



**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  
Rick Kusturin, Director of Finance & Human Resources

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

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**TO:** Candy deCsipkes, Lindsey Furtney, Maddy Vertenten

**FROM:** Cynthia Alexander

**DATE:** April 29, 2021

**RE:** Policy Meeting – May 7, 2021

The Policy Sub-Committee is scheduled to meet on Friday, May 7, 2021 at 8:30 a.m. via Zoom

Zoom Link: <https://networkmaine.zoom.us/j/88029056780>

Meeting ID: 880 2905 6780

Join by Telephone: 1 646 876 9923

**Agenda**

JKE-R Expulsion Guidelines

JL - Student Wellness

JKD - Suspension of Students

JKF - Disciplinary Removal of Students with Disabilities

## **EXPULSION GUIDELINES-ADMINISTRATIVE PROCEDURES**

### **I. EXPULSION HEARING AND REENTRY GUIDELINES**

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, consistent with applicable laws.

#### **A. Procedures for Conduct of Board Hearing to Expel**

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

**2. Any discussion, consideration or hearing by the School Board of suspension or expulsion of a student shall be in executive session.**

**3. 3. The Board shall be in a public meeting and vote to enter into executive session. Executive session requires a 3/5 affirmative vote of the members present and voting, and the vote must be recorded.**

**3. 4 The parents/legal guardians the student and legal counsel or other representative (if any) must be present for the hearing, except that the hearing may go forward if the parents/guardians and student have been provided prior written notice and failed to appear for the hearing. When applicable, an interpreter will be provided for English Language Learner students/parents.**

#### **B. Executive Session**

##### **1. General Rules of Conduct**

**A. The hearing officer (Board Chair/designee or Board attorney) will conduct the hearing.**

**B. Witnesses shall be sequestered in response to a request by either party.**

- C. The hearing officer will state “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 Board and student (at ~~his/her~~ their 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 this 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 School Board.

B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the Board and include the notice in the record. If no person appears at the hearing on behalf of the parents/legal guardians or student, the hearing officer will request that the Superintendent confirm that the parents/guardians and student were provided notice of the hearing.

C. The Superintendent/designee, hereafter called “the administration,” will make an opening statement that includes an overview of the evidence, ~~his/her~~ their 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/legal guardians of their rights:

- To hear the evidence;
- To cross examine witnesses; and

To present witnesses and offer other relevant evidence.

E. The hearing officer will ask if any member of the Board finds ~~him/herself themselves~~ in a possible conflict of interest situation because ~~he/she they~~ know the student or parents/guardians to such an extent, or ~~has have~~ knowledge of the facts to such an extent, that they could not impartially hear the facts and decide the issue on its merits. In such cases, the Board member should recuse themselves from the hearing entirely.

F. All witnesses shall be sworn in by the hearing officer. Each witness raises ~~his/her their~~ 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 Board may ask questions at the conclusion of the rebuttal.

K. The student may then call ~~his/her their~~ own witnesses to testify, and the student may testify. All witnesses will be sworn. The administration may cross-examine witnesses. The student may ask rebuttal questions. After the rebuttal questions, the Board may ask questions.

L. When all 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 Board should then deliberate in executive session. The Superintendent, Board attorney, administration, the student charged, ~~his/her their~~

parents/legal guardians, and the student's legal counsel may remain for deliberations. If the student and representatives elect not to be present during deliberations, the administration will also be excluded from deliberations, except that the Superintendent may remain to provide guidance to the Board if he/she was not directly involved in the investigation/presentation of evidence.

O. The Board shall discuss whether the charges are more likely than not supported by the evidence presented. The Board may discuss and/or draft proposed finding of fact(s) concerning the charges prior to leaving the executive session.

P. If the charges are more likely than not supported, the Board shall discuss whether an expulsion shall be for a specified period of time or for an indefinite period.

Q. The Board shall then leave the executive session.

### III. PUBLIC SESSIONS

A. In a public session, a member of the Board may make a motion to "expel a student and direct the Superintendent to provide the student and ~~his/her~~ their parents/guardians with the Board's findings of fact(s)." Following a second, the Board Chair should state the motion and the Board should vote. If no motion is made to expel, the student will return to school at the conclusion of the previously-imposed administrative suspension.

