



Regional School Unit 5
Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Becky Foley, Ph.D., Superintendent of Schools
Peggy Brown, Interim Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools
Bonnie Violette, Ph.D., Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Maddy Vertenten
CC: Anne-Marie Spizzuoco, Jennifer Winkler
FROM: Cynthia Alexander
DATE: March 28, 2022
RE: Policy Meeting – April 1, 2022

The Policy Committee is scheduled to meet on Friday, April 1, 2022 at 8:45 a.m. via Zoom at the following link: <https://networkmaine.zoom.us/j/88179232220> Meeting ID: 881 7923 2220 or join by telephone at 1-646-876-9923

Agenda

1. BEDH - Public Participation at Board of Directors Meetings
2. JKD - Suspension of Students
3. JKE - Expulsion of Students
4. AC - Nondiscrimination/Equal Opportunity and Affirmative Action

PUBLIC PARTICIPATION AT BOARD OF DIRECTORS MEETINGS

Board of Director meetings are conducted for the purpose of carrying on the official business of the school system. All regular, special and emergency meetings of the Board are open to the public. The public is cordially invited to attend and participate in Board meetings as provided in this policy.

Although Board of Director meetings are not public forums, the Board will provide appropriate opportunities for citizens to express opinions and concerns related to the matters under consideration by the Board. The intent is to allow a fair and adequate opportunity for the public to be heard and to provide adequate time for the Board to obtain information and opinion on subjects before it, while ensuring that the time allowed for public discussion does not interfere with the fulfillment of the scheduled agenda.

Members of the public may address the Board within the guidelines provided in this policy. The Chair shall be responsible for maintaining proper order and compliance with these guidelines.

Time permitting, members of the community may comment on other school related matters.

The following guidelines shall apply to public participation at Board meetings.

- A. Citizens and employees of the school unit are welcome to participate as provided in this policy. Others may be recognized to speak at the Chair's discretion. Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided.
- B. The Chair may limit the time allotted for comments on a particular topic as well as the time each individual may speak.
- C. In the event of a sizeable audience, the Chair may require persons interested in speaking to sign up so they may be called on in a fair and efficient manner.
- D. During the time set aside for public participation, the Chair will be responsible for recognizing all speakers, who must identify themselves as they begin talking. Speakers will be encouraged to disclose whether or not they will personally have a financial impact as a result of the budget item they address.
- E. Speakers are not permitted to share gossip, make defamatory comments, or use abusive or vulgar language.
- F. All speakers are to address the Chair and direct questions or comments to particular Board members or the Superintendent only with approval of the Chair. Requests for information or questions may be answered by the Board Chair. If

further research is needed, the Board Chair may defer to the Superintendent for follow-up.

- G. Members of the Board of Directors and the Superintendent may ask clarifying questions of any person who addresses the Board but are expected to refrain from arguing or debating issues. Questions must be addressed through the Chair.
- H. No complaints or allegations will be allowed at Board meetings concerning any person employed by the school system or against particular students.

Personal matters or complaints concerning student or staff issues will not be considered in a public meeting but will be referred through established policies and procedures.

- I. In order to make efficient use of meeting time, the Board discourages duplication or repetition of comments to the Board. The Board requests that groups or organizations be represented by designated spokespersons.
- J. The Chair has the authority to stop any presentation that violates these guidelines or the privacy rights of others.
- K. Persons who disrupt the meeting may be asked to leave, and the Chair may request law enforcement assistance as necessary to restore order.

An agenda shall be published in advance of each meeting in accordance with Board policy. Copies will be posted and/or available prior to regular meetings, at the Superintendent's Office, in each school, town hall, and is sent to local publications. Anyone desiring additional information about an agenda item should direct such inquiries to the Office of the Superintendent.

Legal Reference: 1 MRSA § 401 et seq.

Cross Reference: BEC – Executive Session
BEDA – Notification of Board of Directors Meetings
BEDB – Agenda
BEDD – Rules of Order
KE – Public Concerns and Complaints

Adopted: November 18, 2009
Revised: March 23, 2011
Reviewed: February 26, 2014
Revised: November 14, 2018

SUSPENSION OF STUDENTS

The Board delegates to the principals the authority to suspend disobedient and disorderly students for a period not to exceed ten (10) school days. Suspensions may be in-school or out-of-school at the discretion of the principal. The Board may impose suspensions longer than 10 days.

Prior to the suspension, except as hereinafter provided:

- A. The student shall be given oral or written notice of the charge(s) against them;
- 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 their version of the incident.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In such cases, the notice of charges, explanation of evidence, and the student's opportunity to present their version of the incident shall be arranged as soon as practicable, not to exceed five student days, after removal of the student from school.

The student's parents/guardians shall be notified of any in-school or out-of-school suspension as soon as practicable by telephone (if possible) and by written notice sent by mail and by email, if possible. In the event a parent/guardian is not available, the student will not be released until an emergency contact or suitable adult is notified. A copy of the notice shall also be sent to the Superintendent.

