

Joint Standing Committee on Education and Cultural Affairs

LD 104 **An Act to Help Public Schools Promote Public Health and Address Childhood Obesity** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH DOUGLASS	ONTP	

LD 104 was carried over from the First Regular Session and proposed to direct the Department of Education to adopt rules to prohibit the sale in schools of certain foods and drinks.

During the session, the Department of Education informed the Education Committee that it would propose changes to the existing rules pertaining to nutrition programs in public schools.

LD 149 **An Act to Transfer Bureau of General Services School Construction Functions to the Maine Department of Education** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	ONTP	

LD 149, a concept draft pursuant to Joint Rule 208, was carried over from the First Regular Session and proposed to move current oversight of state-approved school construction projects from the Department of Administrative and Financial Service, Bureau of General Services to the Department of Education. The purpose of this change would have been to create a single oversight and service entity, so that all of the major functions, from application through final project completion, associated with school construction projects were delivered from a single agency.

Under the proposed bill, fees currently collected by the Bureau of General Services would have been assigned to the Department of Education to support the additional responsibility the Department of Education would have assumed. In addition, position counts at the Bureau of General Services would have been transferred to the Department of Education as necessary.

During the session, the Education Committee, by letter, requested that the State Board of Education report to the committee during the First Regular Session of the 122nd Legislature by January 14, 2005 with appropriate recommendations for the improvement of the oversight roles and responsibilities of State agencies involved in state-supported, “major capital” school construction.

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LD 177

Resolve, To Ensure That Emergency Medical Help Is Available to All School Children

RESOLVE 112

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-723
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LD 177 was carried over from the First Regular Session and proposed to require that a school administrative unit or private school ensure that all school personnel are certified in cardiopulmonary resuscitation.

Committee Amendment "A" (H-723) proposed to strike and replace the bill and changes it to a resolve. The proposed amendment directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The amendment also proposed that the Department of Education submit a report, including findings and recommended legislation, by November 3, 2004 to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The amendment further proposed that the joint standing committee of the Legislature having jurisdiction over education matters has the authority to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

Enacted Law Summary

Resolve 2003, chapter 112 directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The law also requires the Department of Education to submit a report, including findings and recommended legislation, by November 3, 2004 for consideration by the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The law further authorizes the joint standing committee of the Legislature having jurisdiction over education matters to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

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LD 194 **An Act to Increase the Adult Education State Subsidy by a Specific Percentage** **INDEFF PP**

<u>Sponsor(s)</u> CUMMINGS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-702
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LD 194, which was referred to the Joint Standing Committee on Appropriations and Financial Affairs, was carried over from the First Regular Session and proposed to increase the state adult education subsidy by 6% for each year of the 2004-2005 biennium.

Committee Amendment “A” (H-702) proposed to increase the state adult education subsidy by \$87,000 in fiscal year 2004-05 to reflect level funding from fiscal year 2003-04. The amendment was not adopted.

While this bill as amended was indefinitely postponed, the substance of the bill as committee amendment was included in the Part II budget bill (see P.L. 2003, c. 673, Part CCCC), in the form of a supplemental General Fund appropriation of \$87,000 in fiscal year 2004-05.

LD 195 **An Act To Facilitate Summer Employment for Youths** **OTP-ND**

<u>Sponsor(s)</u> MCGOWAN	<u>Committee Report</u> OTP-ND	<u>Amendments Adopted</u>
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LD 195 was carried over from the First Regular Session and proposed to prohibit school administrative units from commencing classes prior to Labor Day.

This bill was reported out “Ought To Pass in New Draft” by the Joint Standing Committee on Education and Cultural Affairs (see LD 1946).

LD 230 **An Act Concerning Restructuring of School Districts** **ONTP**

<u>Sponsor(s)</u> MARTIN LUNDEEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 230, a concept draft pursuant to Joint Rule 208, was carried over from the First Regular Session and proposed the restructuring of school districts within Aroostook County to provide for only one school administrative district for the county.

