

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 490

H.P. 365

House of Representatives, January 14, 1999

### **An Act to Assist Students with Disabilities.**

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SNOWE-MELLO of Poland.  
Cosponsored by Senator PARADIS of Aroostook and  
Representatives: BRENNAN of Portland, BROOKS of Winterport, CHIZMAR of Lisbon,  
GERRY of Auburn, KANE of Saco, SHIELDS of Auburn, WATSON of Farmingdale,  
WILLIAMS of Orono.

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

Sec. 1. 20-A MRSA §1001, sub-§9-B, as enacted by PL 1997, c. 594, §1, is amended to read:

9-B. **Disciplinary sanctions for exceptional students.** They retain the authority to sanction an exceptional student as defined in section 7001, subsection 2 for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant 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 deliberate 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. Within 3 school days of the date on which the misconduct occurs, a manifestation determination review, as set out in 20 United States Code, Section 1415(k)(4), must be conducted. If it is determined that the misconduct in question is a manifestation of the student's disability, and if the suspension imposed extends beyond the date of the manifestation determination review, then the student must be provided with a free appropriate public education consistent with the student's individual education plan for any period of suspension beyond the date of the manifestation determination review.

Sec. 2. **Rules changes.** The Department of Education shall amend the special education rules to conform with the Maine Revised Statutes, Title 20-A, section 1001, subsection 9-B, as amended in this Act. Rules adopted or amended pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

## SUMMARY

This bill requires that educational services be provided to a student with a disability who is being suspended for behavior that is caused by the student's disability. It requires schools to conduct a prompt review of whether the misconduct for which the school seeks to suspend a student with a disability is a manifestation of the student's disability. If the misconduct is a manifestation of the student's disability, the school is still allowed to suspend the student, but must provide services consistent with the student's individual education plan during the suspension.