

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

June 2012

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# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
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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 Second Regular Session of the 125<sup>th</sup> 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.

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125<sup>th</sup> Legislature is Thursday, August 30, 2012. 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*

**LD 1503**

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

**PUBLIC 614**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	H-756 ESPLING S-378

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 proposes 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.
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

## *Joint Standing Committee on Education and Cultural Affairs*

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.

### **Committee Amendment "B" (S-378)**

This amendment strikes and replaces the bill to make the following changes.

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 provisions regarding school boards' adopting disciplinary policies required in current law to require that, in revising the prescribed consequences for violation of the student code of conduct pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, paragraph C, a school board consider certain factors in revising the district wide disciplinary policies that are required by current law.

4. It amends the provision that requires a reentry plan to be developed for a student who has been expelled by a school board. The amendment provides that a school board may expel the student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. The amendment provides that, in addition to the requirements retained from the bill, if a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall provide that:

A. The reentry plan may require the expelled 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 are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

C. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

5. 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.

6. It amends the changes to the compulsory school attendance 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

## *Joint Standing Committee on Education and Cultural Affairs*

years of age, as in the bill, to 18 years of age. The amendment also makes technical changes to align the changes to the age requirements with the exceptions to the compulsory school attendance requirements.

7. It amends the changes to exceptions to the compulsory attendance statutes by clarifying that a student may be excused from compulsory school attendance when each of the requirements under Title 20-A, section 5001-A, subsection 2, paragraph B are met. The amendment also retains the exception to the compulsory attendance statutes that provides that one of the requirements that must be met for an exception is that the person has been approved by the principal for a suitable program of work and study or training.

8. 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.

9. 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.

10. 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.

### **House Amendment "B" To Committee Amendment "B" (H-756)**

This amendment removes the provisions that change the ages and exceptions for compulsory school attendance. It also makes a change in the provisions governing truancy to conform to the removal of the provision that changes the age for compulsory school attendance.

### **Enacted Law Summary**

Public Law 2011, chapter 614 adopts changes to the education statutes that are intended to increase high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The law makes the following changes to the education statutes.

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 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.

3. It clarifies the duties of student assistance teams or the school personnel designated by the superintendent in accordance with the intervention system established by the school administrative unit in accordance with current law, 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.

5. It provides that when a school board revises existing provisions regarding prescribed consequences for violation of the student code of conduct, the school board shall consider district wide disciplinary policies that

*Joint Standing Committee on Education and Cultural Affairs*

focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and that focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. It also 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 provide that a school board may expel a student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a written reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion.

8. It also provides that, if a school board authorizes the superintendent to provide the expelled student with a written reentry plan, the school board shall provide that:

A. The reentry plan is developed by the superintendent, in consultation with the student and the student's parents or legal guardian;

B. The reentry plan must provide 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;

C. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

D. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

E. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

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

**LD 1592     An Act To Update the Laws Concerning the Maine School of Science and Mathematics**

**PUBLIC 473**

Sponsor(s)

AYOTTE  
JACKSON

Committee Report

OTP

Amendments Adopted

This bill updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.