

# MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1099, L.D. 1542, Bill, "An Act to Eliminate the Use of Time-out Boxes"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Time-out Areas'

Further amend the bill by inserting before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 20-A MRSA §4502, sub-§5, ¶K, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

K. School improvement; and

Sec. 2. 20-A MRSA §4502, sub-§5, ¶L, as amended by PL 1989, c. 415, §11, is further amended to read:

COMMITTEE AMENDMENT

L. Prepare and implement an en-geing ongoing school improvement process and annually update a written school improvement plan, including a fully developed staff development plan for identifying at-risk students in kindergarten through to grade 12, including, but not limited to, truants and dropouts, and the development of appropriate alternative programs to meet their needs; and

Sec. 3. 20-A MRSA §4502, sub-§5, ¶M is enacted to read:

M. The use of time-out areas, administered in accordance with standards adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area.

Sec. 4. Adoption of rules for use of time-out procedures. The Commissioner of Education shall adopt rules by January 1, 1998 regarding the use of time-out procedures by school administrative units that are in accordance with the standards established by the Department of Human Services for licensing residential child care facilities and the Department of Mental Health and Mental Retardation and Substance Abuse Services for mental health treatment. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill requires school administrative units that are currently using time-out areas to comply with additional requirements that may necessitate additional expenditures. The additional costs to these school units are expected to be minor, relating only to the meetings to come up with an alternative discipline procedure and notifying the affected schools. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

2           The additional costs associated with adopting rules  
4 regarding the use of time-out procedures can be absorbed by the  
Department of Education utilizing existing budgeted resources.'

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### SUMMARY

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10           The amendment replaces the original bill and delineates  
12 certain specifications regarding the use of a time-out area. The  
amendment also directs the Commissioner of Education to adopt  
14 rules regarding time-out procedures generally and to ensure that  
those rules are consistent with other departments and state  
agencies. The amendment also adds a mandate preamble and a  
fiscal note to the bill.