



Maine Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2021

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2021. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Maine State Codes Cited

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Maine Regulations

05 071. Education - General

Chapter 33. Rule Governing Physical Restraint and Seclusion

- 05-071-33.1. Policy and purpose
- 05-071-33.2. Definitions
- 05-071-33.4. Local policy; Notice to parents
- 05-071-33.5. Seclusion
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- 05-071-128.1. Intent
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- 05-071-128.16. Parental approval of alternative programs

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

§254. Educational duties.

The commissioner shall have the following educational duties.

11. Statewide standards for behavior. In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide 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.

§1001. Duties of school boards.

School boards shall perform the following duties.

15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community 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:

- A. Define unacceptable student behavior;
- B. Establish standards of student responsibility for behavior;
- C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate;
- D. Describe appropriate procedures for referring students in need of special services to those services;
- E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class;
- F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate;
- G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; and
- H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554.

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

REGULATIONS

05-071 CMR 33.4. Local policy; Notice to parents.

1. Local Policy Required

All covered entities shall have local policies, consistent with this rule, regarding the use of physical restraint and seclusion. Covered entities must also have a procedure available by which parents may submit a complaint regarding the use of physical restraint or seclusion on their child, based upon which the covered entity shall investigate the circumstances surrounding the incident complained of, make written findings and, where appropriate, determine to take corrective action.

Covered entities shall revise existing policies or develop policies consistent with this rule within 90 calendar days of the effective date of this rule.

05-071 CMR 127.3. General requirements K-12.

Each school administrative unit shall provide programs and instructional approaches that support the variety of learning styles of the students in the schools of the unit. The school board shall adopt a policy that provides all students with equitable opportunities to access the content standards of the system of Learning Results.

3.01 Ethical and Responsible Student Behavior

Instruction in ethical and responsible behavior shall be part of the educational program of each student. This shall be reflected in the Code of Conduct of the school administrative unit as specified in Me. Dept. of Ed. Reg. 125.

Scope

LAWS

§6553. Prohibition of hazing.

2. Adoption of policy. The school board shall adopt a policy which establishes that "injurious hazing," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.

§6554. Prohibition on bullying in public schools.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

E. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.
[...]

4. Scope. This section applies to bullying that:

A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events;
or

B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in subsection 2, paragraph B.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

§255. School administrative unit; reports, records, information.

5. Information. The commissioner shall:

C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State.

§1001. Duties of school boards.

School boards shall perform the following duties.

15. Adoption of student code of conduct. [...]

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

15-A. School disciplinary policies. [...]

The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.

§6553. Prohibition of hazing.

5. Dissemination. The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

§6554. Prohibition on bullying in public schools.

6. Dissemination of Policy. Each school board shall annually provide the written policies and procedures adopted pursuant to subsection 5 to students, parents, volunteers, administrators, teachers and school staff. The policies and procedures must be posted on the school administrative unit's publicly accessible website. Each school board shall include in its student handbook a section that addresses in detail the policies and procedures adopted pursuant to subsection 5.

REGULATIONS

05-071 CMR 33.4. Local policy; Notice to parents.

2. Annual notification of rule and local policies

Annually, each covered entity shall provide overview and awareness information to all staff, including contracted providers, regarding the content of this rule and any local policies or procedures related to the use of physical restraint and seclusion.

Each covered entity shall provide an annual notice informing parents of students enrolled at the covered entity of this rule and any local policies or procedures related to the use of physical restraint and seclusion, including the local complaint process.

05-071 CMR 128.12. School board policies required.

You will note on the first page of Section 911, sub-section 5, the statement requiring local boards to promulgate rules and regulations and to file a copy of these with the Commissioner. Such rules and regulations will be included in school board policies on the subjects identified in the legislation. It is expected that many of the needed policies are already in existence, but it may be necessary to adopt additional policies. Once all appropriate local policies have been adopted, these would become the rules

and regulations required. The set of policies must then be submitted to the Commissioner prior to October 1, 1978. Any subsequent policy changes must be submitted upon adoption.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior. For the purpose of this subsection, "positive interventions" means instructional and environmental supports that are designed to teach students prosocial alternatives to problem behaviors with high rates of positive feedback;

B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, "restorative interventions" means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior.

§6554. Prohibition on bullying in public schools.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:

- (1) Meeting with the student and the student's parents;
- (2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- (3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- (4) Counseling;
- (5) Anger management;
- (6) Health counseling or intervention;
- (7) Mental health counseling;
- (8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- (9) Community service; and
- (10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends. [...]

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

G. A clear statement that any person who engages in bullying, who is determined to have knowingly and falsely accused another of bullying or who engages in acts of retaliation against a person who reports a suspected incident of bullying is subject to disciplinary actions, which actions may include but are not limited to imposing a series of graduated consequences that include alternative discipline.

§6555. Dangerous behavior prevention and intervention.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

D. Restorative practices.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

§4009. Civil liability.

The following provisions apply to civil liability.

1. Reasonable force. A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:

- A. Control the disturbing behavior; or
- B. Remove the person from the scene of the disturbance.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

§4502. School approval requirements.

5. Other requirements. The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules must set minimum requirements in the following areas, incorporating such requirements as are established by statute:

- M. The use of time-out areas, administered in accordance with requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:
 - (1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and
 - (2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area.

REGULATIONS

05-071 CMR 33.1. Policy and purpose.

This rule establishes standards for the use of physical restraint and seclusion to provide for the safety of all individuals. Physical restraint and seclusion may only be used as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others.

05-071 CMR 33.2. Definitions.

1. Aversive procedure means the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to: infliction of bodily pain, (e.g. hitting, pinching, slapping), water spray, noxious fumes, extreme physical exercise, costumes, or signs.
2. Behavior Intervention Plan (BIP) is a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, and by strengthening replacement skills.
3. Chemical Restraint is the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior.
4. Covered Entity means an entity that owns, operates or controls a school or educational program that receives public funds from the Maine Department of Education including, but not limited to: public schools, public regional programs, public charter schools, private schools, publicly-supported private schools, special purpose private schools, Career and Technical Education schools, public pre-kindergarten, and Child Development Services (CDS).
5. De-escalation is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk for injury or harm.
6. Dangerous Behavior is behavior that presents a risk of injury or harm to a student or others.
7. Emergency is a sudden, urgent occurrence, usually unexpected but sometimes anticipated, that requires immediate action.
8. Functional Behavioral Assessment (FBA) is a school-based process that includes the parent and, as appropriate, the child, to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. The term includes direct assessments, indirect assessments and data analysis designed to assist the team to identify and define the problem behavior in concrete terms, identify the contextual factors (including affective and cognitive factors) that contribute to the behavior, and formulate a hypothesis regarding the general conditions under which a behavior usually occurs and the probable consequences that maintain the behavior. Formal documentation of the assessment by appropriately qualified individuals becomes part of the child's educational record.
9. Risk of injury or harm describes a situation in which a student has the means to cause physical harm or injury to self or others and such injury or harm is likely to occur; such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.
10. Individualized Education Plan (IEP) is a term used under special education law to reference the written document that states goals, objectives and services for students receiving special education.
11. Individual Health Plan (IHP) is a plan of action for a student with special health care needs, actual and potential. It is an adaptation of the nursing care plans commonly used in health care institutions.
12. Mechanical Restraint is any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student.

13. Parent means a parent, as defined in Title 20-A MRSA, section 1, subsection 20, with legal custody of a minor child, except that the "parent" of a child with disabilities means a parent as defined in the federal Individual with Disabilities Education Act, 20 United States Code, Section 1401 (23).

14. Physical escort is temporary touching or holding for the purpose of inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.

15. Physical prompt is a teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.

16. Physical Restraint is an intervention that restricts a student's freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily. Physical restraint does not include:

A. Physical escort;

B. Physical prompt;

C. Physical contact when the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact;

D. Momentarily deflecting the movement of a student when the student's movement would be destructive, harmful or dangerous to the student or to others;

E. The use of seat belts, safety belts or similar passenger restraint, when used as intended, during the transportation of a child in a motor vehicle; or

F. The use of a medically prescribed harness, when used as intended; or

G. A brief period of physical contact necessary to break up a fight.

17. Positive alternatives are a set of instructional and environmental supports to teach students pro-social alternatives to problem behaviors with high rates of positive feedback.

18 School Day is a day in which a school or program is in operation as an instructional day and/or a teacher in-service day.

19. Seclusion is the involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving. Seclusion is not timeout.

20. Section 504 Plan refers to a written plan of modifications and accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

21. Serious bodily injury is any bodily injury that involves-

A. A substantial risk of death;

B. Extreme physical pain;

C. Protracted and obvious disfigurement; or

D. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

22. Student is a child or adult aged 3 to 20 enrolled in a school or a program owned, operated or controlled by a covered entity as defined in this section

23. Timeout is an intervention where a student requests, or complies with an adult request for, a break, and is not covered by this rule. Timeout is not seclusion.

05-071 CMR 33.4. Local policy; Notice to parents.

