

SUSPENSION AND EXPULSION PROCEDURES

Administrators at the building level may suspend students for all offenses in accordance with the school's student handbook. Only the School Committees, however, may expel students, unless the offense is one governed by M.G.L. Ch. 71, Sections 37H or 37H1/2 (see below). Expulsion is defined as a student's permanent exclusion from the Acton Public or Acton-Boxborough Regional Schools.

The School Committees shall consider the expulsion of a student as provided for in M.G.L. Ch. 76, Sections 16 and 17 upon receipt of a recommendation to do so from the Superintendent of Schools. The School Committees will adhere to the following procedures when considering expulsion of a student:

1. Prior to any School Committee decision to expel a student, the student will be provided with written notice of the following:
 - a. Reason for the student's possible expulsion, including a statement of the evidence against the student;
 - b. Date, time and location of the hearing;
 - c. Right at the hearing to be represented by legal counsel (at the student/parent's own expense), to present evidence and witnesses, and to cross-examine witnesses.
2. Hearings before the School Committees will be held in executive session unless the student or the parent requests that the hearing be open to the public. A stenographic or audiotape record of the hearing will be made.
3. Upon request, a student and/or parent may review the student's records in accordance with the Massachusetts Student Record Regulations or other applicable law.
4. The Committee's decision will be in writing and will state the controlling facts in sufficient detail to inform the parties of the basis for the decision.
5. If the Committee decides to expel the student but to allow the student to apply for readmission in the future, the Committee's decision will state any conditions that the student must fulfill before applying for readmission as well as the permitted date of application.

M.G.L. Ch. 71, Sections 37H and 37H1/2

M.G.L. Ch. 71, Section 37H, authorizes a principal to expel a student for the following offenses that occur on school premises or at school-sponsored or school-related events:

- possession of a dangerous weapon (including a gun or knife)
- possession of a controlled substance (including marijuana, cocaine, heroine)
- assault on educational staff

Any student who has been expelled under Section 37H has the right to appeal the principal's decision to the Superintendent of Schools.

M.G.L. Ch. 71, Section 37H1/2 authorizes a principal to suspend a student upon issuance of a felony criminal complaint if the principal determines that the student's continued presence in school would have "a substantial detrimental effect on the general welfare of the school." If a student is convicted of a felony or makes an admission in court of guilt with respect to a felony, the principal may expel the student upon determining that the student's continued presence in the school would have "a substantial detrimental effect on the general welfare of the school." Any student suspended and/or expelled under Section 37H1/2 has the right to appeal the principal's decision to the Superintendent of Schools.

A decision of the Superintendent made pursuant to Section 37H or Section 37H1/2 shall be the final decision of the school district. In the event the student wishes to challenge such decision, the student must bring the matter before the appropriate court or administrative agency.