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LD 1082

An Act Regarding Habitual Truants

PUBLIC 533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH	OTP-AM MAJ OTP MIN	H-634 H-678 CUMMINGS

LD 1082 was carried over from the First Regular Session and proposed to amend the habitual truancy laws. It proposed to require the superintendent to send a notice to the parent of a truant informing the parent that the child is truant and the child is required by law to attend school. The bill also proposed to require the superintendent to report the truancy of a child to the local law enforcement agency if a parent has not complied with the notice. The bill proposed to make it a Class E crime if a parent fails to enroll a child in school.

Committee Amendment "A" (H-634), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following changes to the habitual truancy laws:

1. Authorize a superintendent to designate a school official to attempt to correct the truancy problem informally;
2. Clarify that the informal efforts by the superintendent or the superintendent's designee to correct the truancy problem must include meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, including a range of interventions. It also proposed to permit school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. Require that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan, attempting to correct the truancy problem informally;
4. Require school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel;
5. Permit school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
6. Require that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy, in the event that informal efforts to correct the truancy fail;
7. Clarify that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;

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8. Clarify that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
9. Establish that a parent adjudicated for failing to comply with the habitual truancy laws commits a civil violation and is subject to a fine of at least \$25.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to clarify that only a parent who has control of a child and is primarily responsible for that child may be subject to a civil violation.

Enacted Law Summary

Public Law 2003, chapter 533 amends the habitual truancy laws to redefine the roles and responsibilities of school superintendents and school boards in dealing with students who are truant and who are determined to be habitual truants. This law accomplishes the following changes to the habitual truancy statutes:

1. It designates the superintendent or the superintendent's designee as the school official with responsibility for attempting to correct the truancy problem; and it requires that the superintendent or the superintendent's designee shall make informal efforts to correct the truancy problem, including meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, together with a range of interventions;
2. It requires school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel; and it also permits school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;
3. In attempting to correct the truancy problem informally, it also requires that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan; and it allows school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
4. In the event that informal efforts to correct the truancy fail, it requires that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy;
5. It clarifies that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
6. It clarifies that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and

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7. It establishes that a parent who has control of a child and is primarily responsible for that child may be adjudicated for failing to comply with the habitual truancy laws and may be subject to a civil violation and to a fine of at least \$25.

Public Law 2003 chapter 688, part H, was enacted as an emergency measure effective May 7, 2004.

Note: Public Law 2003, chapter 688, part H, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Public Law 2003, chapter 533 by repealing a cross-reference to a repealed section of law that was inadvertently not addressed in the committee amendment and which resulted in a conflict and inconsistent provision in the compulsory attendance provisions of the education statutes. The compulsory attendance provision that contains this cross-reference relates to the authority of a school board to provide a waiver to a student who has been determined to be a habitual truant and who is 15 years of age or older. Public Law 2003, chapter 688, part H, repeals that cross-reference and removes the conflict and inconsistent compulsory attendance provision.

LD 1344

An Act To Give Teachers a Greater Voice in School Improvement

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	ONTP MAJ	
EDMONDS	OTP-AM MIN	

LD 1344 was carried over from the First Regular Session and proposed to redefine as "working conditions" several specific issues that case law has identified as "educational policy." This proposed modification to the bargaining law would allow school districts and school employees to negotiate such issues as preparation and planning time, work assignments and procedures for the evaluation of teachers.

Committee Amendment "A" (H-804), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill and, like the bill, proposed to state that school boards and bargaining agents for teachers may negotiate certain "educational policies" and proposed to clarify that school boards and bargaining agents are neither prohibited from nor required to negotiate on these issues.

The amendment also proposed to specify that the provisions of collective bargaining agreements that constitute, relate to, affect or concern "educational policies" that are bargained and agreed to are valid and enforceable for the term of the agreement and are subject to the grievance and arbitration procedures of the agreement unless expressly excluded from the grievance or arbitration procedures. (Not adopted)

Note: Several floor amendments were offered, but were not adopted.

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LD 1365

An Act To Assist Maine Educators in Meeting the Quality Requirements of the Federal Elementary and Secondary Education Act of 1965

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE LAFOUNTAIN	ONTP	

LD 1365 was carried over from the First Regular Session and proposed to require that the Department of Education provide Maine educators with a range of options for demonstrating their proficiency and to assist Maine educators in meeting the requirements of the federal Elementary and Secondary Education Act of 1965, as amended by the federal No Child Left Behind Act of 2001.

The bill proposed to require that the Department of Education adopt or amend rules for the program of technical assistance.

The bill also proposed to require that the Department of Education notify by mail, by May 1, 2003, every person who is certified to teach or authorized to be employed as an educational technician in this State of the new requirements of and the deadlines for complying with the federal Elementary and Secondary Education Act 1965.

The bill further proposed to require that the Department of Education convene, not later than June 1, 2003, an advisory committee, the majority of members of which are practicing classroom teachers and practicing educational technicians, to identify the needs imposed on Maine educators and Maine schools by the federal Elementary and Secondary Education Act of 1965 educator quality provisions and to recommend actions by the Department of Education and the Legislature to assist educators in meeting those needs. The advisory committee would have presented a report on its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 2003.

Lastly, the bill proposed to require that the Department of Education compile and publish on its website a database of programs accredited or recommended to assist educators in meeting the teacher quality requirements of the federal Elementary and Secondary Education Act of 1965 and other information about professional development funding, grants and other resources available to assist them in meeting those requirements.

LD 1641

An Act To Require That Rules Pertaining to Reimbursement for Services for Child Development Services Be Major Substantive Rules

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN		

LD 1641, which was referred to the Joint Standing Committee on Health and Human Services, proposed to require that rules adopted by the Commissioner of Education pertaining to reimbursement to providers of services to children and families under the Maine Revised Statutes, Title 20-A, chapter 307-A be major substantive rules.

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LD 1649 **An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions** **PUBLIC 545**

<u>Sponsor(s)</u> LEDWIN MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-685
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LD 1649 proposed to changes the words "applied technology" to "applied career technology" throughout the Maine Revised Statutes.

Committee Amendment "A" (H-685) proposed to changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2003, chapter 545 changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

LD 1657 **Resolve, Directing the Department of Education To Amend Its Rules Regarding Child Development Services for Children of Kindergarten Age Who Are Not Attending Kindergarten** **ONTP**

<u>Sponsor(s)</u> THOMAS CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1657 proposed to direct the Department of Education to amend its rules regarding the provision of child development services for children of kindergarten age who are not attending kindergarten.

LD 1679 **An Act To Reimburse School Districts for Children in Group Care Facilities** **ONTP**

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1679 proposed to provide that the General Purpose Aid for Local Schools program would provide state subsidy for 100% of the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit. Under this bill, the Commissioner of Education would have been required to adjust each school administrative unit's state share of state subsidy to include an amount that equals 100% of the unit's actual special education costs, including the unit's personnel costs, to provide special education services and special education costs for state wards, state agency clients and out-of-district placements.

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The bill also proposed to provide that the General Purpose Aid for Local Schools program fully fund the local share of actual local special education costs, the local share of the foundation allocation and the actual local per-pupil expenditure for each state ward, state agency client and out-of-district placement who is educated as a tuition student in another school administrative unit or at a private school.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the First Regular Session of the 122nd Legislature with appropriate recommendations for the level of state subsidy that should be provided to local school administrative units for the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit.

LD 1716 Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001 RESOLVE 128

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-443
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LD 1716 proposed to prohibit the Department of Education from using state funds to implement the policies of the federal No Child Left Behind Act of 2001. The resolve also proposed to require the Department of Education to investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001. The resolve further proposed to require the department to submit its findings to the Joint Standing Committee on Education and Cultural Affairs by March 15, 2004.

Committee Amendment "A" (S-443) proposed to strike and replace the resolve to accomplish the following.

