

MAINE STATE LEGISLATURE

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ROFFS

L.D. 681

Date: 6/14/17 Majority

(Filing No. H-505)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 472, L.D. 681, Bill, "An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 20-A MRSA §6209, sub-§4, as amended by PL 2015, c. 489, §6, is further amended to read:

4. **Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to substantiate school certifications of postsecondary readiness. The review of the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, must be included in the commissioner's review beginning in the 2017-2018 school year.'

SUMMARY

This amendment, which is the majority report of the committee, strikes the part of the bill that requires a notation to be made on the transcript of a postsecondary student who is convicted of sexual assault. This amendment requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic

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1 drinks, stimulants and narcotics on the ability to give affirmative consent, communicate
2 and make appropriate decisions, during the 2017-2018 school year as part of the
3 commissioner's 5-year review cycle of the content standards and performance indicators
4 required under the system of learning results.

5 **FISCAL NOTE REQUIRED**
6 (See attached)

COMMITTEE AMENDMENT



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LD 681

LR 166(02)

An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions

Fiscal Note for Bill as Amended by Committee Amendment *A (H-505)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires that instruction involving affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent be included in a secondary school's course of study in health, safety and physical education.	School	Moderate statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Additional costs to the Department of Education to include affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent in the commissioner's review of the content standards and performance indicators for the health, physical education and wellness content area during the 2017-2018 school year can be absorbed within existing budgeted resources.