

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1159

H.P. 827

House of Representatives, April 12, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

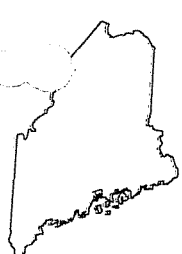
Presented by Representative RYDELL of Brunswick.

Cosponsored by Representative STEVENS of Bangor, Representative McGOWAN of Canaan and Senator ESTES of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act Granting Student Rights and Requiring School Boards to
Adopt Written Policies Regarding Student Rights and Responsibilities.**



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

3 **20-A MRSA §1001-A** is enacted to read:

5 **§1001-A. Written policies for student rights and responsibilities**

7 **1. Local boards to adopt written policies.** Each local
8 school board shall, in consultation with teachers, students,
9 school personnel, and parents or guardians, develop and adopt
10 written policies setting forth the rights and responsibilities of
11 students with regard to students' rights of free speech, freedom
12 from unreasonable searches, and other rights and responsibilities
13 as the local board may deem appropriate. The policies shall
14 incorporate at least those rights set forth in this section. The
15 school board shall make the written policies available to all
16 students, in written form, in a student handbook or similar
17 publication.

19 **2. Minimum rights of free speech.** The right of students to
20 freedom of expression in the public schools of the State shall
21 not be abridged, provided that this right shall not cause any
22 disruption or disorder within the school. Freedom of expression
23 shall include without limitation the rights and responsibilities
24 of students, collectively and individually, to express their
25 views through speech and symbols; to write, publish and
26 disseminate their views; and to assemble peaceably on school
27 property for the purpose of expressing their opinions. Any
28 assembly planned by students during regularly scheduled school
29 hours shall be held only at a time and place approved in advance
30 by the school principal or the principal's designee.

31 No expression made by students in the exercise of these rights
32 may be deemed to be an expression of school policy and no school
33 officials may be held responsible in any civil or criminal action
34 for any expression made or published by the students.

37 **3. Minimum rights of freedom from unreasonable searches.**
38 Students in public schools shall be free from unreasonable
39 searches by school officials. A search shall be unreasonable
40 unless:

41 **A. The official performing the search has reasonable,**
42 **articulable grounds to believe that the search will result**
43 **in evidence that the student has violated the law or a**
44 **written rule of the school, and the search is performed:**

47 **(1) Under the authority and pursuant to the terms of a**
48 **valid search warrant; or**

49 **(2) With the consent of the student searched; or**

51

