



***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:** March 26, 2021  
**RE:** Policy Meeting – April 2, 2021

The Policy Sub-Committee is scheduled to meet on Friday, April 2, 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**

GBP - Earned Paid Leave  
JICC - Student Conduct on School Buses  
JKE - Expulsion of Students  
JKE-R - Expulsion Guidelines

**EARNED PAID LEAVE**

**RSU No. 5 will comply with all applicable provisions of Maine's Earned Paid Leave (EPL) law, which takes effect January 1, 2021, and with Maine Department of Labor rules governing EPL.**

**The Superintendent/designee shall be responsible for developing and implementing administrative procedures to implement use of EPL under this policy.**

**Notice of the EPL law will be posted in a visible location in each workplace.**

**Administrative procedures, including employee eligibility, use of leave, and employee notice requirements will be provided to employees in writing and/or through electronic communications, or other suitable means.**

**Legal Reference: 26 MRSA § 637  
Maine Dep't of Labor Bureau of Labor Standards Rule Ch. X**

**Cross-Reference: GBN–Family and Medical Leave  
GBO–Family Sick Leave**

**Adopted: \_\_\_\_\_**

## **STUDENT CONDUCT ON SCHOOL BUSES**

The law does not relieve parents of students from the responsibility of supervision before the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

Once a child boards the bus-and only at that time-does he/she become the responsibility of the school system. Such responsibility shall end when the child is delivered to an established bus stop at the close of the school day.

In view of the fact that a bus is an extension of the classroom, the Board requires children to conduct themselves in the bus in a manner consistent with established standards for classroom behavior.

In cases when a child does not conduct him/herself properly on a bus, such instances are to be brought to the attention of the building Principal by the bus driver. The building Principal will inform the parents immediately of the misconduct and request their cooperation in checking the child's behavior.

Children who become a serious disciplinary problem on the school bus may have their riding privileges suspended by the Principal. In such cases, the parents of the children involved become responsible for seeing that their children get to and from school safely.

Legal Reference: 20-A MRSA Section 5401

Cross Reference: EEA - Student Transportation Services

Adopted: April 28, 2010  
Reviewed: January 25, 2012  
Reviewed: April 12, 2017

## **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. Provide written notice, by regular and certified 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 his/her right to an attorney or other representation; and
  - 5. An explanation of the consequences of an expulsion.
- B. 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.

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 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: 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

## EXPULSION GUIDELINES

### 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. Any discussion, consideration or hearing by the School Board of suspension or expulsion of a student shall be in executive session.
2. The Board shall be 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.
3. 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.

#### 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 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 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 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 Board 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. 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 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 executive session.

### III. PUBLIC SESSIONS

- A. In 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 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 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