

RIVER VALLEY CHARTER SCHOOL

**EXPULSION
POLICY**

River Valley Charter School complies with all applicable Commonwealth and federal law having to do with non-discrimination on the basis of age, ancestry, athletic performance, color, creed, ethnicity, gender, gender identity, gender expression, genetic information, homelessness, mental or physical disability, national origin, proficiency in the English language or a foreign language, prior academic achievement, race, religion, sexual orientation, and special need in its educational programs and activities.

Major Discipline

Massachusetts General Laws Chapter 71, Sections 37H and 37H¹/₂ govern due process for disciplinary removals from a public school (suspensions or expulsions) and the services that a public school must provide during such removals. While such events are rare at RVCS, it is important for families to know their rights and the procedures that the school will follow in order to comply with state law.

One aspect of these formal procedures is worth noting. Every school district must have an appeal process in place for any disciplinary removals from school. In a typical district, appeals would be made to the superintendent. As a charter school, our Director serves as the superintendent, so the Director cannot also serve as the primary arbiter in disciplinary decisions regarding suspension or expulsion. Consequently, the procedures that follow list the RVCS Assistant Director as the administrator who will hear and decide upon all disciplinary cases that may result in the removal of a student from school. This leaves the school Director available for any appeals that students or families may decide to pursue.

Provisions Governing Due Process for Disciplinary Removals and Services during Removals

Student disciplinary offenses resulting in removal from the school setting (i.e., suspensions and expulsions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide information about these rights.

Please note that students have the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense, at any and all hearings concerning student discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform RVCS immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and RVCS's attorney is not present, then RVCS will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. RVCS hereby notifies you that it may have its legal counsel present at any hearings and meetings involving student discipline.

Notice of Student and Parent Rights Under G.L. c. 71 §37H

This *Notice of Student and Parent Rights* applies to student misconduct that involves weapons, drugs or assault on school staff.

Specifically, any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife, may be subject to expulsion from the school by the Assistant Director. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school by the Assistant Director. Any student who assaults the Director, Assistant Director, teacher, teacher's aide or other educational or

administrative staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the Assistant Director.

Any student who is charged with any of the misconduct detailed above will be given written notification of their right to a hearing before the Assistant Director prior to the expulsion taking effect. Notice will include the date, time, and location of the hearing. At the hearing, the student will have his/her parent/guardian present; and may have representation at his or her own expense; and will have the opportunity to present evidence and witnesses at said hearing before the Assistant Director. After said hearing, the Assistant Director may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the Assistant Director to have committed the misconduct detailed above.

Any student who is expelled from a school district pursuant to GL c. 71 §37H shall be given written notification of the right to appeal to the Director, the process for appeal and the opportunity for educational services. The expelled student shall have ten days from the date of the expulsion in which to notify the Director of his appeal. The student has the right to counsel, at his or her own expense, at a hearing before the Director. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section. 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 Director has the authority to overturn the Assistant Director's decision including recommending an alternative educational program. The Director shall render a decision on the appeal within five (5) days of the hearing. That decision is the final decision of the district.

Students who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension or expulsion under RVCS's Education Service Plan, which is described below.. If the student withdraws from the RVCS and/or moves to another school district during the period of suspension or expulsion, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

Notice of Rights under G.L. c. 71 §37H½

This Notice of Student and Parent Rights applies to student misconduct that involves student criminal or felony delinquency charges, findings, or admissions.

Expulsion Following Felony Adjudication or Admission

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the Assistant Director of the school in which the student is enrolled may expel said student if the Assistant Director 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 such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Director.

The student shall have the right to appeal the expulsion to the Director. The student shall notify the Director, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The Director shall hold a hearing with the student and the student's parent within three calendar days of the expulsion. 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 Director shall have the authority to overturn or alter the decision of the Assistant Director or designee, including recommending an alternate educational program for the student. The Director shall render a decision on the appeal within five calendar days of the hearing. The Director's decision shall be the final decision of RVCS with regard to the expulsion.

Students who are expelled under §37H½ are entitled to receive educational services during the period of suspension or expulsion under RVCS's Education Service Plan, which is described below.. If the student withdraws from the RVCS and/or moves to another school district during the period of suspension or expulsion, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

Services during Removals and School-Wide Education Service Plan

RVCS has developed a school-wide Education Service Plan for all students who are expelled from school to ensure that expelled students have an opportunity to make academic progress during the period of expulsion. RVCS will provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service.

RVCS's Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning.