

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1398

H.P. 1006

House of Representatives, March 11, 1997

**An Act to Clarify the Law Regarding the Discipline of Exceptional Students.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.  
Cosponsored by Representatives: BELANGER of Caribou, BUMPS of China, GOODWIN of  
Pembroke, JOY of Crystal, McALEVEY of Waterboro, McELROY of Unity, WHEELER of  
Bridgewater.

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

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4           **Sec. 1. 20-A MRSA §1001, sub-§9-B** is enacted to read:

6           **9-B. Disciplinary sanctions for exceptional students.** They  
8           retain the authority to sanction an exceptional student as  
10           defined in section 7001, subsection 2 for deliberate misconduct  
12           that violates school rules. Notwithstanding the duties of school  
14           administrative units as described in section 7202, the school  
16           board may authorize the superintendent, principal or assistant  
18           principal to enforce this subsection by allowing the  
            superintendent, principal or assistant principal to suspend an  
            exceptional student up to a maximum of 10 days individually or  
            cumulatively for infractions of school rules. When an  
            exceptional student is suspended for 10 days or less for a  
            violation of school rules, the school board is not required to  
            provide a tutor, transportation or any other aspect of the  
            student's special education program.

20           **Sec. 2. Amend rules.** The Department of Education shall amend  
22           the special education rules to remove any requirements that  
24           school administrative units must provide educational services to  
26           an exceptional student that has been expelled or suspended from  
28           school for 10 days or less for violating school rules.

#### SUMMARY

30           This bill clarifies the authority of school boards in  
32           disciplining exceptional students. Under the provisions of this  
34           bill, school boards:

36           1. Have the duty to apply an appropriate disciplinary  
38           sanction to an exceptional student whose misconduct violates  
40           school rules;

42           2. May authorize superintendents, principals or assistant  
44           principals to sanction exceptional students for such infractions;  
46           and

48           3. May interrupt an exceptional student's special education  
            program when that student is suspended from school for 10 days or  
            less.

            This bill also requires the Department of Education to  
            remove state special education regulations that compel school  
            administrative units to provide special educational services to  
            an exceptional student who has been suspended for violation of  
            school rules.