

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

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**STAFF:**

HILLARY RISLER, LEGISLATIVE ANALYST  
KAREN S. NADEAU, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

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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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129<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. An appendix provides a summary of relevant session statistics.

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 129<sup>th</sup> Legislature is Thursday, September 19, 2019. 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*

an allegation is substantiated, to institute an action plan to avoid future violent behavior. The action plan must be instituted prior to the student's return to school and must emphasize minimizing suspensions and expulsions of a student who demonstrated violent behavior, prioritizing counseling and guidance services for the student, restorative justice and training for public school employees who interact with the student. The bill also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

### **Committee Amendment "A" (S-237)**

This amendment, which is the majority report of the committee, strikes and replaces the bill, changes the title and makes the following additional changes.

1. It changes the focus of the bill from violent behavior to dangerous behavior and defines "dangerous behavior" to mean behavior of a student that presents a risk of injury or harm to a student or others.
2. It amends the process in the bill regarding investigations. It requires review of a report of an incident of dangerous behavior and the development of an individualized response plan. It stipulates that these provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.
3. It moves the provisions in the bill regarding the counting of sick leave of a public school employee injured from dangerous behavior to the Maine Revised Statutes, Title 20-A, section 13601, which contains other provisions regulating sick leave.
4. It adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2019, chapter 458 requires a school administrative unit to immediately investigate allegations of dangerous behavior by a student, defined as behavior that presents a risk of injury or harm to a student or others. During the investigation, the school administrative unit must review of a report of an incident of dangerous behavior and if substantiated, develop of an individualized response plan. The law stipulates that its provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.

Public Law 2019, chapter 458 also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

**LD 1376**

**An Act To Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed and Make Biennial Reports on the Use of Physical Restraint and Seclusion**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	OTP-AM ONTP	H-617

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

This bill directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to include concepts from and references to the department's rule Chapter 33: Rule Governing Physical Restraint and Seclusion.

This bill also directs schools to make annual reports to the department regarding incidents of physical restraint and seclusion and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion.

### **Committee Amendment "A" (H-617)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. It directs schools to submit annual reports to the Department of Education regarding incidents of physical restraint and seclusion including the number of uses and number of students, broken down by grade level or age group, gender, race and type of education plan, and the number of injuries to students and to staff and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion. It also directs the Department of Education to, by rule, develop and implement a performance review system to define and monitor all schools' use of physical restraint and seclusion.

The amendment also requires the Department of Education to submit major substantive rules by December 5, 2019, provide guidance to schools regarding these rules and submit a plan by January 15, 2020 to the Joint Standing Committee on Education and Cultural Affairs on professional development opportunities to promote preventive practice models that will reduce dependence on physical restraint and seclusion.

It also adds an appropriations and allocations section and incorporates a fiscal note. The fiscal note identifies the requirement that school administrative units break down the aggregate data by grade level or age group, gender, race and type of plan as a potential unfunded state mandate. Because schools are already required to collect this data pursuant to department rule Chapter 33: Rule Governing Physical Restraint and Seclusion, the committee finds this additional requirement does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

### **LD 1382      **Resolve, Directing the Department of Education To Study and Develop a State Plan for Computer Science Instruction and Professional Development****

**RESOLVE 78**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T POULIOT M	OTP-AM OTP-AM	H-522

This bill provides the necessary resources and support for kindergarten to grade 12 schools to adopt computer science into their courses and curriculums. The bill establishes a grant program for computer science professional development, including costs of transportation, mentoring and coaching. The bill also requires the Department of Education to develop a statewide plan as well as computer science standards for kindergarten to grade 12 schools. The bill creates a full-time Regional Education Representative position in the Department of Education to support the creation and implementation of the plan and the standards. The bill establishes a grant program for computer devices and instructional materials to provide the tools necessary for schools to implement computer science courses and content. The bill also establishes a computer science teacher certification program for students who are majoring in education in the University of Maine System. Finally, the bill authorizes the Department of Education to adopt rules as necessary to implement the provisions of the bill.