1. It removed the emergency preamble and the emergency clause.
2. It clarified that the prohibition on the use of state funds to participate in the federal No Child Left Behind Act of 2001 would not prohibit the State from expending other state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05.
3. It made an exception to the prohibition on the use of state funds to implement the policies of the federal No Child Left Behind Act of 2001 by authorizing the Department of Education to use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
4. It clarified that the investigation required by the resolve should focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and should include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
5. It changed the reporting date for the Department of Education to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters to January 15, 2005.

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Enacted Law Summary

Resolve 2003, chapter 128 requires the Department of Education to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department of Education to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.

The resolve also prohibits the Department of Education from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:

1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules;
2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and
3. The Department of Education may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.

LD 1768

**An Act To Authorize Certain School Children To Carry
Emergency Medication on Their Persons**

PUBLIC 531

<u>Sponsor(s)</u> BARSTOW DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-674
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LD 1768 proposed to require any public or approved private school to adopt a written local policy and procedure allowing students to possess and self-administer asthma inhalers in schools. The bill proposed to require that schools receive written approval from the student's parent or guardian and the student's physician before authorizing the student to self-administer an asthma inhaler. The bill also proposed to require the student's parent or guardian to provide written verification from the physician confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler in a school.

Committee Amendment "A" (H-674) proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill regarding the possession and self-administration of an asthma inhaler to include the possession and self-administration of an epinephrine pen. The amendment proposed to require a public school or private school approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. It also proposed to require that a school receive written approval from the student's parent or guardian and the student's

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primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen. It further proposed to require the student's parent or guardian to provide written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school. Finally, it proposed to require that the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

Enacted Law Summary

Public Law 2003, chapter 531 requires public schools and private schools approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. The written local policy must include the following requirements:

1. That the school receives written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen;
2. That the student's parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and
3. That the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

LD 1787

An Act To Support the New Century Community Program

P&S 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP	S-594 CATHCART
ROTUNDO		

LD 1787 was referred to the Joint Standing Committee on Appropriations and Financial Affairs and proposed to provide funding to the New Century Community Program. This bill proposed to include an on-going General Fund appropriation of \$4,500,000 beginning in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

Senate Amendment "A" (S-594) proposed to provide reduced funding for the New Century Community Program in 2004-05. The amendment proposed to provide a General Fund appropriation of \$100,000 in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The amendment also proposed that any amounts unencumbered at the end of each fiscal year would not lapse but must be carried forward to be used for the same purpose.

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Enacted Law Summary

Private & Special Law 2003, chapter 50 provides a General Fund appropriation of \$100,000 in fiscal year 2004-05 to the Maine State Cultural Affairs Council for the New Century Community Program. The law also provides that any amounts unencumbered at the end of each fiscal year shall not lapse but must be carried forward to be used for the same purpose.

LD 1861 **An Act To Require School Administrative Units To Report Their Costs for Legal, Consulting and Other Professional Services to the Department of Education** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	ONTP MAJ	
KANE	OTP-AM MIN	

LD 1861 proposed to require local school units to provide an itemized report of all expenditures for legal, consulting and other professional services.

Committee Amendment "A" (S-477), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill with an amendment that clarifies that, beginning in fiscal year 2005-06, the annual reports submitted by school superintendents to the Commissioner of Education would be filed in the format and within the time periods specified by the commissioner. The amendment further proposed to provide that the annual report filed by superintendents would include a detailed report of all school administrative unit expenses for legal, consulting and other professional services in the format required by the Commissioner of Education to implement the Maine Education Data Management System in fiscal year 2005-06. The amendment also proposed to add an effective date of July 1, 2005. (Not adopted.)

During the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the legislative interim with a status report of the Department of Education's plans for revising the Handbook II-R and related reporting forms and with an updated timeline for the implementation of the Maine Education Data Management System project, which is scheduled for deployment in fiscal year 2005-06.

LD 1862 **Resolve, To Create an Associate Degree Program in Radiology Technology** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY COLWELL	OTP-AM	S-445

LD 1862 proposed to implement recommendations of the Presiding Officers' Advisory Task Force on Creating a Future For Youth in Maine. The bill proposed to accomplish the following:

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1. To direct the Department of Economic and Community Development to develop and administer an internship program to provide college students in Maine with opportunities to work in technology-based businesses in the Applied Technology Development System and in occupations and industries experiencing labor shortages.
2. To direct the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Community College System to develop and implement a consistent policy regarding the transfer of credits between campuses within each system and between the 2 systems in order to remove barriers to student transfer within and between campuses and to facilitate completion of the students' education in a timely and affordable manner.
3. To direct the University of Maine System and the Maine Community College System to work together to develop a unified, comprehensive approach to entrepreneurship education throughout both systems, including specific courses and workshops on starting and operating a small business.
4. To create a 2-year associate degree program in radiology technology at Kennebec Valley Community College and to express the intent of the Legislature that \$100,000 are appropriated for this purpose in the next biennium.
5. To direct the Board of Trustees of the University of Maine System to develop a plan and strategy to establish centers of excellence throughout the University of Maine System and to reduce duplication of programs and services.
6. To direct the State Board of Education and the Commissioner of Education to develop and implement a plan to ensure that every high school student in Maine has the opportunity to complete the core courses required for college entry and is encouraged to explore postsecondary educational opportunities.

Committee Amendment "A" (S-445) proposed to replace the bill with a resolve authorizing the provision of funding to support the establishment of a 2-year associate degree program in radiology technology at Kennebec Valley Community College. The amendment also proposed to express the intent of the Legislature that \$100,000 is appropriated for this purpose in the next biennium.

At the end of the session, the Education Committee, by letter, requested that the State Board of Education and the Commissioner of Education to develop and report to the committee during the First Regular Session of the 122nd Legislature a plan to ensure that every high school student in Maine has the opportunity to complete the core courses required for college entry and is encouraged to explore postsecondary educational opportunities.

At the end of the session, the Education Committee, by letter, also requested that the University of Maine System and the Maine Community College System work together on a report and recommendations to be presented to the committee during the First Regular Session of the 122nd Legislature regarding the development and implementation of: (a) a consistent policy regarding the transfer of credits between campuses within each system and between the 2 systems; and (b) a unified, comprehensive approach to entrepreneurship education throughout both systems, including specific courses and workshops on starting and operating a small business.

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LD 1864

An Act To Recruit and Retain College Graduates through Loan Repayment

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER HALL	OTP-AM MAJ ONTP MIN	H-794

LD 1864 proposed to establish the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work in occupations and industries facing labor shortages in the State. The program would provide loan repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or in occupations or industries that are facing labor shortages. The bill proposed to direct the Finance Authority of Maine to administer the program.

LD 1869

Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education

**RESOLVE 121
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

LD 1869 proposed to provide for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education, State Board of Education.

Enacted Law Summary

Resolve 2003, chapter 121 authorizes final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2003, chapter 121 was enacted as an emergency measure effective April 6, 2004.

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LD 1871 **Resolve, To Provide for the Reorganization of the Student Loan Repayment and Forgiveness Programs To Better Meet the Needs of Maine Employers and the Maine Economy** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER DOUGLASS	ONTP	

LD 1871 proposed to require the Department of Education and the Finance Authority of Maine to work together to develop and present to the First Regular Session of the 122nd Legislature legislation to convert higher education loan forgiveness programs to loan repayment programs. The legislation also proposed to streamline the State's loan repayment programs and maintain the State's commitment to current loan repayment and forgiveness program participants.

At the end of the session, the Education Committee, by letter, requested that the Finance Authority of Maine report to the committee during the First Regular Session of the 122nd Legislature on its study of the implications of reorganizing existing student loan repayment and forgiveness programs to better meet the needs of Maine employers and the Maine economy.

LD 1885 **An Act To Ensure Competitive Bidding for Maine's School Systems** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	ONTP	

LD 1885 proposed to allow a school administrative unit to solicit competitive bids for goods or services at any time.

During the session, the Education Committee, by letter, requested that the Commissioner of Education communicate with school superintendents about the need to remain vigilant in their expenditure of public resources in achieving effective and efficient public schools; and to inform school officials that schools were eligible to participate in certain state-level purchasing opportunities through the Division of Purchases.

Joint Standing Committee on Education and Cultural Affairs

LD 1915

**Resolve, To Implement the Recommendations of the Commission
To Study the Scope and Quality of Citizenship Education**

RESOLVE 143

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-800 S-574 GAGNON
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LD 1915 proposed to implement the following recommendations of the Commission to Study the Scope and Quality of Citizenship Education:

1. That the Department of Education shall consider the recommendations of the Commission to Study the Scope and Quality of Citizenship Education related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;
2. That the Legislative Youth Advisory Council, as part of the effort recommended by the commission to foster a statewide dialogue regarding civic education and citizenship engagement, shall conduct a series of statewide public forums on issues important to youth and invite Legislators from the various regions of the State to these public forums. The Legislative Youth Advisory Council shall report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. That the Department of Education and the State Board of Education jointly shall convene the Task Force on Citizenship Education to address the recommendations of the Commission to Study the Scope and Quality of Citizenship Education.

Committee Amendment "A" (H-800) proposed to incorporate a fiscal note to the bill.

Senate Amendment "A" (S-574) proposed to add language requiring the Legislative Youth Advisory Council to seek outside funding for the statewide public forum for youth. The amendment also proposed to prohibit the Legislative Youth Advisory Council from incurring any expense for the forum unless full funding is secured first and proposed to give the authority to administer those funds to the Edmund S. Muskie School of Public Service. The amendment further proposed to make changes to conform provisions of the bill to study guidelines approved by the Legislative Council.

Enacted Law Summary

Resolve 2003, chapter 143 implements the recommendations of the Commission to Study the Scope and Quality of Citizenship Education. The law accomplishes the following:

1. It directs the Department of Education to consider the recommendations of the commission related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;

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2. It directs the Legislative Youth Advisory Council to seek outside funding to conduct a series of statewide public forums on issues important to youth and to invite Legislators from the various regions of the State to these public forums; and further requires the Legislative Youth Advisory Council to report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. It directs the Department of Education and the State Board of Education to jointly convene a Task Force on Citizenship Education to address the recommendations of the Commission.

LD 1917

An Act To Implement the Recommendations of the Legislative Youth Advisory Council

PUBLIC 708

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-856
S-599 CATHCART

LD 1917 proposed to implement the recommendations of the Legislative Youth Advisory Council and was submitted pursuant to the Maine Revised Statutes, Title 3, section 168-A, subsection 1, paragraph E. The bill proposed to accomplish the following:

1. It provides that, if the Department of Human Services and a state ward agree that an extension is needed, the State may provide care and support until the ward reaches 23 years of age. Current law requires that state-supported services to state wards end not later than 21 years of age and, therefore, may impede the completion of postsecondary educational study by those persons;
2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
4. It shifts responsibility for staffing support of the council from the Edmund S. Muskie School of Public Service to the Legislative Council and for funding the costs of the council from the Edmund S. Muskie School of Public Service to the Legislature in fiscal year 2005-06.

Committee Amendment "A" (H-856) proposed to clarify the proposal in the bill related to the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age. The amendment proposed to authorize the Department of Human Services, at its discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age. Funds allocated to provide support would come from an identified education and training account specifically established for the postsecondary education-related costs of state wards after they reach age 21 and before they reach age 23. This amendment also adds an appropriations and allocations section.

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Senate Amendment "A" (S-599) proposed to strike 2 sections of the bill to retain current funding and staffing responsibilities for the Legislative Youth Advisory Council.

Enacted Law Summary

Public Law 2003, chapter 708 implements the recommendations of the Legislative Youth Advisory Council. The law accomplishes the following:

1. It allows for the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age by authorizing the Department of Human Services, at its discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age;
2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
4. It retains the current funding and staffing responsibilities provided for the Legislative Youth Advisory Council.

LD 1924

An Act To Reduce the Cost of Local Government through Increased State Education Funding and Provide Property Tax Relief

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM	S-545 S-550 BRENNAN

LD 1924, a Governor's bill, was referred jointly to the Joint Standing Committees on Education and Taxation. The bill proposed to provide that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%. It also proposed to establish a local cost share expectation for property tax years beginning on or after April 1, 2005. The maximum local cost share expectation would decline over the period from fiscal year 2005-06 to fiscal year 2009-10. The expectation would not exceed 9.0 mills in fiscal year 2005-06. It could not exceed 8.0 mills in fiscal year 2009-10. Beginning in fiscal year 2009-2010 the legislative body of a school administrative unit could not adopt a property tax rate that exceeded its mill expectation unless, in a vote separate from its adoption of the school budget, it voted to increase the property tax rate.

The bill also proposed to place transportation operating costs into the essential programs and services funding formula. It also stated that special education costs would be included in essential programs and services starting in fiscal year 2005-06. Beginning in fiscal year 2004-05, the Department of Education would provide training in state-approved guidelines for identification of special education students. The bill also placed early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08.

Joint Standing Committee on Education and Cultural Affairs

Committee Amendment “A” (S-545) proposed to replace the bill and make the following changes.

1. It proposed to amend the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding based on the essential programs and services funding model.
2. It proposed to provide for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an analysis of the effectiveness of increased state support for education services in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period. The committee would consider in its analysis certain benchmarks for the increased state share of school funding and performance indicators for the related reduction in local property tax commitments for each fiscal year; and the Department of Education would develop information for the committee on each municipality and the statewide aggregate to determine whether the increased level of state funding resulted in a reduction of the related local property tax commitment required to fund the costs of essential programs and services in the prior fiscal year.
3. It proposed to delay the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas, by one year to the 2007-2008 school year. It also proposed to delay the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts by one year to the 2007-2008 school year.
4. It proposed to delete the section of the bill that proposes to place transportation operating costs into the essential programs and services funding model and instead incorporates an unallocated section that provides that transportation operating costs must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the proposed calculation of these operating costs to reflect the transportation of special education students and vocational education students and other factors that respond to unique costs in some school administrative units. This section also proposed to provide that the proposed appeals process might also include analyses of other factors beyond cost efficiency and a cost comparison with comparable units.
5. It proposed to provide a technical amendment to the definition of "local cost share expectation" to clarify that this expectation is directly related to the school administrative unit's contribution to the "total cost of education" as determined by the Commissioner of Education.
6. It proposed to provide a technical amendment to clarify that the calculation of the full-value education mill rate is derived from an annual local share percentage beginning in fiscal year 2005-06 and concluding in fiscal year 2009-10.
7. It proposed to clarify that a school administrative unit's legislative body might exceed the local cost share expectation beginning in fiscal year 2005-06 rather than in fiscal year 2009-10 as proposed in the bill.
8. It proposed to establish an exception for the member municipalities of school administrative districts and community school districts whose district cost sharing formulas were established by private and special law and further directs the Department of Education to study the implications of the proposed "total cost of education"

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mechanism on member municipalities of districts whose district cost sharing formulas were created by private and special law.

9. It proposed to establish January 1, 2005 as the implementation date for the use of state-approved guidelines in the identification of children requiring special education services and provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05.

Senate Amendment “A” To Committee Amendment “A” (S-550) proposed to replace the provision of the committee amendment that established specific performance indicators for the related reduction in local property tax commitments for the fiscal year 2005-06 to 2009-10 period with projected performance indicators that are based on a reduction in the local property tax commitment to fund the cost of essential programs and services that is less than the local property tax commitment made in the prior fiscal year.

The amendment also proposed to add a new provision regarding the annual report required from the Municipal Budget Analysis Committee by requiring that the annual report also include recommendations, including any recommended changes in the law, related to the level of state funding, the related local property tax commitment required to fund the costs of kindergarten to grade 12 public education, municipal services and the local share of the county budget and the benchmarks and projected performance indicators established for the fiscal year 2005-06 to 2009-10 period.

