

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1067 - L.D. 1451

An Act To Align the Expulsion Process with School Disciplinary Policies

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

Sec. 1. 20-A MRSA §1001, sub-§8-A, as enacted by PL 2011, c. 614, §3, is amended to read:

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior and in accordance with the districtwide disciplinary policies adopted by the school board pursuant to subsection 15-A, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

- A. Before a hearing on the expulsion, the superintendent shall:
- (1) Provide written notice to the parents and the student of:
 - (a) The date, time and location of the hearing;
 - (b) A description of the incident or incidents that occasioned the expulsion hearing;
 - (c) The student's and parents' right to review the school records prior to the hearing;
 - (d) A description of the hearing process; and
 - (e) An explanation of the consequences of an expulsion; and
 - (2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.
- B. At a hearing on the expulsion:
- (1) The student has the right to present and cross-examine witnesses;
 - (2) The student has the right to an attorney or other representation; and
 - (3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses.

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the school board's written decision may include a reentry plan developed in accordance with subsection 9-C.

Sec. 2. 20-A MRSA §1001, sub-§9, as amended by PL 2017, c. 407, Pt. A, §57, is further amended by amending the first blocked paragraph to read:

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. The school board may authorize the superintendent or principal to modify, in writing, the requirement for expulsion of a student on a case-by-case basis. 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. 3. 20-A MRSA §1001, sub-§9-A, ¶A, as amended by PL 2009, c. 614, §1, is further amended to read:

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify in writing the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

Sec. 4. 20-A MRSA §6555, sub-§2, ¶D, as enacted by PL 2019, c. 458, §1, is amended to read:

D. Restorative practices and restorative interventions as defined in section 1001, subsection 15-A, paragraph B;