1. Local Policy Required

All covered entities shall have local policies, consistent with this rule, regarding the use of physical restraint and seclusion. Covered entities must also have a procedure available by which parents may submit a complaint regarding the use of physical restraint or seclusion on their child, based upon which

the covered entity shall investigate the circumstances surrounding the incident complained of, make written findings and, where appropriate, determine to take corrective action.

Covered entities shall revise existing policies or develop policies consistent with this rule within 90 calendar days of the effective date of this rule.

2. Annual notification of rule and local policies

Annually, each covered entity shall provide overview and awareness information to all staff, including contracted providers, regarding the content of this rule and any local policies or procedures related to the use of physical restraint and seclusion.

Each covered entity shall provide an annual notice informing parents of students enrolled at the covered entity of this rule and any local policies or procedures related to the use of physical restraint and seclusion, including the local complaint process.

05-071 CMR 33.5. Seclusion.

1. Permitted uses of seclusion

A. Seclusion may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.

B. Seclusion must be implemented by staff certified in a state-approved training program to the extent possible. If, due to the nature of the emergency, untrained staff have intervened and initiated a seclusion, trained personnel must be summoned to the scene and assume control of the situation as rapidly as possible.

2. Prohibited uses of seclusion

A. Seclusion may not be used for punitive purposes, staff convenience or to control challenging behavior.

B. Seclusion may not be used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.

C. Seclusion may not be used as a therapeutic or educational intervention.

D. Seclusion may not take place in a locked room.

3. Monitoring of a student in seclusion

A. At least one adult must be physically present to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times. Students must be continuously monitored until the student no longer presents a risk of injury or harm to self or others.

B. In the event of an injury to the student or staff, the local policy for emergency response must be initiated.

4. Termination of seclusion

A. The staff involved in the use of seclusion shall continually assess for signs that the student is no longer presenting a risk of injury or harm to self or others, and the seclusion must be discontinued as soon as possible.

B. Time must be recorded consistent with the requirements of the documentation section of this rule and local policy.

C. The covered entity may request assistance from parents at any time during the incident.

D. If attempts to release from seclusion have been unsuccessful and a student is still presenting behaviors that create a risk of injury or harm to self or others, then the covered entity may request

assistance from outside sources such as caregivers, case managers, crisis intervention teams, local EMS, or other community resources.

E. If seclusion continues for more than 10 minutes, an administrator or designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every 10 minutes until the seclusion is terminated.

5. Location of seclusion

Seclusion can be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height. If a specific room is designated as a seclusion room, it must be a minimum of 60 square feet with adequate light, heat, ventilation, be of normal room height, contain an unbreakable observation window in a wall or door and be free of hazardous material and objects with which a student could self-inflict bodily injury.

05-071 CMR 33.6. Physical restraint.

1. Permitted uses of physical restraint

A. Physical restraint may be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.

B. Physical restraint must be implemented by staff certified in a state-approved training program to the extent possible. If, due to the nature of the emergency, untrained staff have intervened and initiated a physical restraint and if the need for physical restraint continues, trained personnel must be summoned to the scene and must assume control of the situation as rapidly as possible.

C. Physical restraint may be used to move a student only if the need for movement outweighs the risks involved in such movement.

D. Protective equipment or devices that are part of a treatment plan as prescribed by a licensed health care provider are not prohibited by this rule.

2. Prohibited forms and uses of physical restraint

A. Physical restraint may not be used for punitive purposes, staff convenience or to control challenging behavior.

B. Physical restraint may not be used to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.

C. No physical restraint may be used that restricts the free movement of the diaphragm or chest or that restricts the airway so as to interrupt normal breathing or speech (restraint-related positional asphyxia) of a student.

D. No physical restraint may be used that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-down (e.g. tackle), the use of any physical structure (e.g. wall, railing or post), punching and hitting.

E. Physical restraint may not be used as a therapeutic or educational intervention.

F. Aversive procedures and mechanical and chemical restraints may not be used under any circumstances.

G. Prescribed assistive devices are not considered mechanical restraints when used as prescribed. Their use must be supervised by qualified and trained individuals in accordance with professional standards.

H. Prescribed medications are not considered chemical restraints when administered by a health care provider consistent with a student's health care plan are permitted.

3. Monitoring of a student in physical restraint

- A. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult is precluded.
- B. A student in physical restraint must be continuously monitored until the student no longer presents a risk of injury or harm to self or others.
- C. In the event of an injury, local policy must be followed.

4. Termination of physical restraint

- A. The staff involved in the use of physical restraint must continually assess for signs that the student in physical restraint is no longer presenting a risk of injury or harm to self or others, and the physical restraint must be discontinued as soon as possible.
- B. Time must be recorded consistent with the requirements of the documentation section of this rule and local policy.
- C. The covered entity may request assistance from parents at any time during the incident.
- D. If attempts to release the student from physical restraint have been unsuccessful and the student is still presenting behaviors that create a risk of injury or harm to self or others, the covered entity may request assistance from outside sources such as caregivers, case managers, crisis intervention teams, local emergency medical services, or other community resources.
- E. If physical restraint continues for more than 10 minutes, an administrator or designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every 10 minutes until the physical restraint is terminated.

5. Exclusions

Those restraints used by law enforcement officers or school resource officers employed by a police department in the course of their professional duties are not subject to this rule.

05-071 CMR 33.7. Notification of incident.

1. Reporting to an Administrator or Designee, others

After each incident of physical restraint or seclusion, a staff member involved shall:

- A. Report to the administrator or designee by oral notification as soon as possible after each incident, but in no event later than the end of the school day of its occurrence, and
- B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, report the incident to the entity responsible for the student's education within 24 hours or by the end of the next business day.

2. Notification to parents

- A. An administrator or designee shall notify the parent that physical restraint or seclusion and any related first aid have occurred as soon as practical but within the school day in which the incident occurred, utilizing all available phone numbers and other appropriate means. If the parent is unavailable, a phone message must be left for the parent to contact the school as soon as possible. If a parent does not have access to a phone, the entity must use whatever contact information is available for emergencies. The parent must be informed that written documentation will be provided to them within 7 calendar days.
- B. If a restraint or seclusion has occurred outside the school day, notification of the restraint or seclusion and any related first aid must occur as soon as possible in compliance with the entity's procedures for emergency situations

3. Reporting of Serious Bodily Injury or Death

If serious bodily injury or death of a student occurs during the implementation of restraint or seclusion:

- A. Oral notification of the incident must follow local health and safety procedures as outlined by the covered entity's policies and procedures; and
- B. The administrator or designee shall notify the Department of Education within 24 hours or the next business day.

05-071 CMR 33.8. Documentation; Incident report.

1. Incident Report

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator or designee as soon as practical after the incident, and in all cases within two school days. At a minimum, the incident report must include:

- A. Student name;
- B. Age, gender, grade;
- C. Location of the incident;
- D. Date of incident;
- E. Date of report;
- F. Person completing the report;
- G. Beginning and ending time of each physical restraint and seclusion;
- H. Total time of incident;
- I. Description of prior events and circumstances;
- J. Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
- K. The student behavior that justified the use of physical restraint or seclusion;
- L. A detailed description of the physical restraint or seclusion used;
- M. The staff person(s) involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
- N. Description of the incident, including the resolution and process of return to program, if appropriate;
- O. Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;
- P. If a student or staff sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;
- Q. Date, time, and method of parent notification; and
- R. Date, time of staff debriefing.

2. Incident Report Provided to Parents, others

A copy of the incident report must be provided, within 7 calendar days of the incident to:

- A. The parent; and
- B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, the entity responsible for the student's education.

3. Duration of Incident

For purposes of this Section and Section 9, an "incident" consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his or her regular programming.

05-071 CMR 33.9. Response to the use of physical restraint or seclusion.

1. Debriefing

A. Following each incident of physical restraint or seclusion, the covered entity shall ensure that, within two school days, an administrator or designee reviews the incident:

- (1) With all staff persons who implemented the use of physical restraint or seclusion to discuss:
 - (a) Whether the use of restraint or seclusion was implemented in compliance with this rule and local policies, and
 - (b) How to prevent or reduce the future need for physical restraint and/or seclusion; and
- (2) With the student who was restrained or secluded to discuss:
 - (a) What triggered the student's escalation; and
 - (b) What the student and staff can do to reduce the future need for restraint or seclusion.

B. When physical restraint or seclusion has resulted in serious bodily injury to a student or staff member requiring emergency medical treatment, the debriefing must take place as soon as possible but no later than the next school day.

C. Following the debriefing, staff must develop and implement a written plan for response and de-escalation for the student, or, if a plan already exists, staff must review and, if appropriate, revise it.

2. Multiple Incidents of Physical Restraint and Seclusion

A. Special Education/504 Students after Third Incident. After the third incident of physical restraint or seclusion in a school year of a student who has been found eligible for special education or has a Section 504 plan, the student's IEP or 504 team shall meet within 10 school days of the third incident to discuss the incident and consider the need to conduct an FBA and/or develop a BIP or amend an existing one.

B. For all other students after Third Incident. For students not described in Paragraph A, a team shall meet within ten school days of the third incident in a school year to discuss the incidents.

