

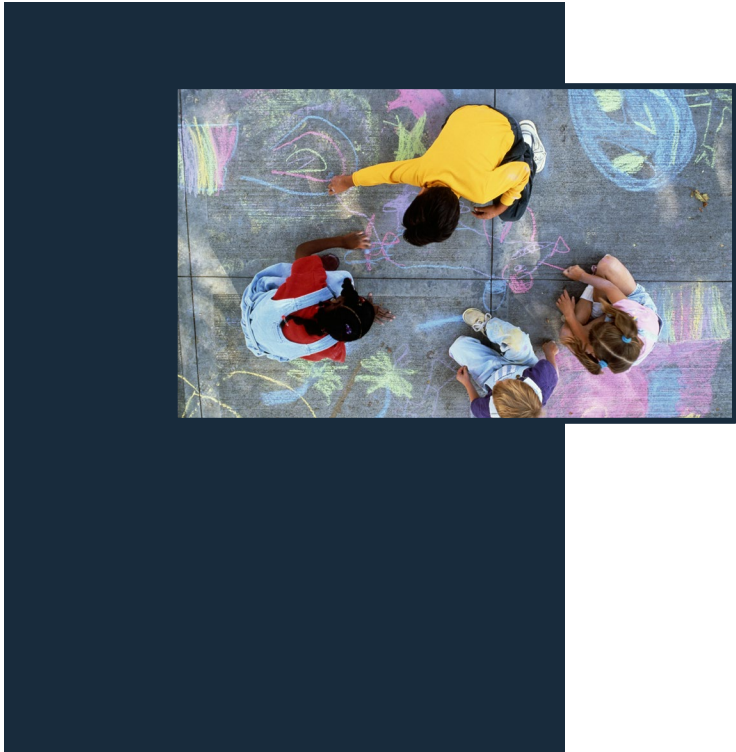
MAINE DEPARTMENT  
OF EDUCATION

# Discussion of Maine's Early Childhood Discipline Regulations: Suspension, Expulsion, Secured Seclusion Guidelines

**January 28, 2026**

**Presented by:** The Office of Special Services & Inclusive Education





# Discussion of Maine's Early Childhood Discipline Regulations

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- What do we KNOW?
- What do we WANT to KNOW?
- What should we DO for next steps?

Our Team

# Presenter Information



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# Source Documents – DOE Communications

Document/Link	Description
<a href="#">Administrative Letter: Guidance for Expulsion, Suspension, and Modified Schedules in Public Preschool Programs – Maine DOE Newsroom</a>	December 2022. Per Maine Law 20-A M.R.S. §1001 In preschool—no expulsion or unenrollment; limited suspensions; no unilateral imposition of modified schedules; no exclusion of children with disabilities;
<a href="#">State and Local Action to Prevent Expulsion and Suspension in Early Learning Systems</a>	This report spotlights innovative state and local efforts responding to the 2014 federal HHS/ED Policy Statement, aiming to prevent, reduce, and eliminate expulsions/suspensions in early childhood programs.
<a href="#">Maine Alliance Effect: Reducing Suspensions and Expulsions</a>	2019 report on effects of Maine’s efforts to reduce preschool expulsion and suspension, including new laws and consultation programs.
<a href="#">Restraint and Seclusion   Department of Education</a>	This Maine Department of Education resource outlines Rule Chapter 33: Governing Physical Restraint and Seclusion, which regulates these practices in public schools and approved private schools serving publicly funded students (K-12, including special education).
<a href="#">Maine Unified Special Education Rules (MUSER)</a>	<i>VI.2.L Abbreviated school day</i> -Abbreviated day defined, regulations surrounding topic; Section XVII <i>Discipline</i>



## Historical Context

# The Driver for Change

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**Historical Data:** Research in 2005 revealed Maine had the **second-highest preschool expulsion rate** in the nation ([14.73 per 1,000 students](#)) *Gilliam, Walter. (2005). Prekindergarteners Left Behind: Expulsion Rates in State Prekindergarten Systems.*

