

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1798

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H.P. 1250

House of Representatives, March 9, 1999

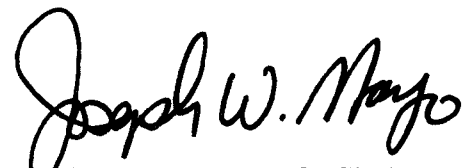
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**An Act to Implement the Recommendations of the Commission to Study  
Providing Educators with More Authority to Remove Violent Students  
from Educational Settings.**

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Reported by Representative SKOGLUND for the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings, pursuant to Resolve 1997, chapter 119.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 218.

  
JOSEPH W. MAYO, Clerk

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

2  
4  
Sec. 1. 20-A MRS §254, sub-§11 is enacted to read:

6 11. Statewide standards for behavior. In consultation with  
8 organizations representing school boards, school administrators,  
10 teachers, parents and other interested local officials and  
12 community members, the commissioner shall develop statewide  
14 standards for responsible and ethical student behavior. The  
standards must require annual reporting of incidents of violent  
and harmful behavior by or against students to the department by  
school administrative units. The department shall provide forms  
for reporting.

16 Sec. 2. 20-A MRS §1001, sub-§§15, 16 and 17 are enacted to  
18 read:

20 15. Adoption of student code of conduct. With input from  
22 educators, administrators, parents, students and community  
24 members, they shall adopt a district-wide student code of conduct  
consistent with the statewide standards for student behavior  
developed under section 254, subsection 11. The student code of  
conduct must:

26 A. Define unacceptable student behavior;

28 B. Establish standards of student responsibility for  
behavior;

30 C. Prescribe consequences for violation of the student code  
32 of conduct, including first-time violations, when  
appropriate;

34 D. Describe appropriate procedures for referring students  
36 in need of special services to those services; and

38 E. Establish criteria to determine when further assessment  
of a current individual education plan is necessary, based  
on removal of the student from class.

40 The school board is responsible for ensuring that school  
42 officials inform students, parents and community members of the  
44 student code of conduct.

46 16. Crisis response plan. Working with local public safety,  
48 mental health and law enforcement officials, they shall develop a  
crisis response plan to deal with crises and potential crisis  
situations involving violent acts by or against students in each  
school in the school administrative unit.

2           17. Policy regarding input by teachers and other  
4           educational personnel concerning student disciplinary and  
6           placement decisions. They shall authorize a teacher to send a  
              student from a classroom to the principal's office and a school  
              bus driver to recommend the revocation of the privilege of riding  
              on a school bus for any student who:

8           A. Engages in disorderly conduct;

10           B. Threatens, abuses, intimidates or attempts to intimidate  
12           a school employee or student; or

14           C. Uses profane or abusive language toward a school  
16           employee or student.

18           The teacher or school bus driver shall state in writing the  
20           reasons for sending the student to the principal's office or  
22           recommending that the student's privilege to ride a school bus be  
24           revoked and give the statement to the principal. If disciplinary  
26           action is taken, the principal may provide written notification  
28           of the disciplinary action to the parents or guardians of the  
              student and may also provide a copy of the written notification  
              to the teacher or school bus driver who reported the student to  
              the principal. In addition to other powers and duties under this  
              subsection, school boards may develop policies that allow for  
              greater input by teachers and other educational personnel  
              concerning disciplinary and placement decisions and the removal  
              of violent or disruptive students from the classroom.

30           Sec. 3. 20-A MRS §6001, as amended by PL 1989, c. 911, §1,  
32           is repealed and the following enacted in its place:

34           §6001. Dissemination of information

36           1. Annual notice to parents or guardians. Every public  
38           school shall send a notice to the parents or guardians of every  
40           student each year indicating that educational records will be  
42           sent to a receiving school if a student applies to enroll in  
              another school administrative unit. The contents of the notice  
              must comply with the United States Family Education Rights and  
              Privacy Act of 1974, Public Law 93-380, as amended by Public Law  
              93-568.

44           2. Educational records must follow students who transfer.  
46           Educational records must follow students who transfer to a school  
48           in another school administrative unit in the State. The  
              educational records of students who transfer from out-of-state  
              schools are also subject to this requirement.

2           **3. Parents or guardians to provide written statement**  
3           **regarding child's suspension and expulsion history.** Parents or  
4           guardians of a student who seeks admission into any public school  
5           in this State shall provide a written statement to that school  
6           that indicates whether the student has been suspended or expelled  
7           from or is the subject of an expulsion proceeding at any public  
8           school in the State or any other state. A student who is  
9           emancipated, homeless or 18 years of age may provide written  
10          affirmation on the student's own behalf as to whether that  
11          student has been suspended or expelled from or is the subject of  
12          an expulsion proceeding at any public school in the State or any  
13          other state.

14  
15           **4. Determination of disciplinary status of student applying**  
16           **for transfer; discretion of school to accept student.** At the  
17           request of the superintendent of the public school into which a  
18           student seeks admission, the student's current or former school  
19           administrators shall provide, in a timely fashion, an oral or  
20           written report to the receiving school administrative unit  
21           indicating whether the student has been expelled or suspended or  
22           is the subject of an expulsion or suspension proceeding. In the  
23           case of a student who has been expelled or suspended or is the  
24           subject of an expulsion or suspension proceeding, the receiving  
25           school administrative unit may deny admission or participation in  
26           public school programs, facilities or activities as part of a  
27           home instruction program pursuant to section 5021 until the  
28           school administrative unit is satisfied that the conditions of  
29           the expulsion or suspension have been met.

