

## STUDENT SUSPENSION/EXPULSION

### I. Suspension

The building principal or, in his/her absence, a designated school official acting as the principal, may suspend students for up to 10 school days for infractions of school rules. All students will be afforded due process in cases of suspension.

### II. Expulsion

- A. Maine law (20-A M.R.S.A. § 1001(9)), provides that the RSU 1 Board of Directors shall, if found necessary for the peace and usefulness of the school, expel a student who is deliberately disobedient or deliberately disorderly; for infractions of violence; who possesses on school property a firearm, as defined under state law, without permission of a school official; who with use of any other dangerous weapon intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or who possesses, furnishes or traffics in any scheduled drug.
- B. Additionally, as required by 20-A M.R.S.A. § 1001(9-A) and the federal "Gun-Free Schools Act of 1994," the RSU 1 has adopted a Weapons in the Schools Policy (JICI and JICIA) which provides that students who are determined to have brought a firearm, as defined in 18 U.S.C. § 921 et.seq., to school shall be expelled by the Board for a period of not less than one year and referred to the appropriate local law enforcement agency. Under that policy, the Superintendent is also authorized to exercise his or her discretion to modify this expulsion requirement on a case-by-case basis.
- C. In addition to expulsion in the circumstances noted above, the Board of Directors may expel any student as deliberately disobedient or deliberately disorderly who has been suspended from school four times or more during a single school year, upon a finding by the Board that the student's expulsion is necessary for the peace and usefulness of the school.

### III. Expulsion of students with disabilities

- A. The building principal or, in his/her absence, a designated school official acting as the principal, may suspend students with identified disabilities for up to 10 cumulative school days in the school year in accordance with 20-A M.R.S.A. § 1001(9-B) for infractions of school rules, or in accordance with their IEPs.
- B. If a student with an identified disability commits an infraction that requires disciplinary removal from school in excess of 10 cumulative days in the school year, or that results in his or her disciplinary removal from school for four times or more during that school year, the matter shall be referred to a pupil evaluation team ("PET") to determine whether the misconduct is a manifestation of the student's disability.
  - 1. If the misconduct **is not** a manifestation of the student's disability he or she may be disciplined (including possible suspension or expulsion) to the same extent as would a non-disabled student for a similar infraction, except that the student shall receive educational services off school grounds to the extent required by law during the disciplinary period.
  - 2. If the misconduct **is** a manifestation of the student's disability, the Team shall make a determination of the appropriate disciplinary consequence for the behavior in

question, including possible removal to a different educational setting when permissible under state and federal special education laws.

Legal Reference: 20-A M.R.S.A. § 1001(9); Gun-Free Schools Act of 1994, 20 U.S.C. § 8921 et seq.; Individuals with Disabilities Education Act, 20 U.S.C. § 1415 (k).

Cross Reference: [JICIA Weapons, Violence and School Safety](#)  
[JICH-R Student Drug Use - Guidelines](#)  
[JKD Student Suspension](#)  
[JKE Student Expulsion](#)  
[JKE-R Student Expulsion Guidelines](#)  
[JKF Disciplinary Removal of Students with Disabilities](#)

Revised: May 10, 1999