**The Crisis:** In 2014, according to Early Success.org, advocates and teachers reported a rise in challenging behaviors, with 86% of preschool teachers reporting at least one child with challenging behavior in their classroom

**Legislative Action:** These statistics were pivotal in spurring the legislature to act, moving from concern to concrete legal prohibitions against exclusionary discipline

# Legal Framework

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- [20-A M.R.S. §1001\(8-A\): Governing Expulsion](#)
- [20-A M.R.S. §1001\(9\): Governing Out-of-School Suspension](#)
- [Rule Chapter 124: Basic Approval Standards for Public Preschool Programs](#)
- [Rule Chapter 33: Governing Restraint and Seclusion](#)
- [Federal Law: Individuals with Disabilities Education Act \(IDEA\)](#)

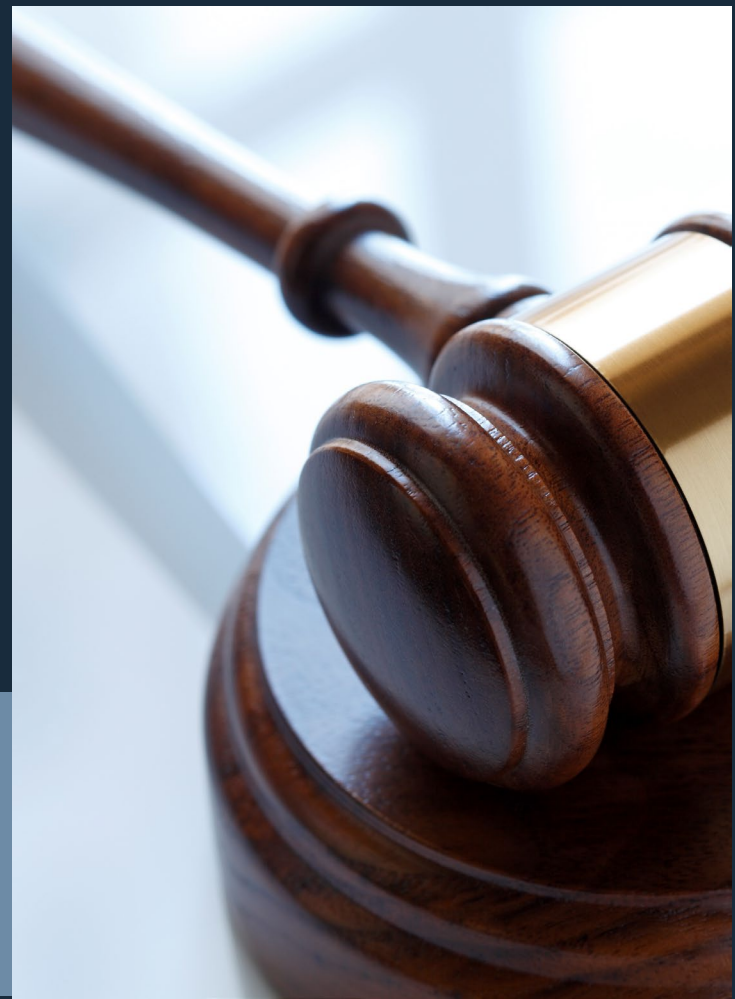


# Expulsion Regulations

## Policy: Expulsion is PROHIBITED

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- **The Law:** Under [20-A M.R.S. §1001\(8-A\)](#), once a child is enrolled in a public preschool program, they “**may not be unenrolled or expelled.**”
- **Intent:** Public preschool is intended to serve all eligible children, [including those with diverse needs](#). *To build social-emotional skills, children must remain in school, in class, with their peers.*
- **Guidance:** Exclusionary discipline is viewed [as not age-appropriate and hinders the goal of preparing children for school success](#).