- (1) The team shall consist of the parent, an administrator or designee, a teacher for the student, a staff member involved in the incident (if not the teacher or administrator already invited), and other appropriate staff members.
- (2) The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is to be made, the need to conduct an FBA, and/or develop a BIP.

C. Nothing in this section is meant to prevent the completion of an FBA or BIP for any student who might benefit from these measures but who has had fewer than three restraints or seclusions.

3. Parent Participation

The covered entity shall make reasonable, documented efforts to encourage parent participation in the meetings required in subsection 2 of this section and to schedule them at times convenient for parents to attend.

A covered entity may not seek written permission from a parent to provide restraint and seclusion to a student.

4. Duration of Incident

For purposes of this Section, the time period described in Section 8 (3) constitutes a single incident.

05-071 CMR 33.10. Cumulative reporting.

1. Building-level reporting, analysis

A cumulative report by building must be made to the superintendent or chief administrator on a quarterly and annual basis to include:

- A. Aggregate number of uses of physical restraint;

- B. Aggregate number of students placed in physical restraint;
- C. Aggregate number of uses of seclusion;
- D. Aggregate number of students placed in seclusion;
- E. Aggregate number of serious bodily injuries to students related to the use of restraint and seclusions;
and
- F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

The superintendent or chief administrator shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

2. Reporting Data to the Department of Education

Each covered entity shall submit to the Department of Education an annual report of the incidence of physical restraint and seclusion that must include:

- A. Aggregate number of uses of physical restraint;
- B. Aggregate number of students placed in physical restraint;
- C. Aggregate number of uses of seclusion;
- D. Aggregate number of students in placed in seclusion;
- E. Aggregate number of serious bodily injuries to students related to physical restraint and seclusion;
and
- F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

05-071 CMR 33.11. Complaint process.

1. Local Complaint Process

Parent complaints related to restraint and seclusion must be submitted to the covered entity in accordance with local policy and procedure.

2. Department of Education Complaint Process

Any parent who is dissatisfied with the result of the local complaint process may file a complaint with the Department of Education, which complaint is not considered an appeal of that local process. The Department shall review the results of the local complaint process and may initiate its own investigation of the complaint, and shall issue to the complaining parent and the covered entity a written report with specific findings within 60 days of receiving the complaint. If a violation is found, the Department shall develop a corrective action plan by which the entity will achieve compliance.

05-071 CMR 33.12. Staff training: Approved programs.

The Department of Education shall maintain a directory of approved training programs on its website at <http://maine.gov/education/>. The list of approved training programs may include regional training programs and regional "train the trainer" model programs. These training programs must require participants to demonstrate competency to achieve certification, and must include instruction in at least the following core components:

1. The use of non-physical interventions for responding to potentially dangerous behaviors, including de-escalation and the use of positive alternatives;
2. Identification of dangerous behaviors that may indicate the need for physical restraint or seclusion and methods for evaluating the risk of harm to determine whether such interventions are warranted;
3. Instruction and simulated experience in administering safe physical restraint techniques across a range of increasingly restrictive interventions, including the safe movement of a student, and in

recognizing and avoiding positions involving a high risk of restraint-related positional asphyxia (restricting a student's ability to breathe);

4. The effects of physical restraint and seclusion on a student, including monitoring physical and psychological signs of distress and when to obtain medical assistance in compliance with the covered entity's procedures for emergency interventions;
5. The risks and realities of physical restraint and seclusion; and
6. A review of the process of student and staff debriefing.

Each covered entity shall ensure that a sufficient number of administrators or designees, general and special education staff, maintain certification in an approved training program. A list of staff with the required approved training must be made available in each building office, as well as any central office, along with other school-wide emergency procedures and must be updated at least annually.

05-071 CMR 33.13. Department of Education non-regulatory guidance.

The Department shall annually ensure that teachers and administrators throughout the State are provided with consistent and accurate information regarding the requirements of this rule.

05-071 CMR 125.5. Other minimum requirements.

5.12 Restraint and Seclusion

School boards and school personnel shall recognize the proper use of physical restraint and seclusion as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others. Restraint and seclusion shall be administered in accordance with requirements adopted by the department. 20-A M.R.S. §4502(5)(M) ; Maine DOE Rule Chapter 33.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:

- A. Who is deliberately disobedient or deliberately disorderly;
- B. For infractions of violence;
- C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;
- D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or
- E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

- A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

§6555. Dangerous behavior prevention and intervention.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the

reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

- A. Minimizing suspension and expulsion of the student.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

- A. Before a hearing on the expulsion, the superintendent shall:
 - (1) Provide written notice to the parents and the student of:
 - (a) The date, time and location of the hearing;
 - (b) A description of the incident or incidents that occasioned the expulsion hearing;
 - (c) The student's and parents' right to review the school records prior to the hearing;
 - (d) A description of the hearing process; and
 - (e) An explanation of the consequences of an expulsion; and
 - (2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.
- B. At a hearing on the expulsion:
 - (1) The student has the right to present and cross-examine witnesses;
 - (2) The student has the right to an attorney or other representation; and
 - (3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses.
- C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the school board's written decision may include a reentry plan developed in accordance with subsection 9-C.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

- H. A procedure for a person to appeal a decision of a school principal or a superintendent's designee related to taking or not taking disciplinary action in accordance with the policies adopted pursuant to this subsection. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent.

REGULATIONS

No relevant regulations found.

Return to School Following Removal

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

9. Students expelled or suspended. [...]

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance use or possession rules to participate in substance use disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled. [...]

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. [...]

B. Nothing in this subsection prevents a school board from:

(2) Providing educational services in an alternative setting to a student who has been expelled. [...]

9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student:

B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph.

(1) The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

(2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

(3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff.

(4) The reentry plan must be provided to the parents and the student in writing.

(5) The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

(6) The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school. Professional

services determined to be necessary by the superintendent must be provided at the expense of the student and the student's parents.

(7) The superintendent may, as appropriate, notify an individualized education program team for a child with a disability who has been expelled by a school board.

(8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

§1. Definitions.

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings.

1-B. Alternative education program. "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

1-C. Alternative learning. "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

§1001. Duties of school boards.

School boards shall perform the following duties.

9. Students expelled or suspended. [...]

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substanceuse or possession rules to participate in substanceuse disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

§3271. Compulsory attendance at school.

2. Alternative instruction. Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal. A person 5 years of age or older and under 6 years of age is not required to meet the requirements of this subsection.

A. The person is enrolled in an approved special education program.

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

§3801. General provisions.

4. Duties of education service center. An education service center's functions, programs and services may include but are not limited to the following:

F. Alternative education programs and administration.

§4729. Alternative education programs.

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students.

1. Coordination. These programs shall operate as part of the elementary or secondary school program.
2. Alternative schedules. Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day.

§5001-A. Compulsory attendance.

7. Purpose. Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.

§5104-A. Alternative education programs outside the school administrative unit.

1. Alternative education programs. If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education.

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose responsibility is to cover the area of truancy, dropouts and alternative education.

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs.
2. Duties. The consultant shall:
 - A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;
 - B. Develop screening tools for early identification of potential dropouts;
 - C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;
 - D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;
 - E. Develop model curricula and programs for alternative education schools and programs;
 - F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner;

G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;

H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;

I. Have the responsibility for preventive programs and alternative education programs;

J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion;

K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State;

L. Provide staff services to the advisory committee; and

M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.

§5152. Advisory committee.

1. Commissioner. The commissioner shall appoint an advisory committee on truancy, dropouts and alternative education.

2. Duties of the Advisory Committee, as Appointed by the Commissioner. The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. The committee should consider its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.

§9701. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Drug treatment center. "Drug treatment center" means a facility as defined in Title 22, section 8001, which provides substance use disorder treatment.

2. Eligible student. "Eligible student" means any resident of the State between the ages of 5 and 20 years who is otherwise eligible for public schooling under this Title.

3. Long-term treatment. "Long-term treatment" means treatment in a drug treatment center designed to provide treatment for a period in excess of 60 days.

§9702. Program responsibility.

A school administrative unit in which a licensed drug treatment center is located or a nearby school administrative unit shall provide an educational program, as prescribed by the commissioner, for each eligible student residing in the center, notwithstanding the student's legal residence within the State. The selection of the school administrative unit to provide that program shall be made by the commissioner

pursuant to rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall take into account the educational needs of students, the ability of a school administrative unit to meet those needs, the proximity of school administrative units to the facility, the expressed wishes of officials representing school administrative units and other appropriate considerations. The decision of the commissioner may be appealed to the State Board of Education. The decision of the board shall be final.

§9703. Initial program approval.

Each such school unit shall submit a program plan for educational services to be approved by the commissioner. The program plan shall include the following components:

1. Planning; approved. Evidence of collaborative planning with officials and staff of the center and approval of the center's governing board;
2. Licensure. Proof that the facility is licensed by the Department of Health and Human Services and complies with the rules adopted by that department;
3. Educational activities. Educational activities and an evaluation component suitable to the age and educational needs of the eligible students;
4. Accounting. An accounting of all eligible students who will be provided educational services by the program and a plan for continued accurate accounting of the students; and
5. Line-item budget. A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed the number of students in the approved program plan, on a per student basis, based on the state average tuition rate as provided in sections 5804, 5805 and 15689.

