

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
125th LEGISLATURE**



**Final Report  
of the  
LEGISLATIVE YOUTH ADVISORY COUNCIL  
JANUARY 2012**

**Members:**

**Sen. Garrett Paul Mason, Co-Chair  
Sen. Nancy Sullivan  
Rep. Alexander Willette, Co-Chair  
Rep. Louis Luchini  
Tyler Beardsley  
Rami Blair  
Stephen Carr  
Leah Caverly  
Samuel Duenas  
Jeff Dyke  
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## Table of Contents

	Page
Executive Summary .....	i
I. Report.....	1
II. Conclusion .....	2

### Appendices

- A. LYAC Governing Statute, Public Law 2009, Chapter 623
- B. Membership, Legislative Youth Advisory Council
- C. LYAC 2011 Legislative Slide Presentation
- D. LD 675 “*An Act To Establish Multidistrict Online Classes in Maine*”
- E. LD 1503 “*An Act To Promote School Attendance and Increase School Achievement*”



## Executive Summary

The Legislative Youth Advisory Council (“LYAC” or the “Council”) was originally established by Public Law 2001, Chapter 439, Part PPPP. The purpose of the Council was to advise the Legislature, legislative leadership and legislative committees on issues related to youth and was codified in Maine Revised Statutes, Title 3, section 168-A. The Council consisted of legislative members and youth members whose purview included the following issues: “employment, strategies to increase youth participation in municipal government and State Government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness and youth access to services on municipal and statewide bases.”<sup>1</sup> The law also allowed the Council to submit legislation to the Legislature.

Over the past ten years, the powers, membership and budgetary resources for LYAC have changed. Public Law 2005, Chapter 616, Part A provided funding for two public forums of LYAC “for the purpose of soliciting input, suggestions and ideas for enhanced civic education in the State’s secondary school system;”<sup>2</sup> while Part B changed the reporting and membership criteria. Most recently, Public Law 2009, Chapter 623 repealed Title 3, section 168-A and enacted section 168-B. This legislation transformed LYAC from an advisory council to one in which legislative members would “encourage the participation of youth members in the legislative process by providing opportunities during the legislative session for youth members to shadow legislative members, attend hearings and work sessions of the legislative committees and testify before the committees on legislation of interest to youth.”<sup>3</sup>

Appointments were made to the present Council during the early summer and late fall of 2011. This allowed time for only one meeting in December 2011. The discussion at the meeting was lively and youth members showed a keen interest in a number of bills that will be before the Education and Cultural Committee during the Second Regular Session of the 125<sup>th</sup> Legislature.

Pursuant to the Council’s authority under 3 MRSA, section 168-B, members are establishing contacts through the use of social networking media. Youth members intend to shadow legislative members, attend hearings and work sessions of legislative committees, and share their insight on legislation of interest.

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<sup>1</sup> Laws 2001, c. 439, part PPPP, §2.

<sup>2</sup> Laws 2005, c. 616, part A, §A-3.

<sup>3</sup> Laws 2009, c. 623, §4.



## I. REPORT

The Legislative Youth Advisory Council (“LYAC” or the “Council”) was established in 2002 through the enactment of Public Law 2001, Chapter 439, Part PPPP. After numerous revisions, the current law governing LYAC is codified as 3 MRSA, section 168-B (see Appendix A). The role of the Council is to advise the Legislature on policy matters related to youth.

LYAC is a 20 member Council consisting of two members from the House of Representatives, two members of the Senate and 16 youth members. The President of the Senate appoints half of the members, including the two Senators, and the Speaker of the House appoints the other half, including the two House members. The appointing authorities attempt to create a balance among the members in terms of statewide geographic distribution and gender. Appointments are for the duration of the legislative term in which the members are appointed, although eligible members may be reappointed. The youth members must be at least 15 years of age and enrolled in programs leading to a secondary school diploma or certificate of attendance or a general equivalency diploma or enrolled in an equivalent instruction program. The youth members are selected from recommendations to the President of the Senate and Speaker of the House by the legislative members. LYAC is co-chaired by the first appointed Senate member and the first appointed House member. A list of the current membership of LYAC is included in Appendix B.

The Council may hold two meetings in each calendar year. Members are encouraged to use social networking during and between meetings to facilitate communication. Legislative members may facilitate shadowing by youth members during the legislative session and attendance at committee hearings and work sessions that contemplate legislative matters of interest to youth.

The Council met on December 21, 2011 (see Appendix C for Agenda). The meeting began with introductions and moved on to a presentation of the legislative process (see Appendix D for slide presentation). Youth members shared their interests and concerns. The majority of the discussion focused on the state of education in Maine and brought up the following concerns.

- Members considered on-line resources for teachers and advanced placement preparation. A bill dealing with this subject was considered by the Education and Cultural Affairs Committee in the First Session of the 125<sup>th</sup> Legislature: LD 675 *“An Act To Establish Multidistrict Online Classes in Maine”* was carried over to the Second Regular Session (see Appendix E).
- Members deliberated the need for alternative education in order to enhance and motivate students. The members decided to follow the progression of LD 1503 *“An Act To Promote School Attendance and Increase School Achievement”* (see Appendix F). This bill was carried over to the Second Regular Session by the Education and Cultural Affairs Committee.
- Members believe there is a need for better communication about the opportunities that exist in many communities and school districts. For example there are



programs that prepare students for firefighting and criminal justice professions in numerous technical schools in the state. Some of these programs include college credits. Members believe that school guidance counselors and staff should focus on these prospects as well as the typical four year college experience.

- Members indicated that career shadowing opportunities in communities would be beneficial to many students and would like to see an established state-wide program or regional programs.
- Members discussed the benefits of extra curricula activities and the possibility of making participation in them or community service a graduation requirement.
- Members considered the need of basic accounting or personal economics in education and the lack of such courses in most high schools.
- Members are also interested in issues of student voice and participation and whether photo identification is necessary for voting.

The Council pledged to establish contact through social media networking and to more fully explore the issues and recommendations discussed at the meeting. The youth members plan to shadow legislative members and secure a time and place to meet again in the near future. Members will closely follow LDs 675 and 1503, as well as other bills of interest, during the Second Regular Session of the 125<sup>th</sup> Legislature.

## **II. CONCLUSIONS**

This report represents the work of the Maine Legislative Youth Advisory Council for 2011. The Council was only able to meet once because of unforeseen issues in the appointment process. The report lists seven concerns/recommendations affecting youth in Maine. We are pleased to present this report to the Second Regular Session of the 125<sup>th</sup> Legislature.

## **APPENDIX A**

### **LYAC Governing Statute**



### 3 §168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL

### 3 §168-B. LEGISLATIVE YOUTH ADVISORY COUNCIL

The Legislative Youth Advisory Council, referred to in this section as "the council," is created to advise the Legislature on policy matters related to youth. [2009, c. 623, §2 (NEW) .]

**1. Membership.** The council consists of 20 members appointed in accordance with this subsection. In appointing members, the appointing authorities shall strive to ensure a balance among members in terms of statewide geographic distribution and gender. All appointments are for the duration of the legislative term for which the members are appointed and expire upon the convening of the next Legislature. Members may be reappointed to subsequent terms on the council as long as they are eligible at the time of their reappointment.

A. The President of the Senate shall appoint the following 10 members:

B. The Speaker of the House shall appoint the following 10 members:

[ 2009, c. 623, §2 (NEW) .]

**2. Chairs.** The first appointed Senate member is the Senate chair of the council and the first appointed House member is the House chair of the council.

[ 2009, c. 623, §2 (NEW) .]

**3. Compensation.** Members of the council who are Legislators are entitled to the legislative per diem and to reimbursement of reasonable expenses incurred in attending meetings of the council. Youth members of the council are entitled to reimbursement of reasonable expenses incurred in attending meetings of the council only upon a demonstration of financial hardship.

[ 2009, c. 623, §2 (NEW) .]

**4. Meetings.** The council may hold 2 meetings in each calendar year in a location in the State chosen by the chairs. There is no quorum requirement for the meetings. Legislative members shall encourage the use of social networking media during and between meetings to facilitate communication and participation of council members and others interested in the council's work. The legislative members shall encourage the participation of youth members in the legislative process by providing opportunities during the legislative session for youth members to shadow legislative members, attend hearings and work sessions of legislative committees and testify before the committees on legislation of interest to youth. Shadowing and participatory activities are not considered meetings of the council.

[ 2009, c. 623, §2 (NEW) .]

**5. Report.** The council shall submit a biennial report to the Legislative Council no later than the 2nd Friday in February of even-numbered years, beginning in 2012. The report may include recommendations on policy issues before the Legislature pertaining to youth and may include recommended legislation.

[ 2009, c. 623, §2 (NEW) .]

**6. Staff.** The Legislative Council may authorize staff support for the council for meetings held during the legislative interim.

[ 2009, c. 623, §2 (NEW) .]

#### SECTION HISTORY

2009, c. 623, §2 (NEW) .



## **APPENDIX B**

### **Membership List, Legislative Youth Advisory Council**



**Legislative Youth Advisory Council  
125<sup>th</sup> Legislature, Second Regular Session**

**Appointments by the Speaker of the House**

Representative Alexander Willette	Mapleton
Representative Louis Luchini	Ellsworth
Tyler Beardsley	Surry
Rami Blair	Bangor
Scott Espling	New Gloucester
Morgan Fredette	Newport
Jennifer Newendyke	Litchfield
Jason Seavey	Baileyville
Sophia Tremblay	Acton
Mikeckney Ward	Oxford

**Appointments by the Senate President**

Senator Garrett Paul Mason	Lisbon Falls
Senator Nancy Sullivan	Biddeford
Stephen Carr	York
Leah Caverly	Clinton
Samuel Duenas	Cherryfield
Jeff Dyke	Raymond
Dillon Pesce	Lisbon Falls
Olivia Plowman	Hampden
Zahra Rikan	Biddeford
Sarah Stanley	Springvale





## **APPENDIX C**

### **LYAC 2011 Legislative Process Presentation**



## The Legislative Process

- It all begins with an idea!
- Ideas for bills come from many sources. In some cases the source has prepared a draft, but in most the legislator asks a legislative staff office for drafting assistance – the legislative request. (LR)



### LD 1237 An Act To Prohibit Bullying in Schools

- **§ 4910. Harassment, intimidation and bullying prevention policies.**
- **1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings:
  - A. "Electronic," with respect to an act of communication, means transmitted by wire, radio, optical cable, electromagnetic means or other similar means.
  - B. "Harassment, intimidation or bullying" means any intentional electronic, written, verbal or physical act that:
    - (1) Physically harms a student or damages a student's property;
    - (2) Has the effect of substantially interfering with a student's education;
    - (3) Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment;
    - (4) Disparages or ridicules a race, skin color, religion, ancestry, national origin, gender, sexual orientation or mental, physical or sensory handicap or other distinguishing characteristics, although an affected student is not required to possess a characteristic under this subparagraph that is the basis for the harassment, intimidation or bullying; or
    - (5) Has the effect of substantially disrupting the orderly operation of the school.
- **2. Adoption of policy.** By August 15, 2012, a school administrative unit shall adopt a policy that incorporates the revised model policy provided under subsection 4 to prevent the harassment, intimidation or bullying of any student. A policy adopted under this subsection must emphasize positive character traits and values, include the importance of civil and respectful speech and conduct and the responsibility of students to comply with the policy. A school administrative unit must communicate the policy to parents, guardians, teachers, school employees, volunteers, students, administrators and community representatives in accordance with subsection 3 and rules adopted by the commissioner under subsection 6. A school administrative unit shall designate one person in the school administrative unit as the primary contact person regarding the policy. The primary contact person must receive copies of all formal and informal complaints concerning the policy or conduct prohibited by the policy and shall implement the policy and serve as the primary contact person for the policy between the school administrative unit and parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives and the department.
- **3. Adoption process.** A policy under subsection 2 must be adopted or revised by a school administrative unit through a process that includes representation of parents, guardians, school employees, volunteers, students, administrators and community representatives.

## LD 1237 An Act To Prohibit Bullying (cont)

- 4. **Model policy.** By February 15, 2012, the commissioner shall develop a model harassment, intimidation and bullying prevention policy for use by school administrative units pursuant to subsection 2. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit.
- 5. **School administrative units' policies.** By August 15, 2012, each school administrative unit shall provide the commissioner with the school administrative unit's policy required under subsection 2 and a brief synopsis of any procedures, programs, partnerships, vendors or instructional and training materials relating to that policy, which must be posted on the publicly accessible portions of the department's website and school administrative unit's website. The publicly accessible portion of the department's website must provide a link to each school administrative unit's website. If a school administrative unit updates or revises a policy required under subsection 2, the school administrative unit shall provide a copy of the update or revision to the commissioner to be posted on the publicly accessible portion of the department's website and shall post the update or revision on the publicly accessible portion of the school administrative unit's website.
- 6. **Rules.** The commissioner may adopt rules regarding school administrative units' communication of policies required under subsection 2 to parents, guardians, teachers, school employees, volunteers, students, administrators and community representatives and to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 275, subsection 2-A.
- 7. **Sec. 2. Advisory committee.** The Commissioner of Education shall form a school harassment, intimidation and bullying prevention advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. By February 15, 2012, the committee shall assist the Commissioner of Education in developing a model harassment, intimidation and bullying prevention policy to be used by school administrative units pursuant to the Maine Revised Statutes, Title 20-A, section 4010.
- 8. **SUMMARY**
- 9. This bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

## Joint Standing Committees

- |                                                                |                                                                             |
|----------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Agriculture, Conservation, & Forestry | <input type="checkbox"/> Judiciary                                          |
| <input type="checkbox"/> Appropriations and Financial Affairs  | <input type="checkbox"/> Labor, Commerce, Research and Economic Development |
| <input type="checkbox"/> Criminal Justice and Public Safety    | <input type="checkbox"/> Legal and Veterans Affairs                         |
| <input type="checkbox"/> Education and Cultural Affairs        | <input type="checkbox"/> Marine Resources                                   |
| <input type="checkbox"/> Health and Human Services             | <input type="checkbox"/> Natural Resources                                  |
| <input type="checkbox"/> Inland Fisheries and Wildlife         | <input type="checkbox"/> State and Local Government                         |
| <input type="checkbox"/> Insurance and Financial Services      | <input type="checkbox"/> Taxation                                           |
|                                                                | <input type="checkbox"/> Transportation                                     |
|                                                                | <input type="checkbox"/> Utilities and Energy                               |



## Bill Distribution

- Printed bill is distributed to members of the Legislature and to towns and city clerks who request it.
- Bills are available to the public through the Legislative Document Room in the State House.
- Bills are available on the internet at <http://www.legislature.maine.gov>



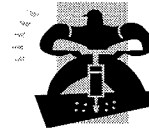
## Bill Goes to Committee

- There are two Chairs, one from the Senate and one from the House.
- Chairs are responsible for planning and scheduling public hearings and work sessions on bills.



## Public Hearing

- The time, date, and location of each public hearing is advertised two weeks in advance in the weekend editions of newspapers in Portland, Lewiston, and Bangor and on the Legislative website.
- Legislative sponsors explain the purpose of the bill, and citizens, state officials, and lobbyists express their views on the bill.



## Work Session

- The Committee deliberates and discusses the merits of the bill.
- The Legislative Analyst works with Committee members to analyze, research, and revise bills.
- Amendments to the bill, which may clarify, restrict, expand, or correct the bill, are suggested.
- Permission of the Chairs is usually required for non-committee members to present additional information or to ask questions during the work session.
- <http://www.legislature.maine.gov>


## Committee Report

- Upon completion of the Work Session, the Chairs will entertain motions.
- OTP – Ought to Pass
- OTP-A – Ought to Pass as Amended
- OTP-ND – Ought to Pass in New Draft
- ONTP – Ought Not to Pass
  - If unanimous, Bill usually ends up in the Legislative File, and a letter from Chairs appears in Legislative Calendars. There is no further action on the Bill unless Joint Order and 2/3 vote of both chambers recalls it for reconsideration.
- Reports can be unanimous or divided

## Bill is sent to the Chambers

- First & Second Readings– accept or reject Committee Report(s), if accepted, then read
  - Move to Table
  - Floor Debate
  - Voting
- Engrossment-printed w/ amendments
- Enactment – yea vote in both Chambers





## Bill Becomes a Law

- Committee of Conference
  - Senate and House pass different versions
- Tables
  - Appropriation Table :Bills that affect State revenues or expenditures (G Fund)
  - Transportation Committee (Hwy Fund)
  - Special Study Table (Leg Council)
- Governor -10 days
  - Sign Bill (90 days, unless an emergency)
  - Veto Bill (2/3 vote to override)
  - Allow it to become law w/o signing
  - Pocket-veto (bills on desk at end of session)

## **APPENDIX D**

**LD 675 “*An Act To Establish Multidistrict Online Classes in Maine*”**



PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish Multidistrict Online Classes in Maine**

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

**Sec. 1. 20-A MRSA §19154, sub-§2**, as enacted by PL 2009, c. 330, §4, is amended to read:

**2. Eligibility.** A kindergarten to grade 12 student enrolled in a public school residing in the State who is 20 years of age or younger is eligible to enroll in an online learning program offered by any school administrative unit. A school administrative unit offering an online learning program must give preference to a student who is a resident of the school administrative unit and use a random lottery to select among students who are not residents of the school administrative unit if the program is oversubscribed, giving preference to the sibling of a student who is already enrolled in the program. When a student who is not a resident of a school administrative unit that is offering an online learning program enrolls in that program, the school board of the school administrative unit of residence for that student must pay tuition, as established in chapter 219, to the school administrative unit that has enrolled the student in the online learning program.

**Sec. 2. Stakeholder group to be established.** The Department of Education shall create a group of stakeholders to study the opportunities in and challenges of creating one online school for the State for students in kindergarten to grade 12. For purposes of this section, "stakeholders" includes teachers, administrators, parents, information technology specialists and any other person, group or entity that has an interest in online learning. No later than January 4, 2012, the Department of Education shall report the findings of its study along with any suggested legislation to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may submit a bill regarding the study required under this section to the Second Regular Session of the 125th Legislature.

### **SUMMARY**

This bill allows nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit of residence for that student to pay the enrolling school administrative unit the student's tuition for the program. The bill also directs the Department of Education to create a stakeholder group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.



## **APPENDIX E**

**LD 1503 “*An Act To Promote School Attendance and Increase School Achievement*”**



PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Promote School Attendance and Increase School Achievement**

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

**Sec. 1. 20-A MRSA §1, sub-§2-A, ¶C,** as enacted by PL 2007, c. 667, §3, is amended to read:

C. Is ~~habitually~~ truant; or

**Sec. 2. 20-A MRSA §1, sub-§24-D** is enacted to read:

**24-D. Response to intervention team.** "Response to intervention team" means a team designated by a principal or the principal's designee to develop and implement a method of intervention or interventions developed in accordance with the requirements set forth in section 4710 that are designed to provide early, effective assistance to children who have difficulty learning.

**Sec. 3. 20-A MRSA §1001, sub-§8-A** is enacted to read:

**8-A. Due process standards for expulsion proceedings.** Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process proceedings.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents or legal guardian and the student of:

(a) The date, time and location of the hearing;

(b) A description of the incident or incidents that occasioned the expulsion hearing and the exhibits and testimony the superintendent intends to introduce at the hearing with sufficient specificity to allow the student to present a defense;

(c) The student's and parents' or legal guardian's right to review the school records prior to the hearing;

(d) A description of the hearing process;

(e) An explanation of the consequences of an expulsion; and

(f) The student's right to appeal the decision of the school board to the Superior Court within 30 days; and



(2) Invite the parents or legal guardian and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

B. At a hearing on the expulsion:

(1) The student has the right to present and cross-examine witnesses;

(2) The student has the right to an attorney or other representation;

(3) Witnesses must be sworn in and the chair of the hearing has the authority to swear witnesses in; and

(4) The school board shall maintain a record of the hearing.

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents or legal guardian and the student by certified mail, return receipt requested, or by delivery in hand. The notice of the school board's written decision must include findings of fact, conclusions of law, information on the student's right to appeal the decision to the Superior Court within 30 days and a reentry plan developed in accordance with subsection 9-C.

**Sec. 4. 20-A MRSA §1001, sub-§9**, as amended by PL 1997, c. 298, §1, is further amended to read:

**9. Students expelled or suspended.** Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, ~~they~~ the school board shall expel any student:

A. Who is deliberately disobedient or deliberately disorderly;

B. For infractions of violence;

C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;

D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or

E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45.

A student has 30 days to appeal a decision of the school board to the Superior Court. A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur and that the student has met the requirements of the reentry plan developed in accordance with subsection 9-C. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under

this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

**Sec. 5. 20-A MRSA §1001, sub-§9-C** is enacted to read:

**9-C. Reentry for students after expulsion.** Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this subsection.

A. The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents or legal guardian to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

B. The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents or legal guardian of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

C. If the student and the student's parents or legal guardian do not attend the meeting under paragraph B, the reentry plan must be developed by school staff.

D. The reentry plan must be provided to the parents or legal guardian and the student in writing.

E. The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

F. The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151.

**Sec. 6. 20-A MRSA §1001, sub-§15-A** is enacted to read:

**15-A. School disciplinary policies.** Prior to the 2012-2013 school year and with input from educators, administrators, parents, students and community members, a school board shall adopt districtwide school disciplinary policies consistent with the student code of conduct developed under subsection 15. The districtwide school disciplinary policies must:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior;

B. Focus on evidence-based, positive and restorative interventions rather than set punishments for specific behavior and avoid zero-tolerance practices unless specifically required by federal or state laws, rules or regulations;

C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand;

D. Use suspensions and expulsions as a last resort in order to avoid learning disruption for students; and

E. Provide written notice to the parents or legal guardian of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension.

The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.

**Sec. 7. 20-A MRSA §3271, sub-§3, ¶C**, as enacted by PL 1985, c. 490, §8, is amended to read:

C. A person who has been adjudged ~~an habitual~~ truant and has been excused from attendance pursuant to procedures established by the commissioner.

**Sec. 8. 20-A MRSA §3272, sub-§1**, as enacted by PL 1985, c. 490, §8, is repealed.

**Sec. 9. 20-A MRSA §3272, sub-§2**, as repealed and replaced by PL 2007, c. 304, §1, is amended to read:

**2. Truancy.** A person is ~~habitually~~ truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or

B. The person is required to attend school or alternative instruction and is at least 7 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.

**Sec. 10. 20-A MRSA §3273, sub-§1**, as repealed and replaced by PL 2007, c. 304, §3, is amended to read:

**1. Civil violations.** A parent who has control of a person who is ~~habitually~~ truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

**Sec. 11. 20-A MRSA §5001-A, sub-§1**, as enacted by PL 1983, c. 806, §49, is amended to read:

**1. Requirement.** Persons ~~76~~ years of age or older and under ~~17~~20 years of age shall attend a public day school during the time it is in regular session through high school graduation or equivalency.

**Sec. 12. 20-A MRSA §5001-A, sub-§2**, as amended by PL 2009, c. 330, §§1 to 3, is further amended to read:

**2. Exceptions.** Attendance at school ~~shall~~may not be required of ~~the following~~:

A. A person who ~~graduates from high school before that person's 17th birthday~~has reached the age of majority and met with the superintendent to discuss the decision to withdraw from school;

B. A person who has:

(1) Reached ~~the age of 15~~16 years of age or completed the 9th grade;

(2) ~~Permission~~Obtained permission to leave school from that person's parent or legal guardian;

(3) Been approved by the principal for a suitable program of work and study or training;

(3-A) Has met with the superintendent or the superintendent's designee to discuss the decision to withdraw from school; and

(4) ~~Permission~~Obtained permission to leave school from the school board or its designee; ~~and~~

(5) ~~Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner;~~

D. A person who has matriculated and is attending an accredited, ~~post-secondary~~postsecondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or

E. A person enrolled in an online learning program or course.

**Sec. 13. 20-A MRSA §5031, sub-§1**, as enacted by PL 2009, c. 626, §1, is amended to read:

**1. Goal.** It is the goal of the State to achieve a graduation rate of 90% by the end of the 2015-2016 school year for each publicly supported secondary school. In addition to calculating the 4-year adjusted cohort graduation rate following the procedures outlined in 34 Code of Federal Regulations, Section 200.19, the department shall also calculate and record for each publicly supported secondary school:

A. Beginning with the graduation rate reported for school year 2010-2011 and for each school year thereafter, the 5-year adjusted cohort graduation rate;

B. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, the 6-year adjusted cohort graduation rate; and

C. Beginning with the graduation rate reported for school year 2010-2011 and for each school year thereafter, other descriptors of academic success for school-age students on a statewide aggregate basis, including the rates of attainment of a:

(1) Department of Education diploma as described under section 5161;

(2) High school equivalency diploma as described under section 257; and

(3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult education program as described in chapter 315.

The department shall adopt rules specifying that the methods used to calculate publicly supported secondary school graduation rates through the 2015-2016 school year must include calculations for 5-year and 6-year adjusted cohort graduation rates under paragraphs A and B and other descriptors of academic success under paragraph C.

**Sec. 14. 20-A MRSA §5051-A**, as amended by PL 2007, c. 304, §§5 to 7, is further amended to read:

### **§ 5051-A. Truancy**

**1. Truant.** A student is ~~habitually~~ truant if the student is subject to section 5001-A and is at least 6 years of age and has not completed grade 12 and has the equivalent of 10 cumulative full days of absences or 5 consecutive school days of absences, excused or otherwise, during a school year.

~~B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or~~

~~C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year.~~

**2. Procedures; written notice; referral.** This subsection governs the procedure to be followed when a student is habitually truant.

~~A. If a principal of a public school and the attendance coordinator determine that a student is habitually truant, the principal shall inform the superintendent. The superintendent or the superintendent's designee shall first try to correct the problem informally. Informal attempts to correct the problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and develop a plan to implement solutions to the problem. If an initial meeting does not resolve the problem, the superintendent or superintendent's designee shall implement interventions that best address the problem. The interventions may include, but are not limited to:~~

~~(1) Frequent communication between the teacher and the family;~~

~~(2) Changes in the learning environment;~~

~~(3) Mentoring;~~

- (4) Student counseling;
- (5) Tutoring, including peer tutoring;
- (6) Placement into different classes;
- (7) Evaluation for alternative education programs;
- (8) Attendance contracts;
- (9) Referral to other agencies for family services; and
- (10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

~~Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing a plan to address the student's habitual truancy.~~

A-1. The principal, upon determining that a student is truant under subsection 1, shall send a certified letter, return receipt requested, or hand deliver a letter to the parent or guardian giving notice of the potential jeopardy of the student's status in the student's grade and giving notice that the student has been referred to a response to intervention team.

A-2. A student who is determined truant under subsection 1 must be referred to the school's response to intervention team. The response to intervention team shall determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If the response to intervention team determines that a negative effect exists, the team shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is not limited to:

- (1) Frequent communication between the teacher and the family;
- (2) Changes in the learning environment;
- (3) Mentoring;
- (4) Student counseling;
- (5) Tutoring, including peer tutoring;
- (6) Placement into different classes;
- (7) Consideration of multiple pathways as described under section 4703;

(8) Attendance contracts;

(9) Referral to other agencies for family services; and

(10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents or guardian to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy.

~~B. As part of correcting the problem informally, the superintendent or superintendent's designee shall require the student and the student's parents to attend one or more meetings with the student's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to reinforce the plan developed in paragraph A or to develop an alternative plan. The meeting or meetings may involve the presence of others, including, but not limited to, case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections. The superintendent or superintendent's designee shall arrange mutually convenient meeting times.~~

B-1. The superintendent shall develop procedures to refer a student who is truant to the response to intervention team in accordance with this section. These procedures may include, but are not limited to:

(1) Identifying school personnel responsible for notifying the response to intervention team when a student is truant;

(2) A process for referral of a student who is truant, including identifying school personnel responsible for inviting the parents or guardian and the student to participate in any meeting that results from this referral;

(3) A timeline for setting up a meeting and developing an intervention plan under paragraph A-2;

(4) A plan for dealing with future absences of a student who is truant; and

(5) A plan for reporting of the results of the response to intervention team.

