

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1098

H.P. 720

House of Representatives, March 18, 2025

An Act to Ensure Equal Access to a Full School Day for All Students

(EMERGENCY)

Received by the Clerk of the House on March 14, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MURPHY of Scarborough.
Cosponsored by Senator RAFFERTY of York and
Representatives: CLOUTIER of Lewiston, CRAFTS of Newcastle, DODGE of Belfast, KUHN
of Falmouth, MOONEN of Portland, Senator: PIERCE of Cumberland.

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,** students in schools across Maine, primarily students with disabilities, are
4 often denied access to a full school day by being placed on abbreviated school days or
5 tutoring programs; and

6 **Whereas,** all students in the same grade and school administrative unit have a right to
7 meaningful access to the same number of hours of instruction and educational services; and

8 **Whereas,** removal from school for all or part of the day is neither a service nor support
9 for students; and

10 **Whereas,** any use of an abbreviated school day program should be infrequent and,
11 under most circumstances, should be used for a limited duration and should only be used
12 with the informed consent of the parents or guardians; and

13 **Whereas,** this legislation needs to take effect before the expiration of the 90-day
14 period to prevent students placed in abbreviated school day programs from falling behind
15 peers in school curriculum learning and from failing to meet the system of learning results;
16 and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore,

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

22 **Sec. 1. 20-A MRSA §4801, sub-§1-A** is enacted to read:

23 **1-A. Abbreviated school days.** The following provisions apply to abbreviated school
24 days.

25 A. For the purposes of this subsection, "abbreviated school day" means any day that a
26 student is required to attend school or receives educational services for less time than
27 grade peers within the same school. This includes students placed in tutoring services
28 for less than a full school day.

29 B. For the purposes of this subsection, "abbreviated school day program" means a
30 program in which a student is required to attend an abbreviated school day for 10 or
31 more cumulative days in the same school year.

32 C. A school administrative unit may place a student in an abbreviated school day
33 program only after all of the following are satisfied:

34 (1) The decision to use an abbreviated school day program is based on the student's
35 individual medical or behavioral health needs and documented in:

36 (a) A health care directive or medical management plan;

37 (b) An individualized education plan or an individualized family service plan
38 as defined in the federal Individuals with Disabilities Education Act, 20 United
39 States Code, Section 1401 et seq. (2015); or

1 (c) A plan developed pursuant to the federal Rehabilitation Act of 1973, 29
2 United States Code, Section 794 (2015) or the federal Americans with
3 Disabilities Act of 1990, Title II, 42 United States Code, Section 12131 et seq.
4 (2009);

5 (2) Written documentation of the abbreviated school day program, which must
6 include:

7 (a) An explanation of how the student will meet the system of learning results
8 under section 6209 and receive full access to the general curriculum;

9 (b) Documentation of the number of hours of educational services per day to
10 be provided as part of the abbreviated school day program and the times the
11 services will be provided; and

12 (c) A description of the services, if any, to be provided to assist the student in
13 returning to a full school day as soon as possible; and

14 (3) The parent or foster parent provides informed and written consent for the
15 abbreviated school day placement after being informed of the following in writing:

16 (a) The student's right to have access to the same number of hours of instruction
17 and educational services that are provided to the majority of other students who
18 are in the same grade within the student's school administrative unit;

19 (b) The prohibition on the school administrative unit to place a student with a
20 disability in an abbreviated school day program without the required
21 documentation; and

22 (c) The parent's or foster parent's right, at any time, to withdraw consent for an
23 abbreviated school day program placement.

24 The requirements of this paragraph must be met every 45 school days until the student
25 returns to a full school day program unless the parent or foster parent provides informed
26 written consent to meet less frequently. For students already in an abbreviated school
27 day program, these requirements must be met prior to the start of the 2025-2026 school
28 year.

29 D. A school may not consider, recommend or implement an abbreviated school day
30 program due to a lack of school resources, including, but not limited to, staffing
31 resources, training resources and supportive services.

32 E. Upon receipt of a written revocation or objection to the abbreviated school day
33 program placement from a parent or foster parent, the school administrative unit
34 superintendent shall ensure that, within 5 school days, the student has access to the
35 same number of hours of instruction and educational services that are provided to the
36 majority of other students who are in the same grade within the student's school
37 administrative unit.

38 The requirements of this subsection do not apply when students have been removed from
39 school pursuant to generally applicable disciplinary procedures and the abbreviated school
40 day program is being provided during that period of removal.

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

SUMMARY

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This bill establishes requirements regarding abbreviated school days, including criteria for when a school administrative unit may place a student in an abbreviated school day program and requirements for documentation, parental consent and instruction hours. It excludes from the requirements students who have been removed from school pursuant to disciplinary procedures while the program is being provided during the period of removal.