

L.D. 1542

DATE: 5-19-97

(Filing No. H-541)

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1099, L.D. 1542, Bill, "An Act to Eliminate the Use of Time-out Boxes"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Time-out Areas'

Further amend the bill by inserting before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 20-A MRSA §4502, sub-§5, ¶K, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

K. School improvement; and

Sec. 2. 20-A MRSA §4502, sub-§5, ¶L, as amended by PL 1989, c. 415, §11, is further amended to read:

COMMITTEE AMENDMENT "A" to H.P. 1099, L.D. 1542

2 L. Prepare and implement an ~~ea-going~~ ongoing school
improvement process and annually update a written school
4 improvement plan, including a fully developed staff
development plan for identifying at-risk students in
6 kindergarten through to grade 12, including, but not limited
to, truants and dropouts, and the development of appropriate
alternative programs to meet their needs; and

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10 **Sec. 3. 20-A MRSA §4502, sub-§5, ¶M is enacted to read:**

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

16 (1) The time-out area must be well ventilated and
sufficiently lighted. The time-out area may not be
18 locked; and

20 (2) The time-out area must be designed to ensure the
safety of the student so that the student is supervised
22 by a professional staff member in the room or can be
observed from outside of the time-out area and can be
24 heard by a person supervising the time-out area.

26 **Sec. 4. Adoption of rules for use of time-out procedures.** The
Commissioner of Education shall adopt rules by January 1, 1998
28 regarding the use of time-out procedures by school administrative
units that are in accordance with the standards established by
30 the Department of Human Services for licensing residential child
care facilities and the Department of Mental Health and Mental
32 Retardation and Substance Abuse Services for mental health
treatment. These rules are major substantive rules as defined in
34 Title 5, chapter 375, subchapter II-A.'

36 Further amend the bill by inserting at the end before the
summary the following:

38
40 **FISCAL NOTE**

42 This bill requires school administrative units that are
currently using time-out areas to comply with additional
44 requirements that may necessitate additional expenditures. The
additional costs to these school units are expected to be minor,
46 relating only to the meetings to come up with an alternative
discipline procedure and notifying the affected schools.
48 Pursuant to the Mandate Preamble, the two-thirds vote of all
members elected to each House exempts the State from the
50 constitutional requirement to fund 90% of the additional local
costs.

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R.S.

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HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1099, L.D. 1542, Bill, "An Act to Eliminate the Use of Time-out Boxes"

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Amend the amendment in section 4 in the first paragraph in the 2nd line from the end (page 2, line 33 in amendment) by inserting after the following: "defined in" the following: 'the Maine Revised Statutes.'

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SUMMARY

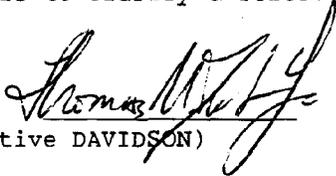
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This amendment is offered on behalf of the Committee on Engrossed Bills to clarify a reference to the statutes.

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SPONSORED BY: 
(Representative DAVIDSON)

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TOWN: Brunswick

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HOUSE AMENDMENT