

**RIGHTS REGARDING TERMINATION AND SUSPENSION
FROM MASSACHUSETTS
PUBLIC OR PRIVATE SPECIAL EDUCATION SCHOOLS**

Prepared by the Mental Health Legal Advisors Committee

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This pamphlet describes rights deriving from state regulations that govern public and private special education schools in Massachusetts. These rights are in addition to other rights regarding school exclusion that a student has, such as rights deriving from the IDEA and state school discipline law.

What are a student’s rights regarding the termination of services at public or private special education schools?

There may be no termination of a student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student (i.e. finds an alternative placement).¹

The public school district can ask the special education school to delay termination for up to two weeks to convene team meeting.²

What are a student’s rights regarding suspension at public or private special education schools?

Once a student is suspended for **3 consecutive school days or 5 non-consecutive school days in a school year**, the school, parents, and public school district “shall explore together all possible program modifications within the school in an attempt to prevent total suspension” from the program.³

¹ 603 CMR 28.09(12)(b).

² 603 CMR 28.09(12)(b).

³ 603 CMR 18.05(6)(d).