The commissioner or a designee shall approve the program plan in a timely manner in order that appropriate budgeting may occur before the start of the school unit's fiscal year. Approval shall include a payment schedule for disbursement of program funds to the school unit in the fiscal year of the program's operation.

§9704. Appeal process.

A school unit required to offer an educational program or a drug treatment center which treats eligible students may appeal to the commissioner in the event agreement cannot be reached between them. The commissioner's decision on the program in such an appeal shall be rendered within 60 days and shall be final.

§9705. Renewal of program approval.

Each school unit operating an educational program for eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner.

§9706. Rule-making authority.

The commissioner shall adopt rules to implement this chapter and the funding scheme under the Essential Programs and Services Funding Act.

REGULATIONS

05-071 CMR 127.3. General requirements K-12.

Each school administrative unit shall provide programs and instructional approaches that support the variety of learning styles of the students in the schools of the unit. The school board shall adopt a policy

that provides all students with equitable opportunities to access the content standards of the system of Learning Results.

3.04 Alternative Programs

A. Role of Alternative Programs

A school administrative unit may establish or participate in one or more programs as alternatives to the regular course of study to meet the needs of students at risk. Alternative programs shall support student social and behavioral development in addition to performance on the content standards of the system of Learning Results.

These programs shall have stated goals, objectives, and procedures for implementing and assessing their effectiveness. Such programs may include interventions such as programs outside the school administrative unit, specialized instructional settings, extended or shortened school day, or extended school year, and may be scheduled outside of the regular school day, if appropriate.

B. Procedural Requirements

School administrative units shall develop a Personal Learning Plan, aligned with the system of Learning Results, for every K-12 student enrolled in an alternative program. Each Personal Learning Plan shall include, but not be limited to, the following components:

- 1). A description of the student's academic strengths and the observable or measurable areas in need of improvement.
- 2). A description of the annual educational goals, aligned with the content standards and performance indicators of the system of Learning Results, that the student may reasonably be expected to achieve during the school year.
- 3). A description of short-term instructional objectives leading to each annual educational goal.
- 4). A description of the social and behavioral needs that must be addressed for the student to achieve academic success, including strategies to keep the student in school.
- 5). A description of the multiple measures that will provide evidence that the student has achieved each goal.
- 6). For secondary school students, a description of the student's career goals and transitional steps to achieve them.

05-071 CMR 128.1. Intent.

Generally, the intent of L.D. 1851 is to require school officials to give increased attention to those pupils who are habitual truants and dropouts. Such attention will include record keeping relative to the actual numbers of pupils who are, by definition, habitual truants and dropouts; determining the reasons for each occurrence; providing appropriate alternative programs designed to promote these pupils' return to school; and providing appropriate alternative programs designed to prevent pupils from becoming habitual truants and dropouts.

05-071 CMR 128.13. Developing alternative programs.

The legislation encourages school units to establish alternative programs for dropouts and chronic (habitual) truants. Although the word "encouraged" is used, the primary intent of the legislation is to provide school units with the authority to establish programs for the identified pupils.

When developing alternative programs, local school officials should give consideration to the following questions:

- A. Do the programs provide for academic and non-academic pursuits in accordance with the needs of the individual student?

- B. Do the programs include that which is necessary for meeting curriculum and graduation requirements provided by statute or local board policy?
- C. Do the programs provide adequate instructional time equivalent to that required for regular school programs?
- D. Are adequate instructional materials provided?
- E. Can the programs be evaluated in terms of meeting stated objectives?

Alternative programs may be developed and conducted under the direction of local school officials and may become operative within present school facilities during the regular school day. Likewise, alternative programs may be operated under the direction of local school officials outside the regular school facilities and school day. Regardless of which approach is followed, criteria should be developed to determine pupil eligibility for participation in these programs. A description of locally developed alternative programs is to be filed with this Department and the reporting process can be accomplished by using the data collection form.

It is possible that alternative programs may already exist or could be developed completely apart from local school jurisdiction. These programs could be operated by private individuals, groups, or agencies. If programs operated outside the school by private individuals, groups, or agencies seem appropriate in meeting the needs of the pupil, criteria for the programs should be developed by the local school officials and they should serve as a guide for the local approval of these programs. Such criteria should include the following:

- A. The instruction is provided by qualified individuals. The qualifications might be evidenced by a valid teaching credential, a valid license (trade, etc.) in the area of content being presented, or expertise gained through long experience in the content of the specific program (adult education programs).
- B. The quality of instruction is equivalent to that provided in the regular public school.
- C. The facilities housing the program meet all fire safety, health, and sanitation standards.
- D. The program is designed to provide adequate instructional time to meet its stated objectives.
- E. There is provision for program evaluation.

Any alternative programs developed under this legislation shall be submitted to the local school board for approval.

05-071 CMR 128.14. Units unable to provide alternative programs.

In the legislation, provision is made for schools unable to provide an alternative program for chronic (habitual) truants and dropouts. In this instance, schools may tuition pupils to neighboring administrative units or to private schools; it is necessary that policies and procedures be developed to accommodate this practice. All receiving schools must be approved by this office under the basic school approval program.

Record keeping procedures should be locally developed for maintaining records of pupils enrolled in alternative programs on the basis of .1 pupil for each semester credit course or its equivalent leading toward a high school graduation. Such records will also be necessary for pupils tuitioned to neighboring units or private schools. Any pupil enrolled in an alternative program shall be counted on the rolls of the sending unit for subsidy purposes. No pupil shall be counted in the aggregate as more than 1.0.

05-071 CMR 128.16. Parental approval of alternative programs.

Regardless of what type of alternative program arrangement is determined for each individual pupil, local school officials should prepare a form for parents to sign to approve the alternative arrangement. Parents should be included in the total process and should provide evidence to the school officials that they understand what has taken place.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:

C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;

D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury. [...]

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

B. Nothing in this subsection prevents a school board from:

(1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; or

(2) Providing educational services in an alternative setting to a student who has been expelled.

C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection.

§6552. Firearms.

1. Prohibition. A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public school property or the property of an approved private school.

2. Exceptions. The provisions under subsection 1 do not apply to the following.

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

- 1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and
- 2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:
 - (a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;
 - (b) Takes place outside of regular school hours; and
 - (c) Is authorized by the school board.

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body.

3. Penalty. A person who violates this section is guilty of a Class E crime.

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

§1. Definitions.

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings.

2-A. At-risk student. "At-risk student" means a student who:

- C. Is truant.

§3271. Compulsory attendance at school.

3. Exceptions. Attendance at school or an alternative education program is not required of:

- C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner.

§3272. Truancy; excusable absences.

2. Truancy. A person is truant if:

- A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year;
- B. The person is required to attend school or alternative instruction and is at least 6 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or
- C. The person is required to attend school pursuant to section 3271, subsection 1-A and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

§5051-A. Truancy.

1. Truant. A student is truant if the student is subject to section 5001-A and:

- A. Deleted. Laws 2007, c. 304, § 5.
- B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year;
- C. Is at least 6 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year; or
- D. Is enrolled in a public day school, is at least 5 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

2. Procedures; written notice; referral. This subsection governs the procedure to be followed when a student is truant.

A. Deleted. Laws 2011, c. 614, § 13.

A-1. The principal, upon determining that a student is truant under subsection 1, shall notify the superintendent of the student's truancy within 5 school days of the last unexcused absence.

A-2. A student who is determined truant under subsection 1 must be referred to the school's student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is not limited to:

- (1) Frequent communication between the teacher and the family;
- (2) Changes in the learning environment;
- (3) Mentoring;
- (4) Student counseling;
- (5) Tutoring, including peer tutoring;
- (6) Placement into different classes;
- (7) Consideration of multiple pathways as described under section 4703;
- (8) Attendance contracts;
- (9) Referral to other agencies for family services; and
- (10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy.

B. Deleted. Laws 2011, c. 614, § 13.

B-1. The superintendent shall develop procedures to refer a student who is truant to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 in accordance with this section.

These procedures may include, but are not limited to:

- (1) Identifying school personnel responsible for notifying the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system when a student is truant;
- (2) A process for referral of a student who is truant, including identifying school personnel responsible for inviting the parents and the student to participate in any meeting that results from this referral;
- (3) A timeline for setting up a meeting and developing an intervention plan under paragraph A-2;
- (4) A plan for dealing with future absences of a student who is truant; and
- (5) A plan for reporting of the results of the intervention plan developed pursuant to paragraph A-2.

C. If the intervention plan developed pursuant to paragraph A-2 is unable to correct the truancy of the child, the superintendent shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

- (1) State that the student is required to attend school pursuant to section 5001-A;
- (2) Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports and principal's reports;
- (3) Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with section 5053-A and will jeopardize the student's status in the grade that the student is in;
- (4) State that the superintendent may notify the local law enforcement department of a violation of section 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and
- (5) Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan.

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent shall schedule at least one meeting as required in paragraph B-1 and may invite a local prosecutor.

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.

F. When a student is determined to be truant and in violation of section 5001-A and the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 and the superintendent have made a good faith attempt to meet the requirements of paragraph B-1, the superintendent shall notify the school board of the student's truancy.

