

SAFETY

POLICIES

&

PROCEDURES

This policy was passed by the
Springfield School Committee
on February 10, 2005

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INFORMATION

**PROCEDURES
FOR**

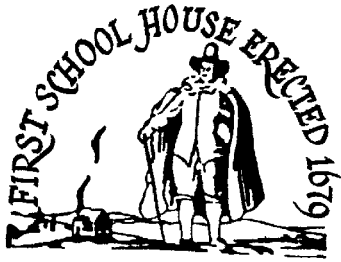
**CHAPTER 71
SECTION 37h AND 37h $\frac{1}{2}$**

**PROCEDURES
FOR
SPRINGFIELD PUBLIC SCHOOLS**

PROCEDURES TO FOLLOW

1. Director of Safety and Security will get arrest log from the Police Department
2. Director of Safety and Security will request additional information from the District Attorney's office if needed
3. Director of Safety and Security will sign for exchange of information and forward a copy to Assistant Superintendent (in person)
4. Sign off information to Principals (in person)
5. Principal will review the case and discuss possible Chapter 37 or 37H ½ actions with appropriate Assistant Superintendent
6. Principals will take necessary action:
 - notify Safety and Security Director of disposition using the official school department reporting form within a week
 - and send a confidential copy to Director of Safety and Security and the Assistant Superintendent within a week
7. Director of Safety and Security will follow up on each case
8. Director of Safety and Security will inform each Assistant Superintendent of the disposition of each case and give report to Safety Committee

**NOTIFICATION
TO PRINCIPALS
OF
FELONY CHARGES**



THE PUBLIC SCHOOLS of SPRINGFIELD, MASSACHUSETTS

Peter B. Hogan
Director of Safety/Security

Voice: (413) 787-7170

Fax: (413) 787-7211

Central Office
P.O. Box 1410
195 State Street
Springfield, MA
01102-1410

TO: _____

FROM: Peter B. Hogan

SUBJECT: 37 H 1/2 Information (Verification of Felony Charge)

DATE: _____

Students Name: _____

Date of Birth: _____

Student I.D. _____

Attached police report reveals that the above student was arrested for a felony on

_____.

Principal Signature: _____ **Print** _____

School Name: _____

Date Received: _____

****** CONFIDENTIAL ******

**NOTICE PURSUANT TO
M.G.L. 71§37H¹/₂(2)**

TO THE SPRINGFIELD SCHOOL DEPARTMENT

STUDENT:

D.O.B.:

SCHOOL:

YOU ARE HEREBY NOTIFIED THAT THE ABOVE NAMES STUDENT:

IS CURRENTLY SUBJECT TO PROSECUTION BY THE HAMPDEN COUNTY DISTRICT ATTORNEY'S OFFICE FOR A FELONY OFFENSE. CURRENT INFORMATION REGARDING THIS FELONY CHARGE:

Referral Date	Pending Date	Pending Event	Pending Venue	Case / Docket Number
----------------------	---------------------	----------------------	----------------------	-----------------------------

HAS BEEN SUBJECT TO THE FOLLOWING DISPOSITION OF A FELONY CHARGE FOLLOWING PROSECUTION BY THE HAMPDEN COUNTY DISTRICT ATTORNEY'S OFFICE. DISPOSITION INFORMATION REGARDING THIS FELONY CHARGE:

THE CHARGES WERE AS FOLLOWS:

THIS NOTICE WAS PROVIDED TO THE SPRINGFIELD SCHOOL DEPARTMENT THROUGH DIRECTOR OF SECURITY ON: / / .

SIGNATURE

DATE


DISCIPLINARY ACTIONS
TAKEN
BY THE PRINCIPAL

Principal Home - Microsoft Internet Explorer

Address: http://10.1.8.19/spintranet/PRIN_Home2.asp









PRINCIPAL - HOME

Welcome to the SPS Principal's page.
If you have any questions or problems,
please call: 787-7025

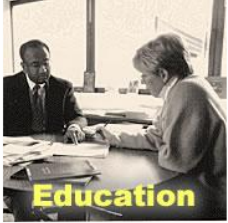


a culture of achievement


SPS Home
SPS INTERNET

-  [View SPS Master Calendar](#)
-  [School Level - Job Management](#)
-  [Position Applicants](#)
-  [SIP Support Documents](#)
-  [School Reporting Menu](#)
-  [Step-Up-Springfield Reporting](#)
-  [Confidential Section 37H and 37H^{1/2}](#)
-  [SPS Newsletter](#)

