

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2204

S.P. 897

In Senate, February 10, 2026

An Act to Allow Schools to Expel Students for Committing Sexual Assault

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HICKMAN 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 by amending the first blocked paragraph to read:

4 A student may be readmitted on satisfactory evidence that the behavior that was the cause
5 of the student being expelled will not likely recur. The school board may authorize the
6 principal to suspend students up to a maximum of 10 days for infractions of school rules,
7 except that the school board may not authorize the principal to issue an out-of-school
8 suspension to a student who is enrolled in grade 5 or below except as provided under
9 subsection 9-A or 9-E or unless the principal determines that there is an imminent danger
10 of serious physical injury to the student or others and less restrictive interventions would
11 be ineffective. An out-of-school suspension for a student who is enrolled in grade 5 or
12 below may not exceed 3 days, except as provided under subsection 9-E. The school board
13 may authorize the superintendent or principal to modify, in writing, the requirement for
14 expulsion of a student on a case-by-case basis. In addition to other powers and duties under
15 this subsection, the school board may develop a policy requiring a student who is in
16 violation of school substance use or possession rules to participate in substance use disorder
17 services as provided in section 6606. ~~Nothing in this~~ This subsection or and subsection 9-C
18 ~~prevents do not prevent~~ a school board from providing educational services in an alternative
19 setting to a student who has been expelled.

20 **Sec. 2. 20-A MRSA §1001, sub-§9-E** is enacted to read:

21 **9-E. Students expelled for sexual assault.** A school board shall adopt a policy for
22 expelling a student enrolled in any grade who is determined to have committed sexual
23 assault as described in Title 17-A, chapter 11 on school grounds or other school property
24 and for referring the matter to the appropriate local law enforcement agency.

25 A. A student who is determined to have committed sexual assault must be expelled
26 from school for a period of not less than one year, except that a school board may
27 authorize the superintendent to modify in writing the requirement for expulsion of a
28 student on a case-by-case basis. A decision to change the placement of a student with
29 a disability must be made in accordance with the federal Individuals with Disabilities
30 Education Act, 20 United States Code, Section 1400 et seq.

31 B. This subsection does not prevent a school board from providing educational
32 services in an alternative setting to a student who has been expelled.

33 C. In accordance with the proper investigation and due process provisions required in
34 subsection 9, a principal may suspend immediately for good cause a student who is
35 determined to have committed sexual assault on school grounds or other school
36 property under this subsection.

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

39 J. Establish that an out-of-school suspension or expulsion may not be issued to a
40 student in grade 5 or below except as provided under subsection 9 ~~or~~ 9-A or 9-E or
41 unless the principal determines that there is an imminent danger of serious physical
42 injury to the student or others and less restrictive interventions would be ineffective;
43 and

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

K. Establish that an out-of-school suspension for a student in grade 5 or below may not exceed 3 days, except as provided under subsection 9-E.

SUMMARY

This bill requires school boards to adopt a policy for expelling a student enrolled in any grade who is determined to have committed sexual assault on school grounds or other school property and for referring the matter to the appropriate local law enforcement agency. The bill requires that, in accordance with the proper investigation and due process provisions, a student who is determined to have committed sexual assault must be expelled from school for a period of not less than one year, except that a school board may authorize the superintendent to modify in writing the requirement for expulsion of a student on a case-by-case basis.