3. Reports. This subsection applies to reports of truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

- (1) Identify the number of truants in the school administrative unit in the preceding school year;
- (2) Describe the unit's efforts to deal with truancy;
- (3) Account for actions brought under this section including the number of truants reported to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710; and
- (4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education.

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose responsibility is to cover the area of truancy, dropouts and alternative education.

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs.
2. Duties. The consultant shall:
 - A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;
 - B. Develop screening tools for early identification of potential dropouts;
 - C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;
 - D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;
 - E. Develop model curricula and programs for alternative education schools and programs;
 - F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner;
 - G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;
 - H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;
 - I. Have the responsibility for preventive programs and alternative education programs;
 - J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion;
 - K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State;

L. Provide staff services to the advisory committee; and

M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.

§5152. Advisory committee.

1. Commissioner. The commissioner shall appoint an advisory committee on truancy, dropouts and alternative education.

2. Duties of the Advisory Committee, as Appointed by the Commissioner. The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. The committee should consider its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.

3. Membership. The advisory committee must have a broad membership reflecting the range of individuals and public and private institutions that are involved or interested in the problem and its solution. It must include representation from each of the following:

A. Teachers;

B. Elementary school principals;

C. Secondary school principals;

D. Guidance counselors;

E. Adult education teachers with experience in high school completion education;

F. Superintendents;

G. Administrators from private schools involved in alternative education programs;

H. Department of Health and Human Services;

I. Repealed. Laws 2005, c. 397, § A-16, eff. June 17, 2005.

J. Department of Corrections;

K. Department of Labor;

L. A local positive action committee on truancy, dropout and alternative education programs;

M. Representatives from the business community; and

N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs.

Two of the representatives in paragraphs A to D must be directly involved in alternative education programs. There may be no more than 15 members on the committee.

4. Term of Office. The members of the advisory committee shall serve for 2 years and may be reappointed.

5. Expenses. Members of the advisory committee shall be reimbursed for expenses only for attending meetings or performing other functions authorized by the committee.

6. Annual Reports. The committee shall report annually by February 1st to the joint standing committee of the Legislature having jurisdiction over education.

REGULATIONS

05-071 CMR 128.1. Intent.

Generally, the intent of L.D. 1851 is to require school officials to give increased attention to those pupils who are habitual truants and dropouts. Such attention will include record keeping relative to the actual numbers of pupils who are, by definition, habitual truants and dropouts; determining the reasons for each occurrence; providing appropriate alternative programs designed to promote these pupils' return to school; and providing appropriate alternative programs designed to prevent pupils from becoming habitual truants and dropouts.

05-071 CMR 128.4. Recording unexcused absences.

It will be necessary to give attention to more specific documentation of pupils' unexcused absences. Pertinent items relative to this are as follows:

- A. The record keeping process must begin immediately following the first unexcused absence.
- B. The date of the unexcused absence is to be recorded.
- C. Information is to be documented indicating what steps were taken to determine the reason(s) for the unexcused absence.

All public and private schools shall obtain and maintain this information on all truants whether they are educated at public or private expense.

05-071 CMR 128.5. Documentation relating to habitual truants.

Once a child has become habitually truant as defined in 20 MRSA 914, the procedures adopted in 20 MRSA 911, sub-section 5, shall be adhered to. Attention must be given to regulations concerning confidentiality.

(n1) A truant is a child who has an unexcused absence of one-half day or more.

(n2) A child is determined to be an habitual truant if he is absent from school the equivalent of 10 full days or for one-half of a day on 7 consecutive school days within any 6-month period for other than an excusable absence as referred to in Section 911.

05-071 CMR 128.6. Tuition students.

Local school administrative units are responsible for providing education for all children of compulsory school age who legally reside within the geographical area of the units. If any child attends school outside the unit of legal residence and becomes truant in the receiving school, the superintendent or principal of the receiving school unit must notify the superintendent of the sending school unit and it becomes the responsibility of the sending unit to locate the truant child.

Once a child becomes an habitual truant, the principal of the public or private school of attendance shall forward to the superintendent of the sending unit all information relative to the unexcused absences of the habitual truant and which has been maintained on file. It then becomes the responsibility of the superintendent and school board to follow the procedures as outlined in the legislation.

05-071 CMR 128.12. School board policies required.

You will note on the first page of Section 911, sub-section 5, the statement requiring local boards to promulgate rules and regulations and to file a copy of these with the Commissioner. Such rules and regulations will be included in school board policies on the subjects identified in the legislation. It is expected that many of the needed policies are already in existence, but it may be necessary to adopt additional policies. Once all appropriate local policies have been adopted, these would become the rules

and regulations required. The set of policies must then be submitted to the Commissioner prior to October 1, 1978. Any subsequent policy changes must be submitted upon adoption.

From a review of this legislation, it is apparent that policies are needed in the following areas:

- A. Excused absences - Although excused absences are specifically identified in the legislation, policies are needed to provide guidance to local administrators.
- B. Unexcused absences - All absences that are not included in # 1 above are unexcused absences.
- C. Information required to be maintained on truant pupils
 - 1. What to collect
 - 2. How to maintain
 - 3. Adherence to confidentiality
- D. Procedures for referral of truancy matters from the principal to the superintendent.
- E. Procedures for referral of truancy matters from the superintendent to the school board.
- F. Procedures for notification of parents regarding hearing before the school board.
- G. Procedures for waiving of compulsory attendance and for parent appeal if attendance is waived.
- H. Procedures for bringing legal action against the parent under sub-section 8 of 20 MRSA 911.
- I. Procedures for pupil to obtain work permit.
- J. Procedures for excusing 14 year-old pupil for "suitable program of work, work study or training" and procedures for involving pupil in program selection.

It is possible that some policies addressing the preceding areas are already in effect through the Positive Action Committee Dropout Plan. You are, therefore, reminded to coordinate the development of the rules and regulations required under this legislation with the local plan for dealing with dropouts which is required by statute (20 MRSA 931-933).

05-071 CMR 128.13. Developing alternative programs.

The legislation encourages school units to establish alternative programs for dropouts and chronic (habitual) truants. Although the word "encouraged" is used, the primary intent of the legislation is to provide school units with the authority to establish programs for the identified pupils.

05-071 CMR 128.14. Units unable to provide alternative programs.

In the legislation, provision is made for schools unable to provide an alternative program for chronic (habitual) truants and dropouts. In this instance, schools may tuition pupils to neighboring administrative units or to private schools; it is necessary that policies and procedures be developed to accommodate this practice. All receiving schools must be approved by this office under the basic school approval program.

Record keeping procedures should be locally developed for maintaining records of pupils enrolled in alternative programs on the basis of .1 pupil for each semester credit course or its equivalent leading toward a high school graduation. Such records will also be necessary for pupils tuitioned to neighboring units or private schools. Any pupil enrolled in an alternative program shall be counted on the rolls of the sending unit for subsidy purposes. No pupil shall be counted in the aggregate as more than 1.0.

Substance Use

LAWS

§272. Tobacco prevention and control program.

1. Program established. The Tobacco Prevention and Control Program is established in the bureau. The purposes of the program are to prevent the State's youths from ever using tobacco products and to assist youths and adults who currently smoke cigarettes and use other tobacco products to discontinue that use. The program includes the following components:

B. Grants for funding community-based programs aimed at tobacco prevention and control, including funding of tobacco prevention and control education for those school administrative units that choose to offer such programs to primary, middle and high school students; for community-based enforcement of state tobacco control laws, including sales to minors and for cessation services;

C. Procedures for monitoring and evaluating the prevention and control program, including:

- (1) Monitoring and maintaining the program's effectiveness through an evaluation of each component; and
- (2) Assessing the prevalence of the use of tobacco products and knowledge about and attitudes towards such use on a statewide and community basis.

§1001. Duties of school boards.

School boards shall perform the following duties.

9. Students expelled or suspended. Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:

E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance use or possession rules to participate in substance use disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

§1578-B. Tobacco use in elementary and secondary schools prohibited.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Elementary or secondary school" means any public elementary or secondary school approved in accordance with Title 20-A, chapter 206, subchapter I.

B. "Principal" has the same meaning as defined in Title 20-A, section 1, subsection 21.

C. [2019, c. 61, § 1 (RP).]

D. "Tobacco use" means:

- (1) Smoking as defined in section 1541, subsection 6; and
- (2) Carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

2. Prohibition. A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus or at any school-sponsored event at any time.
3. Exceptions. [2019, c. 61, § 4 (RP).]
4. Repealed. Laws 2007, c. 156, § 3.
5. Repealed. Laws 2007, c. 156, § 4.
6. Enforcement. The principal of the elementary or secondary school, or the principal's designee, shall enforce the law prohibiting and restricting tobacco use under this section.

§6604. Substance use disorder programs.

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

A. "Chemical health coordinator" means a person who serves as the coordinator of a local school administrative unit's chemical primary and secondary prevention and education program.

