

## **Policy Executive Summary**

### **Second Reading**

**March 21, 2022**

The following policies and procedures will be presented for a Second Reading

#### **Policy JKE Expulsion of Students**

Policy JKE is a new recommended policy. The policy reflects *Chapter 295, L.D. 474 An Act Regarding School Discipline for Maine's Youngest Children* that states;

- Students in grade five or below may not be expelled, except when a student has violated the federal Gun-Free Schools Act.
- Written notice of an expulsion to parents must include a list of available free and low-cost legal services, which must be created and updated annually by the Maine Department of Education.

#### **Procedure JKE-R Expulsion Administrative Procedures**

Policy JKE-R is a new recommended procedure to accompany policy JKE. The procedure reflects current Maine law and is recommended as a reference for families.

#### **JKD Suspension of Students**

Policy JKD is a new recommended policy. The policy reflects changes in *Chapter 295, L.D. 474 An Act Regarding School Discipline for Maine's Youngest Children* which states;

- Students in grade five or below may not receive an out-of-school suspension, except when a student has violated the federal Gun-Free Schools Act or presents an imminent danger of serious physical injury to the student or others, and it is determined that less restrictive interventions would be ineffective.
- Any suspension of a student in grade five or below can be no longer than three school days.

#### **JKF Disciplinary Removal of Students with Disabilities**

Policy JKF is an existing policy that has been reviewed with no changes to the policy are required at this time. However, the legal references have been updated.

#### **JKF-R Disciplinary Removal of Students Administrative Procedure**

Procedure JKF-R is an existing procedure that has been reviewed and updated for compliance with Maine law.

### **JIC System-Wide Student Code of Conduct**

Policy JIC is an existing policy that has been reviewed and updated to reflect changes in Maine laws regarding Student Codes of Conduct and discipline policies. Changes in the policy are in red and include the following:

- Use of Restorative Interventions
- Limitations on expulsions, suspensions and use of recess for students in grades 5 and below
- Addition of our current Bullying/Cyberbullying policy

### **JICIA System-Weapons, Violence and School Safety**

Policy JICIA is an existing policy that has been reviewed and updated to reflect changes in *Chapter 320, L.D. 1451 An Act to Align the Expulsion Process with School Disciplinary Policies* regarding the use of Restorative Interventions to address student conduct issues.

### **Recommendation**

Policy JKE: To accept the second reading of Policy JKE

Policy JKE-R: To accept the second reading of Policy JKE-R

Policy JKD: To accept the second reading of Policy JKD

Policy JKF: To accept the second reading of Policy JKF

Policy JKF-R: To accept the second reading of Policy JKF-R

Policy JIC: To accept the second reading of Policy JIC

Policy JICIA: To accept the second reading of Policy JICIA

## **EXPULSION OF STUDENTS**

No student shall be expelled from school except by action of the School Committee.

Following a proper investigation of a student's behavior and in accordance with the School Committee's districtwide disciplinary policies, the School Committee shall expel the student, if found necessary for the peace and usefulness of the school, as provided in 20-A MRSA § 1001(9) and (9-A).

Students in grade five or below cannot be expelled, except for violations of the Gun-Free Schools Act, as provided in 20-A MRSA 20-A MRSA § 1001(9-A).

The Superintendent has the discretion under Maine law to provide an alternative to expulsion on a case-by-case basis. Such determination must be made in writing.

The School Committee 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 that:
  1. Informs them of the date, time and location of the hearing;
  2. Provides a description of the incident(s) that resulted in the expulsion hearing;
  3. Informs them of their right to review the school's records prior to the hearing;
  4. Includes a copy of the School Committee's expulsion guidelines (JKE-R);
  5. Informs them of the student's right to an attorney or other representation, and the right to be present and cross-examine witnesses; and
  6. Includes a list of available free and low-cost legal services, which must be created and updated annually by the Maine Department of Education.

- 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 AND REENTRY

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 deciding to expel a student, the School Committee may:

- A. Expel the student for a specific period of time not to exceed the total number of instructional days approved by the School Committee 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.

The School Committee has adopted guideless (JKE-R) that outline the procedure for conducting an expulsion hearing and for developing a reentry plan, if applicable.

After the expulsion hearing, the School Committee shall provide written notice of its decision to the parents/guardians and the student by certified mail.

