

UP Academy Dorchester Expulsion Policy

Definitions

For purposes of this policy, the following definitions apply:

Expulsion means the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under G.L. c. 71, §§37H or 37H^{1/2}.

Parent means a student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Principal means the instructional leader of the school or his/her designee for purposes of school disciplinary matters, which designees may include the Dean of Students or the Director of Operations.

Superintendent means the Chairperson of the Board of Trustees or his/her designee.

Expellable Offenses

The Principal may expel a student pursuant to G.L. c. 71, §37H (together, "37H offenses") if the student:

- 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.
- is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance as defined in G.L. c.94C, including, but not limited to, marijuana, cocaine, and heroin.
- assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games.

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to a felony or felony delinquency ("37H^{1/2} Offense"), the Principal may expel the student if the Principal determines the student's continued presence would have a substantial detriment on the general welfare of the school.

When a student commits an expellable offense pursuant to G.L. c. 71, §§37H or 37H^{1/2} that does not fall within the parameters of the emergency removal provisions, the Principal must provide notice and conduct a hearing before excluding the student from school.

Notice

The student and parent shall receive written notice of the right to a hearing with the Principal before the expulsion takes effect. That notice must be in English and the primary language of the home and must include:

- Charge(s);
- Reasons and evidence for possible expulsion;
- Date, time, and place of a hearing;
- The right to access the student's school records prior to the hearing;
- Notice of the rights at the hearing to:
 - Be represented by legal or other representative (at the student's / parent's own expense);
 - Present evidence;
 - Confront and cross-examine witnesses;
 - Have an interpreter present at the hearing if needed; and
 - Have a parent present at the hearing.

Hearing

A formal hearing with the Principal shall be conducted.

The Principal shall exercise discretion in addressing the behaviors leading to consideration of expulsion, consider ways to re-engage the student in the learning process, and avoid using expulsion as a consequence until other remedies and consequences have been documented and employed on a case-by-case basis.

The decision to suspend rather than expel may depend on whether the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The school will make an audio recording of the hearing, and make a copy of the recording available to the student and/or parent upon request.

Written Decision

The Principal will communicate his/her decision in writing in English and in the primary language of the home, or other means of communication as appropriate.

If the Principal determines expulsion is appropriate, the letter shall include:

- The disciplinary offense;
- The date on which the hearing took place and the participants at the hearing;
- The key facts and conclusions of the Principal;
- The participants of his/her right to appeal decision to the Superintendent; provided, however, that the expulsion shall remain in effect prior to any appeal;

- the process for appealing the expulsion (as described below);
- the opportunity to receive educational services;
- a list of the specific education services that are available to the student and contact information for the Director of Operations to arrange services; and
- a list of legal services offices and other advocacy groups.

Appeals

Whenever a Principal makes a determination to expel a student, the student or parent has the right to appeal the decision to the Superintendent according to this appeal process. The expulsion shall remain in effect prior to the appeal decision.

1. The student or parent of the student shall notify the Superintendent in writing of the request for an appeal
 - a. For 37H Offenses, notification must be within 10 days of the notice of expulsion.
 - b. For 37H½ Offenses, notification must be within five (5) days of the notice of expulsion. Parents may request one extension of the appeal hearing of up to seven (7) calendar days.
2. The Superintendent shall hold a hearing with the student and parent within three (3) calendar days of the appeal request.
3. At the hearing, the student shall have the rights to present oral and written testimony on his/her behalf, have counsel present, confront and cross examine witnesses presented by the school, and have an interpreter present if needed.
4. The Superintendent shall have the authority to overturn or alter the decision of the Principal, including recommending an alternate educational program for the student.
5. The subject matter of an appeal of an expulsion imposed for 37H Offense shall not be limited solely to a factual determination of whether the student has violated any provisions of §37H.
6. Superintendent shall render a written decision on the appeal within five calendar days (5) of the hearing.
7. The decision of the Superintendent shall be final.

Right to Educational Services

Any school district that expels a student under this section shall continue to provide educational services to the student during the period of expulsion. If an expulsion is imposed, the student and parent will be provided with written notice in English and in the primary language spoken at home, of the right to right receive educational services that will enable the student to make academic progress, a list of the specific education services that are available to the student, and contact information for the Director of Operations to arrange services. If the student moves to another district during the period of expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student under its education service plan.