

Da Vinci Schools

Board Policy and Procedures

INVOLUNTARY REMOVALS/DISENROLLMENT

A student shall not be involuntarily removed by Da Vinci Schools for any reason unless the parent has been provided written notice the intent to remove the student no less than five (5) school days before the effective date of action. “Involuntary removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions.

The written notice shall be in the native language of the student or parent and shall inform him/her of the right to a hearing with the CEO/Superintendent, or other neutral officer designated by the CEO/Superintendent. A foster child’s educational rights holder, attorney, and county social worker and an Indian child’s tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. A hearing requested by the parent shall be subsequently followed by a timely, written notice that includes:

- (1) The date, time, and location of the hearing, that is reasonable to the student and parent.
- (2) A statement of specific facts and charges upon which the proposed involuntary removal is based.
- (3) The right to appear in person or to be represented by legal counsel or a non-attorney advisor.
- (4) The right to inspect and obtain copies of all documents to be used at the hearing.
- (5) The right to confront and question all witnesses who testify at the hearing.
- (6) The right to question all evidence presented, and to present oral and documentary evidence on the student’s behalf, including witnesses.
- (7) The student’s right to remain enrolled and not be removed until a final decision is issued.

A decision of the CEO/Superintendent or designee must be documented in his/her findings of fact based upon substantial evidence relevant to the charges presented at the hearing. No decision to involuntarily remove a student shall be based solely on hearsay evidence, except when the CEO/Superintendent or designee, upon finding that good cause exists, determines that the disclosure of either the identity of a witness and/or the testimony of that witness at the hearing would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the CEO/Superintendent or designee. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

If the CEO/Superintendent or designee decides not to order the involuntary removal of a student, the student shall be immediately reinstated and permitted to return to his/her educational program

at the School from which the referral for involuntary removal originated, unless the parent requests another School in writing.

If the CEO/Superintendent or designee determines that there is sufficient evidence to involuntarily remove a student, his/her decision, along with the findings of fact, shall be provided to the student and parent in writing within three (3) school days from the date of the hearing. The decision of the CEO/Superintendent or designee is final.

Education Code 47605 (J)(iii) – (iv)

Approved and adopted by the Da Vinci Schools Board of Trustees on January 25, 2023..