

JKE - Expulsion of Students

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No student shall be expelled from school except by action of the Board. Following a proper investigation, 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 grade five or below cannot be expelled, except for violations of the Gun-Free Schools Act, as provided in 20-A MRSA § 1001(9-A).

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 an expulsion hearing, the Superintendent shall:

A. Provide legal written notice, by regular and certified mail, to the parents/guardians and the student of:

1. The date, time and location of the hearing;
2. A description of the incident(s) that occasioned the expulsion hearing;
3. Their right to review the school 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.
6. 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/legal guardians and the student to a meeting prior to the expulsion hearing to discuss 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.

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

Policy Adopted: October 16, 1974

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