of school for more than 10 school days but no more than 90 school days for breaking the school's rules.
- The suspension cannot last past the current school year.
- The 10 days can be all at once or if a student has several suspensions that total more than 10 days in the same year.

## Important Information about long-term suspension

- Your child's school is required to have a code of conduct that explains the school rules, discipline procedures, and your student's rights.
- Students charged with or convicted of a felony have different rights.



### Know Your Rights

If you answer NO to any of the questions on the next page, your child's rights might have been violated:

## Long-term Suspension

- Did the school tell you **in writing** why they planned to suspend your child?
- Did the school tell you in your **preferred language**?
- Did the school **invite you to a hearing** to talk about what happened before your child was suspended?
- Did the school allow you to **bring a lawyer or an advocate** to the hearing?
- Did the school allow your child to **tell their side of the story**?
- Did the school allow you to **question any witnesses** they brought to the hearing?
- If you need one, did the school **provide an interpreter** for the hearing?
- If your child has an IEP or 504 plan, did the school hold a **manifestation determination review (MDR)**? (MDR determines if the behavior was related to their disability or if the school failed to follow their IEP/504 plan.)
- If your child was suspended, did the school give you information on **how to file an appeal with the superintendent**?
- Did the school ensure your child received **educational services while suspended**? (They must provide at least two options for continuing education.)

# Expulsion

## What is expulsion?

- Expulsion means a child is removed from school for more than 90 school days.
- If your child has been charged with or convicted of a felony, they have different rights than those outlined here.
- **NOTE:** Your child's school is required to have a code of conduct that explains the school rules, discipline procedures, and your child's rights.



## Know Your Rights

If you answer NO to any of these questions, your child's rights might have been violated:

- Did your child have a dangerous weapon at school?
- Did your child assault a staff member?
- Did your child have drugs at school (including marijuana)?
- Did the school notify you in writing about the planned expulsion?

- Did the school **invite you to a hearing** to discuss the expulsion before it happened?
- Did the school allow you to bring a **lawyer or advocate** to the hearing?
- Did the school allow your child to **tell their side of the story**?
- Did the school let you **question any witnesses** they brought to the hearing?
- Does your child have an **IEP or 504 plan**?
  - If yes, did the school hold a Manifestation Determination Review (MDR)? (An MDR helps determine if your child's behavior was linked to their disability or if the school failed to follow their IEP/504 plan.)
- If your child was expelled, did the school give you information **in writing** on how to file an appeal with the superintendent?
- If your child was expelled, did the school provide **educational services during the expulsion**? (The school must offer at least two options for your child to continue their education.)

# Manifestation Determination Review

**Is your child facing a long-term suspension or expulsion?**

- Long-term suspension means more than 10 school days.
- Expulsion means being removed from school for a longer period.

**Does your child have an IEP or 504 plan?**

- Or has the school evaluated your child because they might have a disability?
- Is the school aware that your child may be eligible for an IEP or 504 plan?

**If the answer is YES to both questions, your child has the right to a Manifestation Determination Review (MDR).**

## What is an MDR?

- An MDR is a meeting that includes you and members of your child's IEP or 504 team.
- If your primary language is not English, you have the right to an interpreter at the MDR.

## The MDR must determine:

- Was the behavior caused by, or did it have a direct and substantial relationship to, the child's disability? **OR**
- Was the conduct a direct result of the school's failure to implement the IEP or 504 plan?

## If the MDR finds that the behavior is related to the disability:

- The school **CANNOT** suspend or expel your child.
- Instead, the school must work with you to support your child. This may include:
  - Conducting a Functional Behavioral Assessment (FBA)
  - Creating a Behavior Intervention Plan (BIP)

## Exceptions:

If the conduct involves weapons, illegal drugs, controlled substances, or serious bodily injury, the school may remove the student to an interim alternative educational setting (IAES) for up to 45 school days, even if the MDR determines the behavior is a manifestation of the child's disability.

# Felony Charges & Suspension

## What You Need to Know

- A student who has felony charges in either Juvenile court or adult court may be suspended from school.
- A student who has been found delinquent by a judge for a felony or found guilty of a felony may also be suspended.

## What Does the Principal Decide?

1. The principal decides the length of the suspension.
2. If the principal determines that the student's presence in school would have a "substantial detrimental effect" on the school the student can be suspended.

This means the student's presence would have a significant negative impact on the school community.



## Know Your Rights

If you answer NO to any of these questions,  
your child's rights might have been violated

- Did the school inform you **in writing** about the charge against your child before suspending/expelling them?
- Did the school provide **written notice** that your child was going to be suspended/expelled?
- Did the school inform you **in writing** about how to appeal the suspension decision to the superintendent?
- Did the notice include information that your child has the **right to appeal** and have a **lawyer** at the appeal?
- Does your child have an **IEP or 504 plan**?
  - If yes, did the school hold a Manifestation Determination Review (MDR)?
    - An MDR determines if the behavior was related to their disability or if the school failed to follow the IEP or 504 plan.
- Did the school make sure your child received **educational services** while suspended/expelled? The school must offer at least two options for your child to continue their education.

# Glossary

## Alternative Education Services

Schools must give students who are suspended or expelled for more than 10 days in a row a list of education services that the school will be able to provide during the suspension or expulsion. The list must include at least two different choices for the student to choose from. The school must document whether the student accepts the services and what services they accept.

## Alternative Education Setting

This is a placement chosen by your child's IEP team, including the parent and student, where the student stays for no more than 45 school days. In this setting, the student can keep learning regular school subjects and get the support and modifications listed in their IEP and work on modifications listed in their IEP, and work toward their IEP goals. The setting also includes special help for the student to deal with the behavior that caused the placement to help prevent it from happening again.

## Direct and Substantial or Material and Substantial

This is about whether the child's behavior is connected to their disability. Some questions to think about are: Was the behavior a sign or result of the disability? Can the disability help explain why the behavior happened? Is there a pattern of behavior that might be linked to the disability? If the child has a behavior plan, is it working? Are there other supports already in place to help prevent this kind of behavior?

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