Nothing in this policy shall prevent the School Committee 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  
JIC – Student Code of Conduct  
JICIA – Weapons, Violence and School Safety  
JICK – Bullying  
JK – Student Discipline  
JKD – Suspension of Students  
JKF – Disciplinary Removal of Students with Disabilities

Adopted: March 2022

**PLEASE NOTE** MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a School Committee's policy development on specific topics. Rarely does one School Committee's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a School Committee's own legal counsel.

## **EXPULSION ADMINISTRATIVE PROCEDURES**

### **I. EXPULSION HEARING AND REENTRY ADMINISTRATIVE PROCEDURES**

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 School Committee Hearing to Expel
  - 1. Any discussion, consideration or hearing by the School Committee of suspension or expulsion of a student shall be in executive session.
  - 2. The School Committee 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 (School Committee Chair/designee or School Committee 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 School Committee 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 Committee.
- B. The hearing officer will request from the Superintendent a copy of the hearing notice, read the hearing notice to the School Committee 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 School Committee 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 School Committee 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 School Committee 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 School Committee should then deliberate in executive session. The Superintendent, School Committee 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 School Committee if he/she was not directly involved in the investigation/presentation of evidence.
- O. The School Committee shall discuss whether the charges are more likely than not supported by the evidence presented. The School Committee 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 School Committee shall discuss whether an expulsion shall be for a specified period of time or for an indefinite period.
- Q. The School Committee shall then leave executive session.



### III. PUBLIC SESSIONS

- A. In public session, a member of the School Committee may make a motion to “expel a student and direct the Superintendent to provide the student and his/her parents/guardians with the School Committee’s findings of fact(s).” Following a second, the School Committee Chair should state the motion and the School Committee 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 School Committee 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 School Committee 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 School Committee’s decision.

### IV. REENTRY PLAN GUIDELINES

If the School Committee 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 2022

## SUSPENSION OF STUDENTS

The School Committee delegates to the principals the authority to suspend disobedient and disorderly students in grade six and above 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 School Committee.

Students in grade 5 or below may not be given an out-of-school suspension except when a student has violated the federal Gun-Free Schools Act or presents an imminent danger of serious physical injury to the student or others, and it is determined that less restrictive interventions would be ineffective. Any suspension of a student in grade five or below cannot be longer than three school days.

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.

The parents/guardians and the student shall be required to schedule a conference with the building administrator/designee within the suspension period and prior to readmittance to school.

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 out-of-school or in-school suspension will 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  
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## **DISCIPLINARY REMOVALS 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 the Sanford School Department 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 Special Education 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 References:** Me. Dept. of Ed. Rule Reg. Ch. 101 § XVII (2017)  
34 CFR § 300.101, .530 -.536

Adopted:

Updated: February 28, 2022

Adoption Date: February 26, 2001

Effective Date: February 26, 2001

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

These procedures shall govern disciplinary removals of students with disabilities from their regular school program. These procedures shall be interpreted in a manner consistent with state and federal special education laws and regulations.

- A. School administrators may suspend students with disabilities for up to 10 cumulative school days in the school year under the same terms and conditions as students without disabilities are suspended, subject to the limitations set forth below.
  - 1. In the event that a disabled student's IEP specifically lists a school response other than a suspension that must be followed for a particular type of misconduct, the school administrator shall follow the requirements of the IEP in responding to that misbehavior.
  - 2. When calculating the 10 cumulative school day total, school administrators shall include school days spent in an in-school suspension or removal, unless during that removal the child continued to have access to the general curriculum, to the special education services in his or her IEP, and also continued to participate with non-disabled children to the extent he or she would have in the student's regular program.
- B. After a student with a disability has been removed from his/her current placement for 10 cumulative school days in the same school year, during any subsequent days of removal the school administrator shall consult with at least one of the student's teachers and then shall arrange for the student to receive a level of educational services during the removal sufficient to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals listed in the student's IEP.
- C. Portions of a school day that a child has been suspended would be included in determining whether the child has been removed for more than ten (10) cumulative days.
- D. Within 10 cumulative school days of any decision to "change the placement" of a student with a disability because of a violation of a code of student conduct, school officials shall hold an IEP team meeting within 10 business days to undertake the following.

