

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-582)

HOUSE AMENDMENT "A" to H.P. 1650, L.D. 1851, Bill, "AN ACT  
Relating to Habitual Truants and School Dropouts."

Amend the Bill in section 1 in that part designated "§911."  
by inserting at the end of subsection 2, before the period, the  
following: 'in accordance with the procedures required for the  
promulgation of rules and regulations under subsection 5'

Further amend the Bill in section 1 in that part designated  
"§911." by striking out all of the last underlined sentence of  
subsection 3.

Further amend the Bill in section 1 in that part designated  
"§911." by inserting at the end of subsection 5 the following:  
'Prior to the promulgation of or any change in these rules and  
regulations, the local school committee or board of directors shall  
hold a public hearing of which at least 7-days' notice has been  
given in the appropriate newspaper. Any rules and regulations  
may become effective only after a 30 day public review period  
following the public hearing.'

Further amend the Bill in section 1 in that part designated  
"§911." by striking out all of subparagraph (2) of paragraph E of  
subsection 6 and inserting in its place the following:

'(2) Their right to inspect the child's records and the principal's report; and'

Further amend the Bill in section 1 in that part designated "§911." by striking out all of subparagraphs (1) and (2) of paragraph B of subsection 7 and inserting in their place the following:

'(1) The parents or guardian may appeal this decision to the commissioner, who shall appoint a fair hearing officer to hear the appeal;

(2) The fair hearing officer shall make a report to the commissioner on the testimony presented at the hearing and shall make a recommendation to the commissioner as to the disposition of the appeal; and

(3) The commissioner shall review the report and recommendation of the fair hearing officer and shall affirm, modify or reverse the decision of the local school committee or board of directors.'

Further amend the Bill in section 1 in that part designated "§911." by striking out all of the last underlined sentence of subsection 8.

Further amend the Bill in section 1 in that part designated "§911." by striking out all of subsection 10 and inserting in its place the following:

'10. Alternate program; involvement of student. Subject to the following conditions, the principal with the approval of the local school committee or board of directors is authorized to excuse any 14 year old pupil from regular school programs for the purpose of participating in a suitable program of work, work study or training.

A. A pupil may not be excused unless the principal has received the consent of both the pupil and the pupil's parents or guardians,

B. Whenever the principal refuses to excuse a pupil and both the pupil and pupil's parents or guardians consent to the pupil's being excused, the parents or guardians may appeal the principal's decision to the local school committee or board of directors.

Because many students are alienated from regular school programs or have personal barriers preventing successful continuation in these programs, any student considered for an alternate program under this subsection shall be included in the process of selection and formation of these alternate programs.'

Further amend the Bill by striking out all of the amending clause of section 4 and inserting in its place the following:

'Sec. 4. 20 MRSA §3748, sub-§1, ¶B, sub-¶(1), (2) and (3) are enacted to read:'

Further amend the Bill in section 4 by striking out all of the last underlined sentence of subparagraph (1) and inserting in its place the following:

'Because many students are alienated from regular school programs or have personal barriers preventing successful continuation in these programs, any student considered for alternate programs under this section shall be involved in the process of selection and formation of these alternate programs.'

Further amend the Bill in section 4 by inserting after the first sentence of subparagraph (2) the following:

'For subsidy purposes no pupil shall be counted as more than one pupil under this chapter.'

#### Statement of Fact

The purposes of this amendment are to:

1. Require a public hearing prior to the establishment of rules and regulations;
2. Delete an unnecessary reference to the commissioner's approval of programs in private schools;
3. Permit parents or guardians to see the principal's report to the superintendent;
4. Clarify the process for appeal from the decision of the local school committee on the waiver of compulsory school attendance;
5. Delete language which in the original L.D. was related to penalty provisions which were removed in the committee's new draft;

6. Clarify the procedure for the placement of pupils on alternate programs of work, work study and training; and

7. Clarify that for subsidy purposes no pupil will be counted as more than one pupil under the school funding law.

Filed by Mrs. Trafton of Auburn.

Reproduced and distributed under the direction of the Clerk of the House.  
6/10/77

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