

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 due process proceedings conducted in accordance with 20-A MRSA § 1001(8)(A), 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 (9A).

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 informing them of:
 - 1. The date, time and location of the hearing;
 - 2. A description of the incident(s) that resulted in the expulsion hearing;
 - 3. The student's and parents/guardians' right to review the school's records prior to the hearing;
 - 4. A description of the hearing process, including the student's right to present and cross-examine witnesses and his/her right to an attorney or other representation; and
 - 5. An explanation of the consequences of an expulsion.

- 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

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

[NOTE: The language in A. immediately above is from 20-A MRSA § 1001(9-C)(1).

Although it is not clear that this was intended to mean that a period of expulsion could carry over to instructional days in the subsequent school year, to interpret it as applying only to instructional days left in the current school year would result in unequal consequences for the exact same conduct, based solely on the date the conduct occurred. This would not be logical. MSMA’s September 11, 2012 “Legal Memorandums on Significant Law Changes,” prepared by attorneys at Drummond Woodsum, contains a section on expulsion which elaborates on this language and other implications of the amendments to the expulsion law.]

- 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.

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

[NOTE: 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)).]

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
JICIA – Weapons, Violence and School Safety
JK - Student Discipline
JKD - Suspension of Students
JKF – Disciplinary Removal of Students with Disabilities

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