

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (S-454) (LD 703 2020)

Date: 8/3/2020



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**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 216, L.D. 703, Bill, “An Act To Help Maine Students Succeed”

Amend the bill by striking out everything after the title and inserting the following:

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** a provision of law providing that the Commissioner of Education may approve on a case-by-case basis waivers of the age requirements to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student was repealed on July 1, 2020; and

**Whereas,** the Legislature has determined that this provision should be restored as soon as possible to minimize disruption of the education of such students; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §4502, sub-§5, ¶M,** as amended by PL 2009, c. 313, §2, is further amended to read:

M. The use of time-out areas and physical restraint and seclusion, administered in accordance with requirements 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

1 observed from outside of the time-out area and can be heard by a person  
2 supervising the time-out area;

3 **Sec. 2. 20-A MRSA §4711**, as amended by PL 2019, c. 106, §1, is further  
4 amended to read:

5 **§4711. Elementary course of study**

6 The basic course of study for the elementary schools must provide for the instruction  
7 of all students in life and career ~~and education development~~, ready standards, English  
8 language arts, world languages, health education and physical education, mathematics,  
9 science and ~~technology~~ engineering, social studies and visual and performing arts, as  
10 described in the parameters for essential instruction and graduation requirements subject  
11 to the schedule specified in section 6209. Health education must include instruction that  
12 addresses the relationship between physical and mental health in order to enhance student  
13 understanding of attitudes toward and behavior relating to mental illness and to eliminate  
14 the stigma associated with mental illness.

15 **Sec. 3. 20-A MRSA §4712**, as amended by PL 2019, c. 106, §2, is further  
16 amended to read:

17 **§4712. Junior high school or middle school course of study**

18 The basic course of study for the junior high schools or middle schools must provide  
19 for the instruction of all students in life and career ~~and education development~~, ready  
20 standards, English language arts, health education and physical education, mathematics,  
21 science and ~~technology~~ engineering, social studies, visual and performing arts and world  
22 languages, as described in the parameters for essential instruction and graduation  
23 requirements subject to the schedule specified in section 6209. Health education must  
24 include instruction that addresses the relationship between physical and mental health in  
25 order to enhance student understanding of attitudes toward and behavior relating to  
26 mental illness and to eliminate the stigma associated with mental illness.

27 **Sec. 4. 20-A MRSA §4721, sub-§1**, as enacted by PL 2009, c. 313, §13, is  
28 amended to read:

29 **1. Comprehensive program of instruction.** A secondary school shall provide a  
30 comprehensive program of instruction of at least 2 years in length, which must meet the  
31 requirements of this chapter and the parameters for essential instruction and graduation  
32 requirements established under section 6209. The program must include instruction for  
33 all students in life and career ~~and education development~~, ready standards, English  
34 language arts, health education and physical education, mathematics, science and  
35 ~~technology~~ engineering, social studies, visual and performing arts and world languages.

36 **Sec. 5. 20-A MRSA §5201, sub-§3, ¶G** is enacted to read:

37 G. A person who obtains a waiver from the commissioner pursuant to section  
38 5206-A may enroll as a public secondary school student.

39 **Sec. 6. 20-A MRSA §5206-A** is enacted to read:

1 **§5206-A. Waiver**

2 The superintendent may request that the commissioner approve on a case-by-case  
3 basis waivers of the age requirements under section 5201 to allow a student who has  
4 reached 20 years of age before the start of the school year to be enrolled as a public  
5 secondary school student. The commissioner may grant a waiver upon finding that there  
6 are unforeseeable circumstances or undue hardship and that the request that the school  
7 administrative unit has submitted is reasonable. The application for a waiver must  
8 contain:

9 **1. Documentation.** Documentation of actions taken to meet the requirements prior  
10 to applying for the waiver;

11 **2. Description.** A description of the unforeseeable circumstances or undue hardship,  
12 including financial hardship, that led to the application; and

13 **3. Statement.** A statement explaining how the waiver requested will not create  
14 learning inequities for the students enrolled in the schools in the school administrative  
15 unit.

