

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 96

H.P. 80

House of Representatives, January 12, 2009

An Act To Authorize the Implementation of Modified School Year Calendars

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLETT of Waterford.
Cosponsored by Representative WATSON of Bath.

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

2 **Sec. 1. 20-A MRSA §4801, sub-§1**, as amended by PL 2005, c. 662, Pt. A, §10,
3 is further amended to read:

4 **1. Number.** A school administrative unit shall make provision for the maintenance
5 of all of its schools for at least 180 days a year or for an equivalent amount of student
6 instruction accomplished by an alternative school calendar of 4 days of student
7 instruction per week or by another alternative school calendar. At least 175 days ~~shall~~ or
8 its equivalent must be used for instruction. In meeting the requirement of a 180-day
9 school year or its equivalent, no more than 5 days or its equivalent may be used for in-
10 service education of teachers, administrative meetings, parent-teacher conferences,
11 records' days and similar activities.

12 A. The commissioner may reduce or waive the minimum number of days or its
13 equivalent required on application from a school board. The application must be
14 supported in writing with a statement of the reasons for the request.

15 B. Notwithstanding any other section of the statutes, school committees, with the
16 approval of the commissioner, may adopt or amend rules necessary to implement an
17 extended school year at the local level. The commissioner may make appropriate
18 adjustments, not to exceed the allowable subsidy, to insure fair and equitable
19 treatment in the distribution of state aid.

20 C. Notwithstanding this subsection, the commissioner shall ~~promulgate~~ adopt a rule
21 to provide that local school units may allow secondary school students to graduate up
22 to 5 school days prior to the regular end of the school year.

23 D. A school administrative unit, operating under a plan approved by the
24 commissioner, may provide for the use of up to 5 of the 175 instructional days or its
25 equivalent required by this section to be used for screening incoming first year
26 students for the purpose of identifying children with disabilities and students at risk
27 of school failure as required by state or federal law.

28 E. Notwithstanding this subsection and any other provision of law, for school years
29 1991-92 and 1992-93, a school administrative unit may reduce the number of days
30 for the maintenance of all its schools by 5 days a year. A school administrative unit
31 that decides to reduce the number of school days for school year 1991-92 or 1992-93,
32 or both, shall notify the commissioner in writing of its plan.

33 **Sec. 2. 20-A MRSA §13507-A, sub-§2**, as amended by PL 2007, c. 466, Pt. A,
34 §39, is further amended to read:

35 **2. Minimums.** Notwithstanding any other provision of law, the State and the
36 bargaining agent for state teachers in state-operated schools and related classifications
37 shall at a minimum, in accordance with bargaining procedures set forth in Title 26,
38 chapter 9-B, negotiate as to the impact of implementation of sections 13405 and 13406.
39 The negotiations must be limited to salaries. Minimum salaries established by those
40 negotiations must be based upon a 180-day school year or its equivalent in the case of a
41 state-operated school that uses an alternative school calendar pursuant to section 4801.

1 subsection 1 and must be proportionately higher for positions whose incumbents work for
2 longer terms. Negotiations must establish pay schedules that enable the State to be
3 competitive with local school administrative units in recruitment and retention with
4 regard to teachers and related classifications. The term "teachers and related
5 classifications" includes any classification in State Government that is a teaching
6 classification, requires professional work in or around the classroom setting or is within
7 the career ladder of the classifications by virtue of its relationship to educational
8 supervision or programming.

9 **Sec. 3. 20-A MRSA §15689, sub-§5, ¶B,** as enacted by PL 2005, c. 2, Pt. D, §60
10 and affected by §§72 and 74 and by c. 12, Pt. WW, §18, is amended to read:

11 B. The rate of reimbursement per student may not exceed the state average tuition
12 rates in effect during the year of placement as computed under sections 5804 and
13 5805. The tuition rates must be computed based on the state average secondary
14 tuition rate and may be adjusted if the program is approved to operate beyond the
15 180-day school year or its equivalent in the case of a school administrative unit that
16 uses an alternative school calendar pursuant to section 4801, subsection 1.

17 **Sec. 4. Rules.** The Department of Education shall adopt rules or amend its rules as
18 is necessary to comply with the provisions of this Act. Rules adopted or amended
19 pursuant to this section are major substantive rules as described in the Maine Revised
20 Statutes, Title 5, chapter 375, subchapter 2-A.

21

SUMMARY

22 This bill authorizes a school administrative unit to use an alternative school calendar,
23 such as a calendar of 4 days of student instruction per week, if that calendar provides for
24 an amount of student instruction equivalent to that provided by a traditional school
25 calendar.

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