

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1998

---

Legislative Document

No. 2142

---

H.P. 1520

House of Representatives, January 20, 1998

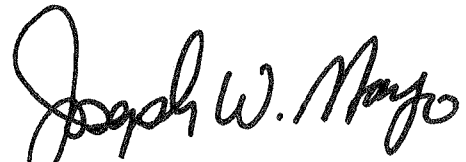
---

**An Act to Provide Educators More Authority to Remove Violent  
Students from Educational Settings.**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative GREEN of Monmouth.

Cosponsored by Representatives: FISHER of Brewer, WATSON of Farmingdale.

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

2  
3       **Sec. 1. 20-A MRSA §1001, sub-§9, ¶A**, as enacted by PL 1993, c.  
4 157, §1, is amended to read:

6       A. Who ~~is---deliberately---disobedient---or---deliberately~~  
7 ~~disorderly violates the disciplinary policy as provided~~  
8 ~~under section 1001-A;~~

10       **Sec. 2. 20-A MRSA §1001, sub-§9, ¶B**, as enacted by PL 1993, c.  
11 157, §1, is repealed.

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

13       **§1001-A. Disciplinary policy**

14       This section applies to the development and adoption of a  
15 district-wide school disciplinary policy.

16       1. Policy development. Each school board, in cooperation  
17 with administrators, teachers, employees, pupils, parents,  
18 community members and other individuals or organizations that the  
19 school board determines appropriate, shall develop and adopt a  
20 written district-wide school disciplinary policy to establish the  
21 procedures under which a student may be removed from a class or  
22 activity period.

23       2. Policy components. The disciplinary policy must  
24 include, but is not limited to, the following components:

25       A. Rules governing student conduct;

26       B. Procedures for informing students of the rules and for  
27 notifying a student and the student's parents or guardian of  
28 a violation of those rules and the resulting disciplinary  
29 action;

30       C. The authorization of a teacher, school administrator or  
31 other school personnel to remove a student from a class or  
32 activity period;

33       D. The provisions relating to the responsibility for, and  
34 custody of, a student who has been removed from a class or  
35 activity period;

36       E. The consequences for violations of the disciplinary  
37 policy and the allowable period of time, not to exceed 5  
38 class periods for each violation, that a student may be  
39 removed from a class or activity period;

2           F. The procedure for the return of a student to the class  
3           from which the student was removed;

4           G. The grounds for removal of a student from a class or  
5           activity period. The grounds must include, but are not  
6           limited to, the following:

7                   (1) Willful conduct that materially and substantially  
8                   disrupts the rights of others to an education;

9                   (2) Willful conduct that endangers school district  
10                   employees, the student, other students or the property  
11                   of the school; and

12                   (3) Willful violation of any rule of conduct specified  
13                   in the disciplinary policy developed by the board;

14           H. The procedures determined appropriate for encouraging  
15           early involvement of the parents or guardians in attempts to  
16           improve a student's behavior;

17           I. The procedures determined appropriate for encouraging  
18           early detection of behavioral problems;

19           J. The procedures determined appropriate for referring a  
20           student in need of special education services to those  
21           services;

22           K. The procedures for consideration of whether there is a  
23           need for further assessment or a review of the adequacy of a  
24           current individual education plan of a student with a  
25           disability who is removed from class;

26           L. The procedures for detecting and addressing chemical  
27           abuse problems of a student while on the school premises; and

28           M. The procedures for immediate and appropriate  
29           interventions tied to violations of the disciplinary policy.

30           3. Ombudsman service. A school district or a school-based  
31           council may establish an ombudsman service for students, parents  
32           and staff. If the service is provided, it must consist of an  
33           administrator, a student, a parent and a teacher. The school  
34           district or school-based council shall notify students, parents  
35           and staff of the availability of the service. The service must  
36           provide advocacy for enforcement of the conduct and the  
37           procedures to mediate disputes related to the implementation of  
38           the disciplinary policy by the school board and the goals of the  
39           school in maintaining an orderly learning environment for all  
40           students.

