

## **EXPULSION PROCEDURES**

Should the Board of Directors determine that expulsion may be indicated, it shall notify in writing the student and parent or the parents (or guardian or custodian) of the specific act or acts alleged and the date or dates thereof, which notice shall state the date, time and place of the Board's investigation and hearing.

At the hearing, the Board of Directors shall hear all witnesses with knowledge of the acts and consider any pertinent evidence presented. The formal rules of evidence need not be observed but the Board shall make full effort to consider only material and competent evidence.

The student and, if a minor, the student's parent or parents (or guardian or custodian) shall be permitted to be present at the hearing and, if desired, the student shall be permitted to have counsel present.

The student or someone on the student's behalf, or the student's counsel, shall be permitted reasonable cross-examination of witnesses who testify and after the Board has heard all witnesses and considered all evidence it chooses to hear and consider, the student may present witnesses and/or evidence on the student's own behalf.

The student may testify as a witness on the student's own behalf, but shall not be questioned if the student chooses not to answer questions. Such election not to testify or not to answer questions shall not be considered by the Board as admission of guilt, its decision to be made only upon the evidence received by it. The hearing shall be conducted in a manner to ensure the student receives due process.

The Board shall notify the student and the student's parent or parents (or guardian or custodian) of its decision whether to expel or not to expel.

The Board, after expulsion of a student, may readmit the student on satisfactory evidence that the behavior which was the cause of the student being expelled will not likely recur.

The school shall not expel any identified student for misconduct related in any way to the student's exceptionality. The student's pupil evaluation team shall make the determination that the misconduct in question is not related in any way to the student's exceptionality.

For purpose of this rule, an expulsion is a complete termination of school services and removal from school grounds for an undefined length of time when ordered by the school for disciplinary reasons as set forth in 20-A MRSA ss 1001 (9).

The school shall comply with all applicable state and federal laws governing suspension and expulsion of exceptional students.

The Superintendent or his designee shall ensure that procedures are developed and implemented to assist administrators in responding appropriately to misconduct by exceptional students.

Legal Ref: Title 20-A MRSA Section 1001

ADOPTED: June 14, 1993

Code changed: September 25, 2002, per the Policy Committee