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.

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.



20-A MRSA \$1001-A is enacted to read: 3 5 \$1001-A. Written policies for student rights and responsibilities 7 1. Local boards to adopt written policies. Each local school board shall, in consultation with teachers, students, 9 school personnel, and parents or quardians, develop and adopt written policies setting forth the rights and responsibilities of 11 students with regard to students' rights of free speech, freedom from unreasonable searches, and other rights and responsibilities 13 as the local board may deem appropriate. The policies shall incorporate at least those rights set forth in this section. The 15 school board shall make the written policies available to all students, in written form, in a student handbook or similar publication. 17 19 2. Minimum rights of free speech. The right of students to freedom of expression in the public schools of the State shall 21 not be abridged, provided that this right shall not cause any disruption or disorder within the school. Freedom of expression shall include without limitation the rights and responsibilities 23 of students, collectively and individually, to express their 25 views through speech and symbols; to write, publish and disseminate their views; and to assemble peaceably on school 27 property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school 29 hours shall be held only at a time and place approved in advance by the school principal or the principal's designee. 31 No expression made by students in the exercise of these rights 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 35 for any expression made or published by the students. 3. Minimum rights of freedom from unreasonable searches. 37 Students in public schools shall be free from unreasonable 39 searches by school officials. A search shall be unreasonable unless: 41 19. A . A The official performing the search has reasonable, 43 articulable grounds to believe that the search will result in evidence that the student has violated the law or a written rule of the school, and the search is performed: 45 (1) Under the authority and pursuant to the terms of a 47 valid search warrant; or 49 (2) With the consent of the student searched; or

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

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1	(3) After a reasonable determination by the school
	<u>official that failure to make the search would be</u>
3	likely to result in danger to any person including the
	student or destruction of evidence; and
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	B. The search is conducted in a manner entailing no greater
7	invasion of privacy than the conditions justifying the
	search make necessary.
9	
	Any evidence obtained by school officials in a search performed
11	without the safequards set forth in this section is not
	admissible in any disciplinary proceeding against the student.
13	
	4. Right to detain student. School officials have the
15	right to detain a student until law enforcement officers arrive
	if the school officials believe that the student:
17	
	A. Will destroy or conceal evidence; or
19	
	B. Is a danger to any person, including the student.
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21	
23	STATEMENT OF FACT
25	The purpose of the bill is to set forth the rights of
	students to free expression in the schools and the right to be
27	free from unreasonable searches by school officials. The bill
<u> </u>	also requires local school boards to adopt written policies to
2.0	
29	clarify students' rights, and to disseminate the information to
	students so that they will be well-informed of their rights.