

CHAPTER 209**SCHOOL DAYS, HOLIDAYS, SPECIAL OBSERVANCES****§4801. School days**

The following provisions shall apply to school days. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Number. A school administrative unit shall make provision for the maintenance of all of its schools for at least 180 days a year. At least 175 days shall be used for instruction. In meeting the requirement of a 180-day school year, no more than 5 days may be used for in-service education of teachers, administrative meetings, parent-teacher conferences, records' days and similar activities.

A. The commissioner may reduce or waive the minimum number of days required on application from a school board. 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. [PL 2009, c. 87, §1 (AMD).]

A-1. [PL 1993, c. 349, §45 (RP).]

B. Notwithstanding any other section of the statutes, school committees, with the approval of the commissioner, may adopt or amend rules necessary to implement an extended school year at the local level. The commissioner may make appropriate adjustments, not to exceed the allowable subsidy, to insure fair and equitable treatment in the distribution of state aid. [PL 1981, c. 693, §§5, 8 (NEW).]

C. Notwithstanding this subsection, the commissioner shall promulgate a rule to provide that local school units may allow secondary school students to graduate up to 5 school days prior to the regular end of the school year. [PL 1985, c. 624 (NEW).]

D. A school administrative unit, operating under a plan approved by the commissioner, may provide for the use of up to 5 of the 175 instructional days required by this section to be used for screening incoming first year students for the purpose of identifying children with disabilities and students at risk of school failure as required by state or federal law. [PL 2005, c. 662, Pt. A, §10 (AMD).]

E. [PL 2013, c. 506, §10 (RP).]

F. A school administrative unit operating under a plan approved by the commissioner may provide for a one-hour extension of the school day for up to 25 days in a school year. Notwithstanding the required number of school days under this subsection, 5 one-hour extensions may be counted as one additional school day. A school administrative unit may, with the approval of the commissioner pursuant to rules adopted in accordance with this subsection, implement extended days pursuant to this paragraph only for the purpose of making up school days missed due to weather or emergency closures. A school administrative unit may develop other ways to make up school days missed due to weather or emergency closures not included in this paragraph as long as they are incorporated into a plan approved by the commissioner. [PL 2019, c. 105, §1 (AMD).]
[PL 2019, c. 105, §1 (AMD).]

2. Equal terms. A school administrative unit shall operate all its schools so that their regular annual sessions are as equal in length as practicable.
[PL 1981, c. 693, §§5, 8 (NEW).]

2-A. Regional school calendars; plan; rules. To be eligible for state subsidy, each school administrative unit and private school approved for tuition purposes shall work with affiliated units, as

defined in section 8301-A, subsection 1, in its career and technical education center or school administrative units in its career and technical education region to develop and approve a regional school calendar that aligns the school calendars of sending schools with the school calendars of career and technical education programs in the region. The plan for a regional school calendar must meet the following requirements.

- A. There may not be more than 5 instructional days on which one or more of the school calendars of the school administrative units affiliated with a career and technical education center or one or more of the school calendars of the school administrative units within a career and technical education region are not aligned with the regional school calendar. [PL 2011, c. 686, §2 (AMD).]
- B. When career and technical education centers or regions overlap, there must be common calendars for each of the schools in those overlapping areas. [PL 2011, c. 686, §2 (AMD).]
- C. The authority for approving the regional school calendar must be within the school boards of the local school administrative units. [PL 2003, c. 617, §1 (NEW).]
- D. Regional school calendars for Aroostook County may have provisions for waivers of the number of dissimilar days for purposes of agricultural harvesting. [PL 2011, c. 686, §2 (AMD).]
- D-1. The commissioner, in accordance with rules adopted pursuant to this subsection, may authorize regional school calendars that do not comply with paragraph A if the commissioner determines that all school administrative units in the region have plans and will implement those plans to ensure compliance with paragraph F, notwithstanding the dissimilar calendar days. [PL 2011, c. 686, §2 (NEW).]
- E. Plans for regional school calendars that comply with this subsection must be approved and implemented in time for the 2013-2014 school year. [PL 2011, c. 686, §2 (AMD).]
- F. All career and technical education students must be given access to career and technical education programs for the entire instructional time required for those programs by department rules. [PL 2011, c. 686, §2 (NEW).]

The commissioner shall adopt rules to establish requirements for regional school calendars. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 686, §2 (AMD).]

3. Noncompliance. A school administrative unit which fails to comply with this section may not receive its state school subsidy until it provides for future compliance.

[PL 1981, c. 693, §§5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 624 (AMD). PL 1989, c. 128 (AMD). PL 1991, c. 121, §A4 (AMD). PL 1991, c. 622, §DD2 (AMD). PL 1993, c. 349, §45 (AMD). PL 2003, c. 617, §1 (AMD). PL 2005, c. 662, §A10 (AMD). PL 2009, c. 87, §1 (AMD). PL 2011, c. 686, §2 (AMD). PL 2013, c. 506, §10 (AMD). PL 2015, c. 60, §1 (AMD). PL 2019, c. 105, §1 (AMD).

§4802. Holidays

The following provisions shall apply to school holidays. [PL 1981, c. 693, §§ 5, 8 (NEW).]

