

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

to actively solicit the gifts, grants, donations, bequests, endowments and membership fees currently authorized for acceptance by the director.

LD 1494 An Act To Support Maine State Museum Accreditation

PUBLIC 152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP	

This bill provides a clear statement by the Legislature concerning standards the Maine State Museum must follow and the importance of its collections in order to address new accreditation requirements imposed by the American Association of Museums, which provides accreditation for the Maine State Museum.

Enacted Law Summary

Public Law 2011, chapter 152 provides a clear statement by the Legislature concerning standards the Maine State Museum must follow and the importance of its collections in order to address new accreditation requirements imposed by the American Association of Museums, which provides accreditation for the Maine State Museum.

LD 1503 An Act To Promote School Attendance and Increase School Achievement

Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND		

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 four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-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 seven to six 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.

Joint Standing Committee on Education and Cultural Affairs

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.

LD 1503 was removed from the Special Appropriations Table and recommitted to the Committee on Education and Cultural Affairs.

Committee Amendment "A" (S-287)

This amendment makes the following changes to the bill.

1. It strikes the definition of "response to intervention team" and all uses of the term from the bill and replaces it with references to a student assistance team or the school personnel designated by the superintendent in accordance with the system of intervention established by the school administrative unit in accordance with the Maine Revised Statutes, Title 20-A, section 4710.
2. It amends the due process standards proposed for school expulsion proceedings by removing the provisions pertaining to a student's right to appeal the decision of the school board to the Superior Court within 30 days.
3. It amends the provision that requires a reentry plan to be developed for a student who has been expelled by a school board by providing that:
 - A. The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;
 - B. The expelled student's parents or guardian are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan; and

Joint Standing Committee on Education and Cultural Affairs

C. For a child with a disability who is expelled by a school board, the superintendent may, as necessary, provide the reentry plan to the student's individualized education program team.

4. It strikes the provision that requires a school board to use suspensions and expulsions only as a last resort when taking disciplinary action against a student who has violated the school administrative unit's student code of conduct.

5. It amends the changes to the compulsory school age statutes by reducing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 20 to 18 years of age. The amendment also makes technical changes to clarify the exceptions to the compulsory school age requirements.

6. It strikes the proposed changes to the truancy laws that would have counted excused absences, as well as unexcused absences, towards the number of days of absences that would determine when a student is truant.

7. It strikes procedural provisions proposed in the bill and makes technical changes to clarify the role of superintendents, principals, attendance coordinators and the student assistance team or other systems of intervention established by the school administrative unit pertaining to assessing situations of student truancy and developing and implementing intervention plans for truant students.

8. It strikes the provisions in the bill pertaining to the qualifications of school attendance coordinators and the provisions that propose to establish that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 1540 An Act To Encourage Science, Technology, Engineering and Mathematics Education

**PUBLIC 346
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-177

This bill establishes the Science, Technology, Engineering and Mathematics Council to develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education.

Committee Amendment "A" (S-177)

The bill establishes the Science, Technology, Engineering and Mathematics Council. This amendment makes the following changes to the bill:

1. It adds an emergency preamble and an emergency clause;
2. It adds the President of the Maine Maritime Academy to the ex officio members of the council;
3. It allows the ex officio members to designate a person to represent them on the council;
4. It adds three new members to the council, including a representative of:
 - A. The State Board of Education;