1. The Team shall review all relevant information in the student's file including the IEP, any teacher observations, and recent evaluations.
2. The Team shall then undertake a manifestation determination to decide whether the student's misconduct was a manifestation of his/her disability.
3. If the Team determines that the misbehavior is a manifestation of the disability, the Team must either:
  - a. Conduct a functional behavior assessment, unless one had been conducted before the behavior incident, and shall implement a behavior intervention plan for the child; or
  - b. If a behavior plan has already been developed, review the plan and modify it as necessary to address the behavior.

Except as provided in D. below, the Team must also return the student to the placement from which he/she was removed, unless the school and parent agree to a change of placement as part of the revision of the behavior plan.

4. If the Team determines that the misbehavior is not a manifestation of the disability, school personnel may apply the relevant disciplinary procedures in the same manner and for the same duration as the procedures would be applied to students without disabilities, except that services must be provided to the student during the disciplinary removal consistent with 5. c.) below.
5. When a student with a disability has a disciplinary removal that would be a "change of placement," the IEP Team shall order services for the student that will enable the student to:
  - a. Continue to participate in the general curriculum although in another setting;
  - b. Progress toward meeting the goals in the IEP; and
  - c. Receive, as appropriate, a functional behavior assessment and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

6. For purposes of this section, a “change of placement” occurs if:
  - a. The removal is for more than 10 consecutive school days; or
  - b. The child has been subjected to a series of removals that constitute a pattern and:
    - 1) Because the series of removals totals more than 10 cumulative days in the school year;
    - 2) Because the child’s behavior is substantially similar to the behavior in previous incidents resulting in the series of removals; and
    - 3) Because of additional factors such as the length of each removal, the total length, and the proximity of the removals to each other.
  
- D. In those circumstances where a student brings a weapon to school, to a school function, or on school premises (including transportation); where a student knowingly possesses, uses, sells, or attempts to sell illegal drugs at school, a school function, or on school premises (including transportation); or when the student inflicts serious bodily injury upon another person while at school, a school function, or on school premises (including transportation) school officials may place that student in an alternative educational setting for up to 45 school days, shall provide educational services for the student consistent with 5. c. above, and shall schedule an IEP Team meeting to occur within 10 school days of commencing that removal. At that meeting, the Team shall undertake all necessary actions discussed in these procedures for responding to removals that constitute a change of placement for the student. Any further removals in response to the incident shall be made consistent with these procedures and state and federal special education rules.

Legal Reference: Me. Dept. of Educ. Rule Ch. 101 § XVII (2017)  
34 CFR § 300.101, .530-.536

Adopted: February 6, <sup>2001</sup>

Updated: March 2022





## **SYSTEM-WIDE STUDENT CODE OF CONDUCT**

Ethical and responsible student behavior is an essential part of the educational mission of our schools. To that end, the School Committee has developed this System-Wide Code of Conduct with input from school staff, students, parents and the community. The Code defines our expectations for student behavior and provides the framework for a safe, orderly and respectful learning environment.

### **Article 1 - Standards for Ethical and Responsible Behavior**

The Code of Conduct is intended to support and encourage students to meet the following state-wide standards for ethical and responsible behavior:

- Responsibility
- Respect
- Honesty
- Compassion
- Courage

### **Article 2 - Code of Conduct**

All students are expected to comply with the Code of Conduct and all related School Committee policies and school rules. The Code applies to students:

- on school property,
- while in attendance at school or at any school-sponsored activity, or
- at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school.

### **Article 3 - General Behavior Expectations and Discipline Policies**

The following expectations for student behavior are fundamental to a safe, orderly and respectful environment in our schools. Each student should:

1. Be courteous to fellow students, staff and visitors.
2. Respect the rights and privileges of other students and school staff.
3. Obey all School Committee policies and school rules governing student conduct.
4. Follow directions from school staff.
5. Cooperate with staff in maintaining school safety, order and discipline.
6. Attend school regularly.
7. Meet school standards for grooming and dress.
8. Respect the property of others, including school property and facilities.
9. Refrain from cheating or plagiarizing the work of others.
10. Refrain from vulgarity, profanity, obscenity, lewdness, and indecency.

Violations of the Code of Conduct may result in **positive and restorative interventions and/or** disciplinary action. ~~Disciplinary consequences depend upon the seriousness of the violation and the student's prior disciplinary record. Consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses.~~ **Administrators have the discretion to tailor discipline to the facts and circumstances of the particular case. Consequences will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses.** Behavior that also violates the law may be referred to law enforcement authorities.

