

**RSU #16** (Mechanic Falls, Minot, Poland)

**Policy Code: JKE**

**Adopted: January 2003**

**Revised: January 2010**

**Replaces: JKE** (Mechanic Falls, Minot & Poland)

### **EXPULSION**

- A. The School Board's responsibility in cases of expulsion cannot be delegated to the superintendent or a single Board member. Expulsion requires personal investigation of the student's behavior by the entire Board. Student will be referred to as "Student X" or "Student Y" in open session.
- B. No pupil shall be expelled from school except by action of the Board. Under law, if found necessary for the peace and usefulness of the school, the Board shall expel any student:
  - 1. Who is deliberately disobedient or deliberately disorderly; or
  - 2. For infractions of violence; or
  - 3. Who possesses, furnishes, or traffics in any scheduled drug as defined in Title 17-A, Chapter 45; or
  - 4. Who possesses on school property a firearm, as defined in Title 17-A, M.R.S.A. § 2 (12-A), without permission of a school official; or
  - 5. Who, with use of any other dangerous weapon as defined in Title 17-A, M.R.S.A. § 2 (9)(A), intentionally or knowingly causes injury or accompanies use of a weapon with the threat to cause injury.
- C. Expulsions shall be for the balance of the school year, but for no less than one semester. Additionally, as required by 20-A, M.R.S.A. § 1001 (9-A) and the Federal Gun-Free School Zones Act of 1994, a student who is found to have brought a firearm, as defined in 18 U.S.C.A. § 921 et seq., to school, shall be expelled by the School Board for a period of not less than one year and referred to the appropriate local law enforcement agency. As further authorized by those statutes, the superintendent may exercise his or her discretion to modify this expulsion length requirement on a case-by-case basis, subject to the requirement of Board re-admission.
- D. A decision to change the placement of a student with a disability shall be made in accordance with the Federal Individuals with Disabilities Education Act.
- E. The procedures for expulsion must follow all legal provisions for due process, and they are to be carried out without undue delay.
- F. The principal recommending expulsion must notify the superintendent who, in turn, shall notify the student and the parents or legal guardian in writing by certified mail to the last known address at least five days prior to the date of the hearing providing the following:
  - 1. A written notice of the charge:
  - 2. The following rights in the hearing before the school board:
    - a. right to counsel;
    - b. right to present evidence;
    - c. right to confront the "accusers" and to cross examine.
  - 3. That the hearing will be closed (executive session).
- G. The Board shall decide by majority vote of Board members present if the evidence warrants expulsion.

### **Re-admission of an Expelled Student**

- A. The Board has the power to re-admit an expelled student upon satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur and the completion of the Personal Growth Program.
- B. The student, parents or legal guardian may request a re-admission hearing no sooner than the minimum

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expulsion requirement described in Section C above, unless recommended by the principal and superintendent.

- C. The principal shall interview the student requesting re-admission, and provide the Board with a recommendation. The Board shall not act upon a re-admission request without a statement of the principal's review.
- D. After hearing the evidence, the Board shall decide by a majority vote of Board members present whether or not the evidence shows that the behavior will not likely recur and if the evidence warrants re-admission.

**SIGNATURE BLOCK:**  
RSU #16 School Board

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Dave Griffith, Chair

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Yvette Murray, Vice Chair

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Annette Annance

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Carlton Beckett

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Norm Davis

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Steve Holbrook

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Mary Ella Jones

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Jeanne Manley

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Scott Sawyer

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Martha Stone

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Chris Woodford

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