~~C. If the superintendent or superintendent's designee~~intervention plan of the response to intervention team developed pursuant to paragraph A-2 is unable to correct the truancy of the child, the superintendent or superintendent's designee shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

- (1) State that the student is required to attend school pursuant to section 5001-A;
- (2) Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports and principal's reports;
- (3) Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with section 5053-A and explain the possible penalties will jeopardize the student's status in the grade that the student is in;
- (4) State that the superintendent ~~or the superintendent's designee~~ may notify the local law enforcement department of a violation of ~~this statute~~ section 5053-A and the Department of Health and Human Services of a violation under subsection 1, ~~paragraph C;~~ and
- (5) Outline the plan developed to address the student's ~~habitual~~ truancy and the steps that have been taken to implement that plan.

~~D. Prior to notifying the local law enforcement department under paragraph E, the superintendent or superintendent's designee shall schedule at least one meeting as required in paragraph B and may invite a local prosecutor.~~

~~E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent or superintendent's designee shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A.~~

F. When a student is determined ~~habitually to be~~ truant and in violation of section 5001-A and the response to intervention team and the superintendent ~~or superintendent's designee has~~ have made a good faith attempt to meet the requirements of paragraph ~~BB-1~~, the superintendent ~~or superintendent's designee~~ shall notify the school board ~~and the local law enforcement department~~ of the student's truancy. ~~After this notification, a local law enforcement officer who sees the truant student may transport the truant student to the appropriate school if the truant student:~~

- ~~(1) Is off school grounds during school hours; and~~
- ~~(2) Is not under the supervision of school personnel.~~

### **3. Reports.** This subsection applies to reports of ~~habitual~~ truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

- (1) Identify the number of ~~habitual~~ truants in the school administrative unit in the preceding school year;



- (2) Describe the unit's efforts to deal with ~~habitual~~ truancy;
- (3) Account for actions brought under this section including the number of truants reported to the response to intervention team; and
- (4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy.

**Sec. 15. 20-A MRSA §5052-A**, as amended by PL 2007, c. 143, §1, is further amended to read:

### **§ 5052-A.Attendance coordinators**

The following provisions apply to attendance coordinators.

**1. Appointment.** The following provisions apply to the ~~election~~appointment of attendance coordinators.

A. A ~~school board~~superintendent shall ~~elect~~appoint an attendance coordinator or coordinators.

B. Vacancies ~~shall~~must be filled as they occur.

**2. Qualifications.** An attendance coordinator ~~shall~~must be a professionally certified or registered person licensed to practice in the mental health, social welfare, school counseling or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.

**3. Duties.** The duties of an attendance coordinator include, but are not limited to, the following:

A. ~~When notified by a principal that a student's attendance is irregular, interviewing the student and the parent or parents or guardian or guardians~~Interviewing a student whose attendance is irregular and meeting with the student and the parents or guardian to determine the cause of the irregular attendance and ~~file~~filing a written report with the principal;

B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants;

C. Serving as a member of the dropout prevention committee in accordance with section 5103; and

C-1. Serving as a member of the response to intervention team to the extent that it pertains to truancy; and

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under sections 5001-A and 5051-A.

**4. Department assistance.** The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.

**5. State subsidy.** The salary and benefit costs of attendance coordinators are eligible for state subsidy under chapter 606-B.

**Sec. 16. 20-A MRSA §5053-A, sub-§1,** as amended by PL 2007, c. 304, §8, is further amended to read:

**1. Civil violation.** If a parent has control of a student who is ~~habitually~~ truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not more than \$250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

**Sec. 17. 20-A MRSA §5053-A, sub-§2,** as enacted by PL 2003, c. 533, §5, is amended to read:

**2. Dispositions.** The court may also order a parent adjudicated as violating subsection 1 to take specific action to ensure the child's attendance at school; comply with the intervention plan developed in accordance with section 5051-A, subsection 2, paragraph ~~AA-2~~; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

**Sec. 18. 20-A MRSA §5053-A, sub-§4,** as amended by PL 2007, c. 304, §9, is further amended to read:

**4. Prima facie proof.** Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 710 cumulative full days of absences or 5 consecutive school days of absences, excused or otherwise, that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the parent is primarily responsible for the child's ~~habitual~~ truancy or the parent failed to take corrective measures for the child's ~~habitual~~ truancy.

**Sec. 19. 20-A MRSA §5054,** as enacted by PL 1989, c. 415, §26, is amended to read:

#### **§ 5054. Employment of truants prohibited**

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is ~~habitually~~ truant as defined in this subchapter without a release from the student's supervising superintendent of schools ~~shall be~~ subject to the penalty provided in Title 26, section 781.

**Sec. 20. 20-A MRSA §5151, sub-§2, ¶J,** as enacted by PL 1985, c. 774, §5, is amended to read:

J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school

after expulsion;

**Sec. 21. 20-A MRSA §5154** is enacted to read:

**§ 5154. Department assistance**

The commissioner may expend and disburse funds to school administrative units for the support of interventions that may prevent a student from becoming a truant or a dropout.

**1. Mental health and substance abuse services fund.** A mental health and substance abuse services fund is established to provide funds for school administrative units to provide mental health and substance abuse services to a student who is struggling with mental health and substance abuse issues and who is at risk of becoming a truant or a dropout.