1. Unconditional holidays. Public schools shall close on the following days:

- A. Patriot's Day, the 3rd Monday in April; [PL 1981, c. 693, §§ 5, 8 (NEW).]
- B. Memorial Day, last Monday in May or May 30th if the Federal Government designates that date; [PL 1981, c. 693, §§ 5, 8 (NEW).]
- C. Independence Day, July 4th; [PL 1981, c. 693, §§ 5, 8 (NEW).]

- D. Labor Day, the first Monday in September; [PL 1981, c. 693, §§ 5, 8 (NEW).]
- E. Indigenous Peoples Day, the 2nd Monday in October; [PL 2019, c. 59, §3 (AMD).]
- F. Veteran's Day, November 11th; [PL 1981, c. 693, §§ 5, 8 (NEW).]
- G. Thanksgiving Day, as designated by the Governor; [PL 1985, c. 787, §4 (AMD).]
- H. Christmas Day, December 25th; and [PL 1985, c. 787, §5 (AMD).]
- I. Martin Luther King, Jr. Day, the 3rd Monday in January. [PL 1985, c. 787, §6 (NEW).]
[PL 2019, c. 59, §3 (AMD).]

2. Conditional holidays. Public schools shall close on the following days unless the school board votes to keep its schools open and observe the day with special exercises as defined in section 4803:

- A. New Years Day, January 1st; and [PL 1981, c. 693, §§ 5, 8 (NEW).]
- B. Washington's Birthday, the 3rd Monday in February. [PL 1981, c. 693, §§ 5, 8 (NEW).]
[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 787, §§4-6 (AMD). PL 2019, c. 59, §3 (AMD).

§4803. Special observance days

Days marked by special observances shall be established as follows: [PL 1981, c. 693, §§ 5, 8 (NEW).]

- 1. January 1st.** January 1st, if the school board votes to keep schools open;
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 2. Washington's Birthday.** Washington's Birthday, the 3rd Monday in February, if the school board votes to keep schools open. The day shall be observed with appropriate exercises;
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 3. Lincoln's Birthday.** Lincoln's Birthday shall be observed by studying the life and character of Abraham Lincoln during part of the school day;
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 4. Arbor Day, as designated by the Governor.** Arbor Day shall be observed for the purpose designated by the Governor;
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 5. Alcohol Awareness Day.**
[PL 2019, c. 398, §21 (RP).]
- 6. John F. Kennedy Day.** John F. Kennedy Day, November 2nd, shall be observed by studying the life and character of John F. Kennedy during part of the school day;
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 7. Martin Luther King Day.**
[PL 1985, c. 787, §7 (RP).]
- 8. Statehood Day.** Statehood Day, March 15th, as specified in Title 1, section 116; and
[PL 1981, c. 693, §§ 5, 8 (NEW).]
- 9. Poetry Day.** Poetry Day, October 15th, as specified in Title 1, section 112.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1985, c. 41, §2 (AMD). PL 1985, c. 787, §7 (AMD). PL 2019, c. 398, §21 (AMD).

§4804. Sunday holidays

When a holiday or special observance falls on a Sunday, the following Monday shall be considered the holiday or day of special observance. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§4805. Other special observances

Other special observances shall be as follows. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Flag. It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object and principles of our government, the inestimable sacrifices made by the founders of our Nation, the important contribution made by all who have served in the armed services of our country since its inception and to teach them to love, honor and respect the flag of our country that costs so much and is so dear to every true American citizen.

[PL 1985, c. 103, §3 (AMD).]

2. Period of silence. The school board of a school administrative unit may require, at the commencement of the first class of each day in all grades in all public schools in their unit, that the teacher in charge of the room in which each class is held shall announce that a period of silence shall be observed for reflection or meditation and during that period silence shall be maintained and no activities engaged in.

[PL 1981, c. 693, §§5, 8 (NEW).]

3. American History Month. American History Month is the month of February, in accordance with Title 1, section 113.

[PL 1981, c. 693, §§5, 8 (NEW).]

4. Maine Cultural Heritage Week. Maine Cultural Heritage Week is the week containing March 15th, in accordance with Title 1, section 118.

[PL 1981, c. 693, §§5, 8 (NEW).]

5. Arbor Week. Arbor Week is the 3rd full week in May, in accordance with Title 1, section 111-A.

[PL 1981, c. 693, §§5, 8 (NEW).]

6. National Women's History Week. National Women's History Week is the week containing March 8th, in accordance with Title 1, section 122.

[PL 1983, c. 719, §2 (NEW).]

7. Maine Business Women's Week. Maine Business Women's Week is the 3rd full week in October in accordance with Title 1, section 124.

[PL 1985, c. 31, §2 (NEW).]

8. Deaf Culture Week. Deaf Culture Week is the last full week in September in accordance with Title 1, section 132.

[PL 1991, c. 279, §4 (NEW).]

9. Religious holidays. A public school may acknowledge religious holidays by conveying a message of pluralism and freedom of belief in some manner or form that does not endorse religion. In determining whether an acknowledgement endorses religion, school officials shall consider the context in which the acknowledgement appears or occurs.

[PL 1993, c. 581, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 719, §2 (AMD). PL 1985, c. 31, §2 (AMD). PL 1985, c. 103, §3 (AMD). PL 1991, c. 279, §4 (AMD). PL 1993, c. 581, §1 (AMD).

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