If the student is expelled, a member of the Board shall make a motion as to whether the expulsion shall be for a specified period of time or for an indefinite period. If the expulsion is for an indefinite period, the Board may authorize the Superintendent to develop a reentry plan for the student as described in Section IV below.

B. The Superintendent is responsible for notifying the parents/legal guardians (and the student) of the Board's decision.

### IV. REENTRY PLAN GUIDELINES

If the Board expels a student for an indefinite period of time and authorizes the Superintendent to develop a reentry plan, the following steps are required by law.

- A. The Superintendent/designee shall develop the reentry plan in consultation with the student and ~~his/her~~ **their** parents/legal guardians to provide guidance that helps the student understand what he/she must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.
- B. The Superintendent/designee shall send a certified letter or hand-deliver a letter to the parents/legal guardians of the student, giving the date, time and location of a meeting to develop a reentry plan.
- C. If the student and the student's parents/legal guardians do not attend the meeting, the reentry plan must be developed by the Superintendent/ designee.
- D. The reentry plan may require the student to take reasonable measures determined by the Superintendent that will help establish the student's readiness to return to school. Professional services determined to be necessary by the Superintendent must be provided at the expense of the student's parent/legal guardians and/or the student. (See policy JKF for requirements related to students with disabilities.)
- E. The reentry plan must be provided to the parents/legal guardians and the student.
- F. The Superintendent shall designate an appropriate school employee to review the student's progress with the reentry plan at one month, three months and six months after the initial reentry plan meeting, and at other times as determined necessary by the designated employee, in consultation with the Superintendent.

**Legal Reference:** 20-A MRSA §§ 1001 (8A), (9C)

**Cross Reference:** JKF – Disciplinary Removals of Students With Disabilities

**Adopted:** March 24, 2010  
**Revised:** November 28, 2012  
**Reviewed:** September 27, 2017

## **STUDENT WELLNESS**

The Board recognizes that student wellness and good nutrition are related to students' physical and psychological well-being and their readiness to learn. The Board is committed to providing a school environment that supports student wellness, healthy food choices, nutrition education, and regular physical activity. The Board believes that students who learn and practice healthy lifestyles in their formative years may be more likely to be conscious of the importance of good nutrition and exercise as adults, practice healthy habits, and reduce their risk of obesity, diabetes and other chronic diseases.

### **Nutrition Standards**

The school unit will ensure that meals provided by its Food Services Program meets or exceeds the nutrition standards established by the National School Lunch Program, the School Breakfast Program, and other applicable Federal child nutrition programs.

Other foods and beverages sold or available to students during the school day ("competitive foods") will meet or exceed the federal Smart Snacks guidelines.

### **Water**

To promote hydration, free, safe, unflavored drinking water will be available to students throughout the school day, including mealtimes, at every school.

### **Nutrition Education**

Nutrition education will be integrated into the instructional program through the health education program and/or the curriculum as aligned with the content standards of Maine's system of Learning Results. Nutrition education should focus on skills students need to adopt and maintain healthy eating behaviors. Students should receive consistent nutrition messages throughout the schools, including classrooms, cafeteria, and school-home communications.

### **Nutrition Promotion**

Schools will support healthful eating by students and encourage parents/guardians to provide healthy meals for their children by providing consistent nutrition messages and information and by cooperation with other agencies and organizations.

### **Staff Qualifications and Professional Development**

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA standards for school nutrition professionals.

### **Physical Activity**

The school unit will strive to provide all students developmentally appropriate opportunities for physical activity through physical education classes, recess periods for elementary school students, and extracurricular activities (clubs, intramural and interscholastic athletics). School programs are intended to build and maintain physical fitness and to promote healthy lifestyles. The schools should encourage parents to support their children's participation in physical activities, including available before- and after-school programs.

### **Other School-Based Wellness Activities**

The schools, with prior approval of the Superintendent/designee, may implement other appropriate programs that support consistent wellness messages and promote healthy eating and physical activity.