**2. Educational services for expelled students fund.** An educational services for expelled students fund is established to provide funds to school administrative units to provide educational services in an alternative setting for a student who has been expelled from school or who is at risk of becoming a truant or a dropout.

School administrative units may request disbursements from the funds established under this section to provide appropriate intervention programs and services. The commissioner's consultant on truancy, dropouts and alternative education under section 5151 shall provide technical assistance to school administrative units requesting a disbursement from these funds.

**Sec. 22. 20-A MRSA §15676, sub-§2,** as amended by PL 2005, c. 2, Pt. D, §39 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

**2. Other staff costs.** The salary and benefit costs for school-level staff who are not teachers, but including attendance coordinators under section 5052-A and substitute teachers, that are necessary to carry out this Act, calculated in accordance with section 15679, adjusted by the regional adjustment under section 15682 and reduced by the amount of funds received by the school administrative unit during the most recent fiscal year under Title 1 of the federal Elementary and Secondary Act of 1965, 20 United States Code, Section 6301 et seq.; and

**Sec. 23. 20-A MRSA §15679, sub-§6,** as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**6. Total salary and benefit costs for staff.** The total salary and benefit costs for staff is equal to the sum of:

- A. The estimated salary costs determined pursuant to subsection 4;
- B. The amount, as determined by the commissioner, that equals the statewide percentage of estimated salary costs determined pursuant to subsection 4 that represents the statewide benefit costs; and
- C. The substitute teacher salary costs determined pursuant to subsection 5; and
- D. The attendance coordinator salary costs determined pursuant to subsection 7.

**Sec. 24. 20-A MRSA §15679, sub-§7** is enacted to read:

**7. Salary costs for attendance coordinators.** The commissioner shall calculate the additional salary costs for attendance coordinators under section 5052-A for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C. In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of an attendance coordinator for half a day.

**Sec. 25. 22 MRSA §4002, sub-§1**, as amended by PL 2007, c. 304, §10, is further amended to read:

**1. Abuse or neglect.** "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these or failure to ensure compliance with school attendance requirements under Title 20-A, section 3272, subsection 2, paragraph B or section 5051-A, subsection 1, ~~paragraph C~~, by a person responsible for the child.

**Sec. 26. 26 MRSA §775, sub-§2, ¶A**, as enacted by PL 1991, c. 544, §5, is amended to read:

A. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not ~~habitually~~ truant, not under suspension and passing a majority of courses during the current grading period. Upon request of the minor, the superintendent may waive the requirements for one grading period if, in the opinion of the superintendent, there are extenuating circumstances or if imposing the requirements would create an undue hardship for the minor;

**Sec. 27. 30-A MRSA §451, sub-§9, ¶A**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Is ~~habitually~~ truant;

**Sec. 28. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 20-A, chapter 211, subchapter 2, in the subchapter headnote, the words "habitual truants" are amended to read "truants" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 29. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Mental Health and Substance Abuse Services**

Initiative: Provides funds for school administrative units to provide mental health and substance abuse services for students struggling with mental health and substance abuse issues.

**GENERAL FUND**

All Other

**2011-12**

\$500,000

**2012-13**

\$500,000

GENERAL FUND TOTAL	\$500,000	\$500,000
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### **Educational Services for Expelled Students**

Initiative: Provides funds to school administrative units to provide educational services for students expelled from school.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$100,000	\$100,000
GENERAL FUND TOTAL	<hr/> \$100,000	<hr/> \$100,000

<b>EDUCATION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
GENERAL FUND	\$600,000	\$600,000
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$600,000	<hr/> \$600,000

### **SUMMARY**

This bill implements the recommendations of the stakeholder group established by the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge provided to the stakeholder group was to develop methodologies and recommendations relating to increasing high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The bill accomplishes the following.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the 4-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a 5-year cohort and a 6-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.

2. It changes the law regarding compulsory school age by reducing the age when a child must start school from 7 to 6 years of age and by increasing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 17 to 20 years of age. The bill also amends the exceptions to the compulsory school age requirements.

3. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student. It describes response to intervention teams for schools and their duties, including assessing situations of student truancy and developing and helping implement intervention plans for

truant students.

4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators. In current law, school attendance coordinators are elected. It establishes that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

5. It directs school boards to review policies and procedures established for the code of conduct and school discipline, including provisions that encourage school boards to focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and to focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. The bill also requires that schools provide notice to parents or legal guardians of a student's suspension regardless of whether it is an in-school or out-of-school suspension and discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to require that all students who have been expelled from school must be provided with a written reentry plan, developed by the superintendent in consultation with the student and the student's parents or legal guardian, that provides guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

8. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

9. The bill also provides for an ongoing appropriation of funds to the Department of Education to disburse to school administrative units that request funding for providing appropriate interventions to students who are at risk of becoming truants or dropouts due to an expulsion from school or who struggle with mental health and substance abuse issues.