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Date: (Filing No. S-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 216, L.D. 703, Bill, “An Act To Help Maine Students Succeed”

Amend the bill by striking out everything after the title and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a provision of law providing that the Commissioner of Education may approve on a case-by-case basis waivers of the age requirements to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student was repealed on July 1, 2020; and

Whereas, the Legislature has determined that this provision should be restored as soon as possible to minimize disruption of the education of such students; 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,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4502, sub-§5, ¶M, as amended by PL 2009, c. 313, §2, is further amended to read:

M. The use of time-out areas and physical restraint and seclusion, administered in accordance with requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

- (1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and
- (2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be

1 observed from outside of the time-out area and can be heard by a person
2 supervising the time-out area;

3 **Sec. 2. 20-A MRSA §4711**, as amended by PL 2019, c. 106, §1, is further
4 amended to read:

5 **§4711. Elementary course of study**

6 The basic course of study for the elementary schools must provide for the instruction
7 of all students in life and career and education development, ready standards, English
8 language arts, world languages, health education and physical education, mathematics,
9 science and technology engineering, social studies and visual and performing arts, as
10 described in the parameters for essential instruction and graduation requirements subject
11 to the schedule specified in section 6209. Health education must include instruction that
12 addresses the relationship between physical and mental health in order to enhance student
13 understanding of attitudes toward and behavior relating to mental illness and to eliminate
14 the stigma associated with mental illness.

15 **Sec. 3. 20-A MRSA §4712**, as amended by PL 2019, c. 106, §2, is further
16 amended to read:

17 **§4712. Junior high school or middle school course of study**

18 The basic course of study for the junior high schools or middle schools must provide
19 for the instruction of all students in life and career and education development, ready
20 standards, English language arts, health education and physical education, mathematics,
21 science and technology engineering, social studies, visual and performing arts and world
22 languages, as described in the parameters for essential instruction and graduation
23 requirements subject to the schedule specified in section 6209. Health education must
24 include instruction that addresses the relationship between physical and mental health in
25 order to enhance student understanding of attitudes toward and behavior relating to
26 mental illness and to eliminate the stigma associated with mental illness.

27 **Sec. 4. 20-A MRSA §4721, sub-§1**, as enacted by PL 2009, c. 313, §13, is
28 amended to read:

29 **1. Comprehensive program of instruction.** A secondary school shall provide a
30 comprehensive program of instruction of at least 2 years in length, which must meet the
31 requirements of this chapter and the parameters for essential instruction and graduation
32 requirements established under section 6209. The program must include instruction for
33 all students in life and career and education development, ready standards, English
34 language arts, health education and physical education, mathematics, science and
35 technology engineering, social studies, visual and performing arts and world languages.

36 **Sec. 5. 20-A MRSA §5201, sub-§3, ¶G** is enacted to read:

37 G. A person who obtains a waiver from the commissioner pursuant to section
38 5206-A may enroll as a public secondary school student.

39 **Sec. 6. 20-A MRSA §5206-A** is enacted to read:

1 **§5206-A. Waiver**

2 The superintendent may request that the commissioner approve on a case-by-case
3 basis waivers of the age requirements under section 5201 to allow a student who has
4 reached 20 years of age before the start of the school year to be enrolled as a public
5 secondary school student. The commissioner may grant a waiver upon finding that there
6 are unforeseeable circumstances or undue hardship and that the request that the school
7 administrative unit has submitted is reasonable. The application for a waiver must
8 contain:

9 **1. Documentation.** Documentation of actions taken to meet the requirements prior
10 to applying for the waiver;

11 **2. Description.** A description of the unforeseeable circumstances or undue hardship,
12 including financial hardship, that led to the application; and

13 **3. Statement.** A statement explaining how the waiver requested will not create
14 learning inequities for the students enrolled in the schools in the school administrative
15 unit.

16 **Sec. 7. 20-A MRSA §6209, first ¶**, as amended by PL 2015, c. 489, §3, is further
17 amended to read:

18 The department in consultation with the state board shall establish and implement a
19 comprehensive, statewide system of learning results, which may include a core of
20 standards in English language arts and mathematics for kindergarten to grade 12
21 established in common with the other states, as set forth in this section and in department
22 rules implementing this section and other curricular requirements. The department must
23 establish accountability standards at all grade levels in the areas of mathematics; reading;
24 and science and ~~technology engineering~~. The department shall establish parameters for
25 essential instruction in English language arts; mathematics; science and ~~technology~~
26 ~~engineering~~; social studies; ~~career and education development~~ life and career ready
27 standards; visual and performing arts; health, physical education and wellness; and world
28 languages. Only a public school, a public charter school as defined in section 2401,
29 subsection 9 or a private school approved for tuition purposes that enrolls at least 60%
30 publicly funded students, as determined by the previous school year's October and April
31 average enrollment, is required to participate in the system of learning results set forth in
32 this section and in department rules implementing this section and other curricular
33 requirements. The commissioner shall develop accommodation provisions for instances
34 where course content conflicts with sincerely held religious beliefs and practices of a
35 student's parent or guardian. The system must be adapted to accommodate children with
36 disabilities as defined in section 7001, subsection 1-B.

37 **Sec. 8. 20-A MRSA §6209, sub-§2, ¶A**, as amended by PL 2007, c. 259, §5, is
38 further amended to read:

39 A. ~~Career Life and education development~~ career ready standards;

40 **Sec. 9. 20-A MRSA §6209, sub-§2, ¶F**, as enacted by PL 1995, c. 649, §1, is
41 amended to read:

42 F. Science and ~~technology engineering~~;