**The following limitations on expulsions, out-of-school suspensions and use of recess for students in grade 5 or below:**

1. **Students in grade five or below may only be expelled for violations of the federal Gun-Free Schools Act, as provided in 20-A MRSA § 1001(9-A). The Superintendent may determine on a case-by-case basis, in writing that an expulsion is not required.**
2. **Students in grade five or below may not receive an out-of-school suspension except when a student a) has violated the federal Gun-Free Schools Act or b) presents an imminent danger of serious physical injury to the student or others, and it is determined that less restrictive interventions would be ineffective.**
3. **Any out-of-school suspension of a student in grade five or below can be no longer than three school days.**
4. **Recess may not be withheld as a consequence of violating this Code of Conduct by any student enrolled in grade five or below, except when recess is the only time when restorative interventions can occur.**

## **Article 4 - Expectations**

The following is a summary of Sanford School Department's expectations for student behavior. In many cases, the School Committee has adopted policies that address these expectations in greater detail. Students, parents/guardians and others should refer to the policies and student handbooks for more information about the expectations and consequences. In case of an inconsistency between the Code of Conduct, School Committee policies and/or school handbooks, School Committee policies will prevail.

### **A. Violence and Threats**

Students shall not engage in violent or threatening behavior. Prohibited behavior includes, but is not limited to, fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property, or threats, intimidation, or harassment. Violations may result in disciplinary action up to and including expulsion, **as permitted by law**.

*See policies:*

**JICIA – Weapons, Violence, School Safety and Bomb Threats**

**JICIA-R – Bomb Threat Procedures**

### **B. Weapons**

Students shall not possess or use weapons of any kind (examples include but are not limited to firearms, explosives and knives). Students also shall not use any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person (examples include but are not limited to bats, lighters, tools and toy weapons). Firearms violations will result in expulsion in accordance with state and federal statutes; other weapons violations may result in disciplinary action up to and including expulsion.

*See policy:*

**JICIA - Weapons, Violence, School Safety and Bomb Threats**

### **C. Hazing/Secret Societies**

Hazing and secret societies are prohibited. Maine law defines injurious hazing as “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.” No student shall plan, encourage, or engage in such activities in connection with any school program or activity, including extracurricular, co-curricular and athletic activities. Students who engage in hazing activities or participate in secret societies are subject to suspension, expulsion and/or other appropriate disciplinary measures.

*See policies:*

**ACAD – Hazing**

**JFCE – Secret Societies**

#### **D. Discrimination and Harassment/Sexual Harassment**

Students shall not discriminate against other students on the basis of race, color, sex, **sexual orientation, gender identity**, religion, ancestry, national origin or disability; nor shall students harass one another on the basis of race, color, sex, **sexual orientation, gender identity**, religion, ancestry, or national origin or disability. Sexual harassment is also prohibited. Discrimination and harassment are grounds for disciplinary action up to and including expulsion.

*See policies:*

*AC – Nondiscrimination / Equal Opportunity and Affirmative Action*

*ACAA – Student Discrimination and Harassment / Sexual Harassment*

*ACAA-R – Student Discrimination and Harassment / Sexual Complaint Procedure*

#### **E. Bullying and Cyberbullying**

Bullying includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

(1) Has, or a reasonable person would expect it to have, the effect of: (a) Physically harming a student or damaging a student's property; or (b) Placing a student in reasonable fear of physical harm or damage to the student's property;

(2) Interferes with the rights of a student by: (a) Creating an intimidating or hostile educational environment for the student; or (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school; or

(3) Is based on actual or perceived characteristics or association with persons with these actual or perceived characteristics specified in the policy, and has the effects describe above.

Bullying and cyberbullying is grounds for disciplinary action up to and including expulsion, as permitted by law.

*See policy:*

*JICK – Bullying and Cyberbullying*

#### **F. Drug and Alcohol Use**

Students shall not distribute, possess, use or be under the influence of any alcoholic beverage, drug paraphernalia, drug, or look-alike substance as described in School Committee policy. Violations may result in disciplinary action up to and including expulsion from school.

*See policy:*

*JICH – Drug and Alcohol Use by Students*

**G. Tobacco Use**

Students shall not smoke, use, possess, sell, or distribute any tobacco products. Violations of this policy may result in disciplinary action up to and including suspension from school.

*See policy:*  
**ADC – Tobacco Use and Possession**

**H. Conduct on School Buses**

Students must comply with all School Committee policies and school rules while on school buses. Students who violate these policies and rules on a school bus may have their riding privileges suspended or revoked, and may also be subject to additional disciplinary action, up to and including expulsion, depending upon the particular violation.

*See policy:*  
**JICC – Student Conduct on School Buses**

**I. Computer/Internet Use**

Students may use school computers, networks and Internet services only for educational purposes. Students shall comply with all policies and rules governing acceptable use. Unacceptable use may result in suspension or cancellation of computer privileges as well as additional disciplinary and/or legal action.

*See policy:*  
**IJNDB – Student Computer and Internet Use**

**J. Athletics/Extracurricular Activities**

Students must follow all School Committee policies and school rules while participating in athletics and extracurricular activities. Students who violate policies and school rules may be subject to suspension or removal from the team/activity as well as additional disciplinary action under applicable School Committee policies and/or school rules.

**Article 5 - Removal of Disruptive/Violent Students**

1. Students who are disruptive or violent may be removed from classrooms, school buses, or other school property when necessary to maintain order and safety. The staff member who orders the student removed should arrange to have the student escorted to the office or other designated location.
2. If a student does not comply with a staff member's order to leave, the staff member will contact an administrator, or, if not available, another suitable person, who shall respond promptly.

3. ~~Staff members shall not use force or restraint, except only to the minimum extent necessary to protect any person from imminent physical harm. Staff members are not required to take action that puts them at risk of serious injury.~~ **The responding administrator will take appropriate action.**

4. ~~The responding administrator will take appropriate action. If the student fails to obey verbal directions, force or restraint may be used only to the minimum extent necessary to protect any person from imminent physical harm or to quell a disturbance. Whenever practicable, law enforcement should be called to restrain or physically remove the non-compliant student. The administrator may invoke the school unit's crisis response plan if appropriate.~~ **Any use of physical restraint or seclusion must comply with applicable regulations and School Committee policy.**

See 20-A MRSA § 4009 – Protection from Liability

**See Comprehensive Health and Safety Emergency Management Plan**

**See MDOE Rule Chapter 33 – Physical Restraint and Seclusion of Students**

**See policies: JKAA/JKAA-R – Physical Restraint and Seclusion of Students**

## Article 6 - Special Services

1. **Referral.** The school unit has adopted policies and procedures for determining when a student shall be referred for special services.

*See policies:*

**IHBAA – Referral / Pre-Referral Policy**

**IHBAA-R – Referral / Pre-Referral Procedures**

***IHBAC – Child Find Policy***

2. **Review of Individual Educational Plan.** The school shall schedule a ~~PET~~ **IEP** meeting to review the IEP of a student who has been removed from class when: a) school officials and/or the parent believes the student may present a substantial likelihood of injury to himself/herself or others; b) the class removals are sufficient to constitute a change in the student's special education program; or c) school officials or the parent believes that the student's behavior may warrant a change in educational programming.

*See policy:*

***JKF – Disciplinary Removals of Students with Disabilities***

3. ~~Time Out Rooms and Therapeutic Restraint.~~ The school unit also has established a policy on the use of time out rooms and therapeutic restraints as required by Maine statute.

*See policy:*

***JKAA – Time Out Rooms and Therapeutic Restraint***

## Article 7 - Referrals to Law Enforcement Authorities

The Superintendent and administrators have the authority to seek the assistance of law enforcement authorities when there is a substantial threat to the safety of the schools, students or staff. The Superintendent/administration may also inform law enforcement authorities when they have reason to suspect that a student or staff member may have violated a local, state or federal statute. All serious offenses, as determined by the Superintendent, must be reported to law enforcement authorities.

*See policy:  
KLG – Relations with Law Enforcement Authorities*

#### **Article 8 - Dissemination of System-Wide Student Code of Conduct**

The System-Wide Student Code of Conduct shall be distributed to staff, students and parents through handbooks and/or other means selected by the Superintendent and building administrators.

