



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 18

H.P. 10

House of Representatives, January 4, 2011

An Act To Extend the School Year

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EDGECOMB of Caribou.
Cosponsored by Senator SHERMAN of Aroostook and
Representative: AYOTTE of Caswell.

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

2 **Sec. 1. 20-A MRSA §4801, sub-§1**, as amended by PL 2009, c. 87, §1, is further
3 amended to read:

4 **1. Number.** A school administrative unit shall make provision for the maintenance
5 of all of its schools for at least ~~180~~ 185 days a year. At least ~~175~~ 177 days ~~shall~~ must be
6 used for instruction. In meeting the requirement of a ~~180-day~~ 185-day school year, no
7 more than ~~5~~ 8 days may be used for in-service education of teachers, administrative
8 meetings, parent-teacher conferences, records' days and similar activities. A day when
9 students are released early may not be used as one of the 8 in-service days.

10 A. The commissioner may reduce or waive the minimum number of days required on
11 application from a school board. The commissioner may authorize an equivalent
12 number of hours to be substituted for days for a limited time period upon application
13 from a school board. The application must be supported in writing with a statement
14 of the reasons for the request.

15 B. Notwithstanding any other section of the statutes, school committees, with the
16 approval of the commissioner, may adopt or amend rules necessary to implement an
17 extended school year at the local level. The commissioner may make appropriate
18 adjustments, not to exceed the allowable subsidy, to insure fair and equitable
19 treatment in the distribution of state aid.

20 C. Notwithstanding this subsection, the commissioner shall promulgate a rule to
21 provide that local school units may allow secondary school students to graduate up to
22 5 school days prior to the regular end of the school year.

23 D. A school administrative unit, operating under a plan approved by the
24 commissioner, may provide for the use of up to 5 of the ~~175~~ 177 instructional days
25 required by this section to be used for screening incoming first year students for the
26 purpose of identifying children with disabilities and students at risk of school failure
27 as required by state or federal law.

28 ~~E. Notwithstanding this subsection and any other provision of law, for school years~~
29 ~~1991-92 and 1992-93, a school administrative unit may reduce the number of days~~
30 ~~for the maintenance of all its schools by 5 days a year. A school administrative unit~~
31 ~~that decides to reduce the number of school days for school year 1991-92 or 1992-93,~~
32 ~~or both, shall notify the commissioner in writing of its plan.~~

33 **Sec. 2. 20-A MRSA §5001-A, sub-§3, ¶A**, as amended by PL 2007, c. 111, §1,
34 is further amended to read:

35 A. Equivalent instruction alternatives are as follows.

36 (1) A person is excused from attending a public day school if the person obtains
37 equivalent instruction in:

38 (a) A private school approved for attendance purposes pursuant to section
39 2901;

- 1 (b) A private school recognized by the department as providing equivalent
2 instruction;
- 3 (c-1) A home instruction program that complies with the requirements of
4 subparagraph (4); or
- 5 (d) Any other manner arranged for by the school board and approved by the
6 commissioner.
- 7 (2) A student is credited with attendance at a private school only if a certificate
8 showing the name, residence and attendance of the person at the school, signed
9 by the person or persons in charge of the school, has been filed with the school
10 officials of the administrative unit in which the student resides.
- 11 (4) The following provisions govern a home instruction program.
- 12 (a) The student's parent or guardian shall provide a written notice of intent to
13 provide home instruction simultaneously to the school officials of the
14 administrative unit in which the student resides and to the commissioner
15 within 10 calendar days of the beginning of home instruction. The notice
16 must contain the following information:
- 17 (i) The name, signature and address of the student's parent or guardian;
- 18 (ii) The name and age of the student;
- 19 (iii) The date the home instruction program will begin;
- 20 (iv) A statement of assurance that indicates the home instruction
21 program will provide at least ~~475~~ 177 days annually of instruction and
22 will provide instruction in the following subject areas: English and
23 language arts, math, science, social studies, physical education, health
24 education, library skills, fine arts and, in at least one grade from grade 6
25 to 12, Maine studies. At one grade level from grade 7 to 12, the student
26 will demonstrate proficiency in the use of computers; and
- 27 (v) A statement of assurance that indicates that the home instruction
28 program will include an annual assessment of the student's academic
29 progress that includes at least one of the forms of assessment described in
30 division (b).
- 31 (b) On or before September 1st of each subsequent year of home instruction,
32 the student's parent or guardian shall file a letter with the school officials of
33 the administrative unit in which the student resides and the commissioner
34 stating the intention to continue providing home instruction and enclose a
35 copy of one of the following forms of annual assessment of the student's
36 academic progress:
- 37 (i) A standardized achievement test administered through the
38 administrative unit in which the student resides or through other
39 arrangements approved by the commissioner. If the test is administered
40 through the administrative unit in which the student resides, that
41 administration must be agreed to by the school officials of the

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administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209.

Sec. 3. 20-A MRSA §15689, sub-§5, ¶B, as enacted by PL 2005, c. 2, Pt. D, §60 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

1 B. The rate of reimbursement per student may not exceed the state average tuition
2 rates in effect during the year of placement as computed under sections 5804 and
3 5805. The tuition rates must be computed based on the state average secondary
4 tuition rate and may be adjusted if the program is approved to operate beyond the
5 ~~180-day~~ 185-day school year.

6 **SUMMARY**

7 This bill extends the school year from 180 days to 185 days a year.