# Suspension Regulations

## (Pre-K to Grade 5)

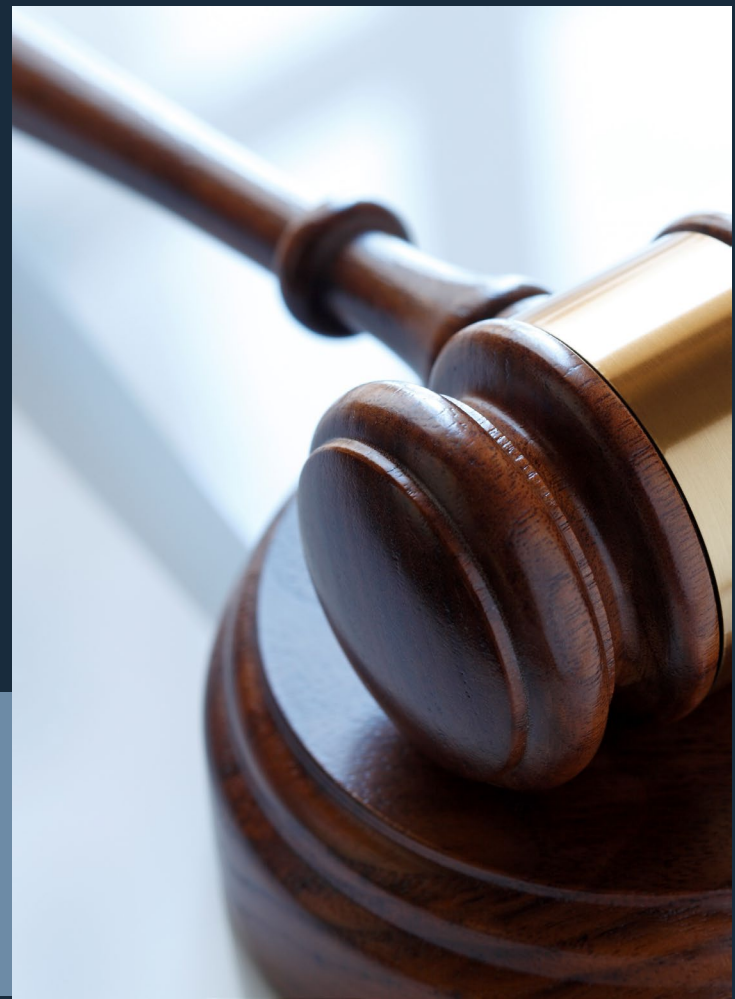
### Policy: Strictly Limited

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**General Rule:** Out-of-School suspension is prohibited for students in grades 5 or below

**The Exception:** A principal may authorize suspension only if:

1. There is **an imminent danger of serious physical injury** to the students or others; **AND**
2. Less restrictive interventions have been and/or would be ineffective
  - **TIME LIMIT:** If the above criteria are met, the suspension may not exceed 3 days.
  - **Federal Exception:** Exceptions exist for violations of the federal Gun-Free Schools Act





# Modified Schedules

## Policy: NOT a Substitute for Suspension

- **Definition:** Reducing a child's school day or week due to behavioral needs.
  - **Restrictions:** SAUs **cannot unilaterally** determine that a child attend on a modified schedule.
  - **Requirements:**
    - Parents/caregivers must be involved in the decision-making process
    - Parents must agree to the schedule before implementation
    - Must be viewed as an interim intervention within a Mult-Tiered System of Supports (MTSS) plan
- Usage:** Only considered when multiple accommodations have been tried and safety remains a concern.

A vertical image on the left side of the slide. The top portion shows a stack of several books with various colored spines (black, white, orange, green) against a teal background. The bottom portion shows five light-colored wooden blocks with black letters spelling out 'TEACH' in a row on a wooden surface.

# Restraint and Seclusion

## Policy: Chapter 33

HP 1007 / LD 1373

- **Maine** Limits use of **physical restraint and seclusion** in schools
- Restraints must be implemented by appropriately certified staff
- Permitted **only in emergencies** involving **imminent risk of serious physical injury**
- Restraint ends immediately upon the cessation of imminent danger
- Requires use of the **least restrictive and least forceful intervention**

A photograph showing a row of wooden blocks spelling out the word 'TEACH' on a wooden surface. In the background, there are several stacks of books, some with colorful covers, against a teal wall.

