

SEDGWICK SCHOOL COMMITTEE

POLICY NUMBER: 10.7

Adopted: 8/28/89

Previous Revisions: 10/14/92, 2/28/02, 9/16/08, 7/16/19

Revised: 6/6/22

SUSPENSION AND EXPULSION

1. The School Committee delegates the authority to the building Principal to suspend a student from school for a period not to exceed ten days. Exercise of the power to suspend for ten or fewer days by the Principal will be done in accordance with applicable Federal and Maine law.
2. Suspension or expulsion for a Special Education student will be in accordance with Policy 10.08 and in compliance with Federal and Maine law and current state regulations.

Students in grade 5 or below may not be given an out-of-school suspension except when a student has violated the federal Gun-Free Schools Act as provided in 20-A MRSA 20-A MRSA § 1001(9-A) or presents an imminent danger of serious physical injury to the student or others, and it is determined that less restrictive interventions would be ineffective. Any suspension of a student in grade five or below cannot be longer than three school days.

3. Prior to suspension, except as hereinafter provided, the following steps will be taken:
 - A. The Principal will investigate student misconduct.
 - B. Students will be given oral or written notice of the charges against them as well as an explanation of the evidence forming the basis of those charges;
 - C. Students will be given an opportunity to present their side of the case;
 - D. The Principal will schedule a conference with the parents/guardians as soon as possible after the incident.
 - E. The Principal or designee will make the decision to suspend or not.
 - F. When the Principal makes a decision to suspend a student, a letter will be sent to the parents which includes a statement of the facts leading to suspension, the date the student will return to school, and a plan for improved behavior in future similar situations.
 - G. The only exception to these steps is when the Principal determines that there is a clear and present danger to the lives, safety or health of other students or staff members. In such cases the student can be suspended immediately with the above steps taken as soon as practical after the incident.
4. Students may be suspended in school from classes and assigned to “in-school suspension” by the Principal, following the same procedures as outlined above, if school administration feels that this is more appropriate for the individual than

suspension from school. If a combination of at-home and in-school suspension is used the total number of days per incident will not exceed ten school days. Students will be responsible for making up assignments and assessments missed during suspensions.

5. The student or the student's parent/guardian will have the right to file a written appeal of the Principal's suspension decision with the Superintendent as specified below.
 - A. The meeting will be held as soon as possible after the request is received by the Superintendent at a mutually agreed time.
 - B. The student or the student's parent or guardian may designate a representative to be present during the meeting. If the representative acts as legal counsel for the student, the Superintendent will seek legal counsel on any matters of law raised by the student's attorney. At the meeting the Superintendent will review all written documents in the case, and the student's parent, guardian, and/or representative may address the Superintendent regarding the evidence and the appropriateness of the penalty.
 - C. The Superintendent will determine if there is sufficient evidence to find that the allegation(s) took place and whether the penalty imposed was appropriate.
 - D. The Superintendent will render a decision within a reasonable amount of time.
 - E. If the Superintendent determines that no violation occurred, all records and documents regarding the disciplinary proceedings and suspension will be destroyed immediately and no information regarding the meeting will be placed in the pupil's permanent record or file or communicated to any person not directly involved in the disciplinary proceedings.
 - F. If the Superintendent determines that the penalty imposed was inappropriate for the violation and modifies the penalty, all records and documents concerning the matter will be revised to indicate only the facts leading to the penalty imposed by the Superintendent.
6. Long Term Suspension or Expulsion

If the Principal determines that suspension for more than ten consecutive days, or expulsion, is necessary the Principal will refer the case to the Superintendent. The superintendent will review the case to determine whether to present it to the School Committee for consideration.

Students in grade five or below cannot be expelled, except for violations of the Gun-Free Schools Act, as provided in 20-A MRSA 20-A MRSA § 1001(9-A).

- A. The Superintendent will give prior written notice of the Committee hearing on long term suspension or expulsion to the parents/guardians and student. The notice will inform the parent and student of:
 - The date and place of the hearing;
 - The statement of facts and charges upon which the proposed expulsion is based;
 - The disciplinary rules of the school which relate to the alleged violation;
 - A request that the parent or guardian appear in person or be represented by counsel at the hearing;
 - Their right to counsel;
 - Their right to confront or cross-examine witnesses, and
 - Their right to present witnesses and evidence at the hearing.
- B. The hearing will be conducted in executive session but the vote must be held in public session. The written notice of the charges against the student will be read by the Superintendent. The Superintendent will further outline the reasons for recommending expulsion or long term suspension, and present evidence and witnesses to support the charges.
- C. Technical rules of evidence will not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Committee to expel or to place a student on long-term suspension will be supported by substantial evidence.
- D. The student and parents or their representative will have the right to cross examine the Superintendent's witnesses and present evidence and witnesses in the student's defense. The School Committee may ask questions of witnesses, the superintendent, the student, the parents or their representative. The School Committee may request additional information, evidence or reports as it considers necessary. A record will be kept of the hearing. The student is entitled, at personal expense, to a copy of the transcript.
- E. After hearing the evidence, the Committee will discuss and consider appropriate disposition of the case, following which the Committee will return to public session to take appropriate action on the matter. The name of the student will not be included in the public action taken.
- F. A record of the hearing will be made. The record may be maintained by any means, including electronic recording, so long as a reasonable

accurate and complete written transcription of the proceeding can be made from the record.

- G. Written notice of the Committee's decision to expel will be sent to the student or the student's parents or guardians. Such notice will include notice of the right to appeal the decision to the Commissioner of Education.
- H. The Committee's decision will be made within ten school days following the conclusion of the hearing, unless the student or the student's parent or guardian requests in writing that the decision be postponed.
- I. The Superintendent will maintain a record of each expulsion, including the cause therefore. The order of expulsion and the reasons therefore will be placed in the student's cumulative record and will be forwarded with that record to any school in which the student subsequently enrolls, upon request from the admitting school.
- J. Readmission of an expelled student will be in compliance with Maine law and current state regulations.

References: Title 20-A M.R.S.A. § 1001(9-A)
Federal P.L. 103-227
18 USC § 921; 20 USC § 8921;
Policy 10.08 - Sedgwick Suspension of Students With Disabilities