

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS**

JULY 1999

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Sen. Robert E. Murray, Jr.

Sen. Mary E. Small

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....Bill carried over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

Public Law 1999, chapter 226 reallocates applied technology education costs for the Portland Arts and Technology High School and the Westbrook Regional Vocational Center based on the percentage of the number of students attending from each sending school unit beginning in fiscal year 2000-01. The Commissioner of Education may approve amendments to the cost-sharing agreements of the other applied technology centers.

LD 1798

**An Act to Implement the Recommendations of the Commission to Study
Providing Educators with More Authority to Remove Violent Students
from Educational Settings**

PUBLIC 351

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-453
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LD 1798 proposed to implement the following recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings.

1. It would require the Commissioner of Education to develop statewide standards of responsible and ethical student behavior;
2. It would require local school boards to adopt a student code of conduct for their students, develop a response plan for violent or potentially violent situations in each of its schools and adopt a policy that authorizes a teacher to send a student from a classroom to the principal's office and a school bus driver to recommend the revocation of a student's privilege of riding on a school bus;
3. It would provide for more timely reporting of student records between schools and provide that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding;
4. It would provide that the Department of Education maintain current files on expelled students and provide information to school officials regarding the disciplinary status of students applying for transfer from one school unit to another;
5. It would amend the existing "anti-hazing" statute to include protections for educational personnel as well as students;
6. It would provide that school superintendents give information regarding violent offenses to law enforcement authorities; and
7. It would provide for immunity protections for school personnel.

Committee Amendment "A" (H-453) proposed the following.

It would remove the provision in the bill concerning input by teachers and other educational personnel regarding student disciplinary and placement decisions, and instead add this consideration to the list of policy items that must be included in the district-wide student code of conduct to be developed by school boards with input from educators, administrators, parents, students and community members.

It would remove the provision in the bill requiring a superintendent to report certain offenses that involve violence to appropriate law enforcement authorities, and instead add this consideration to the list of policy items that must be included in the district-wide student code of conduct to be developed by school boards with input from educators, administrators, parents, students and community members.

Finally, it would strike the section of the bill concerning transfer of education records and the creation of an expulsion record information database, and replace it with a new section that clarifies the process by which student records must be transferred between school administrative units when a student seeks admission or transfer to a new school from a school in the State or from a school outside of the State.

Enacted law summary

Public Law 1999, chapter 351 implements a number of the recommendations proposed by the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law establishes the following requirements.

1. It requires the Commissioner of Education, in consultation with educational stakeholders, to develop statewide standards of responsible and ethical student behavior;
2. It requires local school boards, with input from educators, parents, students and community members, to adopt a district-wide code of conduct for their students. The conduct code must define unacceptable student behavior, establish standards for student responsibility and prescribe consequences for conduct code violations. The conduct code must also describe appropriate referral procedures for students in need of special services and establish criteria to determine when further review of an the individual education plan is necessary for a student removed from class. The conduct code must further establish procedures concerning the removal of disruptive or violent students from class or a school bus and consider input by teachers and other educational personnel regarding student disciplinary and placement decisions. The conduct code must also establish guidelines concerning the circumstances when a superintendent may provide information to law enforcement authorities regarding a violent incident committed on school grounds or property.
3. It requires local school boards, in consultation with public safety, mental health and law enforcement officials, to develop a crisis response plan for violent or potentially violent situations in each of its schools.
4. It mandates that educational records follow any student who transfers to a school within the State from another school administrative unit or from out of state. The law provides for more timely reporting of student records between schools and provides that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding.
5. It amends the existing "anti-hazing" statute to include protections for educational personnel as well as for students, and also expands the definition of "injurious hazing" to include harassment.
6. It provides for immunity protections for school personnel.

LD 1799

An Act Regarding the School Funding Formula

CARRIED OVER

Sponsor(s)
BRENNAN

Committee Report

Amendments Adopted

LD 1799 proposes to ensure that pupil equity and taxpayer equity are achieved through the school funding formula. This bill proposes the following.

1. It would clarify that the statutory provisions requiring the state share of school construction debt service costs must be supported by General Fund appropriations by: