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No. 474

H.P. 348

House of Representatives, February 16, 2021

An Act Regarding School Discipline for Maine's Youngest Children

Received by the Clerk of the House on February 11, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative MORALES of South Portland.

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

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

4 (d) A description of the hearing process; ~~and~~

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

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

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

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

- 15 A. Who is deliberately disobedient or deliberately disorderly;
- 16 B. For infractions of violence;
- 17 C. Who possesses on school property a firearm as defined in Title 17-A, section 2,
18 subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection
19 9 without permission of a school official;
- 20 D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2,
21 subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies
22 use of a weapon with a threat to cause injury; or
- 23 E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title
24 17-A, chapter 45.

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

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

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

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

4 A. Define unacceptable student behavior;

5 B. Establish standards of student responsibility for behavior;

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

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

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

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

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

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

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

24 **SUMMARY**

25 This bill requires school superintendents to include, as part of the written notice
26 provided to students and parents before expulsion hearings, a list of available free and low-
27 cost legal services; it requires the Department of Education to create the list and update it
28 annually. It provides that a student code of conduct may not prescribe suspension,
29 expulsion or the withholding of recess as a consequence of a violation of the student code
30 of conduct by any student enrolled in grade 5 or below except as provided under the federal
31 Gun-Free Schools Act.