



APPEALS FROM EXPULSION DECISIONS IN PHILADELPHIA CHARTER SCHOOLS

If your child has been expelled from a charter school, **you have the right to appeal the decision** to a Court.

The Court may review the record of the expulsion proceeding that took place in front of the charter school board of directors (or a panel of the board), but the court is unlikely to rehear the expulsion itself. The Court may look to see if there is evidence in the record that your child violated a school rule. The Court may also look to see if the charter school followed required procedures for an expulsion hearing. It may be helpful to have a lawyer assist you in appealing the expulsion decision.

Below please find the necessary steps to appeal a disciplinary transfer:

[*Note:* These rules may not apply if your child is in a special education program; contact us for further information in this situation.]

1. To start the appeal process, you must file a one-page "Notice of Appeal" with the Philadelphia County Court of Common Pleas. **The Notice must be filed *within 30 calendar days from the date of the decision.*** You can have a lawyer file the Notice for you, or you can file it yourself.
2. If you file the Notice of Appeal yourself, you can use the attached example as a model. You should retype it, filling in the missing information. Attach a copy of the hearing officer's decision to the Notice of Appeal. Make several copies of the entire packet.
3. File the Notice of Appeal (with the decision attached) in the Office of the Prothonotary, Room 280, City Hall, Philadelphia. The filing fee is currently \$94.00. Save a copy for yourself, and also send a copy to the charter school by

certified mail with return receipt requested. You do not need to send a copy to ELC.

4. When you file the Notice of Appeal, you will be given a date for a conference with the Court. You can hire a lawyer to represent you at the conference, or you can represent yourself.

5. You may be required to get a copy of the tape of the expulsion hearing, have it transcribed, and submit it to the Court. The Court will probably not hear witnesses or testimony concerning the disciplinary incident. Instead, the Court may review the decision, and possibly the transcript, and decide whether any laws were violated.

6. Unless you can persuade the Court otherwise, your child will ordinarily have to attend another school (such as your neighborhood public school) while the appeal goes forward. In other words, filing an appeal does not usually stop the charter school from expelling the student while the appeal goes forward.

Important: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have any questions about how the law applies to your particular situation, contact us or an attorney of your choice.

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