Springfield Public Schools




Education



Internet

Discipline - Microsoft Internet Explorer

Address: http://10.1.8.19/spintranet/PRIN_Discipline_Secure.asp



CONFIDENTIAL DISCIPLINARY ACTIONS TAKEN BY SCHOOL PRINCIPAL

Chapter 71: Section 37H and 37H^{1/2}

[Return to Principal Home](#)

Prior to filling out the discipline action form you must read these statements:

- * You must be the Principal
- * You must be C.O.R.I. certified
- * You can not hand this over, delegate this task or communicate to another staff person the specifics
- * This form is to remain Confidential
- * You may only share this information with other C.O.R.I. certified individuals in the Springfield Public Schools


All discipline actions that are required to be entered into the Student information systems (SASlxp) and the Student Discipline Record for the Massachusetts Department of Education 2004-2005 must still be completed.

[Continue to CONFIDENTIAL DISCIPLINE Page](#)

Done Internet

DISCIPLINE - Student Information - Microsoft Internet Explorer

Address: http://10.1.8.19/spsintranet/PRIN_Discipline_stuDemo.asp



CONFIDENTIAL DISCIPLINARY ACTIONS TAKEN BY SCHOOL PRINCIPAL

Last Name:		Status:	
First Name:		Current School:	
Middle Name:		Perm Num:	
Mail Address:		Enter Date:	
City:			
Zip Code:		SS Number:	
State:		School ID:	
Parent/Guardian:		Telephone:	
Birthdate:		SASID:	
Gender:		Free Meals:	
Ethnicity:		Migrant Status:	


Confidential Section 37H and 37H 1/2

Return to Previous Screen

SPS Intranet Systems

DISCIPLINE - Entry Screen - Microsoft Internet Explorer

Address: http://10.1.8.19/spsintranet/PRIN_Discipline_Action.ASP



CONFIDENTIAL DISCIPLINARY ACTIONS TAKEN BY SCHOOL PRINCIPAL

Chapter 71: Section 37H and 37H^{1/2}

[Return to Principal Home](#)

Student Name:		Notify Date:	<input type="text"/> [MM/DD/YYYY]
Parent/Guardian:		School:	
DOB		Gender:	
SASI #			

Action Taken	YES	NO
Parent notification	<input type="checkbox"/>	<input type="checkbox"/>
Conference with principal	<input type="checkbox"/>	<input type="checkbox"/>
Suspension 10-30 days to Springfield Academy	<input type="checkbox"/>	<input type="checkbox"/>
Reassignment to an alternative school	<input type="checkbox"/>	<input type="checkbox"/>
Expulsion or indefinite suspension in accordance with M.G.L.C. 71, Section 37H, 37H 1/2	<input type="checkbox"/>	<input type="checkbox"/>
Seek restitution or restoration, or assign community service	<input type="checkbox"/>	<input type="checkbox"/>
Other <input style="width: 100%;" type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
No Action Taken	<input type="checkbox"/>	<input type="checkbox"/>
Reassignment to Out of District placement (SPED)	<input type="checkbox"/>	<input type="checkbox"/>

Principal Name:
 Action Date: [MM/DD/YYYY]

PLEASE COMPLETE CONFIDENTIAL FORM VIA INTRANET WITHIN FIVE (5) DAYS OF RECEIVING INFORMATION FROM PETER HOGAN

**DUE PROCESS
CHECKLIST**

CHAPTER 71, SEC. 37H ½

STUDENT CHARGED WITH OR CONVICTED OF A FELONY

PROCEDURES CHECKLIST:

Procedures for Principals:

