

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 245

S.P. 86

January 27, 2009

An Act To Calculate the School Year by Number of Hours

(EMERGENCY)

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SULLIVAN of York.
Cosponsored by Representative SUTHERLAND of Chapman and
Senators: ALFOND of Cumberland, DAMON of Hancock, NUTTING of Androscoggin,
Representatives: CASAVANT of Biddeford, CONNOR of Kennebunk, SIROIS of Turner.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 Whereas, this legislation may allow school administrative units to project
4 significant savings; and

5 Whereas, in order to achieve those savings in the forthcoming school year, planning
6 must begin well before the expiration of the 90-day period; and

7 Whereas, in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore,

11 **Be it enacted by the People of the State of Maine as follows:**

12 **Sec. 1. 20-A MRSA §4801, sub-§1**, as amended by PL 2005, c. 662, Pt. A, §10,
13 is further amended to read:

14 **1. Number.** A school administrative unit shall make provision for the maintenance
15 of all of its schools for at least 180 days a year or for an equivalent amount of hours
16 annually in accordance with rules adopted by the department. At least 175 days ~~shall~~ or
17 the equivalent must be used for instruction. In meeting the requirement of a 180-day
18 school year or the equivalent, no more than 5 days or the equivalent may be used for in-
19 service education of teachers, administrative meetings, parent-teacher conferences,
20 records' days and similar activities.

21 A. The commissioner may reduce or waive the minimum number of days or the
22 equivalent required on application from a school board. The application must be
23 supported in writing with a statement of the reasons for the request.

24 B. Notwithstanding any other section of the statutes, school committees, with the
25 approval of the commissioner, may adopt or amend rules necessary to implement an
26 extended school year at the local level. The commissioner may make appropriate
27 adjustments, not to exceed the allowable subsidy, to insure fair and equitable
28 treatment in the distribution of state aid.

29 C. Notwithstanding this subsection, the commissioner shall ~~promulgate~~ adopt a rule
30 to provide that local school units may allow secondary school students to graduate up
31 to 5 school days or the equivalent prior to the regular end of the school year.

32 D. A school administrative unit, operating under a plan approved by the
33 commissioner, may provide for the use of up to 5 of the 175 instructional days or the
34 equivalent required by this section to be used for screening incoming first year
35 students for the purpose of identifying children with disabilities and students at risk
36 of school failure as required by state or federal law.

37 E. Notwithstanding this subsection and any other provision of law, for school years
38 1991-92 and 1992-93, a school administrative unit may reduce the number of days
39 for the maintenance of all its schools by 5 days a year. A school administrative unit

1 that decides to reduce the number of school days for school year 1991-92 or 1992-93,
2 or both, shall notify the commissioner in writing of its plan.

3 **Sec. 2. 20-A MRSA §13507-A, sub-§2**, as amended by PL 2007, c. 466, Pt. A,
4 §39, is further amended to read:

5 **2. Minimums.** Notwithstanding any other provision of law, the State and the
6 bargaining agent for state teachers in state-operated schools and related classifications
7 shall at a minimum, in accordance with bargaining procedures set forth in Title 26,
8 chapter 9-B, negotiate as to the impact of implementation of sections 13405 and 13406.
9 The negotiations must be limited to salaries. Minimum salaries established by those
10 negotiations must be based upon a 180-day school year or its equivalent annual hours
11 authorized under section 4801, subsection 1 and must be proportionately higher for
12 positions whose incumbents work for longer terms. Negotiations must establish pay
13 schedules that enable the State to be competitive with local school administrative units in
14 recruitment and retention with regard to teachers and related classifications. The term
15 "teachers and related classifications" includes any classification in State Government that
16 is a teaching classification, requires professional work in or around the classroom setting
17 or is within the career ladder of the classifications by virtue of its relationship to
18 educational supervision or programming.

19 **Sec. 3. 20-A MRSA §15689, sub-§5, ¶B**, as enacted by PL 2005, c. 2, Pt. D, §60
20 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

21 B. The rate of reimbursement per student may not exceed the state average tuition
22 rates in effect during the year of placement as computed under sections 5804 and
23 5805. The tuition rates must be computed based on the state average secondary
24 tuition rate and may be adjusted if the program is approved to operate beyond the
25 180-day school year or its equivalent annual hours authorized under section 4801,
26 subsection 1.

27 **Sec. 4. Rules.** The Department of Education shall adopt rules or amend its rules as
28 is necessary to comply with the provisions of this Act. Rules adopted or amended
29 pursuant to this section are routine technical rules as described in the Maine Revised
30 Statutes, Title 5, chapter 375, subchapter 2-A.

31 **Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved.

33 **SUMMARY**

34 This bill directs the Department of Education to provide by rule for a school calendar
35 that is based upon a minimum annual number of hours that is equivalent to the current
36 180-day school calendar.