



Valley Unified

Education Service Center

Madawaska School Department
Maine School Administrative District 27
Maine School Administrative District 33

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Dear Members of the Committee,

My name is Benjamin Sirois and I am the Superintendent of Schools for the Valley Unified Education Service Center serving Maine School Administrative District No. 27 (Fort Kent, New Canada, St. John, St. Francis, and Wallagrass), Maine School Administrative District No. 33 (Frenchville and St. Agatha), and the Madawaska School Department. I have been an educator for 25 years; an elementary teacher for 12, a building administrator for 4, and a Superintendent for 9. This legislation seeks to amend current discipline policies to allow schools to suspend students of any grade level while continuing to prohibit expulsions for students in grade 5 or below. This balanced approach provides administrators with much-needed flexibility while ensuring that younger students remain in school whenever possible.

Recent data indicates a troubling increase in dangerous student behaviors in Maine schools and across the nation:

- **Rise in Violent Incidents:** In the 2021–22 school year, the Maine Department of Education reported 2,983 violent incidents, with 690 involving injuries. This marks an increase of 737 incidents compared to the 2018–19 school year ([Maine Education Association](#)).
- **National Trends Reflecting Similar Issues:** A May 2022 survey by the National Center for Education Statistics revealed that:
 - 87% of U.S. public schools felt the COVID-19 pandemic negatively impacted student socio-emotional development.
 - 84% observed detrimental effects on behavioral development.
 - Schools reported increased classroom disruptions (56%), acts of disrespect towards staff (48%), and general rowdiness (48%) ([NCES](#)).

These statistics underscore the escalating challenges schools face in managing student behavior, highlighting the need for effective behavior management measures to ensure a safe learning environment.

One of the most critical aspects of the amended LD 165 is that it allows schools to suspend students in grade 5 and below when necessary, while requiring schools to develop updated protocols and increase staff support during the student's suspension to better meet their needs upon their return to school.

Educators have emphasized that suspensions are sometimes necessary not just as a consequence, but as a tool to give schools and families time to create a plan to support the student's return to the classroom. Upon questioning several Aroostook County area elementary school principals, they shared the significant challenges caused by the inability to suspend younger students. Prior to the 2022 law, in-school suspension (ISS) and out-of-school suspension (OSS) were used sparingly but effectively to manage serious and repeated infractions. Since the change, students have become "brazen while very young" and less responsive to interventions. One principal emphasized that schools lack the ability to take immediate action when behaviors escalate beyond available interventions before they escalate into more severe incidents.

Some real examples of disruptive behavior in elementary schools include:

- A student repeatedly flipping desks and bolting from the classroom, despite 1:1 adult supervision and behavior interventions.
- A student throwing chairs and kicking adults when work became difficult, preventing instruction and posing a physical threat to peers and staff.
- A student standing and threatening to beat up another student on the school bus, requiring emergency intervention and a loss of bus privileges.
- A student throwing large rocks at other students and the school building, refusing to acknowledge wrongdoing and needing intensive supervision.

Currently, when such behaviors occur, teachers and administrators must address them in real time, often without sufficient staffing or supports in place. The amended LD 165 ensures that schools can use short-term suspensions to pause and develop targeted interventions that can lead to better long-term outcomes for both the individual student and their peers.

Recognizing the complexities of student behaviors, Maine has already adopted additional measures, including the *Dangerous Behavior Prevention and Intervention* statute (20-A M.R.S. §6555). This law requires school staff training and protocols to prevent and respond to student behaviors that may present a risk to safety ([Maine Legislature](#)). While this policy is an important step, it does not eliminate the necessity for suspension as a tool to allow for safety planning and intervention. LD 165 ensures that schools can respond effectively to extreme behaviors while working with families and staff to put better supports in place.

As the proud father of a son with multiple disabilities, including physical, emotional, and learning disabilities, I feel that it is also crucial to acknowledge that students with disabilities are afforded specific protections under both federal and Maine state laws concerning disciplinary actions:

- **Free Appropriate Public Education (FAPE):** Under the Individuals with Disabilities Education Act (IDEA), all students with disabilities are entitled to FAPE, which includes the right to

receive educational services even if they are suspended or expelled. This ensures that disciplinary measures do not impede their educational progress (Disability Rights Maine).

- **Manifestation Determination:** Before a student with a disability can be subjected to a disciplinary change in placement (e.g., suspension or expulsion exceeding ten days), schools are required to conduct a manifestation determination review. This process assesses whether the student's behavior is linked to their disability. If a direct connection is found, the school must provide appropriate interventions rather than proceed with standard disciplinary actions (Maine DOE).
- **Least Restrictive Environment (LRE):** Both federal and Maine state laws mandate that students with disabilities should be educated in the least restrictive environment (LRE). This principle ensures that, whenever appropriate, students remain integrated with their peers and are not removed from regular educational settings unless absolutely necessary (Maine DOE).

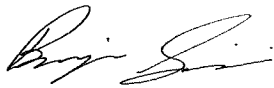
The amended LD 165 strikes an appropriate balance between ensuring schools have the ability to suspend students of any grade level when necessary while continuing to prohibit expulsions for younger students. Importantly, the law now requires schools to develop updated protocols and increase staff support during suspensions to better meet student needs upon their return.

This legislation restores an essential tool for school administrators while ensuring suspensions are used thoughtfully, with an emphasis on intervention and support. It gives schools the ability to act when behaviors become unsafe while also ensuring they have time to work with families and staff to develop better long-term plans for struggling students.

I urge the committee to support this legislation and provide our schools with the flexibility they need to create safe and effective learning environments for all students.

Thank you for considering my testimony.

Sincerely,



Benjamin Sirois
Superintendent of Schools
Valley Unified Education Service Center