1	L.D. 129
2	Date: (Filing No. H-)
3	EDUCATION AND CULTURAL AFFAIRS
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5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " "to H.P. 87, L.D. 129, Bill, "An Act To Provide Options to Schools for Making Up School Days"
11 12	Amend the bill after the title and before the enacting clause by inserting the following.
13 14	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
15 16 17 18	Whereas, last winter's weather conditions included blizzards and snowstorms that set records for the amount of snowfall in many regions of the State, which caused the cancellation of a significant number of school days in many school administrative units due to dangerous road and travel conditions; and
19 20 21 22	Whereas, Department of Education Rule Chapter 125 provides that a school board may reschedule cancelled school days by conducting classes on the weekend, rescheduling or shortening scheduled vacation periods or postponing the scheduled closing date of the school year; and
23 24 25 26	Whereas, providing school administrative units with the additional option of adding make-up instructional time during existing school days would provide school boards with greater flexibility in determining how to meet the minimum school year calendar requirements; and
27 28	Whereas, because Rule Chapter 125 is a major substantive rule, changes to the rule require legislative review before the changes may be made; and
29 30	Whereas, the Legislature has the authority to direct the Department of Education to amend its rule to reflect legislative policy determinations; and
31 32 33 34	Whereas, the Department of Education and school boards need statutory and rule revisions for the acceptable methods established for rescheduling cancelled school days in order for school administrative units to have another option to meet the minimum school year calendar requirements for this school year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore.'

Amend the bill in section 1 in paragraph F in the 5th line (page 1, line 7 in L.D.) by inserting after the following: "may" the following: ', with the approval of the commissioner pursuant to rules adopted in accordance with this subsection,'

Amend the bill by inserting after section 1 the following.

- 'Sec. 2. Amendment of rule. The Department of Education shall amend portions of Section 6 of its Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to provide that the acceptable methods of rescheduling school days cancelled due to weather or emergency closures may include a one-hour extension of the school day for up to 25 days in a school year and to provide that 5 one-hour extensions may be counted as one additional school day.
- **Sec. 3. Expedited amendment process.** Notwithstanding the Maine Revised Statutes, Title 5, chapter 375, subchapters 2 and 2-A and any other law, the Department of Education shall adopt the amendments to Section 6 of its Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units as provided in section 2 of this Act. The department shall file the amended rule with the Secretary of State as a final adopted rule within 7 business days of the effective date of this Act and the rule is effective upon filing. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2015, any changes to Rule Chapter 125 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

27 SUMMARY

This amendment adds an emergency preamble and an emergency clause to the bill and directs the Department of Education to amend its rules regarding the methods required and the options available for school officials to request a waiver from the Commissioner of Education to schedule make-up days and reschedule instructional time in Section 6 of Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units. The amendment directs the Department of Education to adopt the amendments to the rule within 7 business days of the effective date of this legislation. It also provides that the amended rule becomes effective when filed by the department.

The amendment retains the provisions in the bill that provide that school administrative units may annually extend up to 25 school days by one hour each day, that 5 one-hour extensions count as one additional school day and that schools may use the

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1 2 3	extensions only to make up school days missed because of weather or emergency closures. The amendment requires approval of the Commissioner of Education for implementation of extensions.
4	FISCAL NOTE REQUIRED
5	(See attached)

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