



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

A. PENDER MAKIN
COMMISSIONER

April 26, 2021

Senator Joseph Rafferty, Co-chair
Representative Michael Brennan, Co-chair
Members of the Joint Standing Committee on Education and Cultural Affairs

Dear Senator Rafferty, Representative Brennan, and Members of the Joint Standing Committee,

LD 474, An Act Regarding School Discipline for Maine's Youngest Children prohibits school boards from authorizing the suspension or expulsion of students in grade 5 or below, requires the Department of Education to create and annually update a list of free and low-cost legal services for families, and prohibits the withholding of recess for students in grade 5 or below as a disciplinary consequence for a violation of the student code of conduct. The bill also requires districts to adopt a student code of conduct in order to receive funding under chapter 606-B: Essential Programs and Services.

The Department offers the Committee the following information as they discuss the proposals outlined in LD 474:


1. Under Title 20-A MRS §1001, sub-§9 following an investigation and due process proceedings, a school board shall expel any student if found necessary to maintain the peace and usefulness of the school and §1001, sub-§15-A was amended in 2019 to include the expanded use of positive and restorative interventions in place of traditional, punitive consequences for maladaptive behavior. Given the recent changes, there is currently not enough data to determine whether §1001, sub-§15-A have impacted the rate of suspension and/or expulsion for students in grade 5 or below.
2. Data shows a total of eight expulsions in PK-5 in Maine public schools between 2010-2019.
3. The Department of Education established the Office of School and Student Supports (OSSS) in 2019. The OSSS is focused on providing support to schools to increase their use of trauma-informed practices; social, emotional, behavioral learning, and restorative disciplinary practices as part of a larger effort to effectuate §1001, sub-§15-A.
- The Department of Education established the Maine School Safety Center (MSSC) in 2020. The MSSC is committed to developing a safe school infrastructure that will deliver high quality, up-to-date best practices, procedures, training, technical assistance, and ongoing targeted support to Maine schools. Over the past 16 months, MSSC staff have worked to equip district and school leaders with the training and support required to implement multi-disciplinary school-based teams. The MSSC has provided proper training to use a problem-solving approach to violence prevention by identifying underlying causes to misbehavior and providing students with timely and effective intervention and ongoing support. Although rare, we recognize that there may be times when a student in the grades identified in this bill may need to be removed from school to

mitigate the risk of danger to self and/or others. This bill will restrict the ability of local Behavioral Threat Assessment (BTA) teams to have a positive finding for a serious substantive threat for a student in grades K-5, which may require removal from school until the threat has been managed.

4. This bill would significantly change how schools use suspensions and expulsions in their primary school safety and discipline practices. Best practice research indicates the implementation of these approaches in primary schools isn't an effective deterrent or way to change behavior and leads to children receiving less care and resources. If schools do not have the resources and training to handle disciplinary infractions in a restorative or transformative manner, mandating the removal of suspensions and expulsions may not have the successful outcome that the bill intends.

The Department will be available to answer questions during the work session for LD 474.

Sincerely,

DocuSigned by:

83A1EC0915ED426...

Bear Shea

Mental Health and School Counseling Specialist
Office of School and Student Supports

DocuSigned by:

64436D8719FD4FB...

Karen Barnes

Maine School Safety Center

Certificate Of Completion

Envelope Id: 8F946913BA1140FBAC1AF58AE2D09FC1	Status: Completed
Subject: Please DocuSign: LD 474 Informational Letter FINAL.docx	
Source Envelope:	
Document Pages: 2	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Danielle Mckay
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	Danielle.Mckay@maine.gov
	IP Address: 108.183.185.51

Record Tracking

Status: Original	Holder: Danielle Mckay	Location: DocuSign
4/26/2021 7:54:26 AM	Danielle.Mckay@maine.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Carahsoft OBO Maine Department of Education	Location: DocuSign

Signer Events

W. Bear Shea
w.bear.shea@maine.gov
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

83A1EC0915ED426...

Signature Adoption: Uploaded Signature Image
Using IP Address: 67.253.78.7

Timestamp

Sent: 4/26/2021 7:59:20 AM
Viewed: 4/26/2021 9:09:54 AM
Signed: 4/26/2021 9:10:25 AM

Electronic Record and Signature Disclosure:

Accepted: 4/26/2021 9:09:54 AM
ID: 64197612-f2c9-4667-bb4c-2c38d0165135

Karen Barnes, PhD
karen.a.barnes@maine.gov
Security Level: Email, Account Authentication (None)

DocuSigned by:

64436D3719FD4FB...

Signature Adoption: Pre-selected Style
Using IP Address: 166.182.254.152

Sent: 4/26/2021 9:10:27 AM
Viewed: 4/26/2021 9:59:11 AM
Signed: 4/26/2021 10:00:21 AM

Electronic Record and Signature Disclosure:

Accepted: 4/26/2021 9:59:11 AM
ID: 75c5cbf8-827f-4649-8068-db28b016f0d3

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/26/2021 7:59:20 AM
Certified Delivered	Security Checked	4/26/2021 9:59:11 AM
Signing Complete	Security Checked	4/26/2021 10:00:21 AM
Completed	Security Checked	4/26/2021 10:00:21 AM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO Maine Department of Education (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO Maine Department of Education:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: jennifer.l.tarr@maine.gov

To advise Carahsoft OBO Maine Department of Education of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at jennifer.l.tarr@maine.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft OBO Maine Department of Education

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to jennifer.l.tarr@maine.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO Maine Department of Education

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to jennifer.l.tarr@maine.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO Maine Department of Education as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO Maine Department of Education during the course of your relationship with Carahsoft OBO Maine Department of Education.