

**POLICY: EXPULSION OF STUDENTS**

**NEPN/NSBA CODE: JKE**

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.

No pupil shall be expelled from school except by action of the Board. Under the law, the Board shall expel any student who is deliberately disobedient or deliberately disorderly or for infractions of violence or possession, furnishing or trafficking of any scheduled drug as defined in Title 17-A, chapter 45, after a proper investigation of the student's behavior, and due process, if found necessary for the peace and usefulness of the school. The Board also has the power to restore an expelled student on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur.

Procedures for expulsion must follow all legal provisions for due process and are to be carried out without undue delay.

The parent or guardian must be notified at least five days prior to the date of a Board hearing. The hearing shall be in a properly called executive session and may be attended by persons designated by the Superintendent to present information in the case.

In all cases of expulsion, the student/parent shall be provided:

- A. A clear definition of the disciplinary rule;
- B. A written notice of the charge;
- C. The following rights in the hearing before the School Board:
  - 1. Right to counsel;
  - 2. Right to confrontation of the "accusers" and to cross examine; and
  - 3. The right to present evidence.

Legal Reference: 20-A MRSA 1001  
1 MRSA 405.6, B

Cross Reference: JK - Student Discipline  
JKD - Suspension of Students

Adopted: 8/19/75  
Reviewed: 11/13/96