2. Local programs. School units may institute special programs to address health and related problems. To further these objectives, school units may employ specialized personnel such as chemical health coordinators and others knowledgeable about substance use and may cooperate with public and private agencies in substance use disorder education, prevention, early intervention, rehabilitation referral and related programs.

§6605. Department role.

1. Personnel. The commissioner shall appoint, subject to the Civil Service Law, supervisors and consultants knowledgeable about substance use.

2. Technical assistance. The department, through its supervisors and consultants, shall offer technical assistance to public and approved private schools and cooperating community-based organizations to aid in the establishment and implementation of school-based substance use disorder programs and health education curricula.

3. Cooperation; coordination. The department shall carry out its planning activities related to alcohol and drug education and prevention.

4. Information collection and sharing. The Department of Education is authorized to gather information about substance use disorder prevention and intervention programs initiated by state or federal agencies whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

§6606. Participation in substance use disorder services.

In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance use or alcohol or drug possession participate in a substance use assessment, education or support group service offered by the school. The school board shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

§6621. Performance - Enhancing substances.

1. List of Banned Substances. The Commissioner of Health and Human Services shall develop a list of banned performance-enhancing substances. The list must include, but is not limited to, the following:

- A. Ephedrine;
- B. Synephrine, also known as bitter orange;

C. Dehydroepiandrosterone;

D. All dietary supplements as defined by 21 United States Code, Section 321, Subsection (ff) that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations; and

E. All other substances that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations except for:

(1) A substance that is otherwise illegal in this State; or

(2) A substance the use of which by minors is illegal in this State.

2. Amendments to List. The Commissioner of Health and Human Services shall amend the banned substances list each time a dietary supplement or other substance referenced in subsection 1, paragraph D or E is added to the list of banned substances maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations. For a substance to be prohibited under section 6624 in a particular school year, the substance must be added to the banned substances list maintained under this section no later than July 1st preceding that school year.

3. Notification. The Commissioner of Health and Human Services shall notify the department, the Maine School Management Association and the Maine Principals' Association or their successor organizations when the initial list of banned substances is complete and of any subsequent changes to the list. The department shall notify all school administrative units that have students who participate in sports of the availability of the list. The Commissioner of Health and Human Services shall post the list on the publicly accessible website of the Department of Health and Human Services.

§6622. Awareness.

The department shall request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances. Each school administrative unit shall review its drug and alcohol policies and update such policies to address the use of performance-enhancing substances.

§6624. Prohibition on use.

A student participating in interscholastic sports may not use a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A student who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that student is enrolled.

§9701. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Drug treatment center. "Drug treatment center" means a facility as defined in Title 22, section 8001, which provides substance use disorder treatment.

2. Eligible student. "Eligible student" means any resident of the State between the ages of 5 and 20 years who is otherwise eligible for public schooling under this Title.

3. Long-term treatment. "Long-term treatment" means treatment in a drug treatment center designed to provide treatment for a period in excess of 60 days.

§9702. Program responsibility.

A school administrative unit in which a licensed drug treatment center is located or a nearby school administrative unit shall provide an educational program, as prescribed by the commissioner, for each eligible student residing in the center, notwithstanding the student's legal residence within the State. The

selection of the school administrative unit to provide that program shall be made by the commissioner pursuant to rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall take into account the educational needs of students, the ability of a school administrative unit to meet those needs, the proximity of school administrative units to the facility, the expressed wishes of officials representing school administrative units and other appropriate considerations. The decision of the commissioner may be appealed to the State Board of Education. The decision of the board shall be final.

§9703. Initial program approval.

Each such school unit shall submit a program plan for educational services to be approved by the commissioner. The program plan shall include the following components:

1. Planning; approved. Evidence of collaborative planning with officials and staff of the center and approval of the center's governing board;
2. Licensure. Proof that the facility is licensed by the Department of Health and Human Services and complies with the rules adopted by that department;
3. Educational activities. Educational activities and an evaluation component suitable to the age and educational needs of the eligible students;
4. Accounting. An accounting of all eligible students who will be provided educational services by the program and a plan for continued accurate accounting of the students; and
5. Line-item budget. A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed the number of students in the approved program plan, on a per student basis, based on the state average tuition rate as provided in sections 5804, 5805 and 15689.

The commissioner or a designee shall approve the program plan in a timely manner in order that appropriate budgeting may occur before the start of the school unit's fiscal year. Approval shall include a payment schedule for disbursement of program funds to the school unit in the fiscal year of the program's operation.

§9704. Appeal process.

A school unit required to offer an educational program or a drug treatment center which treats eligible students may appeal to the commissioner in the event agreement cannot be reached between them. The commissioner's decision on the program in such an appeal shall be rendered within 60 days and shall be final.

§9705. Renewal of program approval.

Each school unit operating an educational program for eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner.

§9706. Rule-making authority.

The commissioner shall adopt rules to implement this chapter and the funding scheme under the Essential Programs and Services Funding Act.

REGULATIONS

No relevant regulations found.

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

§254. Educational duties.

The commissioner shall have the following educational duties.

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken.

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit.

§1001. Duties of school boards.

School boards shall perform the following duties.

15. Adoption of student code of conduct. With input from educators, administrators, parents, students and community 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:

H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554.

§6553. Prohibition of hazing.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in school or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

B. "Violator" means any person or any organization which engages in injurious hazing.

2. Adoption of policy. The school board shall adopt a policy which establishes that "injurious hazing," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.
3. Penalties. The school board shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:
 - A. In the case of a person not associated with the public school, the ejection of the violator from school property;
 - B. In the case of a student, administrator or staff violator, the individual's suspension, expulsion or other appropriate disciplinary action; and
 - C. In the case of an organization affiliated with the public school which authorizes hazing, rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with the public school.

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

4. Administrative responsibility. The school board shall assign responsibility for administering the policy to the superintendent of schools and establish procedures for appealing the action or lack of action of the superintendent.
5. Dissemination. The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

§6554. Prohibition on bullying in public schools.

1. Findings. All students have the right to attend public schools that are safe, secure and peaceful environments. The Legislature finds that bullying and cyberbullying have a negative effect on the school environment and student learning and well-being. These behaviors must be addressed to ensure student safety and an inclusive learning environment. Bullying may be motivated by a student's actual or perceived race; color; religion; national origin; ancestry or ethnicity; sexual orientation; socioeconomic status; age; physical, mental, emotional or learning disability; gender; gender identity and expression; physical appearance; weight; family status; or other distinguishing personal characteristics or may be based on association with another person identified with such a characteristic. Nothing in this section may be interpreted as inconsistent with the existing protection, in accordance with the First Amendment of the United States Constitution, for the expression of religious, political and philosophical views in a school setting.
2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:
 - (1) Meeting with the student and the student's parents;
 - (2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
 - (3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
 - (4) Counseling;
 - (5) Anger management;

- (6) Health counseling or intervention;
- (7) Mental health counseling;
- (8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- (9) Community service; and
- (10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

B. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- (1) Has, or a reasonable person would expect it to have, the effect of:
 - (a) Physically harming a student or damaging a student's property; or
 - (b) Placing a student in reasonable fear of physical harm or damage to the student's property;
- (2) Interferes with the rights of a student by:
 - (a) Creating an intimidating or hostile educational environment for the student; or
 - (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school; or
- (3) Is based on a student's actual or perceived characteristics identified in Title 5, section 4602 or 4684-A, or is based on a student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics and that has the effect described in subparagraph (1) or (2).

"Bullying" includes cyberbullying.

C. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

D. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes reporting that is not made in good faith on an act of bullying.

E. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.

3. Prohibition. A person may not engage in bullying on school grounds. This section does not modify or eliminate a school's obligation to comply with state and federal constitutional protections and civil rights laws applicable to schools.

4. Scope. This section applies to bullying that:

- A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or
- B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in subsection 2, paragraph B.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

- A. A provision identifying the responsibility of students and others on school grounds to comply with the policies;
- B. A clear statement that bullying, harassment and sexual harassment and retaliation for reporting incidents of such behavior are prohibited;
- C. A provision outlining the responsibility of a superintendent to implement and enforce the bullying policies required by this section, including:
 - (1) A requirement that the superintendent designate a school principal or other school personnel to administer the policies at the school level; and
 - (2) A procedure for publicly identifying the superintendent's designee or designees for administering the policies at the school level;
- D. A requirement that school staff members, coaches and advisors for extracurricular and cocurricular activities report incidents of bullying to the school principal or other school personnel designated by the superintendent pursuant to paragraph C;
- E. Procedures for students, school staff members, parents and others to report incidents of bullying. The procedures must permit reports of bullying to be made anonymously;
- F. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents and the outcome of the investigations;
- G. A clear statement that any person who engages in bullying, who is determined to have knowingly and falsely accused another of bullying or who engages in acts of retaliation against a person who reports a suspected incident of bullying is subject to disciplinary actions, which actions may include but are not limited to imposing a series of graduated consequences that include alternative discipline;
- H. A procedure for a person to appeal a decision of a school principal or a superintendent's designee related to taking or not taking disciplinary action in accordance with the policies adopted pursuant to this subsection. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent;
- I. A procedure to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services;
- J. A process for the school to communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying; and
- K. A procedure for communicating with a local or state law enforcement agency if the school principal or the superintendent's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act is appropriate.