- 1) RECEIVE INFORMATION: School Department Director of Safety and Security (“Safety Director”) advises Principal that student has been charged with or convicted of a felony. Principal receives CORI information and signs form provided by Safety Director. Yes ___ No ___
- 2) REVIEW INFORMATION: Principal reviews information and may request additional information (such as police report) from Safety Director. If requested, Safety Director provides additional information to Principal. Principal signs form provided by Safety Director for receipt of additional information. Yes ___ No ___
- 3) NOTICE OF HEARING: Principal reviews felony information and decides whether further procedures are warranted. If further procedures are warranted, Principal prepares a “**Notice of Hearing**”. Principal provides Notice of Hearing to student and parent/guardian. See “Principal’s Notice of Hearing” Form attached as Exhibit #1. Yes ___ No ___
- 4) HOLD HEARING: Principal holds a hearing to determine whether “student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school.” At the hearing, student/parent may present information on student’s behalf. Yes ___ No ___
- 5) PRINCIPAL ISSUES WRITTEN DECISION: After the hearing, Principal sends student and parent/guardian a “**Notice of Decision**”. If you decide to EXPEL (for conviction only) or SUSPEND (for charge or conviction) the student, use form and explain reasons. The Notice of Decision must explain the student’s right to appeal and the procedures for appeal. The Notice of Decision must be given before the effective date of the suspension or expulsion. See “Principal’s Notice of Decision” Form attached as Exhibit #2. A copy of chapter 71, sec. 37H1/2 must be attached to the Principal’s Notice of Decision. Yes ___ No ___

(NOTE: Principals should coordinate expulsion/suspension date with Superintendent’s Office so that if an appeal is requested, Superintendent will be available to hold hearing within required time frame. The expulsion/suspension remains in effect pending Superintendent’s appeal hearing.)

- 6) Principal provides copy of Notice of Decision to Safety Director and fills out forms as necessary. Yes ___ No ___

Procedures for Superintendent

- 1) RECEIVE APPEAL REQUEST: Student (or parent on student's behalf) must make a written request for an appeal hearing within five (5) calendar days following the effective date of the suspension or expulsion. Superintendent's office staff should document date of receipt of hearing request. Yes ___ No ___
- 2) SEND NOTICE OF APPEAL HEARING: Superintendent should as soon as possible send a "**Notice of Appeal Hearing**" to student and parent confirming receipt of appeal request and scheduling date for hearing. The appeal hearing must be held within three (3) calendar days of receipt of the written request. See "Superintendent's Notice of Appeal Hearing" Form attached as Exhibit #3. Yes ___ No ___
- (Note: The statute says appeal hearing must be held within three (3) days of the expulsion/suspension, but the student has until five (5) calendar days after expulsion/suspension to request the appeal, making compliance impossible).
- 3) HOLD HEARING WITHIN THREE (3) CALENDAR DAYS OF REQUEST. Superintendent must hold hearing with student and student's parent or guardian within three (3) calendar days of appeal request (see note above). At the hearing, the student has the right to present oral and written testimony on his behalf, and shall have the right to counsel. Mass. Gen. Laws ch. 71, sec. 37H ½. Yes ___ No ___
- 4) SUPERINTENDENT ISSUES WRITTEN DECISION: The Superintendent must issue a written decision on the appeal within five (5) calendar days of the hearing. See "**Superintendent Notice of Decision**" Form attached as Exhibit #4. A copy of chapter 71, sec. 37H1/2 must be attached to the Superintendent's Notice of Decision. The Superintendent has authority to overturn or alter decision of principal, including recommending an alternative educational program for the student. The Superintendent's decision shall be the final decision of the City with regard to the expulsion/suspension. Yes ___ No ___

NOTIFICATION LETTERS:

HEARING

SUSPENSION

EXPULSION

APPEAL

EXHIBIT #1

Principal's Notice of Hearing Form

For Student Charged With or Convicted of a Felony

Dear **insert name of student/parent/guardian here:**

I have recently received information that **insert student's name here**, has been charged with or convicted of a felony (including an adjudication or admission in court of guilt with respect to such a felony or felony delinquency), to wit: **insert the felony charges or conviction/s here.**

This letter is to notify you that under Massachusetts General Laws chapter 71, section 37H ½, **insert student's name here**, may be suspended (for a felony charge or conviction) or expelled (for a felony conviction) from the Springfield Public Schools if I determine that **insert student's name here**'s continued presence in school would have a substantial detrimental effect on the general welfare of **insert name of school here.**

On **insert date and time here**, I will hold a hearing in my office located at **insert school address and room number of principal's office here** to determine whether, in light of the felony charges or convictions referred to above, and **insert name of student**'s prior history at **insert name of school, insert name of student**'s "continued presence in school would have a substantial detrimental effect on the general welfare of the school." At the hearing, the student may have a parent or guardian present and may present information on his/her behalf for my consideration.

