

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #53
Burnham – Detroit – Pittsfield**

Suspension/Expulsion of Students

Suspension of Regular Education Students:

The School Board delegates to administrators the authority to suspend disobedient and/or disorderly students for a period not to exceed ten (10) school days per offense.

Prior to the suspension, except as hereinafter provided:

- A. The student shall be given oral or written notice of the charge(s) against him/her;
- B. The student shall be given an explanation of the evidence forming the basis for the charge(s); and
- C. The student shall be given an opportunity to present his/her side of the case.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school; in such cases, the notice of charges, explanation of evidence, and the student's opportunity to explain his/her side of the story, shall be arranged as soon as practicable after removal of the student from school.

The parent or guardian shall be notified of suspension of his/her son or daughter by telephone immediately, if possible, and/or by written notice which shall be dispatched by mail on the day of the suspension. A copy of the written notice shall be sent to the Office of the Superintendent of Schools.

Students shall be responsible for any school work missed during their suspension. After reinstatement, they shall be permitted to take any tests, quizzes or any other form of evaluation affecting their grades.

Expulsion of Regular Education Students:

The principal will request that the superintendent schedule an expulsion hearing with the Board of School Directors when:

- A. A student's behavior poses a potential threat to staff, students or school premises;
- B. A student's behavior constantly disrupts the educational opportunity of others; and/or
- C. A student is in violation of the Weapons Free Schools Policy.

The hearing will be scheduled at the discretion of the superintendent.

No student shall be expelled from school except by action of the Board. 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.

The parents/guardians (and the student if 18 years of age or older) shall be notified by certified letter and regular mail of the Board 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.

The notice of hearing shall include:

- A. The date, time and location of the hearing;
- B. A description of the charge(s);
- C. A statement that the student may be represented by legal counsel;
- D. A statement that the student or his/her representative may cross-examine any witnesses presented by the administration at the hearing; and
- E. A statement that the parents/guardians and student may present evidence, including witnesses and documents, on the student's behalf.

Suspension/Expulsion of Special Education Students:

Except as provided by federal law, no identified students with special education needs shall be expelled or suspended in excess of 10 cumulative days in the school year for conduct related to the student's disability. Due process, as outlined above, must be followed. If expulsion or suspension in excess of 10 cumulative days is to be considered, or there has been a series of removals that constitute a pattern** of behavior for more than ten (10) cumulative days the student's Individualized Education Planning (IEP) team shall make the determination whether the conduct in question, including any past incidents of conduct which may be considered in making the disciplinary decision, was caused by or had a direct and substantial relationship to the student's disability or the conduct in question was the direct result of the school's failure to implement the IEP.

For misconduct conduct that is related to the student's disability, the student's IEP may determine what programming or placement alterations are warranted beyond the 10 cumulative days of suspension permitted under this policy.

For conduct unrelated to the student's disability, the district may proceed with a suspension or expulsion consistent with law and with school policy. During any such removal in excess of 10 cumulative days in the school year, the IEP shall offer free and appropriate educational services to the special education student.

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

**A series of removals will constitute a pattern if: the removals total more than 10 school days a year, the behavior is substantially similar to the behavior that resulted in earlier removals and there are additional factors such as length of each removal, the total amount of time and the proximity of the removals to each other.

Legal Reference: 20 U.S.C. § 1415(k)(1)(A), (3)(B),(5)(A)
Title 20A MRSA § 1001.9, (9-B)
1 MRSA § 405 (6) (B)
Maine Special Education Regulations, Chapter 101, § 10.10

Policy Reference: 9.07 Standards for Student Behavior
9.17 Student Substance Abuse
11.13 Weapons Free Schools
11.14 Smoking On School Premises

Amended: April 8, 1996

Amended: April 12, 1999

Amended: June 14, 2007