School boards may combine the policies and procedures required by this subsection with nondiscrimination, harassment and sexual harassment policies and grievance procedures.

6. Dissemination of Policy. Each school board shall annually provide the written policies and procedures adopted pursuant to subsection 5 to students, parents, volunteers, administrators, teachers and school staff. The policies and procedures must be posted on the school administrative unit's publicly accessible website. Each school board shall include in its student handbook a section that addresses in detail the policies and procedures adopted pursuant to subsection 5.

7. Application. A superintendent or the superintendent's designee shall ensure that every substantiated incident of bullying is addressed.

- A. The prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation.
 - B. Any contractor, visitor or volunteer who engages in bullying must be barred from school grounds until the superintendent is assured that the person will comply with this section and the policies of the school board.
 - C. Any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school.
8. Transparency and Monitoring. Each school administrative unit shall file its policies to address bullying and cyberbullying with the department.
9. Staff Training. A school administrative unit shall provide professional development and staff training in the best approaches to implementing this section.

REGULATIONS

No relevant regulations found.

Dating and Relationship Violence

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

§254. Educational duties.

The commissioner shall have the following educational duties.

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken.

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit.

§262. Violence prevention and intervention.

The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence.

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

4. Department Assistance. The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.

§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education.

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose responsibility is to cover the area of truancy, dropouts and alternative education.

1. Qualifications. Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs.

2. Duties. The consultant shall:

A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;

B. Develop screening tools for early identification of potential dropouts;

- C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;
- D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;
- E. Develop model curricula and programs for alternative education schools and programs;
- F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner;
- G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;
- H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;
- I. Have the responsibility for preventive programs and alternative education programs;
- J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion;
- K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State;
- L. Provide staff services to the advisory committee; and
- M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A.

§6605. Department role.

1. Personnel. The commissioner shall appoint, subject to the Civil Service Law, supervisors and consultants knowledgeable about substance use.
2. Technical assistance. The department, through its supervisors and consultants, shall offer technical assistance to public and approved private schools and cooperating community-based organizations to aid in the establishment and implementation of school-based substance use disorder programs and health education curricula.
3. Cooperation; coordination. The department shall carry out its planning activities related to alcohol and drug education and prevention.
4. Information collection and sharing. The Department of Education is authorized to gather information about substance use disorder prevention and intervention programs initiated by state or federal agencies

whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

§6622. Awareness.

The department shall request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances. Each school administrative unit shall review its drug and alcohol policies and update such policies to address the use of performance-enhancing substances.

REGULATIONS

05-071 CMR 33.12. Staff training; Approved programs.

The Department of Education shall maintain a directory of approved training programs on its website at <http://maine.gov/education/>. The list of approved training programs may include regional training programs and regional "train the trainer" model programs. These training programs must require participants to demonstrate competency to achieve certification, and must include instruction in at least the following core components:

1. The use of non-physical interventions for responding to potentially dangerous behaviors, including de-escalation and the use of positive alternatives;
2. Identification of dangerous behaviors that may indicate the need for physical restraint or seclusion and methods for evaluating the risk of harm to determine whether such interventions are warranted;
3. Instruction and simulated experience in administering safe physical restraint techniques across a range of increasingly restrictive interventions, including the safe movement of a student, and in recognizing and avoiding positions involving a high risk of restraint-related positional asphyxia (restricting a student's ability to breathe);
4. The effects of physical restraint and seclusion on a student, including monitoring physical and psychological signs of distress and when to obtain medical assistance in compliance with the covered entity's procedures for emergency interventions;
5. The risks and realities of physical restraint and seclusion; and
6. A review of the process of student and staff debriefing.

Each covered entity shall ensure that a sufficient number of administrators or designees, general and special education staff, maintain certification in an approved training program. A list of staff with the required approved training must be made available in each building office, as well as any central office, along with other school-wide emergency procedures and must be updated at least annually.

05-071 CMR 33.13. Department of Education non-regulatory guidance.

The Department shall annually ensure that teachers and administrators throughout the State are provided with consistent and accurate information regarding the requirements of this rule.

Multi-tiered Frameworks and Systems of Support

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

- A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior. For the purpose of this subsection, "positive interventions" means instructional and environmental supports that are designed to teach students prosocial alternatives to problem behaviors with high rates of positive feedback;
- B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, "restorative interventions" means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior;
- C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand; and
- D. Provide written notice to the parents of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.

§6555. Dangerous behavior prevention and intervention.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

- C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators.

REGULATIONS

05-071 CMR 125.5. Other minimum requirements.

5.18 Multi-tiered System of Support

All school administrative units are required to develop and implement a multi-tiered system of support, kindergarten to grade 12, that provides each child with differentiated learning experiences and/or assistance to achieve social and emotional development, meet the content standards of the system of Learning Results, and graduation requirements. These supports must be specific, timely, and based upon ongoing formative assessments that continuously monitor student progress. Public Law 2019, Chapter 219.

A multi-tiered system of support has three distinct levels of intervention available to general education students:

- Tier I - Universal Supports. This tier begins with the implementation of core, curriculum, including strategies to assist student development and learning. Typically, these supports are differentiated

based on student need and provided to all students within the classroom. Tier I supports continue when Tier II or Tier III interventions are added.

Tier II - Targeted Supports. Supplemental instruction or supports provided to students in addition to Tier 1. These may be provided by qualified staff, including, but not limited to, the classroom teacher, an intervention specialist, or an authorized Educational Technician. Targeted support may involve more intensive practice and/or monitoring of regular classroom activities.

Tier III - Intensive Supports. Intensive instruction or supports provided to students through small group or one-to-one interventions, within the classroom or through an individualized environment, with an increased focus on teaching specific skills.

While there may be variations in how school administrative units develop and implement a multi-tiered system of support, the systems must include:

- Assurance that every child is provided with evidence-based core (Tier 1) academic instruction and positive behavioral and social/emotional supports;
- A collection of evidence-based, academic, behavioral, and social/emotional Tier II and III interventions that are available for students who need them;
- A team-based process to review children's progress and evaluate whether students who are struggling in any academic, behavioral, or social/emotional area may need more intensive Tier II or III support;
- A consistent process of valid, reliable, and age appropriate screening and progress monitoring to evaluate student progress at all tiers;
- A method to determine whether a child's assessed challenges are likely the result of trauma, linguistic, and/or cultural experiences;
- A mechanism for including parents in decision-making about a child's potential participation in Tier II or III activities; and
- Provisions for supports to continue during any subsequent special education referral.

The parent may request that a full and individual evaluation for possible special education eligibility determination be conducted at any time during the multi-tiered system of support review process.

Prevention

LAWS

§262. Violence prevention and intervention.

The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence.

§1001. Duties of school boards.

School boards shall perform the following duties.

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

- A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior. For the purpose of this subsection, "positive interventions" means instructional and

environmental supports that are designed to teach students prosocial alternatives to problem behaviors with high rates of positive feedback;

B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, "restorative interventions" means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

§6555. Dangerous behavior prevention and intervention.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

§6671. Youth Mental Health First Aid training.

A school administrative unit shall establish a youth mental health first aid training program for health educators in secondary schools in the unit pursuant to this section.

1. Recipients of training. A school administrative unit shall schedule training for and ensure training is provided to health educators in secondary schools in the unit responsible for implementing health education pursuant to section 4723.
2. Providers of training. A school administrative unit shall ensure training is delivered by trainers who are properly certified by a national organization for behavioral health to provide training pursuant to subsection 3.
3. Content of training. The training provided pursuant to this section must be in compliance with a course of instruction in youth mental health first aid operated by the national organization for behavioral health under subsection 2 and include training on the skills, resources and knowledge necessary to assist students in crisis to connect with appropriate local mental health care services, training on mental health resources, including the location of local community mental health centers, and training on action plans and protocols for referral to such resources. Recipients of the training must also receive training to:
 - A. Safely de-escalate crisis situations;
 - B. Recognize the signs and symptoms of mental illness, including such psychiatric conditions as schizophrenia, bipolar disorder, major clinical depression and anxiety disorders; and
 - C. Timely refer students to mental health services in the early stages of their development of mental disorders to avoid subsequent behavioral health care and to enhance the effectiveness of mental health services.
4. Available funding. A school administrative unit is required to meet the requirements of this section only if it has received funding specifically for this purpose from federal funding, private funding or other funding sources.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

§6554. Prohibition on bullying in public schools.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:
 - (7) Mental health counseling.

§9921. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Community partner. "Community partner" means a provider of one or more of the following services to students, families or community members:
 - C. Mental health treatment and counseling services.

§9922. Establishment of a community school.

Beginning October 1, 2015, a school board may designate an existing school or establish a new school as a community school.

1. Community school plan goals. A community school shall collaborate with community partners to provide services to students, families and community members that promote student success while addressing the needs of the whole student. A school board may designate or establish a community school as long as the community school plan developed by the school board is consistent with the following goals:

D. Ensuring that children have the physical, social and emotional well-being to come to school ready to engage in the learning process every day.

