

Holbrook Public Schools

EXPULSION

The Principal may issue expulsions in accordance with M.G.L. c. 71, §37H (see below and also, Expulsions for Offenses under M.G.L. c. 71, §37 and §37H ½ under “Additional Laws, Policies and Practices”). Expulsions for other offenses are handled by the School Committee pursuant to M.G.L. c. 76 §16 and §17.

In the event of an expulsion, the student will be provided with written notice of the following:

- a. Charges and a statement of the evidence;
- b. Date, time and place of a hearing;
- c. Notice of the right at the hearing to:
 - i. be represented by legal counsel (at the student’s/parent expense)
 - ii. present evidence
 - iii. confront and cross-examine witnesses

A student and/or parent, upon request, will have the right to review the student’s records in accordance with the Massachusetts Student Records Regulations or other applicable law.

The decision will be in writing and the controlling facts upon which the decision is made will be stated in sufficient detail to inform the parties of the reasons for the decision.

In the event the student is expelled but will be permitted to apply for readmission, the permitted date of application will be stated.

In the event of an expulsion by the Principal the student shall have the right to appeal to the Superintendent.

MGL, chapter 71 Section 37H

- (a) 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; or a controlled substance as defined in chapter ninety-four C, including but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- (b) Any student who 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 may be subject to expulsion from the school or school district by the principal.

- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

- (d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the Superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the Superintendent of his appeal. The student has the right to counsel at a hearing before the Superintendent. 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.
- (e) When a student is expelled under the provisions of this section, no school or school district within the Commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the Superintendent of the school district to which the application is made may request and shall receive from the Superintendent of the school expelling said student a written statement of the reasons for said expulsion.

SOURCE: JSHS Handbook

LEGAL REF.: MGL 71:37H, 71:37H¹/₄, 71:37H¹/₂
MGL 76:16 & 17

Adopted: May 7, 2008