

MAINE STATE LEGISLATURE

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L.D. 474

Date: 6-14-21

(Filing No. H-599)

MAJORITY
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 348, L.D. 474, "An Act Regarding School Discipline for Maine's Youngest Children"

Amend the bill in section 3 in subsection 9 in the first blocked paragraph in the 4th and 5th lines (page 1, lines 28 and 29 in L.D.) by striking out the following: "suspend a student who is enrolled in grade 5 or below except as provided under subsection 9-A" and inserting the following: 'issue an out-of-school suspension to a student who is enrolled in grade 5 or below except as provided under subsection 9-A or unless the principal determines that there is an imminent danger of serious physical injury to the student or others and less restrictive interventions would be ineffective. An out-of-school suspension for a student who is enrolled in grade 5 or below may not exceed 3 days'

Amend the bill in section 4 in subsection 15 in the 4th to 8th lines (page 1, lines 40 and 41 and page 2, lines 1 to 3 in L.D.) by striking out the following: "Adoption of a districtwide student code of conduct is required in order to receive funding under chapter 606-B. Except as provided under subsection 9-A, a student code of conduct may not prescribe suspension, expulsion or the withholding of recess as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below."

Amend the bill in section 4 in subsection 15 in paragraph G in the last line (page 2, line 19 in L.D.) by striking out the following: "and" and inserting the following: 'and'

Amend the bill in section 4 in subsection 15 in paragraph H in the last line (page 2, line 21 in L.D.) by striking out the following: "6554." and inserting the following: '6554.4'

Amend the bill in section 4 in subsection 15 by inserting after paragraph H the following:

'I. Provide that recess may not be withheld as a consequence of a violation of the student code of conduct by any student enrolled in grade 5 or below, except that when there is no alternative time available, recess time may be used for restorative interventions as defined in section 1001, subsection 15-A, paragraph B related to the student's behavior;

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 348, L.D. 474

1 J. Establish that an out-of-school suspension or expulsion may not be issued to a
2 student in grade 5 or below except as provided under subsection 9 or 9-A or unless the
3 principal determines that there is an imminent danger of serious physical injury to the
4 student or others and less restrictive interventions would be ineffective; and

5 K. Establish that an out-of-school suspension for a student in grade 5 or below may
6 not exceed 3 days.'

7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
8 number to read consecutively.

9 **SUMMARY**

10 This amendment provides that in limited circumstances, when there is no alternative
11 time available, recess may be used for restorative interventions related to a student's
12 behavior. It limits the prohibition on suspensions for students in grade 5 or below to out-
13 of-school suspensions and allows for up to 3 days of out-of-school suspension for a student
14 in grade 5 or below when there is an imminent danger of serious physical injury to the
15 student or others and less restrictive interventions would be ineffective.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 474

LR 801(02)

An Act Regarding School Discipline for Maine's Youngest Children

Fiscal Note for Bill as Amended by Committee Amendment *ACH-599*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Local school administrative units

Potential current biennium savings - General Fund

Fiscal Detail and Notes

This legislation makes the receipt of state funding under Title 20-A, chapter 606-B, Essential Programs and Services, contingent upon the adoption of a districtwide student code of conduct. Although the bill is silent on how this requirement will be enforced, it may result in a loss of state subsidy to those local school administrative units that have not adopted the policy. Decisions on how this loss of funding will be addressed will be made at the local level and could impact local taxpayers. Unexpended funds in the General Purpose Aid for Local Schools at the end of a fiscal year are carried forward into the next fiscal year to be used for the purposes it was appropriated for.

Additional costs to the Department of Education to create and annually update a list of available free and low-cost legal services can be absorbed within existing budgeted resources.