

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).

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

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 informing them of:

1. The date, time and location of the hearing;
2. A description of the incident(s) that occasioned the expulsion hearing;
3. The student's and parents/guardians' right to review the school's records prior to the hearing;
4. Provide a copy of the Board's expulsion guidelines (JKE-R)
5. Informs them of the student's right to present and cross-examine witnesses and their right to an attorney or other representation; and
6. An explanation of the consequences of an expulsion.
7. 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

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. See JKE -R.

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)(C), (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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