

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1252

S.P. 469

In Senate, March 21, 1991

Submitted by the Department of Education pursuant to Joint Rule 24.
Reference to the Committee on Education 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 BRAUN of Knox
Cosponsored by Representative BARTH of Bethel and Representative O'GARA of
Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend and Improve the Laws Relating to Education.



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

2 **Sec. 1. 20-A MRSA §257**, as amended by PL 1989, c. 525, §1, is
4 further amended to read:

6 **§257. High school equivalency diplomas**

8 **1. Issue.** The commissioner shall issue high school
10 equivalency ~~certificates~~ diplomas to residents of the State who:

12 A. ~~Are at least 18 years of age;~~

14 B. Are at least 18 years of age, or are 17 years of age and
16 have:

18 (1) A documented, immediate need; and

20 (2) Written approval from the local superintendent or
22 the superintendent's designee;

24 C. Have not been in attendance for one year or more at a
26 public school or a private school approved by a state
28 department or accredited by a regional association of
30 colleges and secondary schools;

32 D. Have completed a formal training program approved by the
34 commissioner; and

36 E. Demonstrate through procedures prescribed by the
38 commissioner that they have attained a general educational
40 development comparable to that of secondary school graduates.

42 The commissioner shall issue the ~~certificates~~ equivalency
44 diplomas required by this subsection upon completion of the
46 requirements of this subsection or as soon thereafter as possible.

48 **2. Equivalency diploma status.** ~~Certificates~~ shall
50 Equivalency diplomas have the legal status of high school
52 diplomas.

3. Fees. No A fee may not be charged for the issuance of
any high school equivalency ~~certificate~~ diploma.

Sec. 2. 20-A MRSA §3351, sub-§3-A is enacted to read:

3-A. Balance carried forward. The commissioner may carry
forward any remaining unexpended balances in the accounts
established for the purpose of the schooling of children in the
unorganized territories from one fiscal year to the next fiscal
year.

Sec. 3. 20-A MRSA §5055 is enacted to read:

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§5055. Work permits

1. Conditions for issuance. A work permit must be issued to a minor under age 17 by the superintendent of schools or the superintendent's designee only after it is determined that the minor is:

A. Enrolled in school;

B. Not habitually truant;

C. Not under suspension; and

D. Maintaining a passing grade in a majority of required academic courses during the current grading period.

2. Exceptions. This section does not apply to a minor who has been granted an exception to compulsory education under section 5001-A, subsection 2, 3 or 4.

3. Conditions for revocation. The superintendent of schools shall provide notice to the Director of the Bureau of Labor Standards of minors under 17 who do not maintain compliance with any one of the conditions of issuance under subsection 1. The director shall investigate the situation and, on finding proper documentation of noncompliance, shall revoke the work permit in force for the minor.

4. File for work permits. The superintendent of schools or the superintendent's designee shall maintain a file of all work permits issued for the school unit. This file must be reviewed regularly to assure compliance of students with subsection 1.

5. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to administer this section.

Sec. 4. 20-A MRSA §7502, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§7502. State institutions

The director of a state institution ~~for the mentally ill or mentally retarded~~ shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These exceptional students shall are entitled to attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education.

- 2 2. Inserts language in the Maine Revised Statutes, Title
4 20-A, section 3351, authorizing the Commissioner of Education to
6 carry forward unexpended balances in the accounts established for
 the purpose of the schooling of children in the unorganized
 territories. This language was inadvertently removed in 1986;
- 8 3. Establishes provisions in Title 20-A, section 5055, that
10 authorize superintendents of schools to issue work permits and
12 give the Commissioner of Education rule-making authority to
 administer this section;
- 14 4. Adds statutory reference to the vocational centers in
 Ellsworth and Sanford;
- 16 5. Clarifies the requirement for a favorable local vote for
18 school construction projects that are not funded by the State;
- 20 6. Eliminates references to state institutions for the
22 mentally ill and mentally retarded to be consistent with the
 proposed change in Title 20-A, section 15603 and the inclusion of
 a school operated by the Department of Education;
- 24 7. Expands the definition of state-operated institution to
26 include a school operated by the Department of Education. This
 was intended to include specifically the Governor Baxter School
 for the Deaf; and
- 28 8. Changes terminology to enable school administrative
30 units to have more flexibility in offering programs and services
32 to Maine's preschool exceptional children. Currently, the
34 subsidy is provided to school administrative units for programs
 they operate. Under this bill they may use other agencies or
 organizations to provide these programs or services.