



TESTIMONY OF ALICIA REA, ESQ.  
LD 165 – Ought Not to Pass

**An Act to Allow School Boards to Expel or Suspend Students  
Regardless of Grade Level**

Joint Standing Committee on Education & Cultural Affairs  
March 13, 2025

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Senator Rafferty, Representative Murphy and distinguished members of the Joint Standing Committee on Education and Cultural Affairs, greetings. My name is Alicia Rea, and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 165.

This committee is charged with creating policy that best allows schoolchildren to grow and learn. Policies that rely on suspensions and expulsions to address challenging child behavior do not allow children to engage with the educational opportunities provided for them. Removing young children from classrooms can immediately hinder students' emotional and social development. Instead, it removes students from positive social influences and experiences, and denies them the opportunity to learn the skills needed to interact successfully with peers and adults. Suspending or expelling young people dramatically increases the likelihood that those students will drop out before graduating high school.<sup>1</sup> Enforcing severe disciplinary policies and practices push children permanently out of the classroom, without regard for the long-term impact.

While suspensions harm all members of the community, children of color and children with disabilities are especially vulnerable to the inappropriate use of suspensions and expulsions. The U.S. Department of Education, in its publication of Civil Rights Data Collection notes that in the 2021-22 school year, preschool children with disabilities represented only 23% of enrollment but accounted for 41% of the preschool children who received one of more out-of-school suspensions and 74% of preschool children who

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<sup>1</sup> Dolores A. Stegelin, Ph.D., *Preschool Suspension and Expulsion: Defining the Issues*, Institute for Child Success, Dec. 2018, at p.2, available at <https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>.

were expelled.<sup>2</sup> Additionally, the same data showed that “Black children, American Indian or Alaska Native children, and children of two or more races were disproportionately suspended[.]”<sup>3</sup> Black preschool children made up 18% of preschool enrollment but they represented 38% of the preschool children who received out-of-school suspensions.<sup>4</sup>

In Maine, expulsions and suspensions remain high for the 2023 school year. In that period, Lewiston Public Schools expelled 12 students and issued 2,143 suspensions (in-school and out-of-school); Augusta Public Schools issued 628 suspensions; Portland Public Schools removed 1 student and issued 491 suspensions.<sup>5</sup> Overall, school systems in Maine issued over 16,188 suspensions in the 2023 school year.<sup>6</sup>

A growing understanding of the harms of suspending and expelling young children has led states to limit these practices. In 2018, Virginia banned the use of most suspensions or expulsions longer than three days for children in kindergarten through the third grade,<sup>7</sup> and the District of Columbia banned out-of-school suspensions for children in kindergarten through the eighth grade.<sup>8</sup> In 2015, Oregon limited the use of out-of-school suspensions and expulsions for students in fifth grade or lower to three serious circumstances.<sup>9</sup> These are just a few of the many examples of states that have recognized that exclusionary discipline is counterproductive to the aims of teaching young people to be good citizens and scholars.

We all wish for school environments that keep every student safe and allow every student to learn and grow. Knowing the harms that suspensions and expulsions cause, and that they are disproportionately suffered by children with disabilities of all races but especially those of color, Maine must reject the use of suspensions and expulsions for its youngest students.

Instead, we must invest in what schools need to ensure their students are healthy: paying teachers adequately; keeping student-to-teacher ratios low; funding sufficient counselors rather than school resource officers; and

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<sup>2</sup> U.S. Dept. of Education, *A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools* (2025), available at [www.ed.gov/media/document/2021-22-crdc-first-look-report-109194.pdf](http://www.ed.gov/media/document/2021-22-crdc-first-look-report-109194.pdf).

<sup>3</sup> *Id.* at 20.

<sup>4</sup> *Id.*

<sup>5</sup> See Maine Department of Education, *Data – Behavior Report*, available at <https://www.maine.gov/doe/data-reporting/warehouse>.

<sup>6</sup> *Id.*

<sup>7</sup> Va. Code Ann. § 22.1-277.

<sup>8</sup> D.C. Code Ann. § 38-273.03.

<sup>9</sup> Or. Rev. Stat. Ann. § 339.250.



providing the appropriate, legally required special education services to those who qualify. These policies will all help school administrators turn away from punitive models that derail students' lives, and towards healthier schools and communities.

Please vote that LD 165 ought not to pass.