



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2016

H.P. 1437

House of Representatives, January 14, 2020

An Act Regarding School Discipline for Maine's Youngest Students

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: COSTAIN of Plymouth, DODGE of Belfast, FARNSWORTH of Portland,
GATTINE of Westbrook, O'NEIL of Saco, TALBOT ROSS of Portland, WARREN of
Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §1001, sub-§8-A, ¶B,** as enacted by PL 2011, c. 614, §3, is
3 amended by amending subparagraph (2) to read:

4 (2) The student has the right to an attorney or other representation. A student
5 who is eligible for free or reduced-price meals under section 6602, subsection 1,
6 paragraph A is entitled to an attorney or other representation, including, but not
7 limited to, an advocate for the developmentally disabled, at state expense; and

8 **Sec. 2. 20-A MRSA §1001, sub-§9,** as amended by PL 2017, c. 407, Pt. A, §57,
9 is further amended to read:

10 **9. Students expelled or suspended.** Following a proper investigation of a student's
11 behavior and due process proceedings pursuant to subsection 8-A, if found necessary for
12 the peace and usefulness of the school, a school board shall expel any student, except a
13 student who is enrolled in grade 5 or below:

14 A. Who is deliberately disobedient or deliberately disorderly;

15 B. For infractions of violence;

16 C. Who possesses on school property a firearm as defined in Title 17-A, section 2,
17 subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2,
18 subsection 9 without permission of a school official;

19 D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2,
20 subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies
21 use of a weapon with a threat to cause injury; or

22 E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title
23 17-A, chapter 45.

24 A student may be readmitted on satisfactory evidence that the behavior that was the cause
25 of the student being expelled will not likely recur. The school board may authorize the
26 principal to suspend students up to a maximum of 10 days for infractions of school rules,
27 except that a school board may not authorize a principal to suspend a student who is
28 enrolled in grade 5 or below except as provided under subsection 9-A. In addition to
29 other powers and duties under this subsection, the school board may develop a policy
30 requiring a student who is in violation of school substance use or possession rules to
31 participate in substance use disorder services as provided in section 6606. Nothing in this
32 subsection or subsection 9-C prevents a school board from providing educational services
33 in an alternative setting to a student who has been expelled.

34 **Sec. 3. 20-A MRSA §1001, sub-§15,** as amended by PL 2011, c. 659, §2, is
35 further amended to read:

36 **15. Adoption of student code of conduct.** With input from educators,
37 administrators, parents, students and community members, they shall adopt a ~~district-~~
38 ~~wide~~ districtwide student code of conduct consistent with the statewide standards for
39 student behavior developed under section 254, subsection 11. Adoption of a districtwide
40 student code of conduct is required in order to receive funding under chapter 606-B.

1 Except as provided under subsection 9-A, a student code of conduct may not prescribe
2 suspension, expulsion or the withholding of recess as a consequence of a violation of the
3 student code of conduct by any student enrolled in grade 5 or below. The student code of
4 conduct must:

5 A. Define unacceptable student behavior;

6 B. Establish standards of student responsibility for behavior;

7 C. Prescribe consequences for violation of the student code of conduct, including
8 first-time violations, when appropriate;

9 D. Describe appropriate procedures for referring students in need of special services
10 to those services;

11 E. Establish criteria to determine when further assessment of a current individual
12 education plan is necessary, based on removal of the student from class;

13 F. Establish policies and procedures concerning the removal of disruptive or violent
14 students or students threatening death or bodily harm to others from a classroom or a
15 school bus, as well as student disciplinary and placement decisions, when
16 appropriate;

17 G. Establish guidelines and criteria concerning the appropriate circumstances when
18 the superintendent or the superintendent's designee may provide information to the
19 local police or other appropriate law enforcement authorities regarding an offense
20 that involves violence committed by any person on school grounds or other school
21 property; and

22 H. Establish policies and procedures to address bullying, harassment and sexual
23 harassment as set forth in section 6554.

24 The school board is responsible for ensuring that school officials inform students, parents
25 and community members of the student code of conduct.

26 **SUMMARY**

27 This bill provides that a student code of conduct may not prescribe suspension,
28 expulsion or the withholding of recess as a consequence of a violation of the student code
29 of conduct by any student enrolled in grade 5 or below except as provided under the
30 federal Gun-Free Schools Act. The bill also provides that any student enrolled in grade 6
31 or above who is eligible for free or reduced-price school meals is entitled to
32 representation at state expense during an expulsion proceeding.