

MAINE STATE LEGISLATURE

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L.D. 1798

DATE: 5/5/99

(Filing No. H-453)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1250, L.D. 1798, Bill, "An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings"

Amend the bill by inserting after the title and 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 in section 2 in the first line (page 1, line 15 in L.D.) by striking out the following: "~~sub-§§15, 16 and 17~~" and inserting in its place the following: '~~sub-§§15 and 16~~'

Further amend the bill in section 2 in subsection 15 in paragraph D in the last line (page 1, line 35 in L.D.) by striking out the following: "~~and~~"

Further amend the bill in section 2 in subsection 15 in paragraph E in the last line (page 1, line 39 in L.D.) by striking out the following: "~~class.~~" and inserting in its place the following: '~~class:~~'

Further amend the bill in section 2 in subsection 15 by inserting after paragraph E the following:

COMMITTEE AMENDMENT

R. W. S.

COMMITTEE AMENDMENT "A" to H.P. 1250, L.D. 1798

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'F. Establish policies and procedures concerning the removal of disruptive or violent students from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; and

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property.'

Further amend the bill in section 2 by striking out all of subsection 17.

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'Sec. 3. 20-A MRSA §6001-B is enacted to read:

§6001-B. Transfer of education records

1. Education records must follow students who transfer. Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from out-of-state schools are also subject to this requirement.

2. Transfer of records. Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including special education records, to school administrators at the school administrative unit to which the student is seeking a transfer.

3. Determination of disciplinary status of student applying for transfer; discretion of school to accept student. At the request of the superintendent of the school administrative unit into which a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the receiving school administrative unit indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding. In the case of a student who has been expelled or suspended or is the subject of an expulsion or suspension

F. O. S.

2 proceeding, the receiving school administrative unit may deny
4 admission or participation in public school programs, facilities
6 or activities as part of an equivalent instruction program
8 pursuant to section 5021 until the school administrative unit is
10 satisfied that the conditions of the expulsion or suspension have
12 been met.

8 4. Notice to parents and guardians. Prior to the start of
10 the 2000-01 school year and each school year thereafter, a school
12 administrative unit shall send a written notice to parents or
14 guardians of every student enrolled in the school administrative
16 unit that education records must be sent to a school
18 administrative unit to which a student applies for transfer. The
20 notice provided to parents and guardians must comply with the
22 standards of the federal Family Education Rights and Privacy Act
24 of 1974, Public Law 93-380, as amended by Public Law 93-568.'

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

22 **FISCAL NOTE**

24 The Department of Education will incur some minor additional
26 costs to develop statewide standards for responsible and ethical
student behavior. These costs can be absorbed within the
department's existing budgeted resources.

28 This bill requires school boards to adopt standards
30 consistent with those developed by the Department of Education
and implement those standards; develop a crisis response plan;
32 and provide notifications to parents. The additional costs of
these state mandates can not be determined. Pursuant to the
34 Mandate Preamble, the two-thirds vote of all members elected to
each House exempts the State from the constitutional requirement
36 to fund 90% of the additional local costs.'

38 **SUMMARY**

40 This amendment adds a mandate preamble to the bill. The
42 amendment also accomplishes the following.

44 It removes the provision in the bill concerning input by
46 teachers and other educational personnel regarding student
disciplinary and placement decisions, and instead adds this
48 consideration to the list of policy items that must be included
in the districtwide student code of conduct to be developed by
50 school boards with input from educators, administrators, parents,
students and community members.

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COMMITTEE AMENDMENT "A" to H.P. 1250, L.D. 1798

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It removes the provision in the bill requiring a superintendent to report certain offenses that involve violence to appropriate law enforcement authorities, and instead adds this consideration to the list of policy items that must be included in the districtwide student code of conduct to be developed by school boards with input from educators, administrators, parents, students and community members.

It strikes the section of the bill concerning transfer of education records and the creation of an expulsion record information database, and replaces this section with a new section that clarifies the process by which student records must be transferred between school administrative units when a student seeks admission or transfer to a new school from a school in the State or from a school outside of the State.

Finally, the amendment adds a fiscal note to the bill.

COMMITTEE AMENDMENT