



**Problem Resolution System Office**  
**State Complaint Decision**

Student Reference: [REDACTED] Re: Intake PRS 13463  
Letter of Finding

**Introduction**

On April 24, 2025, the parent, [REDACTED] (the "Complainant"), filed a state complaint ("Complaint") with the Problem Resolution System Office ("PRS") of the Massachusetts Department of Elementary and Secondary Education (the "Department") related to [REDACTED] (the "Student") involving the [REDACTED] [REDACTED] (the "Charter School").

**Investigation Summary**

In response to PRS 13463, the Department's investigation into this matter included the following steps:

- reviewed the Complaint
- provided the Complainant with the opportunity to submit additional information about the allegations
- requested a Local Response ("LR") from the Charter School.
- reviewed the LR and all information submitted by the Charter School
- reviewed all information provided by the [REDACTED] [REDACTED] laws, regulations, and guidance

**Summary of Allegations**

PRS has the authority to investigate alleged non-compliance that occurred within one year prior to the date the complaint was received by the Department, in this case, April 24, 2025. The Department investigated:

1. Whether the Charter School complied with the procedural requirements under state law for providing the then 11-year-old, sixth-grade Student with a 504 Plan with due process when issuing exclusionary discipline of two (2) in-school suspensions and three (3) out-of-school suspensions during the 2024-2025 school year;
2. Whether the Charter School procedurally complied with the requirement to hold a Manifestation Determination Review ("MDR") prior to issuing the Student's out-of-school suspension in April 2025; and

3. Whether the Charter School provided the Student with the accommodations specified in the Student's 504 Plan during the 2024-2025 school year. Specifically, whether the Charter School provided the Student with:
  - Private redirection
  - Breaks

### **Findings of Fact**

After an independent and complete investigation of all information, PRS makes the following findings of fact:

1. At the time of the filing of this complaint, the Student with an active 504 Plan was attending sixth grade at the Charter School.
2. The Student's 504 Plan, written following a meeting held on March 7, 2023, reported that the Student had a documented impairment described as "slower cognitive processing speed", which limited the Student's major life activities of learning, participating in class and completing of schoolwork, along with substantially impacting the Student's grades and "[leading] to substantial emotional outbursts due to his frustration at the time constraints." The 504 Plan included the following accommodations:
  - Extended time
  - Frequent teacher check-ins to make sure [the Student] is understanding
  - Limit use of timers, when possible, in a class setting - provide him with a check-in to frame any time constraints positively and to support him with a plan if he can receive extended time
  - Pair written instructions with oral directions and visuals
  - Access to the school counselor for check-ins
  - Provide visual organizational tools, such as graphic organizers, outlines, checklists, reference sheets, etc.
  - Gain attention before giving directions
  - Wait time
  - Frequent use of praise and support
  - Warm call
  - Redirections private, whenever possible
  - Option to write messages to the teacher instead of explaining orally
  - Preferential seating
  - Option to take additional breaks in class, as he needs or advocates
  - Read, repeat, and clarify directions for academic tasks
3. According to the LR, in August 2024, the Charter School ensured that the Student's 504 Plan was shared with the teachers assigned to provide the Student's instruction during the 2024-2025 school year. Further, the Charter School asserted that the Student's teachers provided the Student's accommodations as specified in the Student's 504 Plan, although the Charter School opined that the accommodation of privately providing the Student with

redirection was “poorly worded and cause[d] confusion”. As such, the Charter School was in the process of updating the accommodation at the time it submitted the LR in May 2025.

4. In a narrative provided by the Charter School, the Student’s three teachers assigned for the 2024-2025 school year described the provision of the Student’s accommodations. Specifically, the teachers reported using a “break card” to prompt the Student to take a break as well as allowing the Student to take a break when he independently used the “break card”. As the teachers found the Student was not advocating for breaks himself and had a “tendency to become upset” when he was prompted to take a break, the Charter School revised the accommodation from “Option to take additional breaks in class, as he needs or advocates” to the Student having access to a break with “therapeutic, Tier 3 support (Achieve)” including a break space outside of the general education classroom. Further, the teachers reported that the Student was redirected privately “whenever possible”. They described a process of providing redirection to the whole class, and then individually to the Student if the Student was not meeting expectations after the whole-class redirection. The teachers reported that the Student would adjust his behavior “immediately” after receiving private feedback.
5. On December 5, 2024, the Charter School sent an email to the Complainant and provided a copy of a Notice of In-School Suspension dated December 3, 2024. In the Notice, the Complainant was informed that the Student was charged with showing “public gross disrespect toward a peer” and “postur[ing]” at multiple staff members when redirected, which were violations of the Charter School’s code of conduct. The Notice further reported that the Student would be suspended in-school on December 4 and December 5, 2024, and would return to class on December 6, 2024. The Complainant was offered the opportunity to meet with the dean of students (the “Dean”) to discuss the consequence imposed, along with the Student’s academic performance and behavior. The Notice also indicated that the Student would be provided with daily classwork and homework during the in-school suspension. There was no information in the investigation record to document that the Complainant was provided with oral notice of the in-school suspension before its issuance.
6. On January 16, 2025, the Dean sent the Complainant an email that included copies of the Notice of Short-Term Suspension Hearing and the Hearing Decision Short-Term Suspension. The Notice of Short-Term Suspension Hearing, dated January 15, 2025, reported that the Student was charged with “refusal to follow directions, gross disrespect toward staff, staff threats and intimidation” and outlined the basis for the charge as the Student walked out of the classroom after refusing teacher redirection, punched walls in the hallway, threatened to punch another staff member in the face, refused to go to the Dean’s Office, and used hand gestures “as a means to intimidate” the administrators who were attempting to direct him to the Dean’s Office. The Notice

