

M.G.L. 71:37H and 37H½ must be read and applied in conjunction with the Federal Special Education Law (the Individuals with Disabilities Education Act, or IDEA), as it has been interpreted by the U.S. Supreme Court in *Honig v. Doe*, 484, U.S. 305 (1988), as well as Section 504 of the Rehabilitation Act of 1973 and other applicable laws. Under the IDEA and Honig, exclusion of a disabled student from school for more than ten days constitutes a change in placement, which requires either a Team evaluation and parent consent to an interim placement, or a court order approving the exclusion based on the school's showing that the student's continued presence in school is substantially likely to result in injury. Section 504 provides similar protections for students with disabilities.

A student with special needs may be suspended from school for up to ten school days (cumulative) during a school year (or during the life of a new or amended Individualized Educational Plan (I.E.P.)), following regular student discipline procedures. (Under Section 504, a student whose misconduct is a manifestation of his/her disability may be protected even from short-term suspensions except in emergency situations.) If a suspension of more than ten days is proposed, the school must convene an immediate emergency Team meeting during the period of the short-term suspension.

Massachusetts General Law References:

M.G.L. 71:37H – Publication of School Committee Rules and Regulations Relative to the Conduct of Teachers and Students

M.G.L. 71:37H½ – Felony Complaint or Conviction of Student; Suspension; Expulsion; Right to Appeal

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WESTFORD PUBLIC SCHOOLS

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