

Hermon School Department

EXPULSION OF STUDENTS ADMINISTRATIVE PROCEDURE

Procedure for Conduct of School Committee Hearing to Expel

- A. Any discussion, consideration or hearing by the Hermon School Committee of suspension or expulsion of a student shall be in executive session.
- B. The School Committee should be in a public meeting and vote to enter executive session. Executive session requires 3/5 of the members present and voting, and the vote must be recorded.
- C. The student, his/her attorney, and parent/guardian need not be present but are to be notified of their right to attend and participate in the executive session, as provided by law and School Committee policy.

Executive Session

I. General Rules of Conduct

- A. The hearing officer (School Committee chair or designee) 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."
- D. The hearing officer will state "no arguments will be allowed."
- E. The School Committee and student (at his/her own expense) may be represented by legal counsel through each stage of the process.

II. Procedures

- A. Hearing officer will state for the record:
 - Date of this hearing;
 - Place of hearing;
 - Time of hearing;
 - Name of student;
 - Allegation;
 - Date of alleged act(s);
 - Place of alleged act(s);
 - Those in attendance for administration;

Those in attendance for student; and
Those in attendance for School Committee.

- B. The superintendent or designee, hereinafter called "the administration" shall read the charge along with a brief summary of the facts. The issue before the School Committee is limited to:
1. Did the student breach the rules of the school with conduct that was deliberately disobedient or deliberately disorderly;
 2. Did the student cause a violent infraction of school rules;
 3. Did the student possess, furnish, or traffic in any scheduled drugs as defined in Title 17-A, chapter 45;
 4. Whether the student possessed and/or used a weapon as defined by 20-A MRSA ss 1001 (9-A) and 18 USCA ss 921 et seq.; and/or
 5. Whether the School Committee determines that the student should be expelled for the peace and usefulness of the school.
- C. The hearing officer informs the student and parent/guardian of their rights:
1. To hear testimony and to confront witnesses;
 2. To cross examine witnesses; and
 3. To present testimony or to testify.
- D. The hearing officer asks if any member of the School Committee finds him/herself in a possible conflict of interest situation because he/she knows the student or parent/guardian 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.
- E. 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 trust?"
- F. The administration calls its witnesses.
- G. After each witness has answered all the 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.

- H. The administration may ask rebuttal questions after the student finishes questioning.
- I. Members of the School Committee may ask questions at the conclusion of the rebuttal.
- J. The student may then call his/her own witnesses to testify, and the student may testify. All will be sworn. The administration may cross examine. The student may ask rebuttal questions. After the rebuttal questions, the School Committee may ask questions.
- K. When all the student's witnesses have completed testimony (including the student), the administration may call additional rebuttal witnesses who may be cross examined.
- L. At the end of the testimony, the administration makes a statement which should include its recommendations. The same may then be done by/for the student.
- M. The School Committee should then deliberate in executive session. The superintendent, the School Committee's legal counsel, the student charged, his/her parent/legal guardian, and the student's legal counsel may remain for deliberations.
- N. The School Committee should discuss proposed finding of fact(s) prior to leaving the executive session.
- O. The School Committee should then leave executive session.

III. Public Session

- A. In public session, a member of the School Committee should make the motion to adopt the finding of fact(s) and expel or make a motion not to expel. Following a second, the chair of the School Committee should state the motion and the School Committee should vote.
- B. The superintendent is responsible for notifying the parent/legal guardian of the School Committee's decision, and the conditions, if any at that time, for School Committee consideration of readmission.