further stated that the Student was subject to a short-term suspension between one (1) and nine (9) days and invited the Complainant to participate in a hearing on January 15, 2025, at 2:30 pm via telephone conference. The Notice further advised the Complainant of the opportunity for the Student to dispute the charges, to present an explanation of the incident, and to have interpreter services at the hearing.

7. The Short-term Suspension Hearing Decision, also dated January 15, 2025, restated the disciplinary offense with which the Student was charged and the basis for the charge, and reported that a hearing was held with the Complainant via telephone conference on January 15, 2025. During the hearing, the Dean considered the behavior of the Student, mitigating factors and alternatives to suspension. Further, the Decision stated that “alternative measures were unsuccessful or unsuitable/counterproductive as [the Student] would not deescalate or even let adults speak to him to try to get him calm.” As such, the Dean determined that a two (2) day out-of-school suspension was warranted. The dates of the Student’s suspension were reported as January 16 and January 17, 2025. The Hearing Decision did not contain information regarding the Student’s ability to continue to make academic progress during the period of suspension.
8. On February 5, 2025, via email, the Charter School provided the Complainant with copies of the following documents: Notice of Emergency Removal Hearing, Emergency Removal Hearing Decision, Notice of Short-Term Suspension Hearing and Hearing Decision – Short-Term Suspension.
9. The Notice of Emergency Removal Hearing dated February 3, 2025 reported in part that the Student approached the teacher, directed the teacher to “shut up” and left the classroom while continuing to insult the teacher. Further, the Student attempted to re-enter the classroom and was then escorted to the Dean’s Office to process the incident. While in the Dean’s Office, the Student became upset, left the Dean’s Office and was “wander[ing] the second floor without permission”. At this time, the Charter School implemented an Emergency Removal of the Student as he “continued to refuse to follow any direction”. As provided in the Notice, “staff was finally able to coach him back into the Dean’s Office”.

Additionally, the Notice of Emergency Removal Hearing provided the Student and the Complainant with an opportunity to attend a hearing scheduled for February 3, 2025, at 11:30 am via telephone conference. The Hearing Notice advised the Complainant and the Student of the opportunity to dispute the charges and to present an explanation of the alleged incident. The Notice of Emergency Removal Hearing stated that, “Because of the potential for long-term suspension or expulsion”, a summary of the Student’s rights related to hearing was provided; however, the rights as outlined in 603 CMR 53.08(3)(b) were not listed on the Emergency Removal Hearing Notice. The Emergency Removal

Hearing Notice also specified the Potential length of the Student's suspension as "24-72 hours".

10. The Emergency Removal Hearing Decision, also dated February 3, 2025, included the disciplinary offense, the basis for the charge, and the Dean's determination that the Student's "continued presence was a serious disciplinary offense" and, in the Dean's judgement, alternative remedies would be "unsuitable or counter-productive to alleviate the charges or disruption". Additionally, the Dean issued an emergency removal of the Student for two (2) days, which began on February 3 and would end with the Student's eligibility to return to school on February 5, 2025. The Decision further specified that provisions for the Student's safety and transportation were made, and notice was provided to the Complainant.
11. The Notice of Short-Term Suspension Hearing dated February 4, 2025 reported that the Student was charged with "[r]efusal to follow directions, gross disrespect toward staff, attempts to intimate staff members, wandering" and outlined the basis for the charge as the Student approached his teacher after being told he could not use the restroom, told the teacher to "shut up", then left the classroom without permission and was "continuing to insult the teacher and his heritage." Additionally, the Student attempted to re-enter the classroom; however, two (2) adults who were standing in the doorway directed the Student to go to the Dean's Office. Once inside the Dean's Office, the Student was asked to write out what had occurred and when staff asked clarifying questions, the Student responded, "that's crap" and left the Dean's Office without permission. The February 4 Notice listed the potential consequence for this infraction as an out-of-school suspension between one (1) and nine (9) days. Further, the Notice scheduled a hearing on the matter for February 5, 2025, at 8:00 am via telephone conference. The Notice informed the Complainant and the Student of the right to dispute the charges, to present an explanation of the incident and for the Complainant to attend the hearing. Additionally, the Complainant was notified of the right to interpreter services, as needed.
12. In the Short-Term Hearing Decision also dated February 5, 2025, the Charter School restated the charge, the basis for the charge and reported that the Dean considered the Student's behavior, mitigating facts and alternatives to suspension and found alternatives to be unsuitable/counterproductive, as the Student would not de-escalate or allow staff to speak to him. As such, the Dean determined that a suspension was warranted and the Student was suspended out of school for five (5) days for the period of February 5 to February 11, 2025, with a return to school date of February 12, 2025.
13. On February 9, 2025, the Complainant sent an email to the Director of Special Education (the "Director"), shared updates from the Student's recent doctor's appointment at which the Student was diagnosed with attention deficit hyperactivity disorder ("ADHD") and requested that the Student be evaluated for

