
SUBJECT: EXPULSION OF STUDENTS - GUIDELINES

DATE OF ORIGINAL POLICY:

DATE OF NEXT REVIEW:

CANCELS POLICY CODE:

REVISION DATE: April 2003

JURISDICTION: Poland Community School; Bruce M. Whittier Middle School

PHILOSOPHY:

It is the philosophy of the Poland School Committee that students who have shown evidence that their presence in school is detrimental to the peace and usefulness of the educational process shall be considered for expulsion under this policy.

POLICY:

The following steps constitute general guidelines for the conduct of an expulsion hearing. The guidelines may be adjusted to meet the flexible requirements of due process on a case-by-case basis.

Procedure for Conduct of a Board Hearing to Expel

- A. Any discussion, consideration, or hearing by the Poland School Committee of suspension or expulsion of a student shall be in executive session.
- B. The Poland School Committee shall begin the hearing in a public meeting and vote to enter executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.
- C. The parents/guardians, the student, and legal counsel (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student (or only the student if they are 18 years of age or older) have been provided prior written notice and failed to appear for the hearing.

Executive Session

- I. GENERAL RULES OF CONDUCT

- A. The hearing officer (Poland School Committee Chair/designee or Poland School Committee attorney) will conduct the hearing.
- B. Witnesses may be sequestered in response to a request by either party.

POLAND SCHOOL COMMITTEE	CODE: JKE-R Page: 2
SUBJECT: EXPULSION OF STUDENTS - GUIDELINES	

- C. The hearing officer will state that, *“no irrelevant or repetitious evidence will be allowed and no debate between the parties will be allowed.”*
- D. The hearing officer will state that *“all parties are expected to maintain the confidentiality of the proceeding.”*
- E. The Poland School Committee and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

II. PROCEDURES

- A. The hearing officer will state for the record:
 - Date of hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Those in attendance for the administration;
 - Those in attendance for the student; and
 - Those in attendance for the Poland School Committee.
- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the Poland School Committee and include the notice in the record. If no person appears at the hearing on behalf of the parents/guardians or student, the hearing officer will request that the Superintendent confirm that the parents/guardians and student (if age 18 or older) were provided notice of the hearing.
- C. The Superintendent or designee, hereinafter called “the administration,” will make an opening statement that includes an overview of the evidence, his/her recommendation, the reason(s) for the recommendation, and the legal basis for the recommended expulsion.

- D. The hearing officer will inform the student and parents/guardians of their rights:
1. To hear the evidence;
 2. To cross examine witnesses; and
 3. To present witnesses and offer other relevant evidence.

POLAND SCHOOL COMMITTEE	CODE: JKE-R Page: 3
SUBJECT: EXPULSION OF STUDENTS - GUIDELINES	

- E. The hearing officer will ask if any member of the Poland School Committee finds him/herself in a possible conflict of interest situation because he/she knows the student or parents/guardians to such an extent, or has knowledge of the facts to such an extent, that he/she could not impartially hear the facts and decide the issue on its merits.
- F. All witnesses shall be sworn in by the hearing officer. Each witness raises his/her right hand and is asked, *“Do you solemnly affirm to tell the truth, the whole truth, and nothing but the truth?”*
- G. The administration calls its witnesses.
- H. After each witness has answered all questions put by the administration, then the student/designee (hereinafter, the student) may cross-examine. This should be limited to questions and not arguments with the witness.
- I. The administration may ask rebuttal questions after the student finishes questioning.
- J. Members of the Poland School Committee may ask questions at the conclusion of the rebuttal.
- K. The student may then call his/her own witnesses to testify, and the student may testify. All witnesses will be sworn in. The administration may cross-examine. The student may ask rebuttal questions. After the rebuttal questions, the Poland School Committee may ask questions.
- L. When the student’s witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross examined.
- M. At the end of the testimony, the administration shall make a statement, which should include its recommendations. The same may then be done by/for the student.

- N. The Poland School Committee should then deliberate in executive session. The Superintendent, Poland School Committee attorney, administration, the student charged, his/her parents/guardians, and the student’s legal counsel may remain for deliberations. If the student and the representatives elect not to be present during deliberations, the administration will also be excluded from the deliberations, except the Superintendent may remain to provide guidance to the Poland School Committee if he/she was not directly involved in the investigation/presentation of evidence.
- O. The Poland School Committee shall discuss whether the charges are more likely than not supported by the evidence presented. The Poland School Committee may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.
- P. The Poland School Committee shall then leave executive session.

POLAND SCHOOL COMMITTEE	CODE: JKE-R Page: 4
SUBJECT: EXPULSION OF STUDENTS - GUIDELINES	

II. PUBLIC SESSION

- A. In public session, a member of the Poland School Committee may make a motion to “expel a student and direct the Superintendent to provide the student with his/her parents/guardians with the Poland School Committee’s finding of fact(s).” Following a second, the Poland School Committee Chair should state the motion and the Poland School Committee should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously imposed administrative suspension.
- B. The Superintendent is responsible for notifying the parents/guardians (and the student if age 18 or older) of the Poland School Committee’s decision. If the student has been expelled, the Superintendent will also provide the conditions, if any were given at that time, for the Poland School Committee’s consideration of readmission.

DELEGATION OF AUTHORITY:

The Poland School Committee delegates implementation of this policy to the Superintendent of Schools.

SIGNATURE BLOCK:

Poland School Committee

Ike Levine, Chair DATE

Peter Bolduc DATE

Jack Conway DATE

Norman Davis DATE

Laurie Levine DATE