

# MAINE STATE LEGISLATURE

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May 7, 1929

To William B. Woodbury, Esquire  
Re: Expulsion from High School

Your letter of May 6th regarding the power of the school committee to expel a high school boy received.

Answering same I call your attention to Chapter 16, Section 38, subsection 4 of our Revised Statutes, which provides that the committee may

"expel any obstinately disobedient and disorderly scholar, after a proper investigation of his behavior, if found necessary for the peace and usefulness of the school, and restore him on satisfactory evidence of his repentance and amendment."

Our court has not yet decided on the expulsion of a student under conditions like those you mention (admitted fatherhood of an illegitimate child). But, in the case of Shaw vs. Small, reported in 124 Maine Reports, Page 36, the court held:

"The committee have large powers. They may exclude pupils for sanitary reasons, or because mentally defective. They exercise quasi judicial powers. If they act in good faith, they are not liable in damages, even if clearly wrong. After proper investigation, they may expel a pupil. No appeal is provided for. If they act in good faith, after proper investigation, their decision is final. But, before expelling a pupil, they must make such investigation. This duty cannot be wholly delegated to others."

In the instant case, if, after a proper investigation, the committee is satisfied that it is necessary for the peace and usefulness of the school that the student be expelled, they have the power to expel him, and if they act in good faith, they are not liable in damages, even though the court should subsequently find that they were clearly wrong.

Sanford L. Fogg  
Deputy Attorney General