Students are not allowed on school property during any out-of-school suspension except with the prior authorization of the principal or Superintendent. Students serving out-of-school suspensions shall not be permitted to participate in extracurricular activities.

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

Students assigned to in-school suspensions are expected to work on assignments from classroom teachers, remain in the in-school suspension location throughout the school day, and follow school expectations for conduct. Students serving in-school suspension shall not be permitted to participate in extracurricular activities.

Legal Reference: 20-A MRS §§ 1001(9), (15-A)(D)

Cross Reference: JIC – Student Code of Conduct

JICIA – Weapons, Violence and School Safety

JICK - Bullying

JK - Student Discipline

JKE - Expulsion of Students

JKF – Suspension/Expulsion of Students with Disabilities

Adopted: March 24, 2010

Revised: March 13, 2013

Reviewed: January 23, 2019

Revised: June 9, 2021

EXPULSION OF STUDENTS

No student shall be expelled from school except by action of the Board. Following a proper investigation of a student's behavior and due process proceedings conducted in accordance with 20-A MRSA § 1001(8)(A), the Board shall expel the student, if found necessary for the "peace and usefulness of the school", as provided in 20-A MRSA § 1001(9) and (9A). 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.

Notice of Expulsion Hearing

Before any expulsion hearing, the Superintendent shall:

- A. Attempt to communicate with the parents/guardians by phone.
- B. Provide written notice in the parent/guardian's first language, by regular and certified mail, and e-mail to the parents/guardians and the student informing them of:
 - 1. The date, time and location of the hearing;
 - 2. A description of the incident(s) that resulted in the expulsion hearing;
 - 3. The student's and parents/guardians' right to review the school's records prior to the hearing;
 - 4. A description of the hearing process, including the student's right to present and cross-examine witnesses and their right to an attorney or other representation; and
 - 5. An explanation of the consequences of an expulsion.
- C. Invite the parents/guardians and the student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

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 Board shall reference the Nondiscrimination policy throughout the hearing and while considering the case.

Upon making a decision to expel a student, the Board may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the Board for the current year; or
- B. Expel the student for an unspecified period of time and authorize the Superintendent to provide the expelled student with a reentry plan, to be

developed in accordance with 20-A MRSA § 1001(9-C), specifying the conditions that must be met in order for the student to be readmitted to school after the expulsion.

After the expulsion hearing, the Board shall provide written notice in the parent/guardian's first language of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the Board from providing educational services in an alternative setting to a student who has been expelled.

Legal Reference: 20-A MRSA § 1001 (8-A), (9), (9A-9D)
1 MRSA § 405(6)(B)

Cross Reference: AC – Nondiscrimination: Equal Opportunity and Affirmative Action
JKE-R – Expulsion of Students - Guidelines
JICIA – Weapons, Violence, and School Safety
JK – Student Discipline
JKD – Suspension of Students
JKF – Disciplinary Removal of Students with Disabilities

Adopted: March 24, 2010
Revised: November 28, 2012
Reviewed: September 27, 2017
Revised: May 26, 2021

NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

RSU No. 5 does not discriminate on the basis of sex or other protected categories in its education programs and activities, as required by federal and state laws/regulations.

Discrimination against and harassment of school employees because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, age, disability or genetic information are prohibited.

Discrimination against and harassment of students because of race, color, sex, sexual orientation, gender identity, religion, ancestry or national origin, or disability are prohibited.

The Board directs the school administration to implement a continuing program designed to prevent discrimination against all applicants, employees, students and other individuals having access rights to school premises and activities.

RSU No. 5 has designated and authorized an Affirmative Action Officer/Title IX Coordinator who is responsible for ensuring compliance with all federal and state requirements relating to nondiscrimination, including sexual harassment. The Affirmative Action Officer/Title IX Coordinator is a person with direct access to the Superintendent.

RSU No. 5 has implemented complaint procedures for resolving complaints of discrimination/harassment and sexual harassment under this policy. RSU No. 5 provides required notices of these complaint procedures and how they can be accessed, as well as the school unit's compliance with federal and state civil rights laws and regulations to all applicants for employment, employees, students, parents and other interested parties.

Legal Reference: Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000 (e) et seq.)
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.);
34 C.F.R. Part 106 (Title IX regulations)
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d)
Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621 et seq.)
Equal Pay Act of 1963 (29 U.S.C. § 206)
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 U.S.C. § 794 et seq.), as amended
Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), as amended
Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.)
Maine Human Rights Act (5 MRSA § 4551 et seq.), as amended

Cross Reference: RSU5 Affirmative Action Plan
ACAA – Harassment and Sexual Harassment of Students
ACAA-R – Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedures
ACAB – Harassment and Sexual Harassment of School Employees

ACAB-R – Employee Discrimination/Harassment and Title IX Sexual
Harassment Complaint Procedures

Adopted: May 27, 2009
Revised: December 8, 2010; November 20, 2013
Reviewed: June 12, 2019
Revised: October 14, 2020