

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1482

H.P. 1113

House of Representatives, March 8, 2001

An Act to Authorize a School Board to Deliberate in Private.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HEIDRICH of Oxford.

Cosponsored by Representatives: DAVIS of Falmouth, SNOWE-MELLO of Poland, Senator:
WOODCOCK of Franklin.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 1 MRSA §405, sub-§6, ¶B,** as amended by PL 1979, c.
5 541, Pt. A, §3, is repealed and the following enacted in its
6 place:

7 B. The taking of testimony about or discussion or
8 consideration of suspension or expulsion of a public school
9 student or a student at a private school, the cost of whose
10 education is paid from public funds, by a school board. The
11 school board shall permit the student and legal counsel and,
12 if the student is a minor, the student's parents or legal
13 guardians to be present at an executive session during the
14 taking of testimony if the student, parents or guardians so
15 desire. The school board may deliberate without the
16 student, legal counsel, parents or guardians present.

17
18 **SUMMARY**

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20 This bill amends the freedom of access laws as they apply to
21 school boards to allow a school board to take testimony about, in
22 addition to discussing and considering, the suspension or
23 expulsion of a student in executive session. The student and the
24 student's parents or guardians must be permitted to be present
25 during the taking of testimony. This bill allows the school
26 board to prohibit the presence of the student and the student's
27 legal counsel and parents or guardians while the school board is
28 deliberating. The board's vote on whether to suspend or expel a
29 student must be taken in public, consistent with the freedom of
30 access laws.