special education services. On February 10, 2025, the Director issued consent to evaluate and on February 13, 2025, the Complainant provided consent to evaluate the Student. Upon receipt of the Complainant's consent, the Charter School conducted an evaluation and held an initial eligibility meeting on May 1, 2025.

14. On March 21, 2025, the Charter School issued an "In-School Suspension Notice" to the Student and the Complainant. The Notice identified that the Student was charged with "gross disrespect toward a staff member" and outlined the basis for the charge, the Student responded by hitting himself in the chest and stating that the notetaking was a waste of time after receiving feedback about taking notes. Further, after taking a brief break, the Student was again directed to complete the notetaking and responded by commenting on his teacher's appearance. When redirected to transition to another space, the Student refused and continued to be disrespectful as ■ left the classroom. The In-School Suspension Notice provided the Complainant with the opportunity to meet with the Dean to further discuss the incident, the Student's academic performance and behavior and stated that the Student would have the opportunity to continue to make academic progress during the period of in-school suspension. The dates of the Student's suspension were recorded as March 24 and March 25, 2025. According to the Complainant, she never received a copy of this Notice prior to receiving the LR, but ■ did participate in a meeting to discuss this incident. The Department notes that there is no information in the record to indicate that the Complainant was provided with oral notice of the offense or the determination that the Student would serve an in-school suspension prior to the date of issuance of the written notice.
15. On April 10, 2025, the Charter School issued a Notice of Short-Term Suspension Hearing to the Complainant. This Notice identified that the Student was charged with the disciplinary offense of "gross disrespect and threats toward a staff member" based on the following conduct: after receiving feedback for not meeting a level 0 direction, the Student continued to whisper comments under his breath, leading to a second reminder. In response to the second reminder, the Student stood up and yelled at the staff member to shut up and threatened to smack the staff member in the face. The Student walked with another staff member to the office where he explained what had happened. When the Student learned that he had earned a referral to the Dean's Office, he began screaming and punched the wall. The April 10 Hearing Notice identified the Student's potential length of suspension as between one (1) to nine (9) days. Additionally, a hearing was scheduled for April 10, 2025, at 1:00 pm via phone conference to determine if the Student committed the offense. The Hearing Notice advised the Complainant of the right to dispute the charges, to present an explanation of the incident, to attend the hearing and the right to interpreter services if needed.
16. A Short-Term Suspension Hearing Decision Notice, also dated April 10, 2025, restated the disciplinary offense and the basis for the charge, and reported that a hearing was held with the Complainant via phone conference. During the

hearing, the Dean considered the Student's behavior, mitigating factors and alternatives to suspension; however, the Dean determined that an out-of-school suspension of seven (7) days was warranted. The dates of suspension were listed as April 11 to April 29, 2025, with a return to school date of April 30, 2025. The Department notes that the Charter School was not in session from April 21 to April 25, 2025, and April 28, 2025, was a snow day.

17. Also on April 10, 2025, the Complainant sent an email to the Charter School to follow up on the Student's out-of-school suspension. The Complainant expressed concern that the suspensions would remain on the Student's record, reported that the Student understood that his behavior was "out of line", and noted that the Student was currently being evaluated for special education services to determine if accommodations would help the Student to regulate his emotions. The Complainant requested to schedule a meeting to further discuss these concerns.
18. On April 14, 2025, the Charter School held an MDR. In attendance at the meeting were the Complainant, the Director, the assistant principal (the "AP") and the Student's teacher (the "Teacher"). On April 18, 2025, the Charter School issued a Notice of Proposed School Charter School Action (the "N1"), which documented the outcome of the MDR held on April 14, 2025. According to the N1, the MDR Team determined that the behavior was not a manifestation of the Student's disability, which was specified as slower cognitive processing speed, and that the Student's 504 Plan was being followed. Further, the MDR Team documented the offer of at-home tutoring during the period of suspension, which the Complainant declined and requested instead that the Student's work be sent home to be completed.

