

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 827, L.D. 1159, Bill, "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'20-A MRSA §1001-A is enacted to read:

§1001-A. Written policies for student rights and responsibilities

Each local school board, in collaboration with teachers, students, school personnel and parents or guardians, shall develop and adopt written policies setting forth the rights and responsibilities of students with regard to students' rights of free speech, freedom from unreasonable searches and other rights and responsibilities as the local board may determine appropriate. At a minimum, the rights set forth for students shall include the rights guaranteed by the United States Constitution and the Constitution of Maine, as those rights are interpreted by the State's Supreme Judicial Court and the United States Supreme Court. The school board, in collaboration with teachers, students, school personnel and parents or guardians, shall review and, if appropriate, amend the policies at least once every 2 years, to assure that the policies are at least as protective of student rights as required by case law under the United States Constitution and the Constitution of Maine.

The school board shall annually make the written policies available to all students, in written form, such as a student handbook or similar publication.

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FISCAL NOTE

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7 This bill will require local school boards to adopt written
9 policies to clarify student rights and to make those policies
11 available in written form to all students. The additional costs
13 incurred by local school units to meet these requirements will
15 fall under the school mandate laws which require the State to pay
100% of these costs during the first 2 years. While the cost to
individual school units will not be significant, additional
General Fund appropriations will be required to pay for the
statewide total of these local costs. The amount of the
appropriations, however, cannot be determined at this time.'

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STATEMENT OF FACT

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23 This amendment deletes the specific description of rights
25 which must be included in the written policies, but requires that
27 the rights shall be, at a minimum, those rights guaranteed to
29 students by the United States Constitution and the Constitution
of Maine. These would include the rights guaranteed by Tinker v.
Des Moines Independent School District, which recognized that
students do not "shed their constitutional rights at the
schoolhouse gate," while also recognizing that schools need to
maintain order to achieve their educational purposes. The
amendment requires biennial review of the written policies, to
assure that the policies reflect any additional rights granted by
court cases, and clarifies that the policies must be made
available each year to all students.

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Reported by the Minority of the Committee on Education
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