30  
31           **5. Students seeking enrollment in equivalent instruction**  
32           **programs.** At the request of the commissioner, local school  
33           officials shall promptly provide to the commissioner an oral or  
34           written expulsion history of any of the school administrative  
35           unit's current or former students seeking enrollment in an  
36           equivalent instruction program. The commissioner may limit  
37           participation in public school programs by an expelled or  
38           suspended student until the conditions of any suspension or  
39           expulsion are satisfied.

40  
41           **6. Expulsion record information database.** A school  
42           administrative unit shall report information regarding a  
43           student's expulsion to the department in a timely fashion. The  
44           department shall maintain a current file of all expulsion  
45           information received from schools. The department shall provide  
46           information to appropriate school administrative unit officials  
47           on request regarding the expulsion status of a student applying  
48           for transfer from one school administrative unit to another.

2           7. Information to local law enforcement authorities. A  
3 public school superintendent shall provide information to the  
4 local police or other appropriate law enforcement authorities  
5 with regard to the following offenses committed by any person on  
6 school grounds:

8           A. Any offense that would be a felony if committed by an  
9 adult:

10           B. Any offense that involved violence that resulted or had  
11 the potential to result in serious injury:

12           C. Any offense that involved the use of a weapon against a  
13 person; or

14           D. Any offense that involved a controlled substance.

15           The information provided must include a description of the  
16 offense and the name and address of the offender. The  
17 superintendent shall provide this information to the police or  
18 other appropriate law enforcement authorities as soon as  
19 practicable.

20           8. Dissemination of student information under United  
21 States Family Education Rights and Privacy Act and United States  
22 Education of All Handicapped Children Act. In addition to the  
23 requirements of this section, the dissemination of information  
24 about students, as well as applications for equivalent  
25 instruction through home instruction, is regulated by the United  
26 States Family Education Rights and Privacy Act of 1974, Public  
27 Law 93-380, as amended by Public Law 93-568, and the United  
28 States Education of All Handicapped Children Act, Public Law  
29 94-142.

30           Sec. 4. 20-A MRSA §6553, sub-§1, ¶A, as enacted by PL 1989, c.  
31 531, is amended to read:

32           A. "Injurious hazing" means any action or situation which,  
33 including harassing behavior, that recklessly or  
34 intentionally endangers the mental or physical health of any  
35 school personnel or a student enrolled in a public school.

36           Sec. 5. 26 MRSA §832, sub-§1, as amended by PL 1987, c. 402,  
37 Pt. B, §21, is further amended to read:

38           1. Employee. "Employee" means a person who performs a  
39 service for wages or other remuneration under a contract of hire,  
40 written or oral, expressed or implied, but does not include an  
41 independent contractor engaged in lobster fishing. Employee  
42

2            "Employee" includes school personnel and a person employed by the  
State or a political subdivision of the State.

4            **Sec. 6. 26 MRSA §832, sub-§2**, as reallocated by PL 1983, c.  
583, §15, is amended to read:

6            **2. Employer.** "Employer" means a person who has one or more  
8 employees. ~~Employer~~ "Employer" includes an agent of an employer  
and the State, or a political subdivision of the State.  
10 "Employer" also means all schools and local education agencies.

12            **Sec. 7. 26 MRSA §833, sub-§1, ¶B**, as enacted by PL 1987, c.  
782, §4, is amended to read:

14            B. The employee, acting in good faith, or a person acting  
16 on behalf of the employee, reports to the employer or a  
public body, orally or in writing, what the employee has  
18 reasonable cause to believe is a condition or practice that  
would put at risk the health or safety of that employee or  
20 any other individual. The protection from discrimination  
provided in this section specifically includes school  
22 personnel who report safety concerns to school officials  
with regard to a violent or disruptive student;

24            **Sec. 8. Implementation of student behavior standards.** The  
26 Commissioner of Education shall develop standards for responsible  
and ethical student behavior under the Maine Revised Statutes,  
28 Title 20-A, section 254, subsection 11 for implementation by  
school administrative units beginning in school year 2000-2001.  
30 The commissioner shall report to the Joint Standing Committee on  
Education and Cultural Affairs by January 15, 2000 on the status  
32 of the development of the standards.

34

## SUMMARY

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38            This bill implements the following recommendations of the  
Commission to Study Providing Educators with More Authority to  
Remove Violent Students from Educational Settings. It:

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42            1. Requires the Commissioner of Education to develop  
statewide standards of responsible and ethical student behavior;

44

46            2. Requires local school boards to adopt a student code of  
conduct for their students, develop a response plan for violent  
or potentially violent situations in each of its schools and  
adopt a policy that authorizes a teacher to send a student from a  
48 classroom to the principal's office and a school bus driver to  
recommend the revocation of a student's privilege of riding on a  
50 school bus;

- 2           3. Provides for more timely reporting of student records  
4 between schools and provides that school administrative units  
6 retained discretion as to the admission of a student who has been  
suspended or expelled or is presently the subject of an expulsion  
proceeding;
- 8           4. Provides that the Department of Education shall maintain  
10 current files on expelled students and provide information to  
12 school officials regarding the disciplinary status of students  
applying for transfer from one school unit to another;
- 14           5. Amends the existing "anti-hazing" statute to include  
16 protections for educational personnel as well as students;
- 18           6. Provides that school superintendents give information  
regarding violent offenses to law enforcement authorities; and
7. Provides for immunity protections for school personnel.