

Sebastopol Independent Charter School

**INVOLUNTARY REMOVAL POLICY**

BP 5144.2

Adopted 2020.12.07

Pursuant to Element 10 of the Sebastopol Independent Charter School's Petition, SICS may involuntarily remove a pupil from the charter school. This action is different from a removal for misconduct either under suspension or expulsion procedures. When a pupil is dismissed from a charter school, the pupil is free to enroll in another school without the loss of classroom time. Accordingly, dismissal from SICS would not delay the pupil's education.

The Executive Director may involuntarily remove a pupil at his discretion for a violation of SICS rules or procedures. A pupil may be involuntarily removed for any nondiscriminatory reason including, but not limited to, unsatisfactory attendance, unsatisfactory participation in non-academic core subjects, noncompliance with immunization laws, or noncompliance with the SICS dress code

No pupil shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action.

The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal.

If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified in the SICS Petition, Appendix D, for expulsions, before the effective date of the action to involuntarily remove the pupil. If the pupil's parent, guardian, or educational rights holder requests a hearing, the pupil shall remain enrolled and shall not be removed until the Charter School issues a final decision.

*Additional Considerations for Pupils with a Section 504 Plan or IEP:* Prior to any involuntary removal, a manifestation determination review will be held for pupils that have a section 504 Plan or an IEP (as applicable). The meetings may be conducted to determine: (1) Whether the basis for involuntary removal was a direct manifestation of the pupil's disability; or (2) Whether the basis for involuntary removal was the direct result of the school's failure to implement the section 504 Plan or IEP (as applicable). If the answer to either (1) or (2), above, is yes, then the basis for the involuntary removal is a manifestation of the pupil's disability and the school will continue to follow applicable state and federal laws to ensure that the pupil is offered a free appropriate public education (FAPE). If the answer to either (1) or (2), above, is no, then the pupil may be removed from SICS consistent with applicable policies.