Following the hearing, if I determine that **insert name of student**'s continued presence in school would have a substantial detrimental effect on the general welfare of the school, I will decide whether to expel (for conviction) or suspend (for charge or conviction) him/her from school.

Sincerely,

Insert Name of Principal

EXHIBIT #2

Principal Notice of Decision

Dear insert name of student/parent/guardian here:

I have recently received information that insert student's name here, has been insert charged with/or convicted of a felony (or there has been adjudication or admission in court of guilt with respect to such a felony or felony delinquency), to wit: insert felony conviction/s here.

This letter is to notify you that under Massachusetts General Laws chapter 71, section 37H ½, insert student's name here, may be expelled (for a felony conviction) or suspended (for a felony charge or conviction) from the Springfield Public Schools if I determine that insert student's name here's "continued presence in school would have a substantial detrimental effect on the general welfare of insert name of school here."

On insert date hearing was held, I held a hearing on this matter, which was attended by insert names of student/parent who attended. After a review of all the information available to me, including the information presented at the hearing, I have determined that insert student's name here's continued presence in school would have a substantial detrimental effect on the general welfare of insert name of school here. Therefore, I have decided to insert expel or suspend insert student's name here from school. The insert expulsion or suspension will become effective on insert effective date of expulsion/suspension here – **NOTE: this notice must be given BEFORE the expulsion/suspension takes effect.**

The reasons for this determination are as follows: describe evidence/information relied upon to make decision, include nature of crime charged with or convicted of, and why principal believes student's continued presence in school would have a substantial detrimental effect on the general welfare of school, student's disciplinary/behavioral history at the school, etc. Also discuss information presented by student and how factored into your decision.

Right to Appeal: The student has a right to appeal the insert expulsion or suspension to the Superintendent of the Springfield Public Schools, Dr. Joseph Burke. If you wish to appeal the insert expulsion or suspension, you must notify the Superintendent in writing of your request for an appeal no later than five (5) calendar days following the effective date of the insert expulsion or suspension, listed above. The written notice must be sent to: Dr. Joseph Burke, Superintendent of Schools, 195 State Street, Springfield, MA 01103.

If you request an appeal, the Superintendent must hold a hearing with the student and the student's parent or guardian within three (3) calendar days of the insert

expulsion or suspension. At the hearing, the student shall have the right to present oral and written testimony on his/her behalf, and shall have the right to counsel. The Superintendent shall have the authority to affirm, alter or overturn the decision of the principal. The Superintendent may also recommend an alternate educational program for the student. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing. Such decision shall be the final decision of the City with respect to the **insert expulsion or suspension**. A copy of Mass. Gen. Laws ch. 71, sec. 37H1/2 is attached which explains your rights.

The **insert expulsion or suspension** will remain in effect pending any appeal hearing conducted by the Superintendent.

Sincerely,

Insert Name of Principal

EXHIBIT #3

Superintendent's Notice of Appeal Hearing

For Student Charged With or Convicted of a Felony
Mass. Gen. Laws ch. 71, sec. 37H1/2

Dear insert name of student/parent/guardian here:

On insert date written request for appeal received, I received a written request for an appeal hearing from insert name of requesting party with respect to a decision by insert principal's name, after a hearing, to insert expel or suspend insert student's name from insert name of school here. The insert expulsion or suspension became effective on insert effective date.

Pursuant to Massachusetts General Laws chapter 71, section 37H ½, I will hold an appeal hearing at insert address and room number of hearing location on insert date and time (must be within 3 calendar days of request) to review insert principal's name's decision to insert expel or suspend insert name of student from insert name of school. At the appeal hearing, the student may present oral and written testimony on his behalf, and shall have the right to counsel.

At the hearing, I will take into consideration the felony charges insert with which the student has been charged/on which the student has been convicted (or upon which there has been an adjudication or admission in court of guilt with respect to such a felony or felony delinquency), to wit: insert felony charges. Based on all the available information, I will determine whether the principal's determination that insert name of student's continued presence in school would have a substantial detrimental effect on the general welfare of insert name of school was appropriate.

