

HILLTOWN COOPERATIVE CHARTER PUBLIC SCHOOL EXPULSION POLICY

EXPULSION FOR DISCIPLINARY OFFENSES UNDER M.G.L. 71 §§37H and 37H½

I. Possession of a dangerous weapon, possession of a controlled substance, or assault of staff

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, the student assaults a member of educational staff, or commits vandalism or a violation of student's civil rights, and the Education Coordinator determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. In practice, the decision to suspend rather than expel in serious cases may depend on whether the Education Coordinator determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Education Coordinator shall notify the student and parent(s)/guardian(s) in writing of the reasons and evidence for the charges leading to expulsion, opportunity for a hearing, including date/ time/location, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. This written notification shall be made prior to the expulsion taking effect. After said hearing, the Education Coordinator may, in his/her discretion, decide to levy a suspension rather than expulsion.

If the Education Coordinator decides to expel the student after the hearing, the Education Coordinator shall inform both student and parent/guardian in writing, of the right to appeal the decision to the Administrative Coordinator. Student shall also be informed of the opportunity to receive educational services. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Administrative Coordinator of his/her appeal in writing. The student and the student's parent/guardian shall be present at the hearing. The student has the right to counsel at the hearing before the Administrative Coordinator. The student shall also have the right to present oral and written testimony and the right to confront and cross examine witnesses presented by the school. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

The Administrative Coordinator shall have the authority to overturn or alter the decision of the Education Coordinator, including recommending an alternate educational program for the student. The Administrative Coordinator shall render a decision on the appeal within five

calendar days of the hearing. That decision shall be the final decision of school with regard to the expulsion.

II. Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency

The Education Coordinator may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the Education Coordinator determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The student shall receive written notification of the charges and reasons for the proposed expulsion. The student shall also receive written notification of his right to appeal the decision to the Administrative Coordinator, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Administrative Coordinator.

The student shall notify the Administrative Coordinator in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Administrative Coordinator hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, the right to counsel and the right to confront and cross examine witnesses presented by the school.

The Administrative Coordinator has the authority to overturn or alter the decision of the Education Coordinator. The Administrative Coordinator shall render a decision on the appeal within five (5) calendar days of the hearing. That decision shall be the final decision of school with regard to the expulsion.

III. Educational Services

Any student expelled from school for any of the above mentioned offenses, and his/her parents/guardians, will be informed at the time of the expulsion, in writing, of his/her right to receive educational services and make academic progress. Educational services will be designed to the specific needs of the student expelled, based on grade level, current academic status and most appropriate service delivery modality. The Education Coordinator will be responsible for arranging such services.

Approved by Board of Trustees July 29, 2015