REGULATIONS

No relevant regulations found.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

- D. A requirement that school staff members, coaches and advisors for extracurricular and cocurricular activities report incidents of bullying to the school principal or other school personnel designated by the superintendent pursuant to paragraph C;
- E. Procedures for students, school staff members, parents and others to report incidents of bullying. The procedures must permit reports of bullying to be made anonymously.

§6555. Dangerous behavior prevention and intervention.

2. Report of incident of dangerous behavior. Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee.

REGULATIONS

05-071 CMR 33.7. Notification of incident.

1. Reporting to an Administrator or Designee, others

After each incident of physical restraint or seclusion, a staff member involved shall:

- A. Report to the administrator or designee by oral notification as soon as possible after each incident, but in no event later than the end of the school day of its occurrence, and
- B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, report the incident to the entity responsible for the student's education within 24 hours or by the end of the next business day. [...]

3. Reporting of Serious Bodily Injury or Death

If serious bodily injury or death of a student occurs during the implementation of restraint or seclusion:

- A. Oral notification of the incident must follow local health and safety procedures as outlined by the covered entity's policies and procedures; and
- B. The administrator or designee shall notify the Department of Education within 24 hours or the next business day.

05-071 CMR 33.8. Documentation; Incident report.

1. Incident Report

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator or designee as soon as practical after the incident, and in all cases within two school days. At a minimum, the incident report must include:

- A. Student name;

- B. Age, gender, grade;
- C. Location of the incident;
- D. Date of incident;
- E. Date of report;
- F. Person completing the report;
- G. Beginning and ending time of each physical restraint and seclusion;
- H. Total time of incident;
- I. Description of prior events and circumstances;
- J. Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
- K. The student behavior that justified the use of physical restraint or seclusion;
- L. A detailed description of the physical restraint or seclusion used;
- M. The staff person(s) involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
- N. Description of the incident, including the resolution and process of return to program, if appropriate;
- O. Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;
- P. If a student or staff sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;
- Q. Date, time, and method of parent notification; and
- R. Date, time of staff debriefing.

Parental Notification

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents and the student of:

- (a) The date, time and location of the hearing;
- (b) A description of the incident or incidents that occasioned the expulsion hearing;
- (c) The student's and parents' right to review the school records prior to the hearing;
- (d) A description of the hearing process; and
- (e) An explanation of the consequences of an expulsion; and

(2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing. [...]

15-A. School disciplinary policies. When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

D. Provide written notice to the parents of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

J. A process for the school to communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying.

§6606. Participation in substance use disorder services.

In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance use or alcohol or drug possession participate in a substance use assessment, education or support group service offered by the school. The school board shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services.

REGULATIONS

05-071 CMR 33.7. Notification of incident.

2. Notification to parents

A. An administrator or designee shall notify the parent that physical restraint or seclusion and any related first aid have occurred as soon as practical but within the school day in which the incident occurred, utilizing all available phone numbers and other appropriate means. If the parent is unavailable, a phone message must be left for the parent to contact the school as soon as possible. If a parent does not have access to a phone, the entity must use whatever contact information is available for emergencies. The parent must be informed that written documentation will be provided to them within 7 calendar days.

B. If a restraint or seclusion has occurred outside the school day, notification of the restraint or seclusion and any related first aid must occur as soon as possible in compliance with the entity's procedures for emergency situations.

05-071 CMR 33.8. Documentation; Incident report.

2. Incident Report Provided to Parents, others

A copy of the incident report must be provided, within 7 calendar days of the incident to:

A. The parent; and

B. If the student is receiving his or her education in an out-of-district placement through a tuition agreement or other agreement, the entity responsible for the student's education.

05-071 CMR 33.9. Response to the use of physical restraint or seclusion.

3. Parent Participation

The covered entity shall make reasonable, documented efforts to encourage parent participation in the meetings required in subsection 2 of this section and to schedule them at times convenient for parents to attend.

A covered entity may not seek written permission from a parent to provide restraint and seclusion to a student.

05-071 CMR 128.12. School board policies required.

From a review of this legislation, it is apparent that policies are needed in the following areas:

- F. Procedures for notification of parents regarding hearing before the school board.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

§254. Educational duties.

The commissioner shall have the following educational duties.

11. Statewide standards for behavior. In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide 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. [...]

11-A. Model policy; reporting. By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken.

§1001. Duties of school boards.

School boards shall perform the following duties.

9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student:

B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board

shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph.

(8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

§5051-A. Truancy.

3. Reports. This subsection applies to reports of truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

- (1) Identify the number of truants in the school administrative unit in the preceding school year;
- (2) Describe the unit's efforts to deal with truancy;
- (3) Account for actions brought under this section including the number of truants reported to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710; and
- (4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

- B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants.

REGULATIONS

05-071 CMR 33.10. Cumulative reporting.

1. Building-level reporting, analysis

A cumulative report by building must be made to the superintendent or chief administrator on a quarterly and annual basis to include:

- A. Aggregate number of uses of physical restraint;
- B. Aggregate number of students placed in physical restraint;
- C. Aggregate number of uses of seclusion;
- D. Aggregate number of students placed in seclusion;
- E. Aggregate number of serious bodily injuries to students related to the use of restraint and seclusions; and
- F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

The superintendent or chief administrator shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

2. Reporting Data to the Department of Education

Each covered entity shall submit to the Department of Education an annual report of the incidence of physical restraint and seclusion that must include:

- A. Aggregate number of uses of physical restraint;
- B. Aggregate number of students placed in physical restraint;
- C. Aggregate number of uses of seclusion;
- D. Aggregate number of students in placed in seclusion;
- E. Aggregate number of serious bodily injuries to students related to physical restraint and seclusion;
and
- F. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

05-071 CMR 128.11. Annual report to commissioner.

L.D. 1851 requires superintendents to submit an annual report to the Commissioner prior to October 1 giving attention to the following:

- A. The number of habitual truants during the previous school year.
- B. A description of local efforts made on behalf of habitual truants.
- C. The number and disposition of action taken against parents under sub-section 8 on page 3 of the legislation.
- D. Other information the Commissioner may deem necessary.

Because current data collection forms are not designed to collect this information, a new form has been developed.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

§1001. Duties of school boards.

School boards shall perform the following duties.

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

§5051-A. Truancy.

2. Procedures; written notice; referral.

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent shall schedule at least one meeting as required in paragraph B-1 and may invite a local prosecutor.

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.

§5052-A. Attendance coordinators.

The following provisions apply to attendance coordinators.

3. Duties. The duties of an attendance coordinator include, but are not limited to, the following:

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under section 5001-A.

§6554. Prohibition on bullying in public schools.

5. Adoption of Policy. When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

K. A procedure for communicating with a local or state law enforcement agency if the school principal or the superintendent's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act is appropriate.

REGULATIONS

No relevant regulations found.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Maine provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Attendance and Truancy Resources, Maine Department of Education (Maine DOE)	Addresses topics including attendance, truancy, alternative education, and dropout prevention.	https://www.maine.gov/doe/schools/safeschools/attendance
Bullying Prevention, Maine DOE	Addresses law, model policy, procedures, data, and resources for bullying prevention.	https://www.maine.gov/doe/schools/safeschools/bullying
Multi-Tiered Systems of Supports (MTSS), Main DOE	Provides a comprehensive overview of MTSS including definitions, MTSS framework, professional learning, and technical assistance.	https://www.maine.gov/doe/MTSS
School Climate, Maine DOE	Provides an overview of school climate and links to surveys, data, and resources related to the topic.	https://www.maine.gov/doe/schools/safeschools/schoolclimate
Social and Emotional Learning (SEL), Maine DOE	Provides a resource library for schools, educators, and families to learn about SEL. Includes a link to SEL training for educators.	https://www.maine.gov/doe/sel
Student Behavior, Maine DOE	Provides an overview of developing a student code of conduct and links to subtopics: behavior, bullying prevention, and restraint and seclusion.	https://www.maine.gov/doe/schools/safeschools/studentbehavior
Restraint and Seclusion, Maine DOE	Provides links to training programs, reporting, information, guidance, Frequently Asked Questions (FAQs), and contact information to Integrated Student Supports Team.	https://www.maine.gov/doe/schools/safeschools/restraint

Title	Description	Website address (if applicable)
<i>Documents</i>		
Model Policy for Bullying and Cyberbullying Prevention in Schools, Maine DOE	Model school board policy prohibiting bullying and cyberbullying, and outlining procedures for reporting, responding to, and remediating bullying incidents in schools.	https://www.maine.gov/doe/sites/mainline.gov.doe/files/inline-files/revised%20model%20bullying%20policy%20JICK.rtf
<i>Other Resources</i>		
Data Warehouse, Maine DOE	Database for assessment results and data on the following topics: chronic absenteeism, dropout, behavior, bullying, restraint and seclusion, and truancy.	https://www.maine.gov/doe/data-reporting/reporting/warehouse
State-wide Substantiated Incidents of Bullying, Maine DOE	Data for substantiated incidents of bullying submitted to the Maine DOE after an investigation has been conducted by school administration.	https://www.maine.gov/doe/schools/safeschools/bullying#data