

**FIDDLEHEAD SCHOOL  
BOARD OF DIRECTORS**

**ADOPTED: 9-2-2015  
REVIEWED:**

## **Suspension & Expulsion of Students Policy**

### **Suspension of Students**

It is the policy of Fiddlehead School to delegate to the Executive Director the authority to suspend students for infractions of school rules for a period not to exceed ten (10) consecutive school days. Suspensions or expulsions longer than ten days can be imposed by the Board of Directors as set forth below.

During a suspension, students are not permitted on school grounds to attend any co-curricular activity, or other school sponsored activities, or for any other reason, without the specific permission of the Executive Director. Students shall be responsible for any schoolwork/activities missed during their suspension. After re-admittance, they shall be permitted to take any form of evaluation they may have missed.

### **Expulsion of Students**

It is the policy of Fiddlehead School that no student shall be expelled from school except by action of the Board of Directors (the "Board"). Following a proper investigation, the Board shall expel a student, if found necessary for the peace and usefulness of the school. The Board also has the authority to readmit an expelled student upon satisfactory evidence that the behavior which caused the student to be expelled will not likely recur.

**Expulsion.** Following a proper investigation into allegations of a student's behavior and after due process proceedings set forth below, the Board shall have the right to expel a student, if necessary for the peace and usefulness of the school for the following infractions:

- A. Deliberately disobedience or deliberately disorderly conduct;
- B. For infractions of violence;
- C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
- D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
- E. Who possesses, furnishes or traffics in any scheduled drug as defined in Title 17-A, chapter 45.

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur.

**Expulsion Pursuant to the Federal Gun Free Schools Act.** 18 USC sec 921.

- A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the Board may authorize the Executive Director to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the Federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.
- B. Nothing in this subsection prevents a school board from:
  - (1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety;
  - or
  - (2) Providing educational services in an alternative setting to a student who has been expelled.
- B. In accordance with the proper investigation and due process provisions set forth in this section, the Executive Director may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection.

In the event that a student brings a firearm to school the Executive Director will immediately report such finding to law enforcement and the Chair of the Board.

**Expulsion Process and Hearing:**

The expulsion hearing shall be held in a properly called executive session and may be attended by persons designated by the Executive Director to present information in the case. The Board has adopted guidelines that outline the hearing process and the procedure for developing and implementing a reentry plan (if applicable).

Following a proper investigation of a student's behavior, in considering expulsion the Board shall ensure proceedings include the following due process provisions.

- A. Before a hearing on the expulsion, the Executive Director shall:
  - (1) Provide written notice to the parents and the student of:
    - (a) The date, time and location of the hearing;
    - (b) A description of the incident or incidents that occasioned the expulsion hearing;
    - (c) The student's and parents' right to review the school records prior to the hearing;
    - (d) A description of the hearing process; and
    - (e) An explanation of the consequences of an expulsion; and
  - (2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.
- B. At a hearing on the expulsion:
  - (1) The student has the right to present and cross-examine witnesses;
  - (2) The student has the right to an attorney or other representation; and
  - (3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses.
- C. After a hearing on the expulsion, the Board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the Board's written decision may include a reentry plan as set forth below.

**Re-Entry Plans – Guidelines for Suspension & Expulsion**

If the Executive Director suspends or if the Board expels a student and authorizes the Executive Director to develop a reentry plan, the following steps are required by law:

- a) The Executive Director 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 Executive Director 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 Executive Director.
- d) The reentry plan may require the student to take reasonable measures determined by the Executive Director that will help establish the student's readiness to return to school. Professional services determined to be necessary by the Executive Director must be provided at the expense of the student's parent/legal guardians and/or the student. (See policy for requirements related to students with disabilities.)
- e) The reentry plan must be provided to the parents/legal guardians and the student.
- f) The Executive Director 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 Executive Director.

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

### **Reporting**

The Executive Director/Designee shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education.