

JKE - 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, the Board shall expel a student, if found necessary for the peace and usefulness of the school, as provided in 20-A M.R.S. § 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 M.R.S. § 1001 (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 upon satisfactory evidence that the behavior which caused the student to be expelled will not likely recur.

Notice of Expulsion Hearing

Before an expulsion hearing, the Superintendent shall:

- I. Provide a written notice to the parents/legal guardian and the student, by certified and regular mail, that:
 - I. Informs them of the date, time and location of the hearing;
 - II. Provides a description of the incident(s) that resulted in the expulsion hearing;
 - III. Informs them of their right to review the school's records prior to the hearing;
 - IV. Includes a copy of the Board's expulsion guidelines (JKE-R);
 - V. Informs them that the student has the right to an attorney or other representation, and the right to present and cross-examine witnesses; and
 - VI. Includes a list of available free and low-cost legal services, which must be created and updated annually by the Maine Department of Education.
- II. Invite the parents/legal guardians and the student to a meeting prior to the expulsion hearing to discuss the hearing.

Expulsion Hearing and Reentry Guidelines

The expulsion hearing shall be held 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:

- I. 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
- II. 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.

The Board has adopted guidelines that outline the hearing process and the procedure for developing and implementing a reentry plan (if applicable).

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 MRS §§ 1001 (8A); (9); (9A); (9C)
- 1 MRS § 405(6)(B)

Cross Reference:

- [JKE-R- Expulsion Hearing and Reentry Guidelines](#)
- [JIC - Student Code of Conduct](#)
- [JICIA - Weapons, Violence, Bullying and School Safety](#)
- [JK - Student Discipline](#)
- [JKD - Suspension of Students](#)
- [JKF - Suspension/Expulsion of Students with Disabilities](#)

Adopted:

- May 12, 2003

REPLACES:

- JKD/JKE-Suspension/Expulsion of Students

Revised:

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