

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 165

H.P. 98

House of Representatives, January 14, 2025

**An Act to Allow School Boards to Expel or Suspend Students
Regardless of Grade Level**

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 TUELL of East Machias.
Cosponsored by Representatives: CARLOW of Buxton, MINGO of Calais, POIRIER of Skowhegan, STROUT of Harrington, WOODSOME of Waterboro, Senator: CYRWAY of Kennebec.

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

2 **Sec. 1. 20-A MRSA §1001, sub-§9**, as amended by PL 2021, c. 295, §3 and c. 320,
3 §2, is further amended to read:

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

8 A. Who is deliberately disobedient or deliberately disorderly;

9 B. For infractions of violence;

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

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

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

18 A student may be readmitted on satisfactory evidence that the behavior that was the cause
19 of the student being expelled will not likely recur. The school board may authorize the
20 principal to suspend students up to a maximum of 10 days for infractions of school rules;
21 ~~except that the school board may not authorize the principal to issue an out-of-school~~
22 ~~suspension to a student who is enrolled in grade 5 or below except as provided under~~
23 ~~subsection 9-A or unless the principal determines that there is an imminent danger of~~
24 ~~serious physical injury to the student or others and less restrictive interventions would be~~
25 ~~ineffective. An out-of-school suspension for a student who is enrolled in grade 5 or below~~
26 ~~may not exceed 3 days.~~ The school board may authorize the superintendent or principal to
27 modify, in writing, the requirement for expulsion of a student on a case-by-case basis. In
28 addition to other powers and duties under this subsection, the school board may develop a
29 policy requiring a student who is in violation of school substance use or possession rules
30 to participate in substance use disorder services as provided in section 6606. Nothing in
31 this subsection or subsection 9-C prevents a school board from providing educational
32 services in an alternative setting to a student who has been expelled.

33 **Sec. 2. 20-A MRSA §1001, sub-§15, ¶H**, as amended by PL 2021, c. 295, §4, is
34 further amended to read:

35 H. Establish policies and procedures to address bullying, harassment and sexual
36 harassment as set forth in section 6554; and

37 **Sec. 3. 20-A MRSA §1001, sub-§15, ¶I**, as enacted by PL 2021, c. 295, §4, is
38 amended to read:

39 I. Provide that recess may not be withheld as a consequence of a violation of the student
40 code of conduct by any student enrolled in grade 5 or below, except that when there is
41 no alternative time available, recess time may be used for restorative interventions as

1 defined in ~~section 1001~~, subsection 15-A, paragraph B related to the student's
2 behavior;

3 **Sec. 4. 20-A MRSA §1001, sub-§15, ¶J**, as enacted by PL 2021, c. 295, §4, is
4 repealed.

5 **Sec. 5. 20-A MRSA §1001, sub-§15, ¶K**, as enacted by PL 2021, c. 295, §4, is
6 repealed.

7 **SUMMARY**

8 This bill allows a school board to expel or authorize the suspension of a student of any
9 grade level.