On appeal, I have the authority to uphold the decision of the principal, or to overturn or alter the decision of the principal. I will notify you of my decision in writing within five (5) calendar days after the hearing.

Attached is a copy of Mass. Gen. Laws ch. 71, sec. 37H1/2 which explains your rights.

Sincerely,

Joseph Burke
Superintendent of Schools

EXHIBIT #4

Superintendent's Notice of Decision on Appeal

**Student Charged With or Convicted of a Felony
Mass. Gen. Laws ch. 71, sec. 37H ½**

Dear insert name of student/parent/guardian:

State law, specifically Massachusetts General Laws chapter 71, section 37H ½, provides that a student who has been charged with or convicted of a felony (including an adjudication or admission in court of guilt of such felony or felony delinquency), may be expelled (for conviction) or suspended (for charge or conviction) from the Springfield Public Schools if the principal determines that the student's "continued presence in school would have a substantial detrimental effect on the general welfare of the school."

On insert date of principal's decision letter , insert principal's name, after a hearing held on insert date of hearing before principal, issued a written decision insert expelling or suspending insert student's name from insert name of school, effective insert effective date of expulsion or suspension.

The student filed a written request for an appeal, and I held an appeal hearing on insert date of appeal hearing. The appeal hearing was attended by insert names of student/parent/ and others who attended. After a review of all the information available to me, including the grounds for the decision set forth by the principal, and the information presented at the hearing, I have determined that insert student's name's continued presence in school would have a substantial detrimental effect on the general welfare of insert name of school here. Therefore, I have decided to: **(choose one)**

- uphold insert principal's name's decision to insert expel or suspend insert student's name, effective insert effective date of expulsion or suspension

OR

-overturn or alter insert principal's name's decision to insert expel or suspend insert student's name, including recommending an alternate educational program for the student.

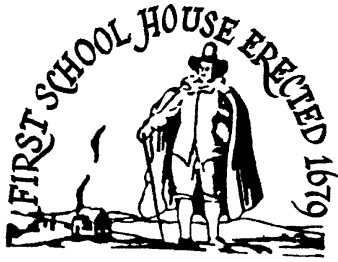
The reasons for this determination are as follows: **describe evidence/information relied upon to make decision. include nature of crime charged with or convicted of, and why student's continued presence in school would have a substantial detrimental effect on the general welfare of school, student's disciplinary/behavioral history at the school, grounds stated for principal's decision**

etc. Also discuss information presented by student and what impact if any on your decision.

A copy of Massachusetts General Laws chapter 71, section 37H ½ is attached to this letter for your reference.

Sincerely,

Joseph Burke
Superintendent of Schools



Central Office
P.O. Box 1410
195 State Street
Springfield, MA
01102-1410

THE PUBLIC SCHOOLS of SPRINGFIELD, MASSACHUSETTS

Dr. Joseph P. Burke
Superintendent of Schools

Voice: 413-787-7087
Fax: 413-787-7171
E-Mail: burkej@sps.springfield.ma.us

Dear

This letter is to inform you that based on the documents presented by you upon registering for the Springfield Public Schools, at this time we will NOT accept you into our school district. Massachusetts General Laws, Chapter 71, Sections 37H and 37H ½ states that if a student is expelled from a school, the receiving school is NOT mandated to enroll him/her.

Since the expulsion is effective until _____, you can reapply to the Springfield School
(Date)
System, providing you are residing in the City of Springfield in _____.
(Date)

Thank you and if you have any questions please call the Parent Information Center at 787-7276.