# Restraint and Seclusion, cont.

## Policy: Chapter 33

### HP 1007 / LD 1373

- Mandates **annual statewide data reporting** on incidents and injuries
- Directs Maine DOE to provide **technical assistance** on prevention, de-escalation, and positive behavior supports
- Emphasizes **student safety, trauma-informed practices, and least restrictive approaches**
- Clearly defines [prohibited vs. allowable practices](#)

# Resources & Opportunities



[ECE Consultation for ME: Department of Health and Human Services](#): Mental health consultation to prevent suspension and expulsion



[Technical Assistance - Public Preschool | Department of Education](#): Best practices and alignment to standards supports



[National Center for Pyramid Model Innovations](#): Practical strategies for teachers and families supporting social-emotional skills



[Early Childhood Special Education Cohort Informational Sessions](#): Previous Cohort Presentation on Behavior Strategies & Supports





# Q & A Discussion:

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What is happening in your district?

What challenges are you seeing?

What are some effective strategies you have used?

What challenges have you seen or do you anticipate in your mixed delivery system?

What training do you require your staff to attend proactively?

In what ways are you already involved in PBIS / Pyramid?

Get In Touch

# Contact Our Early Childhood Special Education (ECSE) Department



## Email

[ECSE.Team@Maine.gov](mailto:ECSE.Team@Maine.gov)



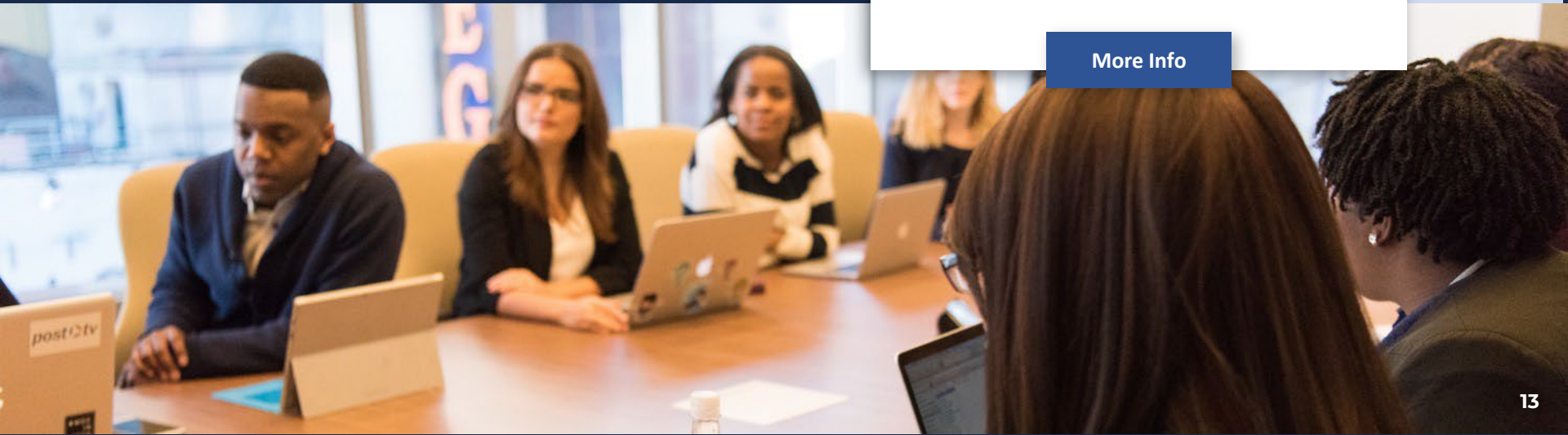
## Our Sites

[Main ECSE Page](#)

[Cohort Meeting Recordings](#)

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