**Legal Reference:** 20-A M.R.S.A. §§ 254 (11); 1001 (15)

**Cross Reference:** *Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities* (Report of The Commission for Ethical and Responsible Behavior, February 2001)

Adoption Date: August 19, 2002

Updated: March 2022



## **WEAPONS, VIOLENCE AND SCHOOL SAFETY**

The School Committee believes that students and staff are entitled to learn and work in a school environment free of violence, threats and disruptive behavior. Students are expected to conduct themselves with respect for others and in accordance with School Committee policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff is required to immediately report incidents of prohibited conduct by students to the building administrator/designee for investigation and appropriate action.

### **I. PROHIBITED CONDUCT**

Students, staff and all other persons are prohibited from engaging in the following conduct on school property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school:

- A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks;
- B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of any sort, and replicas of weapons (including toys);
- C. Violent or threatening behavior including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
- D. Verbal or written statements (including those made on or through a computer) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt the school program;
- E. Willful and malicious damage to school or personal property;
- F. Stealing or attempting to steal school or personal property;
- G. Lewd, indecent or obscene acts or expressions of any kind;
- H. Violations of the school unit's drug/alcohol and tobacco policies;
- I. Violations of state or federal laws; and
- J. Any other conduct that may be harmful to persons or property.

## II. ~~DISCIPLINARY ACTION~~ ADDRESSING POLICY VIOLATIONS

Principals may **engage students in restorative intervention**, suspend and/or recommend expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion, **as permitted by law**, if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001(9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing, and trafficking of scheduled drugs.

Students who are found to have brought a firearm to school (as defined by federal law) shall be expelled for a period of not less than one year, unless this requirement is modified by the Superintendent on a case-by-case basis.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Superintendent.

Students with disabilities shall be disciplined in accordance with applicable federal and state laws/regulations and School Committee Policy JKF.

## III. USE OF FIREARMS BY LAW ENFORCEMENT OFFICERS

Nothing in this policy shall prevent the school system from allowing law enforcement officials, while in the course of their duties, to bring firearms on school property.

## IV. NOTIFICATION TEAM/CONFIDENTIALITY

Maine law authorizes law enforcement officers and criminal justice agencies to share with a superintendent or principal information pertaining to a juvenile when the information is credible and indicates an imminent danger to the safety of students or school personnel on school grounds or at a school function. Maine law requires the District Attorney to notify the superintendent when a juvenile is charged with use or threatened use of force or is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of force.

Within ten days, or immediately if necessary for school safety, the Superintendent shall convene a notification team. The notification team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team shall determine on this basis of need which school employees are entitled to receive information concerning allegations or adjudications of use or threatened use of force. Information received by the Superintendent/designee and disclosed to the notification team and/or disclosed to school employees is confidential and may not become part of the student's educational record.

The Superintendent shall ensure that confidentiality training is provided to all school employees who have access to this information.

**V. PSYCHOLOGICAL EVALUATION/RISK ASSESSMENT**

The School Committee authorizes the Superintendent to request an immediate psychological evaluation of a student who engages in conduct prohibited by this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to remain in school.

The Superintendent is also authorized to request psychological evaluations of students who have been identified as posing a substantial risk of violent behavior.

All such evaluations shall be performed at the school unit's expense.

If the parent/guardian and/or student refuses to permit a requested psychological evaluation, the Superintendent and the School Committee may draw any reasonable inferences from the student's behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.

Legal References:     20 USC § 7151 (Gun-Free Schools Act)  
                              5 MRSA § 4681 et seq.  
                              17-A MRSA § 2(9); 2(12-A)  
                              20-A MRSA §§ 1001(9), (9-A), (15) and (15-!); 6552 P.L. 2005, ch. 307

Cross References:    ACAA - Harassment and Sexual Harassment of Students  
                              ADC - Tobacco Use and Possession  
                              EBCC - Bomb Threats  
                              EBCA - Crisis Response Plan  
                              JICH - Drug and Alcohol Use by Students  
                              JK - Student Discipline  
                              JKD - Suspension of Students  
                              JKE - Expulsion of Students  
                              JKF - Suspension/Expulsion of Students with Disabilities  
                              JIH - Questioning and Searches of Students  
                              KLG - Relations with Law Enforcement Authorities

Adopted:            December 6, 1999  
Revised:            **March 2022**