According to the LR, the Charter School acknowledged procedural noncompliance with a delay in holding the Student's MDR. After reviewing the Student's cumulative incident data for 2024-2025 school year, the Charter School concluded that the MDR should have taken place sooner because the days of in-school suspension counted towards the 10-day threshold for disciplinary removal to constitute a change in placement. The Charter School indicated that all staff involved in disciplinary matters were reminded that in-school suspensions, emergency removals, and out-of-school suspensions counted as days toward disciplinary removal.

19. On April 15, 2025, the Dean sent an email to the Complainant and attached "paperwork" for the Student's suspension imposed on April 10, 2025.
20. On April 29, 2025, the Complainant sent an email to the Charter School and confirmed that she would attend the Student's re-entry meeting scheduled for the following day. Further, the Complainant questioned whether the Student's Teacher was aware of the Student's 504 Plan and requested that the approach

used by the Teacher to redirect the Student align with what was provided in the Student's 504 Plan.

21. The Student's discipline record for the 2024-2025 school year reported the following suspensions:

- On December 3, 2024, the Student received a two (2) day in-school suspension for making obscene gestures and disorderly conduct
- On January 15, 2025, the Student received a two (2) day out-of-school suspension for disorderly conduct, making obscene gestures and insubordination
- On February 3, 2025, the Student received a two (2) day emergency removal and a five (5) day out-of-school suspension for insubordination and disorderly conduct
- On March 21, 2025, the Student received a two (2) day in-school suspension for disorderly conduct and using obscene language/profanity
- On April 10, 2025, the Student received a seven (7) day out-of-school suspension for making a verbal threat

22. The Student's Attendance Record for the 2024-2025 school year reported that the Student had eight (8) absences and four (4) days coded as suspension on January 16, January 17, April 28, and April 29, 2025.

23. The Student's Report Card for the first three (3) academic quarters of the 2024-2025 school year reported the Student's grades based upon a 100-point scale as follows:

COURSE	Quarter 1	Quarter 1	Quarter 2	Quarter 2	Quarter 3	Quarter 3
	83	B	88	B+	80	B-
	66	F	70	C-	84	B
	100	A+	89	B+	100	A+
	83	B	88	B+	74	C
	100	A+	80	C	100	A+
	98	A+	71	C-	93	A

24. The Charter School's Code of Conduct for the 2024-2025 school year provided that the Charter School may use in-school or out-of-school suspension for specified behaviors. Included in the description of behaviors that may warrant suspension were gross disrespect, using abusive, vulgar or profane language, making verbal or physical threats and for engaging in repeated offenses for which the student had already earned "full separation". Further, the Charter School's Code of Conduct included information regarding the rights afforded to students and parents in relation to in-school suspension, short and long-term out-of-school suspensions and emergency removals. Additionally, the Charter

School's policy provided information regarding a student's right to continue to make academic progress during the period of suspension:

- “Students who are suspended or expelled from school for **10 or fewer consecutive days**, whether in or out of school, have the opportunity to make academic progress during the period of suspension; make up assignments; and earn credits missed, including, but not limited to, homework, quizzes, tests, and projects missed.”
- For students who are suspended “**for more than 10 consecutive school days**” the Charter School's principal will ensure students have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed.
- Additionally, if the Charter School suspends a student “**for more than 10 consecutive school days**,” the parent/guardian will be provided with a list of alternative educational services available to the student. The available options include tutoring, virtual participation in math and reading classes, independent study projects or alternative placement (emphasis added).

25. In the section of the Code of Conduct titled “Discipline of Student With Special Needs”, it is noted that “Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act, are, generally, also entitled to increased procedural protections prior to imposing discipline.” The additional protection provided for students with disabilities prior to the student's removal from school for more than ten (10) days in a school year included the provision of an MDR to determine the relationship between the student's disability and the behavior.

### **Conclusions**

Based on the Findings of Fact outlined above, PRS has reached the following determinations:

*Conclusion to Allegation No. 1:* The Charter School did not fully comply with the procedural requirements under state law and the Charter School's policy to provide the Student with due process when issuing suspensions during the 2024-2025 school year.

During the 2024-2025 school year, the Charter School issued five (5) suspensions for the Student.

