

RSU #16 (Mechanic Falls, Minot, Poland)

Policy Code: JKE-R1

Adopted: January 2010

Revised:

Replaces: JKE-R (Mechanic Falls, Minot & Poland)

Expulsion of Student Procedures

Procedure for conduct of School Board Hearing to Expel

- A. Any discussion, consideration or hearing by the School Board of suspension or expulsion of a student shall be in executive session. Student will be referred to as "Student X" or "Student Y" – student's name will not be used.
- B. The Board vote to enter executive session requires 3/5 of the members present and voting and the vote must be recorded.
- C. The student, his/her attorney, parents and/or guardians need not attend, but are to be invited to attend and participate in the executive session per law and Board policy.

Executive Session - General Rules of Conduct

- A. The Hearing Officer (Board Chair or designee) will conduct the hearing.
- B. Witnesses shall be sequestered unless agreed upon by the Board and the parties.
- C. The Hearing Officer will state "no irrelevant or repetitious evidence will be allowed".
- D. The Hearing Officer will state "no arguments will be allowed".
- E. The Hearing Officer will state "all proceedings in this hearing are confidential and should not be discussed outside this room.

Procedures

- A. Hearing officer will state for the record:
 - Date of this hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Allegation;
 - Date of alleged act(s);
 - Place of alleged act(s);
 - Those in attendance for administration;
 - Those in attendance for student; and
 - Those in attendance for School Board.
- B. The Superintendent or designee, hereafter called "the administration", shall read the charge along with a brief summary of the facts. The issue before the Board is limited to:

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1. Did the student breach the rules of the school with conduct that was deliberately disobedient or deliberately disorderly; and/or
 2. Did the student cause a violent infraction of school rules; and/or
 3. Did the student possess, furnish or traffic in any scheduled drug as defined in Title 17-A, Chapter 45; and/or
 4. Did the student possess on school property a firearm as defined in Title 17-A, § 2(12-A), without the permission of a school official; and/or
 5. Did the student use any other dangerous weapon as defined in Title 17-A § 2(9)(A) to intentionally or knowingly cause injury, or accompany the use of a weapon with the threat to cause injury; and
 6. Does the School Board feel the student should be expelled for the peace and usefulness of the School?
- C. The Hearing Officer informs the student and parents of their rights:
1. To hear testimony and to confront witnesses;
 2. To cross examine witnesses;
 3. To present testimony or to testify.
- D. Potential Conflict of Interest
The Hearing Officer asks if any member of the Board finds him/herself in a possible conflict of interest situation because he/she knows the student or parents to such an extent, or has knowledge of the facts to such an extent that he/she could not impartially hear the facts and decide the issue on its merits.
- E. Witnesses Sworn In
All witnesses shall be sworn in by the Hearing Officer. Each witness raises his/her right hand and is asked: "Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?"
- F. Administration
The Administration calls each witness.
- G. Student
After each witness has answered all questions put by the Administration, then the student, his/her parents or counsel, may cross examine. This should be limited to questions and not arguments with the witness.
- H. Administration
After the student, or the person acting in his/her behalf, finishes questioning, the administration may ask rebuttal questions.
- I. School Board

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At the conclusion of the rebuttal, members of the Board may ask questions.

- J. Student
The student may then call his/her own witnesses to testify, and the student may testify. All will be sworn in. The Administration may cross-examine.
- K. Administration
When all the student's witnesses have completed testimony (including the student), the Administration may call additional rebuttal witnesses who may be cross-examined.
- L. Final Statements
At the end of the testimony, the Administration may make a statement, which should include its recommendations. The same may then be done by/for the student.
- M. Board Deliberation
The Board should then deliberate in executive session. The student charged, his/her parents or legal guardians, and the student's legal counsel may remain.
- N. Board Finding of Fact(s)
The Board should make a finding of fact(s) prior to leaving executive session.
- O. Board
The Board should then leave executive session.
- P. Board in Public Session
To expel, a member of the Board should make the motion to adopt the finding of fact(s) and expel. Following a second, the Chair of the Board should state the motion and the Board should vote.
- Q. Superintendent
The Superintendent is responsible for notifying the parents or legal guardians of the Board's decision, and the conditions, if any at that time, for Board consideration of re-admission.

SIGNATURE BLOCK:
RSU #16 School Board

Dave Griffith, Chair

DATE

Yvette Murray, Vice Chair

DATE

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Annette Annance

DATE

Carlton Beckett

DATE

Yvon Gilbert

DATE

Susan Callahan

DATE

Norm Davis

DATE

Melissa Hodgkin

DATE

Steve Holbrook

DATE

Mary Ella Jones

DATE

Jeanne Manley

DATE

Scott Sawyer

DATE

Martha Stone

DATE

Jack Wiseman

DATE

Chris Woodford

DATE