

EXPULSION OF STUDENTS

No student shall be expelled from school except by action of the Board.

Following a proper investigation of a student's behavior and in accordance with the Board's districtwide disciplinary policies, the Board shall expel the student, if found necessary for the peace and usefulness of the school, as provided in 20-A MRSA § 1001(9) and (9-A).

Students in grade five or below cannot be expelled, except for violations of the Gun-Free Schools Act, as provided in 20-A MRSA 20-A MRSA § 1001(9-A).

The Superintendent has the discretion under Maine law to provide an alternative to expulsion on a case-by-case basis. Such determination must be made in writing.

The Board also has the authority to readmit an expelled student on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur.

NOTICE OF EXPULSION HEARING

Before any expulsion hearing, the Superintendent shall:

- A. Provide written notice, by regular and certified mail, to the parents/guardians and the student that:
 - 1. Informs them of the date, time and location of the hearing;
 - 2. Provides a description of the incident(s) that resulted in the expulsion hearing;
 - 3. Informs them of their right to review the school's records prior to the hearing;
 - 4. Includes a copy of the Board's expulsion guidelines(JKE-R);
 - 5. Informs them of the student's right to an attorney or other representation, and the right to be present and cross-examine witnesses; and

6. Includes a list of available free and low-cost legal services, which must be created and updated annually by the Maine Department of Education.
- B. Invite the parents/guardians and the student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

EXPULSION HEARING AND REENTRY

The hearing shall be in a properly called executive session and may also be attended by persons designated by the Superintendent to present information in the case.

Upon making a decision to expel a student, the Board may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the Board for the current year; or
- B. Expel the student for an unspecified period of time and authorize the Superintendent to provide the expelled student with a reentry plan, to be developed in accordance with 20-A MRSA § 1001(9-C), specifying the conditions that must be met in order for the student to be readmitted to school after the expulsion.

20-A MRSA § 1001(8-A)(C) states, “The notice of the school board’s written decision may include a reentry plan developed in accordance with subsection 9-C,” which lists requirements associated with the development of the plan. The plan is to be developed by the Superintendent/designee in consultation with the student and his/her parents/guardians as guidance to help the student understand what he/she must do to establish satisfactory evidence that the behavior resulting in the expulsion will not likely recur (see 20-A MRSA § 1001(9-C)(B)(1)). The law provides that if the student or parents do not attend the meeting to develop a reentry plan, the reentry plan must be developed by school staff and provided to the parents and student in writing (see 20-A MRSA § 1001(9-C)(B)(2-4)).]

The Board has adopted guideless (JKE-R) that outline the procedure for conducting an expulsion hearing and for developing a reentry plan, if applicable.

After the expulsion hearing, the Board shall provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the Board from providing educational services in an alternative setting to a student who has been expelled.

Legal Reference: 20-A MRSA § 1001(8-A), (9), (9A-9D)
1 MRSA § 405(6)(B)

Cross Reference: JKE-R – Expulsion of Students—Guidelines
JIC – Student Code of Conduct
JICIA – Weapons, Violence and School Safety
JICK – Bullying
JK – Student Discipline
JKD – Suspension of Students
JKF – Disciplinary Removal of Students with Disabilities

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