Sincerely,

JOSEPH P. BURKE
Superintendent of Schools

GUIDELINES

FOR

SPECIAL EDUCATION STUDENTS

Guidelines for Principals for Implementing SPED Procedures for Suspensions

Student: _____ School: _____ Date: _____

- 1.) The Principal notifies the TEAM Chairperson (ETL) that this special needs student's infraction may result in a cumulative internal or external suspension of more than 10 days from the beginning of the school year or the issuance of a new or amended IEP after the beginning of a school year. Yes ____ No ____
- 2.) The TEAM Chairperson immediately schedules a TEAM meeting prior to the imposition of more than 10 cumulative days of suspension. Yes ____ No ____
- 3.) The TEAM met to consider whether: Yes ____ No ____
 - a.) The misconduct is or is not related to the student's disability
(*Manifestation Determination*)
 - b.) The IEP is not appropriate
 - c.) The IEP is not being fully implemented. (As part of this determination, special care must be taken by the TEAM to determine if any modified discipline code stated on the student's approved IEP has not been implemented as written.)
- 4.) The TEAM has determined that none of the three above conditions exist. Yes ____ No ____
- 5.) All due process procedures have been followed and checked off on the Suspension Procedure Due Process Documentation Form (attached). Yes ____ No ____
- 6.) The TEAM has written a new or amended IEP (the alternative Plan) which provides to the parent (and student over 18 years of age) the manner in which the special education services will be delivered during the period of suspension. Yes ____ No ____
- 7.) If the student has demonstrated repeated instances of dangerously assault or sexually abusive behavior, an emergency evaluation and placement may be made with parental approval pursuant to Section 331.0 of Chapter 776 Regulations. Yes ____ No ____
- 8.) If a new program is designed for the student as a result of the review, the new program must be implemented immediately following parental approval of the IEP. If the parent(s)/guardian(s) refuses consent to the IEP, the School committee or parent(s)/guardian(s) may request a hearing before the BSEA to determine the Yes ____ No ____

appropriateness of the program, pursuant to special education regulations. Alternatively, the parties may seek mediation to resolve the dispute.

9.) Placement in an interim alternative educational setting for not more than 45 calendar days if the student carries a “weapon” to school or to a school function, or if the student “knowingly” possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. (The Principal can offer an alternative setting, which the IEP team determines.) “Weapon” is a device, material or substance used for or capable of death or serious bodily injury and excludes a pocketknife with a blade of less than 2.5 inches in length. (Regarding drugs, the student must knowingly be using or selling the drugs.) [I.D.E.A. Section 615(k)(1)(A)] Yes ____ No ____

10.) Principal collaborates with Assistant Superintendents and City Law Department to arrange hearing in court if agreement cannot be reached. Yes ____ No ____

11.) A school district may not suspend or in any way exclude a special needs student during the pending period of a BSEA hearing or judicial proceeding brought to challenge a suspension, proposed suspension or any determination under this part unless the school district obtains a court order based on a showing that the student’s continued presence in school presents a substantial likelihood of injury to the student or to others. (Based on the Supreme Court holding in Honig v. Doe.) Yes ____ No ____

A COPY OF THIS FORM WILL BE FORWARDED TO THE SPECIAL EDUCATION OFFICE.

_____	_____	_____
TEAM Chairperson	Principal	Date
_____	_____	_____
	Parent/Guardian Signature	Date

MANIFESTATION DETERMINATION

SCHOOL: _____ DATE: _____

STUDENT NAME: _____ DATE OF INCIDENT: _____

BEHAVIOR UNDER CONSIDERATION: _____

PROGRAM REVIEW:

A. Review of the original referral: (Why was the student originally referred for an evaluation?)

B. Review of the evaluation reports: (Are assessments current? Complete? Any Additional Information?) _____

C. Review of current IEP: Current Prototype: _____

- Are the services set forth in the IEP appropriate to meet the student's needs?

Circle one: YES NO

- Has the IEP been implemented? Circle one: YES NO

If NO, explain: _____

- Are there behavioral goals related to the current behavior/incident?

Circle one: YES NO

If YES, explain: _____

CONTEXT:

A. Is there a documented history of this behavior? Circle one: YES NO

If YES, explain: _____

B. Has the student demonstrated an ability to follow school rules?

Circle one: YES NO

C. Has the student demonstrated an ability to determine right from wrong?

Circle one: YES NO

D. Was the behavior premeditated or impulsive? Explain: _____

E. Were antecedents to the behavior observed? _____

F. Additional physiological/sociological considerations: _____

BASED ON THE DATA CONSIDERED HERE, IT IS THE FINDING OF THE TEAM THAT THE BEHAVIOR UNDER CONSIDERATION (Circle one): WAS WAS NOT A DIRECT MANIFESTATION OF THE STUDENT'S DISABILITY.

TEAM PARTICIPANTS: _____