- 1) Regarding the two (2) days of in-school suspension issued to the Student on December 3, 2024, the Complainant was provided with written notice of the disciplinary consequence, which included the charge, the basis for the charge, the dates of suspension and the opportunity to meet with the Dean to discuss the consequence imposed. The Notice further reported that the Student would be provided with daily classwork and homework during the in-school suspension. However, the Notice did not include information regarding the Student's right to “dispute the charges and explain the circumstances surrounding the alleged

incident” as required by 603 CMR 53.10 (3). The Department finds that the contents of the Charter School’s Notice for this consequence did not fully comply with 603 CMR 53.10. Further, the investigation record showed that the Notice was provided to the Complainant on December 5, 2025, which was two (2) days after the incident occurred and when the consequence was imposed. As provided in the regulation, *“The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or other method of delivery agreed to by the principal and the parent.”* Additionally, there is no information in the record to indicate that the Charter School made an attempt to orally notify the Complainant of the disciplinary incident prior to imposing the in-school suspension.

**In this matter, the information in the record does not support that the Charter School took reasonable steps to provide the Complainant with oral notice or with written notice of the suspension on the day of the suspension. Therefore, the Department finds that the Charter School’s provision of notice of the Student’s December 3, 2024 in-school suspension did not fully comply with [603 CMR 53.10](#).**

- 2) On January 15, 2025, the Student received a two (2) day out-of-school suspension for disorderly conduct, making obscene gestures and insubordination. In this matter, the Charter School issued a written notice of hearing to the Complainant via email on January 16, 2025. The Department finds that the contents of the Charter School’s Notice complied with the requirements outlined in the regulation 603 CMR 53.06; however, as provided in 603 CMR 53.06(1), “a principal may not impose a suspension as a consequence for a disciplinary offense **without first providing the student and the parent oral and written notice**, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing” (emphasis added).

**As the Charter School did not provide the Complainant with written notice of the hearing before holding the hearing and issuing the suspension, the Charter School did not fully comply with [603 CMR 53.06](#).**

Despite this procedural noncompliance, the Complainant participated in the hearing held on January 15, 2025. The Hearing Decision documented that during the hearing, the Dean considered the behavior of the Student, mitigating factors as well as alternatives to suspension, and determined that alternative measures were unsuitable. As such, the Dean issued a two (2) day out-of-school suspension. However, the Hearing Decision did not contain information regarding the Student’s ability to continue to make academic progress during the period of suspension.

**The Department finds that the Charter School’s January 15, 2025 suspension decision included the required elements to consider**

suspension alternatives under [603 CMR 53.05](#), but did not notify the Student in writing of the opportunity to make academic progress at the time the suspension was imposed as required under [603 CMR 53.08](#) and [603 CMR 53.13](#).

Regarding the Student's ability to continue to make academic progress, the Department notes that the Student's grades reflected the continuation of academic progress. As such, the Department determined that the Charter School's procedural error in its January 15 suspension decision had a *de minimis* impact on the Student's academic progress.

- 3) Following an incident that occurred on February 3, 2025, the Charter School decided to emergency remove the student. In this matter, the Charter School described the basis for the emergency removal in part, as the Student approached the teacher, directed the teacher to "shut up" and left the classroom while continuing to insult the teacher to go to the Dean's Office. While in the Dean's Office, the Student became upset, left the office and was "wander[ing] the second floor without permission". At this time, the Charter School implemented an Emergency Removal of the Student as he "continued to refuse to follow any direction". Additionally, in the Hearing Decision the Dean stated that, "the Student's continued presence was a serious disciplinary offense and in the Dean of Students' judgment, alternative remedies are unsuitable or counter-productive to alleviate the charge or disruption".

In reviewing the appropriateness of the emergency removal, the Department turns to [The Department's Questions and Answers- Student Discipline Laws and Regulations](#) which provides additional guidance regarding emergency removals. The Q&A states in part:

**12. Q. Can a principal immediately remove a student who has committed a 37H  $\frac{3}{4}$  offense if the principal believes it would be dangerous or disruptive for the student to continue in school or class?**

**A.** Section 53.07 addresses the standard for emergency removal:

Nothing ...shall prevent a principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the *continued 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....*

Thus, if the student's continued presence is a danger or causes material and substantial disruption, *and* there is no alternative to address the danger or disruption, the principal has the discretion to remove the student on an emergency basis. **Based on the information provided, the Department finds that the Charter School complied with [603 CMR 53.07](#) in regard to determining that an emergency removal of the Student was warranted.**

The Notice of Emergency Removal Hearing Notice dated February 3, 2025 detailed the offense with which the Student was charged, the basis for the charge and provided the Student and the Complainant with an opportunity to attend a hearing scheduled for February 3, 2025, at 11:30 am via telephone conference to consider an out-of-school suspension with the potential length of 24-72 hours. Further, the Hearing Notice advised the Complainant and the Student of the opportunity to dispute the charges and to present an explanation of the alleged incident.

