



## Withdrawal and Involuntary Removal Policy

The purpose of The Cottonwood School Governing Board approving this Withdrawal and Involuntary Removal Policy is to accomplish the following:

1. Establish the Reasons a Student May Be Withdrawn or Involuntarily Removed from Enrollment at The Cottonwood School;
2. Outline the Procedures for Withdrawing or Involuntarily Removing a Student;
3. Establish the Charter School's Responsibility to Not Encourage a Pupil Currently Attending the School to Disenroll and/or Transfer to Another School;
4. Establish the Process for Notifying Parents/Guardians/Educational Rights Holder of the Withdrawal Procedures and Involuntary Removal, Including Applicable Hearing Procedures.

- 1. Reasons for a Withdrawal or Involuntary Removal: The reasons The Cottonwood School may withdraw or involuntarily remove a student from enrollment at The Cottonwood School include, but are not limited to, the following:** If The Cottonwood School discovers that a student enrolled in The Cottonwood School is no longer a resident of California; no longer a resident of a county that The Cottonwood School may legally provide educational services to; is concurrently enrolled in a private school; is concurrently enrolled in another public school; or otherwise may no longer legally be served by The Cottonwood School, the student may be subject to withdrawal, due to lack of eligibility to attend The Cottonwood School.

If a student fails to adhere to or is in violation of The Cottonwood School's policies; fails to comply with the terms of the student's Independent Study Agreement pursuant to Education Code Section 51747(c)(4); or it is determined that independent study is not in the student's best interest, the student may be subject to involuntary removal, in accordance with Education Code Section 47605(c)(5)(J).

The following procedures shall be followed to withdraw or involuntarily remove any such student from enrollment at The Cottonwood School.

- 2. Procedures for Involuntarily Removing a Student: Prior to the involuntary removal of any student,** The Cottonwood School shall send the student's parent/guardian<sup>1</sup> written notice

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<sup>1</sup> The Charter School shall ensure that a homeless child or youth's educational rights holder; a foster child or youth's educational rights holder, attorney, and county social worker; and an Indian child's tribal social worker and, if applicable, county social worker have the same rights as a parent or guardian to receive a suspension notice, expulsion

of The Cottonwood School's intention to involuntarily remove the student from the Charter School and the reasons for that decision. The written notice shall be sent to the student's parent/guardian at least five (5) school days prior to the effective date of the involuntary removal of the student. 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 homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is a Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the parent/guardian of the basis for which the student is being involuntarily removed and the student's parent/guardian's right to request a hearing to challenge the involuntary removal.

If a student's parent/guardian requests a hearing, the Charter School shall utilize the same hearing procedures for expulsions, as specified in the Charter

School's Board adopted Suspension and Expulsion Policy, before the effective date of the action to involuntarily remove the student. If the student's parent/guardian requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. If the parent/guardian initiates a hearing, the hearing shall be adjudicated by a neutral officer within a reasonable number of days or as provided in the Charter School's Suspension and Expulsion Policy, and at the hearing the student shall have a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil(s) have the right to bring legal counsel or an advocate, as further set forth in The Cottonwood School's Suspension and Expulsion Policy.

This notice shall also inform the student's parent/guardian that the student's enrichment opportunities and curriculum orders will be put on hold until the hearing is completed. The notice shall also establish the date by which the hearing must be requested. If a parent/guardian fails to timely initiate or request the hearing process, refuses to participate in scheduling the hearing, remains unavailable for scheduling the hearing, or otherwise does not cooperate in scheduling the hearing, the right to a hearing will be deemed to have been waived. Additionally, if a parent/guardian fails to attend the scheduled hearing, the hearing will continue without the presence of the parent/guardian. In that event, the student may be involuntarily removed, and the decision of the Charter School will be final.

If the parent/guardian invokes the right to a hearing, as described above, The Cottonwood School will not disenroll the student until it has reached a final decision. The decision of the Charter School is final and cannot be appealed. A student who has been involuntarily removed from the Charter School shall not be readmitted to The Cottonwood School.

In addition, along with the written notice described above, the parent/guardian or educational rights holder will be sent a Charter School Complaint Notice in the form provided by the California Department of Education at:

[www.cde.ca.gov/sp/ch/cscomplaint.asp](http://www.cde.ca.gov/sp/ch/cscomplaint.asp).

A student identified as an individual with disabilities or for whom the Charter School has a

basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”) or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is subject to the same grounds for involuntary removal and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws, including but not limited to the applicable provisions of the California Education Code when utilizing any form of involuntary removal of a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

- 3. The Charter School’s Responsibility to Not Encourage a Pupil Currently Attending the School to Disenroll or Transfer to Another School:** The Cottonwood School shall not encourage a pupil currently attending the Charter School to disenroll or transfer to another school for any reason, including but not limited to, the academic performance of the pupil or because the pupil exhibits any of the following characteristics: pupils with disabilities, academically low- achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity or sexual orientation.
- 4. Notification of the Withdrawal or Involuntary Removal:** Once the student has been withdrawn or involuntarily removed from The Cottonwood School, the parent/guardian shall be provided written notice of the student’s withdrawal or involuntary removal from enrollment at The Cottonwood School and advised to enroll the student immediately in a school that may legally serve that student. A copy of this notice shall be placed in the student’s cumulative file. The student’s teacher will also be notified of any such withdrawal or involuntary removal of a student. Written notice shall also be provided to the student’s last known district of residence within thirty (30) calendar days of the effective date of the student’s withdrawal or involuntary removal from The Cottonwood School.