

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in subsection 1 in the 3rd line (page 1, line 16 in L.D.) by striking out the following: "by the department" and inserting the following: 'pursuant to subsection 1-A'

Amend the bill in section 1 in subsection 1 by striking out all of paragraph A (page 1, lines 21 to 23 in L.D.) and inserting the following:

‘A. The commissioner may reduce or waive the minimum number of days required on application from a school board. For schools with an alternative calendar approved under subsection 1-A, the commissioner may reduce or waive the minimum number of hours required on application from the school board. Notwithstanding subsection 1-A, for schools operating on a calendar based on days, the commissioner may authorize an equivalent number of hours to be substituted for days for a limited time period upon application from a school board. The application must be supported in writing with a statement of the reasons for the request.’

Amend the bill by inserting after section 1 the following:

‘**Sec. 2. 20-A MRSA §4801, sub-§1-A** is enacted to read:

1-A. Alternative school calendar based on equivalent hours. A school board may submit a proposal to the commissioner for a school calendar based on hours. The cumulative hours for the calendar year must equal or exceed the number of school hours in a 180-day school year. The cumulative hours used for instruction must equal or exceed the number of hours used for instruction in 175 school days. Prior to approving a proposal for an alternative calendar, the commissioner shall determine that:

- A. The proposed calendar has been distributed or otherwise made available for review by parents, teachers and school employees;
- B. The school board has held a public hearing on the proposed calendar;
- C. The school board has met and consulted with teachers and other employees; and
- D. The proposed calendar is in compliance with subsection 2-A.

The commissioner shall adopt rules to establish a process for review and approval of proposals for alternative school calendars. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.’

Amend the bill by striking out all of section 4 and inserting the following:

‘**Sec. 4. Rules.** The Department of Education shall amend Chapter 125 of its rules as is necessary to comply with the provisions of the Maine Revised Statutes, Title 20-A, section 4801, subsection 1, paragraph A, as amended by this Act. Amendments to Chapter 125 adopted pursuant to this section are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.’

Sec. 5. Commissioner authorized to approve alternative school calendars for school year 2009-2010. Notwithstanding the Maine Revised Statutes, Title 20-A, section 4801, subsection 1, the Commissioner of Education may authorize a school board to implement an alternative school calendar for school year 2009-2010 prior to adopting rules under Title 20-A, section 4801, subsection 1-A.

A school board may submit a proposal to the commissioner for a school calendar based on equivalent hours. The proposal must include a written statement explaining the reason for the request. The commissioner may approve a proposal for implementation in school year 2009-2010 if the commissioner determines that the proposal complies with Title 20-A, section 4801, subsection 1-A.

A school board granted permission for an alternative school calendar under this section may not continue an alternative school calendar beyond the 2009-2010 school year unless a proposal is submitted to the commissioner, reviewed and approved in accordance with rules adopted under Title 20-A, section 4801, subsection 1-A. The commissioner shall provisionally adopt rules to implement this Act no later than December 1, 2009.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It establishes criteria required for the approval of an alternative school calendar. It directs the Commissioner of Education to provisionally adopt rules no later than December 1, 2009. It authorizes the commissioner to approve requests for the school year 2009-2010 prior to adoption of the rules as long as statutory criteria are met. It also allows the commissioner to authorize a school operating on a calendar based on days to substitute equivalent hours for days for a limited time period upon application of the school board.