

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2004

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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/billsumm.htm).

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:

- 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*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote*
- 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*
- P&S XXX..... Chapter # of enacted Private & Special Law*
- PASSED..... Joint Order passed in both bodies*
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
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Joint Standing Committee on Education and Cultural Affairs

LD 1082

An Act Regarding Habitual Truants

PUBLIC 533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH	OTP-AM MAJ OTP MIN	H-634 H-678 CUMMINGS

LD 1082 was carried over from the First Regular Session and proposed to amend the habitual truancy laws. It proposed to require the superintendent to send a notice to the parent of a truant informing the parent that the child is truant and the child is required by law to attend school. The bill also proposed to require the superintendent to report the truancy of a child to the local law enforcement agency if a parent has not complied with the notice. The bill proposed to make it a Class E crime if a parent fails to enroll a child in school.

Committee Amendment "A" (H-634), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following changes to the habitual truancy laws:

1. Authorize a superintendent to designate a school official to attempt to correct the truancy problem informally;
2. Clarify that the informal efforts by the superintendent or the superintendent's designee to correct the truancy problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, including a range of interventions. It also proposed to permit school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. Require that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan, attempting to correct the truancy problem informally;
4. Require school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel;
5. Permit school administrators to involve 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 to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
6. Require that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy, in the event that informal efforts to correct the truancy fail;
7. Clarify that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;

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8. Clarify that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
9. Establish that a parent adjudicated for failing to comply with the habitual truancy laws commits a civil violation and is subject to a fine of at least \$25.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to clarify that only a parent who has control of a child and is primarily responsible for that child may be subject to a civil violation.

Enacted Law Summary

Public Law 2003, chapter 533 amends the habitual truancy laws to redefine the roles and responsibilities of school superintendents and school boards in dealing with students who are truant and who are determined to be habitual truants. This law accomplishes the following changes to the habitual truancy statutes:

1. It designates the superintendent or the superintendent's designee as the school official with responsibility for attempting to correct the truancy problem; and it requires that the superintendent or the superintendent's designee shall make informal efforts to correct the truancy problem, including meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, together with a range of interventions;
2. It requires school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel; and it also permits school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. In attempting to correct the truancy problem informally, it also requires that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan; and it allows school administrators to involve 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 to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
4. In the event that informal efforts to correct the truancy fail, it requires that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy;
5. It clarifies that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
6. It clarifies that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and

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7. It establishes that a parent who has control of a child and is primarily responsible for that child may be adjudicated for failing to comply with the habitual truancy laws and may be subject to a civil violation and to a fine of at least \$25.

Public Law 2003 chapter 688, part H, was enacted as an emergency measure effective May 7, 2004.

Note: Public Law 2003, chapter 688, part H, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Public Law 2003, chapter 533 by repealing a cross-reference to a repealed section of law that was inadvertently not addressed in the committee amendment and which resulted in a conflict and inconsistent provision in the compulsory attendance provisions of the education statutes. The compulsory attendance provision that contains this cross-reference relates to the authority of a school board to provide a waiver to a student who has been determined to be a habitual truant and who is 15 years of age or older. Public Law 2003, chapter 688, part H, repeals that cross-reference and removes the conflict and inconsistent compulsory attendance provision.

LD 1344

An Act To Give Teachers a Greater Voice in School Improvement

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	ONTP MAJ	
EDMONDS	OTP-AM MIN	

LD 1344 was carried over from the First Regular Session and proposed to redefine as "working conditions" several specific issues that case law has identified as "educational policy." This proposed modification to the bargaining law would allow school districts and school employees to negotiate such issues as preparation and planning time, work assignments and procedures for the evaluation of teachers.

Committee Amendment "A" (H-804), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill and, like the bill, proposed to state that school boards and bargaining agents for teachers may negotiate certain "educational policies" and proposed to clarify that school boards and bargaining agents are neither prohibited from nor required to negotiate on these issues.

The amendment also proposed to specify that the provisions of collective bargaining agreements that constitute, relate to, affect or concern "educational policies" that are bargained and agreed to are valid and enforceable for the term of the agreement and are subject to the grievance and arbitration procedures of the agreement unless expressly excluded from the grievance or arbitration procedures. (Not adopted)

Note: Several floor amendments were offered, but were not adopted.