Under 603 CMR 53.07, an emergency removal of a student is permissible provided that the principal provides the student and the student's parents with oral notice and written notice of the emergency removal and an opportunity for hearing consistent with the requirements for hearing notice under 603 CMR 53.06. The Emergency Removal Hearing Decision, also dated February 3, 2025, included the disciplinary offense, the basis for the charge, and the Dean's determination that the Student's "continued presence was a serious disciplinary offense" and in the Dean's judgement, alternative remedies would be "unsuitable or counter-productive to alleviate the charges or disruption". Additionally, the Dean issued an emergency removal of the Student for two (2) days, which began on February 3 and allowed the Student to return to school on February 5, 2025. The Decision further specified that provisions for the Student's safety and transportation were made, and notice was provided to the Complainant.

**Based on its review of the Notice of Emergency Removal Hearing Notice and Hearing Decision, the Department finds that the Charter School provided the Complainant with written notice of the Emergency Removal and, by offering the Complainant the opportunity to attend a hearing on the emergency removal, that the Complainant was functionally provided oral notice of the emergency removal before it took effect. The Department finds that taken together, these disciplinary notices satisfy the oral and written notice requirements for emergency removal under [603 CMR 53.07](#).** However, as *technical assistance*, the Charter School may wish to consider consolidating the information contained in the Emergency Removal Hearing Notice and Emergency Removal Hearing Decision into one document, to be provided as part of the notice of pending short-term or long-term suspension hearing consistent with the requirements of 603 CMR 53.07.

In the Notice of Hearing regarding the potential out-of-school suspension following the emergency removal, sent to the Complainant via email on February 5, 2025, the Student and the Complainant were once again provided with the disciplinary offense with which the Student was charged, the basis for the charge, and the length of the potential suspension. Further, the Notice provided the date, time and location of the hearing and informed the Complainant and the Student of the right to dispute the charges, to present an explanation of the incident and for the Complainant to attend the hearing. Additionally, the Complainant was notified of the right to interpreter services, as needed.

However, according to the information in the record, the Dean did not provide the Student, nor the Complainant with written notice of the hearing prior to holding the hearing.

As the Charter School was contemplating suspending the Student for a number of days that, cumulatively, would have exceeded ten school days during the 2024-2025 school year, the Charter School was required to provide the Student and the Complainant with additional protections afforded under the regulations governing long-term suspension. As provided in 603 CMR 53.06(2)(g) the additional protections afforded to a student include the rights set forth in 603 CMR 53.08 (3)(b) and the right to appeal the principal's decision to the superintendent. Under 603 CMR 53.08(b) the additional rights available when a school is considering long-term suspension including the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not in advance of the hearing; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident; the right to cross-examine witnesses presented by the school district; and the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request.

There is no information in the record to indicate that the Charter School considered this potential suspension as a long-term suspension and therefore did not provide the Student or the Complainant with the additional rights afforded under this regulation. **As such, the Department finds that the Charter School did not fully comply with [603 CMR 53.06](#).**

In the Short-Term Hearing Decision also dated February 5, 2025, and issued to the Complainant on this same date, the Charter School provided the charge, the basis for the charge and stated that the Dean considered the Student's behavior, mitigating facts and alternatives to suspension and found alternatives to be unsuitable. As such, the Dean determined that a five (5) day out-of-school suspension was warranted and provided the dates of the exclusionary discipline imposed for the Student. However, the Hearing Decision did not contain information about the Student's rights pursuant to a long-term suspension decision, including the right to appeal the decision to the Superintendent and the opportunity for the Student to continue to make academic progress during the period of suspension. **Therefore, the Department finds that the Charter School's February 5, 2025 suspension decision included the required elements to document consideration of suspension alternatives under [603 CMR 53.05](#), but did not fully comply with the requirements for a long-term suspension decision under [603 CMR 53.08](#) and [603 CMR 53.13](#).**

**Regarding the Student's ability to continue to make academic progress, the Department notes that the Student's grades reflected the continuation of academic progress. As such, the Department determined that the Charter**

**School's procedural error in the February 5 Hearing Decision had a *de minimis* impact on the Student's academic progress.**

- 4) On March 21, 2025, the Student received a two (2) day in-school suspension for disorderly conduct and using obscene language/profanity. In this matter, the Complainant also reported to the Department that [REDACTED] did not receive a copy of this notice. Even though the notice itself indicated that the Charter School provided it to the Complainant via email, the email correspondence between the Complainant and the Dean provided by the Charter School as part of the LR does not support this assertion. **As such, the Department finds that the Charter School did not fully comply with [603 CMR 53.10](#).**

Additionally, by March 21, 2025, the Student had been issued more than ten (10) days of exclusionary discipline during the 2024-2025 school year and therefore, the Charter School was required to consider this potential suspension a long-term suspension. As noted in the Department's Guidance, [Questions and Answers Student Discipline Laws and Regulations G.L. c. 71, §37H ¾ and G.L. c. 76, §21](#) in Question #5:

**Q. A student has served ten days of STS. If the student commits an offense for which a two-day ISS is possible, does the principal have to follow the procedures for a long-term suspension?**

**A.** Yes; since the result could be that the student is suspended for more than ten cumulative days, the procedures required for long-term suspension (described above) apply.

As the Department determined that prior to the imposition of this suspension, the Student had already been suspended for eleven (11) days during the 2024-2025 school year, and the Charter School was required to provide the Student and the Complainant with additional protections afforded under the regulations governing long-term suspension. As provided in 603 CMR 53.06(2)(g) the additional protections afforded to a student include the rights set forth in 603 CMR 53.08 (3)(b) and the right to appeal the principal's decision to the superintendent. Under 603 CMR 53.08(b) the additional rights available when a school is considering long-term suspension including the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not in advance of the hearing; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident; the right to cross-examine witnesses presented by the school district; and the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request.

There is no information in the record to indicate that the Charter School considered this potential suspension as a long-term suspension and therefore did

not provide the Student or the Complainant with the additional rights afforded under this regulation.

Further, on February 9, 2025, the Complainant requested that the Student be evaluated to determine special education eligibility. Under the federal regulations governing the implementation of special education law (“IDEA”), a student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of conduct may only assert the due process protections provided for in the IDEA if the Charter School had knowledge that the student was a student with a disability prior to the behavior or conduct that resulted in the disciplinary action ([34 C.F.R. §300.534](#)). The regulation defines knowledge of a disability as the following:

*(1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;*

*(2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or*

*(3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.*

The Department finds that as of February 9, 2025, the Charter School had a basis of knowledge of the Student’s disability, and the Student was entitled to due process protections under the IDEA for any behavior that violated the Charter School’s Code of Conduct committed after this date.

- 5) On April 10, 2025, the Student received a seven (7) day out-of-school suspension for making a verbal threat and the Charter School issued a Notice of Short-Term Suspension Hearing to the Complainant. This Notice identified the disciplinary offense with which the Student was charged, provided the basis for the charge and identified the Student’s potential length of suspension. Additionally, the Notice provided the date, time and location of the hearing to determine if the Student committed the offense. The Notice advised the Complainant of the opportunity to dispute the charges, to present an explanation of the incident, to attend the hearing and the right to interpreter services if needed. However, according to the information in the record, the Dean did not provide the Student, nor the Complainant, with written notice of the hearing until April 15, 2025, which was after the hearing had been held. **As such, the Department finds that the Charter School did not fully comply with [603 CMR 53.06](#).**

Additionally, by March 21, 2025, the Student had been issued more than ten (10) days of exclusionary discipline during the 2024-2025 school year and therefore, the Charter School was required to consider the April 10 out-of-school suspension as a long-term suspension. The Department finds that the Charter School's Notice of Suspension Hearing did not include the required elements for a long-term suspension hearing as required under 603 CMR 53.06, and the Short-Term Suspension Hearing Decision Notice, also dated April 10, 2025, did not contain information regarding the Student's ability to continue to make academic progress during the period of suspension nor all the protections afforded to the Student and the Complainant under the regulations governing long-term suspension. **Therefore, the Department finds that the Charter School's April 10 Suspension Decision complied with [603 CMR 53.05](#), but did not fully comply with [603 CMR 53.08](#) and [603 CMR 53.13](#).**

**Regarding the Student's ability to continue to make academic progress, the Department notes that the Student's grades reflected the continuation of progress. Additionally, as documented in the N1 issued following the MDR held on April 14, 2025, the Charter School offered to provide tutoring services during the period of suspension and the Complainant declined these services. As such, the Department determined that the Charter School's procedural error in the April 10 Hearing Notice and Decision had a *de minimis* impact on the Student's academic progress.**

Regarding the Charter School's Code of Conduct, a student's right to continue to make educational progress when suspensions are imposed states that work will be provided for students who are suspended or expelled from school for "10 or fewer **consecutive** days" and "for more than 10 **consecutive** school days" (emphasis added). The Charter School's policy is inconsistent with the regulation, which requires the Charter School to provide the Student with access to assignments when exclusionary discipline is imposed for more than ten (10) days consecutively *or cumulatively*. **As the Charter School's policy does not recognize the obligation to provide assignments to students who are suspended for more than ten (10) cumulative days in a school year, the Department finds that the Charter School's Code of Conduct does not comply with the requirements of [603 CMR 53.08](#) and requires corrective action.**

*Conclusion to Allegation No. 2:* The Charter School did not procedurally comply with the requirement to hold an MDR prior to issuing exclusionary discipline for the Student for suspensions that were issued in February, March and April 2025.