The Board delegates to the Superintendent/designees the responsibility for developing regulations or guidelines for "healthy celebrations" (refreshments served at parties or celebrations during the school day), and the use of food as rewards in the instructional program.

The school unit may develop programs that encourage staff to learn and engage in healthy lifestyle practices.

### **Leadership**

The Superintendent/designee shall be responsible for the oversight of development and implementation of the wellness policy in the schools. This includes ensuring that the school unit evaluates its schools' compliance with the wellness policy and progress in attaining wellness goals and making required information available to the public.

The evaluation process must include a comparison of the wellness plan with model local wellness policies, and it may include surveys or solicitation of input from students, parents, staff, and school administrators, including suggestions for improvement in specific areas.

### **Annual Notification of Policy**

The school unit will annually inform families and the public of basic information about the wellness policy, including its content, any updates, and implementation status. This information will be made available on the school unit's website. It will include the contact information for the person coordinating the wellness committee as well as information about opportunities for the public to get involved with the wellness committee.



### **Triennial Progress Assessments**

Every three years, the Director of School Nutrition will:

Assess extent to which the school unit's schools are in compliance with the wellness policy;

Assess the extent to which the school unit's wellness policy compares to model wellness policies; and

Provide a description of the progress made in attaining the goals of the school unit's wellness policy.

The school unit's wellness committee will update the wellness policy based on the results of the triennial assessment and/or as:

The school unit's priorities change;

Community needs change;

Wellness goals are met;

New evidence-based health science emerges; or

New or updated Federal or State regulations are issued.

### **Parent Communications**

The school unit will inform parents of improvements that have been made to school meal standards; availability of child nutrition programs and how to apply; the school unit's meal charging policy; and a list of healthy celebration party ideas (including a list of foods and beverages that meet the Smart Snacks standards).

### **Food and Beverage Marketing in Schools**

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks standards. Food and beverage marketing includes but is not limited to:

Brand names, logos or tags, except those that are present as labels on the food or beverage product or its container;

Displays, such as vending machine exteriors;

Corporate brands logos, names or trademarks on school equipment such as message boards or scoreboards;

Corporate brands, logos, names or trademarks on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment;

Corporate brands, logos, names or trademarks on posters, book covers, or school supplies distributed or offered by the school unit; or

Advertisements in school publications or school mailings; or on product coupons or free samples.

Corporate brand names, logos and trademarks for *companies* that market products that comply with the USDA Smart Snacks in School nutrition standards will not be prohibited solely because they offer some noncompliant food or beverage items in their product line.

Nothing in this policy shall require immediate replacement of scoreboards or other durable equipment. When reviewing existing contracts or replacing these items over time when necessary and/or financially feasible, decisions should reflect the marketing considerations articulated in this policy.

### **Appointment and Role of the Wellness Committee**

The Board shall appoint a district-wide Wellness Committee comprised of at least one of each of the following:

- A. Board member;
- B. School administrator;
- C. Food Services Director/designee;
- D. Student representative;
- E. Parent representative; and/or
- F. Community representative.

The Wellness Committee may also include:

- A. School nurse and/or other school health professional;
- B. Physical education teacher;
- C. Guidance counselor;
- D. Social worker;
- E. Community organization or agency representative;

- F. Other staff, as designated by the Board; and/or
- G. Other persons, as designated by the Board.

The Wellness Committee shall serve as an advisory committee in regard to student wellness issues and will be responsible for making recommendations related to the wellness policy, wellness goals, administrative or school regulations and practices, or raising awareness of student health issues.

With the prior approval of the Superintendent/designee, the Wellness Committee may survey parents, students and the community and/or conduct focus groups or community forums.

The Wellness Committee shall provide periodic reports to the Superintendent/ designee and, as requested, to the Board.

### **Wellness Goals**

The Board has identified the following goals associated with student wellness:

#### **Goals for Nutrition Education**

The schools will provide nutrition education that focuses on the skills students need to adopt and maintain healthy eating behaviors.

The schools' nutrition education will be provided in a sequential, comprehensive health education program aligned with the content standards of the Maine system of Learning Results.

Nutrition education will be integrated into other subjects as appropriate to complement, not replace, the health education program.

