

# Dennis-Yarmouth Regional High School POLICE SERVICES OFFICE

A Unit of The Yarmouth Police Department  
"It's Not Just A Job, It's An Education"



[www.yarmouthpolice.com/dypd](http://www.yarmouthpolice.com/dypd)

**NOTICE:** This is an archived item from the Dennis-Yarmouth Regional High School Police Services Office website. Keep in mind that the law changes frequently with legislative changes and each new court decision handed down at both the state and federal level. Police procedures are modified to satisfy those changes. This article may be out of date with current practices.

Posted January 2007

## Expulsion. MGL Chapter 71 §37H & §37H½

The Education Reform Act of 1993 provides school principals with the power to expel or long-term suspend students in specific circumstances under the authority of **Massachusetts General Laws Chapter 71 §37H & §37H½**.

### MGL Chapter 71 § 37H

- Possession of Drugs on School Grounds or at a school event.
- Possession of Weapons on School Grounds or at a school event
- Assault on School Staff Member.

Criminal charges may be filed in parallel to the above administrative action.

The 37H Expulsion Hearing processes:

- The student is suspended for up to 10-Days.
- The principal holds an expulsion hearing.
  - Assistant principal presents evidence.
  - Student presents defense.
  - The Student may be represented by an attorney at his or her own expense.
  - The principal may suspend or expel at his or her own discretion.

### MGL Chapter 71 § 37H½

- Felonies committed in the community or at school.
  - Student must present a "*substantial detrimental effect on the general welfare of the school.*"

The 37H½ process is triggered by arraignment on criminal charges.

The 37H½ Expulsion processes:

- The student is notified in writing of the charges against him or her.
  - Student may be suspended until charges are adjudicated.
  - If adjudicated delinquent or found guilty the student may be expelled.

Expulsion may be appealed to the superintendent of schools.

Upon expulsion of such student, no school or school district in the Commonwealth shall be required to provide educational services to such student.

**FELONY**

Any crime punishable by death or imprisonment for life or any term in State Prison.

**MISDEMEANOR**

Any crime punishable by a fine or imprisonment in a House of Correction for up to 2 ½ years.