In the analysis of this concern, the Department turns to 603 CMR 53.02, which defines "Long-term Suspension" as a student who is removed from "regular classroom activities... for more than ten school days cumulatively for multiple disciplinary offenses in any school year." For both students with 504 Plans and students who require special education services, there are additional procedural protections that must be provided when considering the removal of a student from their education setting for more than

ten school days, which effectuates a change in placement for which these students require a team meeting to consider whether the conduct at question is a manifestation of the student's disability (see 34 C.F.R. §104.35 and 34 C.F.R. §300.530(e))

In this matter, the Charter School acknowledged that a procedural error occurred when the Charter School did not hold an MDR until April 14, 2025, which, by the Department's calculation, marked the fifteenth (15) day of exclusionary discipline imposed on the Student during the 2024-2025 school year. The Charter School reported to the Department that the MDR should have taken place sooner, as the in-school suspensions issued to the Student also count towards the threshold for the number of days that the student's removal from the education setting effectuated a change in placement. **As the Student's eleventh day of exclusionary discipline was documented as February 11, 2025 and the Charter School failed to hold an MDR meeting for the Student for the suspension issued in February as well as prior to issuing subsequent suspensions for the periods of March 24-March 25, 2025 and April 11-April 29, 2025, the Department finds that the Charter School failed to comply with requirements for holding an MDR under Section 504 (for the February 2025 suspension) and under the IDEA (for the suspensions issued on March 21 and April 10, 2025).**

*Conclusion to Allegation No. 3:* The Charter School provided the Student with the accommodations specified in the Student's 504 Plan during the 2024-2025 school year.

The Student's 504 Plan included the accommodations stated as "Redirections private, whenever possible" and "Option to take additional breaks in class, as he needs or advocates". In a narrative provided by the Charter School, the Student's teachers reported that teachers and the Student had a "break card" to use when the teachers felt that the Student needed a break or the Student advocated for a break. However, the teachers reported that the Student often became upset if a staff member suggested that he take a break and the Student did not often advocate for breaks on [REDACTED] own. Further, the teachers reported that the Student was redirected privately "whenever possible" and described a process of providing redirection to the whole class, and then individually to the Student if needed. **As there is no evidence in the record to indicate that the Student's accommodations were not being provided to the Student, the Department finds no noncompliance with [34 CFR §104.33\(a\)](#) and [34 CFR §104.33\(b\)\(1\)](#).**

### **Corrective Action Ordered by the Department**

1. By **December 16, 2025**, the Charter School will remove the suspensions issued to the Student by the Charter School for the period of February 3 to February 11, March 24 to March 25 and April 11 to April 29, 2025, from the Student's record. The Charter School may leave any existing reference to descriptions of the misconduct with its related determination in the Student's record.
  - By **December 19, 2025**, the Charter School will submit to the Department a copy of the Student's updated conduct history and attendance record demonstrating the removal of the Student's long-term suspension.

2. By **January 21, 2025**, the Charter School will revise its Notice of Emergency Removal and Notice of Short-Term Suspension Determination letter to ensure that they include all the required elements for notice in accordance with 603 CMR 53.06 and 603 CMR 53.13, including but not limited to information regarding the Student's ability to continue to make academic progress.
  - By **January 28, 2025**, the Charter School shall submit the updated letters to the Department for review and approval.
  
3. By **February 25, 2026**, the Charter School will revise its Code of Conduct to reflect that students will be provided with access to assignments when exclusionary discipline is imposed for more than ten (10) days consecutively or *cumulatively*.
  - By **February 27, 2026**, the Charter School will provide the Department with a copy of the revised section of the Charter School's Code of Conduct.
  
4. By **February 25, 2026**, the Charter School will conduct training for all staff members at the Charter School responsible for disciplinary concerns as it relates to the requirements for providing notice of hearing prior to holding a hearing, providing the student and parent with notice of the opportunity to continue to make academic progress pursuant to 603 CMR 53.00 when exclusionary discipline is imposed under M.G.L. c. 71 §37H3/4 and the requirement to hold an MDR for a student with a known documented disability in cases where the student's disciplinary removal that results in the Student being suspended for more than ten school days cumulatively in a school year would constitute a change in placement for which the student is afforded additional due process protections under Section 504 (34 C.F.R. §104.35) and the IDEA (34 C.F.R. §§300.350 and 300.354).
  - By **February 27, 2026**, the Charter School will provide the Department with a copy of the final agenda, the credentials of the person providing the training, the materials used, and the signed attendance sheet from the above-listed training.

### **Submission of Corrective Action to the Department**

**Please return all required corrective action submissions pursuant to these findings to [PRSCAP@mass.gov](mailto:PRSCAP@mass.gov). The corrective action submissions must also be sent to the Complainant, unless directed otherwise by PRS.**

### **Closing**

*PRS decisions are final and may not be appealed.* If either party believes that any findings of fact that impact the outcome and conclusions contradict documentation provided during the course of this investigation, the party may consider the procedure outlined in this [guide](#).

As of December 1, 2025, this decision is final.

Recipients:

[Redacted] Complainant  
[Redacted]

Charter School Office, DESE