

Senator Joseph Rafferty
Representative Kelly Murphy
Joint Standing Committee on Education and Cultural Affairs
Cross Building, Room 208
Augusta, ME 04333

RE: LD 165, An Act to Allow School Boards to Expel or Suspend Students Regardless of Grade Level

Dear Senator Rafferty, Representative Murphy, and members of the Joint Standing Committee on Education and Cultural Affairs,

My name is Margaret MacLellan and I am a resident of Portland, Maine. I am a second-year law student at the University of Maine School of Law who is currently enrolled in the Youth Justice Clinic as a Policy Fellow with the Center for Youth Policy and Law. I also have a Master's of Public Policy degree, and have previously worked in education policy, focusing on metrics of student success, and worked in childcare for five years with kids twelve years and under. My testimony in opposition to LD 165 represents my personal views only and not the position of the University of Maine School of Law or the University of Maine System.

By expanding exclusionary discipline¹ to children younger than fifth grade, **LD 165 would harm children, disproportionately harm marginalized children, and would be ineffective to improve school safety.**

LD 165 would Harm Children:

LD 165 would subject elementary school kids to the harms that expulsion and suspension can cause to a child's education, behavior, and health. Exclusionary punishment impairs student success, including resulting in academic suffering, students repeating a grade, and students dropping out of school.^{2 3} The longer a child is kept out of school, the greater the negative effects of the punishment on their future academic performance, attendance, and behavior.⁴ Kids who are expelled or suspended are also more likely to act out and get in trouble with the law when they are young, which contributes to the school-to-prison pipeline.⁵ Kids who are caught up in these negative cycles also tend to suffer bad health as adults, including life-threatening issues, such as asthma, heart disease, substance use, and depression.⁶ LD 165 would expand these harms to very young children (under the age of ten⁷) and prevent them from benefiting from the school setting both as children and well into their adulthood.

¹ "Exclusionary discipline" includes both suspensions and expulsions.

² Leung-Gagné, M., et al. (2022). *Pushed Out: Trends and Disparities in Out-of-School Suspension*. Learning Policy Institute. [Pushed Out: Trends and Disparities in Out-of-School Suspension](#).

³ Jain, S., Padrez, R. (2024). *School Suspensions & Expulsions: How They Fail Kids—and Schools*. HealthyChildren.org. [School Suspensions & Expulsions: How They Fail Kids—and Schools - HealthyChildren.org](#).

⁴ Alvarez, B. (2021). *School Suspensions Do More Harm than Good*. American Institutes for Research. [School Suspensions Do More Harm than Good | NEA; An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes](#).

⁵ Jain, S., Padrez, R. (2024). *School Suspensions & Expulsions: How They Fail Kids—and Schools*. HealthyChildren.org. [School Suspensions & Expulsions: How They Fail Kids—and Schools - HealthyChildren.org](#).

⁶ *Id.*

⁷ The average age of a fifth grader.

LD 165 would Disproportionately Harm Marginalized Children:

The risk of suspension is disproportionately high for students of color, students receiving special education services, students from low-income families, LGBTQ+ students, and male students.^{8 9} According to a reputable 2022 study, more than *1 in 4 Black boys with disabilities* (27%) were suspended nationally over the course of a school year.¹⁰ In the same study, 1 in 11 children with disabilities, regardless of race, had been suspended over the course of the school year.¹¹ LD 165 would further exclude Black children and children with disabilities from school, greatly harming their educational outcomes.

Additionally, school suspensions were used as a method to resist desegregation and keep Black students out of educational spaces, so reinstating the policy would perpetrate a long history of unfair and disparate treatment.¹² LD 165 would extend this disproportionate harm to young children who are Black or who have a disability, creating and enforcing disparities in educational outcomes from a very young age.

LD 165 would be Ineffective:

Despite its many harms, exclusionary discipline does not improve school safety.¹³ Suspending children does not significantly reduce future misbehavior for either the disciplined student or their peers.¹⁴ Given that exclusionary discipline is categorically ineffective, by extending it to very young children, LD 165 is especially ineffective at improving school safety.

LD 165 would harm young children, disproportionately harm marginalized children, and would be ineffective. For these reasons, I ask the committee to oppose LD 165. Thank you for your time and consideration.

Respectfully submitted,



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⁸ Leung-Gagné, M., et al. (2022). *Pushed Out: Trends and Disparities in Out-of-School Suspension*. Learning Policy Institute. [Pushed Out: Trends and Disparities in Out-of-School Suspension](#).

⁹ Jain, S., Padrez, R. (2024). *School Suspensions & Expulsions: How They Fail Kids—and Schools*. HealthyChildren.org. [School Suspensions & Expulsions: How They Fail Kids—and Schools - HealthyChildren.org](#).

¹⁰ Leung-Gagné, M., et al. (2022). *Pushed Out: Trends and Disparities in Out-of-School Suspension*. Learning Policy Institute. [Pushed Out: Trends and Disparities in Out-of-School Suspension](#).

¹¹ *Id.*

¹² Kupchik, A. (2025). *Why School Suspensions Do More Harm Than Good*. Time. [Why School Suspensions Do More Harm Than Good](#).

¹³ Leung-Gagné, M., et al. (2022). *Pushed Out: Trends and Disparities in Out-of-School Suspension*. Learning Policy Institute. [Pushed Out: Trends and Disparities in Out-of-School Suspension](#).

¹⁴ Alvarez, B. (2021). *School Suspensions Do More Harm than Good*. American Institutes for Research. [School Suspensions Do More Harm than Good | NEA; An Empirical Examination of the Effects of Suspension and Suspension Severity on Behavioral and Academic Outcomes](#).