



**TESTIMONY OF GLBTQ LEGAL ADVOCATES & DEFENDERS
IN OPPOSITION TO
LD 165, AN ACT TO ALLOW SCHOOL BOARDS TO EXPEL OR SUSPEND
STUDENTS REGARDLESS OF GRADE LEVEL**

Committee on Education and Cultural Affairs
March 13, 2025

Dear Senator Rafferty, Representative Murphy, and Distinguished Members of the Committee on Education and Cultural Affairs,

GLBTQ Legal Advocates & Defenders (GLAD Law) is a nonprofit legal organization that works in New England and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. We appreciate the opportunity to submit this testimony in opposition to LD 165, An Act to Allow School Boards to Expel or Suspend Students Regardless of Grade Level.

In 2021, the Maine Legislature passed into law LD 474. Among other things, LD 474 created new protections from school suspension and expulsion for students enrolled in grade 5 or below. Now, just four years later, LD 165 seeks to permit once again the suspension or expulsion of our state's youngest students.

Use of suspension and expulsion as disciplinary measures is harmful to students and defeats attempts to maintain a positive learning environment where students are connected to adults and each other. As the Legislature heard in conjunction with LD 474 and in other contexts, a torrent of research over the last two-plus decades demonstrates that “these types of disciplinary interventions negatively impact student achievement and increase both students’ risk of dropping out and their likelihood of future involvement with the criminal justice system.”¹ The U.S. Departments of Education and Health and Human Services concluded that early childhood suspension and expulsion is “associated with negative educational and life outcomes.”² In an overview of the research, the American Academy of Pediatrics reported that in the earlier grades, school suspension and expulsion “have increasingly been identified as causes of chronic absenteeism that disproportionately affect African American students and students with emotional and behavioral disorders and attention-deficit/hyperactivity disorder.”³

¹ Education Comm’n. of the United States, Policy Snapshot, Suspension and Expulsion (Jan. 2018), at <https://files.eric.ed.gov/fulltext/ED581500.pdf>; Novak, A. & Fagan, A., Expanding Research on the School-to-Prison Pipeline: Examining the Relationships between Suspension, Expulsion, and Recidivism among Justice-Involved Youth at 20 (2022), <https://doi.org/10.1177/0011128721999334>.

² U.S. Dept. of Health and Human Serv’s. & U.S. Dept. of Education Policy Statement on Suspension and Expulsion Policies in Early Childhood Education Settings (2016), available at: https://www.acf.hhs.gov/sites/default/files/documents/ecd/expulsion_ps_numbered.pdf

³ Allison M.A. & Attisha E., AAP Council on School Health. The Link Between School Attendance

Suspensions and expulsions also impact a student’s entire family, particularly parents who cannot stay home with a young child all day during a workday. These school disciplinary measures may contribute to familial stress and burden. Particularly in cases where children are expelled, families may struggle to identify and access alternatives for their children.⁴

GLAD Law understands that schools and their teachers and staff do hard and caring work every day, and face a number of difficulties, particularly in a post-COVID landscape. As this Committee certainly knows, a bevy of research shows that school-wide and individual interventions that use proactive, preventative approaches, address the underlying cause of challenging behavior, and reinforce positive behaviors are associated with increases in academic engagement, academic achievement, and reductions in suspensions and school dropout.⁵

There is also another important development that can help manage a student’s challenges and behavior at school. The State and this Legislature can further support students, educators, and families in mitigating and reducing challenging behaviors by ensuring greater availability of home- and community-based behavioral health services, and by providing funding and resources for more staff and more training (such as for ed techs) to work with students who need greater support.⁶

Ensuring such alternatives is particularly important given the link between suspensions and expulsions and future juvenile and criminal justice system involvement. As members of this committee are aware, the U.S. Department of Justice found that Maine has been violating the Americans with Disabilities Act because it “fails to serve children with behavioral health needs in the most integrated setting appropriate to their needs”; that finding led to a lawsuit and subsequent settlement agreement.⁷ Rolling back protections that keep young children in school – where they can learn and grow from the benefits that schools provide – would exacerbate the state’s reliance on measures such as the juvenile justice system to handle behavioral health needs.

and Good Health. *Pediatrics*. 2019;143(2):e20183648 at 5, available at: <https://pediatrics.aappublications.org/content/143/2/e20183648>.

⁴ U.S. Dept. of Health & Human Serv’s. & U.S. Dept. of Education *Policy Statement on Expulsion and Suspensions Policies in Early Childhood Settings* at 3 (July 2020), available at: <https://www.ed.gov/sites/ed/files/2020/07/policy-statement-ece-expulsions-suspensions.pdf>

⁵ Council for a Strong America, *Fight Crime: Invest in Kids, Funding Evidence-Based School Discipline Alternatives in California* at 3, 4 (Mar. 2019), <https://strongnation.s3.amazonaws.com/documents/630/falcad12-0f9f-4194-a708-fd640aa2f8d3.pdf?1552513162>; School Climate Improvement, Nat’l. Ctr. on Safe, Supportive Learning Env’ts., <https://safesupportivelearning.ed.gov/school-climate-improvement>; Adena M. Klem & James P. Connell, *Relationships Matter: Linking Teacher Support to Student Engagement and Achievement*, 74 J. Sch. Health 262, 262-73 (2004), <https://doi.org/10.1111/j.1746-1561.2004.tb08283.x>; see also Angus J. MacNeil et al., *The Effects of School Culture and Climate on Student Achievement*, 12 Int’l J. Leadership Educ. 73, 73-82 (2009), <https://doi.org/10.1080/13603120701576241> (retention); Amrit Thapa et al., *A Review of School Climate Research*, 20 Rev. Educ. Rsch. 1, 13 (2013), <https://doi.org/10.3102/0034654313483907>.

⁶ See, e.g., 2020 Policy Statement on Expulsion and Suspensions at 5.

⁷ U.S. Department of Justice, Civil Rights Division, United States’ Investigation of Maine’s Behavioral Health System for Children Under Title II of the Americans with Disabilities Act (June 22, 2022), at 8, <https://www.justice.gov/crt/case-document/file/1514441/dl>.

Rolling these protections back would also be contrary to an increasing recognition that suspensions and expulsions are a harmful and ineffective disciplinary measure. As of 2021, at least fifteen states plus D.C. had limitations on the use of suspension and expulsion based on student age or grade level.⁸ Indeed, GLAD Law has heard from partners with deep expertise in school discipline that Maine’s school discipline framework – particularly around school expulsions – is significantly behind best practices adopted by other states.

School suspensions and expulsions are associated with a range of negative outcomes that affect students’ long-term life opportunities. Suspensions and expulsions also communicate to students that they do not belong with their peers. And they send the message that Maine is comfortable with leaving some children in our State without an education. Maine legislators took an important step forward in addressing this issue with passage of LD 474 in 2021. GLAD Law urges the Legislature to retain and build on this progress and not pass LD 165.

Sincerely,

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⁸ Kelley, B., et al., Education Commission of the States, 50-State Comparison: School Discipline Policies (May 17, 2020), available at: <https://www.ecs.org/50-state-comparison-school-discipline-policies/>.