The school unit will provide foods that meet or exceed the federal nutrition standards, adequate time for students to obtain food and eat, lunch scheduled at appropriate hours of the day, adequate space to eat, and a clean and safe meal environment.

Appropriate professional development will be provided for food services staff.

#### **Goals for Nutrition Promotion**

School unit staff will cooperate with agencies and community organizations to provide opportunities for nutrition-related student projects and learning experiences.

Consistent nutrition messages will be disseminated throughout the school unit in the classroom, the cafeteria, and school-home communications.

Administrators and staff will be encouraged to model nutritious food choices and eating habits.

Schools will encourage parents/guardians to provide healthy meals and snacks for their children through take-home materials or other means.

Students will have access to clean and safe drinking water throughout the school day and during school activities.

Schools will promote consumption of water as an essential element in maintaining overall health and wellness.

### **Goals for Physical Activity**

The physical education program will provide students with the knowledge and skills needed to be physically fit and take part in healthful physical activity on a regular basis.

Students will develop motor skills and apply them to enhance their coordination and physical performance.

Students will demonstrate responsible personal and social behaviors in physical activity settings.

The physical education curriculum will be aligned with the content standards of the Maine system of Learning Results.

Physical education classes will keep all students involved in purposeful activity for a majority of the class period.

Physical education classes will provide opportunity to learn for students of all abilities.

The schools will provide a physical and social environment that encourages safe and enjoyable physical activity and fosters the development of a positive attitude toward health and fitness.

The schools will provide facilities adequate to implement the physical education curriculum for the number of students served.

Schools will promote efforts to provide opportunities for students to engage in age-appropriate activities on most days of the week in both school and community settings.

The schools will provide opportunities for physical activity through a variety of before-and/or after-school programs including, but not limited to, intramural sports, interscholastic athletics and physical activity clubs.

Appropriate professional development will be provided for physical education staff and other staff involved in the delivery of such programs.

## **Goals for Other School-Based Activities**

Goals of the wellness policy will be considered when planning school or classroom parties, celebrations or events.

Parents will be encouraged to provide nutritionally sound snacks from home and food for classroom parties or events.

Schools will encourage maximum participation in school meal programs.

Schools will encourage parents and students to take advantage of developmentally appropriate community-based after-school programs that emphasize physical activity.

The schools will encourage parents to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

As feasible, school physical activity facilities will be made available after school hours for student, parent and community use to encourage participation in physical activity.

School administrators, staff, parents, students and community members will be encouraged to serve as role models in practicing healthy eating and being physically active, both in the school environment and at home.

Student organizations will be encouraged to engage in fundraising projects that are supportive of healthy eating and student wellness.

School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields, and other areas accessible to students should support the goals of the wellness policy.

The schools are encouraged to cooperate with agencies and community organizations to support programs that contribute to good nutrition and physical activity.

Legal Reference: 42 U.S.C. § 1751 (Healthy, Hunger-Free Kids Act)  
7 CFR Parts 210 and 220

Adopted: July 8, 2009  
Revised: November 28, 2012  
Revised: June 13, 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. Suspensions longer than 10 days may be imposed by the Board.

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 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 his/her version of the incident shall be arranged as soon as practicable 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. 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 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 serving in-school suspension shall not be permitted to participate in extracurricular activities.

**Legal Reference:** 20-A MRSA §§ 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

## **DISCIPLINARY REMOVAL OF STUDENTS WITH DISABILITIES**

When removing students with disabilities from their regular school programs, whether as a result of a suspension, an expulsion, or any other removal covered by state and federal special education laws, it shall be the policy of RSU No. 5 to comply fully with all applicable state and federal special education laws that govern such removals.

The Superintendent of Schools, in consultation with the Director of Instructional Support and other school administrators, may develop and promulgate procedures for implementing this policy, and may from time to time amend those procedures as necessary.

Legal Reference: Ch. 101 § XVII (Me. Dept. of Educ. Rules) (2007)  
34 C.F.R. § 300.101, .530 -.536 (2006)

Adopted: June 24, 2009  
Reviewed: March 24, 2010  
Reviewed: March 13, 2013  
Reviewed: September 26, 2018