

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 348 - L.D. 474

An Act Regarding School Discipline for Maine's Youngest Children

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

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

(d) A description of the hearing process; and

Sec. 2. 20-A MRSA §1001, sub-§8-A, ¶A, as enacted by PL 2011, c. 614, §3, is amended by enacting a new subparagraph (1), division (f) to read:

(f) A list of available free and low-cost legal services, which must be created and updated annually by the department; and

Sec. 3. 20-A MRSA §1001, sub-§9, as amended by PL 2017, c. 407, Pt. A, §57, is further amended to read:

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

- A. Who is deliberately disobedient or deliberately disorderly;
- B. For infractions of violence;
- C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
- D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
- E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the

principal to suspend students up to a maximum of 10 days for infractions of school rules, except that the school board may not authorize the principal to issue an out-of-school suspension to a student who is enrolled in grade 5 or below except as provided under subsection 9-A or unless the principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective. An out-of-school suspension for a student who is enrolled in grade 5 or below may not exceed 3 days. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance use or possession rules to participate in substance use disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

Sec. 4. 20-A MRS §1001, sub-§15, as amended by PL 2011, c. 659, §2, is further amended to read:

15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community members, they shall adopt a ~~district-wide~~ districtwide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

- A. Define unacceptable student behavior;
- B. Establish standards of student responsibility for behavior;
- C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;
- D. Describe appropriate procedures for referring students in need of special services to those services;
- E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;
- F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate;
- G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; ~~and~~
- H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554-;
- I. Provide that recess may not be withheld as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below, except that when there is no alternative time available, recess time may be used for restorative interventions as defined in section 1001, subsection 15-A, paragraph B related to the student's behavior;
- J. Establish that an out-of-school suspension or expulsion may not be issued to a student in grade 5 or below except as provided under subsection 9 or 9-A or unless the

principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective; and

K. Establish that an out-of-school suspension for a student in grade 5 or below may not exceed 3 days.

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