16 **Sec. 7. 20-A MRSA §6209, first ¶**, as amended by PL 2015, c. 489, §3, is further  
17 amended to read:

18 The department in consultation with the state board shall establish and implement a  
19 comprehensive, statewide system of learning results, which may include a core of  
20 standards in English language arts and mathematics for kindergarten to grade 12  
21 established in common with the other states, as set forth in this section and in department  
22 rules implementing this section and other curricular requirements. The department must  
23 establish accountability standards at all grade levels in the areas of mathematics; reading;  
24 and science and ~~technology engineering~~. The department shall establish parameters for  
25 essential instruction in English language arts; mathematics; science and ~~technology~~  
26 engineering; social studies; ~~career and education development~~ life and career ready  
27 standards; visual and performing arts; health, physical education and wellness; and world  
28 languages. Only a public school, a public charter school as defined in section 2401,  
29 subsection 9 or a private school approved for tuition purposes that enrolls at least 60%  
30 publicly funded students, as determined by the previous school year's October and April  
31 average enrollment, is required to participate in the system of learning results set forth in  
32 this section and in department rules implementing this section and other curricular  
33 requirements. The commissioner shall develop accommodation provisions for instances  
34 where course content conflicts with sincerely held religious beliefs and practices of a  
35 student's parent or guardian. The system must be adapted to accommodate children with  
36 disabilities as defined in section 7001, subsection 1-B.

37 **Sec. 8. 20-A MRSA §6209, sub-§2, ¶A**, as amended by PL 2007, c. 259, §5, is  
38 further amended to read:

39 A. ~~Career Life and education development~~ career ready standards;

40 **Sec. 9. 20-A MRSA §6209, sub-§2, ¶F**, as enacted by PL 1995, c. 649, §1, is  
41 amended to read:

42 F. Science and ~~technology~~ engineering;

1           **Sec. 10. 20-A MRSA §6209, sub-§3**, as amended by PL 2007, c. 259, §5, is  
2 further amended to read:

3           **3. ~~Career and education development~~ Life and career ready standards; world**  
4 **languages; visual and performing arts.** ~~By the end of the 2007-2008 school year, each~~  
5 ~~Each~~ local school administrative unit shall implement standards in the areas of ~~career and~~  
6 ~~education development~~ life and career ready standards, world languages and visual and  
7 performing arts. ~~Notwithstanding any other provision of this chapter, the commissioner~~  
8 ~~is authorized to establish rules for inclusion of some portion of the standards in visual and~~  
9 ~~performing arts for the graduating class of 2011-2012.~~

10           **Sec. 11. 20-A MRSA §6306**, as enacted by PL 2015, c. 369, §1, is amended to  
11 read:

12 **§6306. Eligibility to attend school**

13           A child who holds a written certification for the medical use of marijuana under Title  
14 22, section 2423-B may not be denied eligibility to attend school solely because the child  
15 requires medical marijuana in a nonsmokeable form as a reasonable accommodation  
16 necessary for the child to attend school. The commissioner shall adopt rules to  
17 implement this section. Rules adopted pursuant to this section are major substantive rules  
18 as defined in Title 5, chapter 375, subchapter 2-A.

19           **Emergency clause.** In view of the emergency cited in the preamble, this  
20 legislation takes effect when approved.'

21 **SUMMARY**

22           This amendment, which is the majority report of the committee, adds an emergency  
23 preamble and clause, strikes and replaces the bill and does the following.

24           1. It amends the school approval requirements to authorize the Department of  
25 Education to adopt rules on physical restraint and seclusion.

26           2. It enacts a provision to restore language that was repealed on July 1, 2020 to  
27 continue to allow the Commissioner of Education to approve on a case-by-case basis  
28 waivers of the age requirements to allow a student who has reached 20 years of age  
29 before the start of the school year to be enrolled as a public secondary school student.

30           3. It amends the parameters for the system of learning results to reflect that the career  
31 and development standard is now called the life and career ready standard and the science  
32 and technology standard is now called the science and engineering standard.

33           4. It authorizes the Commissioner of Education to adopt major substantive rules on  
34 reasonable accommodations for students who hold written certification for the medical  
35 use of marijuana.

36 **FISCAL NOTE REQUIRED**

37 **(See attached)**



# 129th MAINE LEGISLATURE

LD 703

LR 1207(02)

**An Act To Help Maine Students Succeed**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### **Fiscal Detail and Notes**

Additional costs to the Department of Education to implement the requirements of this legislation can be absorbed within existing budgeted resources.