Enacted Law Summary

Public Law 2003, chapter 712 amends the school funding laws to refine the essential programs and services funding approach in preparation for its implementation beginning in fiscal year 2005-06. Specifically, the law accomplishes the following:

1. It provides that by fiscal year 2009-10 the state share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%; and it amends the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called “ramp” necessary to achieve the 55% state share of school funding;
2. It establishes a formula for determination of the maximum local cost share expectation and requires the Commissioner of Education to notify each school administrative unit annually of its local cost share expectation for property tax years beginning on or after April 1, 2005. It also requires that this expectation must decline from 9.0 mills for fiscal year 2005-06 to 8.0 mills for fiscal year 2009-10;
3. It provides that, beginning in fiscal year 2005-06, the legislative body of a school administrative unit may adopt a property tax rate that exceeds its local cost share expectation in a vote separate from the vote taken to adopt the school budget;
4. It requires that local cost sharing among member municipalities of a school administrative district or community school district be based on pupil count unless a different cost sharing formula has been established by private and special law prior to January 1, 2004;
5. It requires that the transportation operating costs component must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the calculation of

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these operating costs that reflect the transportation of special education students, vocational education students, and other factors that respond to unique cost drivers in some school administrative units. It also

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provides that, beginning in fiscal year 2005-06, an appeals process must be implemented; and further provides that this appeals process may include analyses of other factors beyond cost efficiency and a cost comparison with comparable units;

6. It requires that special education costs will be included in essential programs and services starting in fiscal year 2005-06; it establishes January 1, 2005 as the implementation date for the utilization of state-approved guidelines in the identification of children requiring special education services; and it provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05;
7. It places early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08;
8. It establishes benchmarks and performance indicators for analysis of state and local cost share performance and the impact of the law on local property taxes. It provides for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an annual report that analyzes the effectiveness of increased state support for education in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period; and
9. It provides for the delay, by one year to the 2007-2008 school year, of the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas. It also provides for the further delay, by one year to the 2007-2008 school year, of the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts.

LD 1944

An Act To Allow Upgrading of Educational Technicians

**P & S 45
EMERGENCY**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-500
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LD 1944 proposed to extend the time by which school units may request upgrades to higher classifications for educational technicians employed before September 1, 1991 who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35.

Committee Amendment "A" (S-500) proposed to strike and replace the bill and proposed to change the bill title to clarify that the proposed extension of the time by which school administrative units may request upgrades to higher classifications for educational technicians who were employed before September 1, 1991 and who are otherwise eligible for upgrade under the provision of law enacted by Private and Special Law 1995, chapter 35 pertains to a person employed as a teacher assistant or as a teacher associate who was not recommended for promotion due to an error on the part of the school administrative unit. The amendment also proposed to add an emergency preamble and emergency clause to the bill.

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Enacted Law Summary

Private and Special Law 2003, chapter 45 extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a school administrative unit.

Private and Special Law 2003, chapter 45 was enacted as an emergency measure effective April 15, 2004.

Note: Public Law 2003, chapter 688, part J, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Private and Special Law 2003, chapter 45 by clarifying that this extension of time to request upgrades to higher classifications also pertains to persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a private school approved by the Department of Education.

Public Law 2003, chapter 688, part J, was enacted as an emergency measure effective May 7, 2004.

LD 1946

An Act To facilitate Summer Employment for Youths

PUBLIC 617

Sponsor(s)
MCGOWAN

Committee Report

Amendments Adopted
H-826 CUMMINGS

LD 1946 proposed to require school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also proposed to direct the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

This bill was reported out "Ought To Pass in New Draft" by the Joint Standing Committee on Education and Cultural Affairs as authorized by the Presiding Officers (see LD 195).

House Amendment "A" (H-826) proposed to incorporate a new fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 617 requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

Joint Standing Committee on Education and Cultural Affairs

LD 1953

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the Calais School District

**P & S 42
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A SHOREY	OTP	

LD 1953 proposed to validate a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and proposed to authorize the Calais School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The proposed bill is needed to resolve a legal technicality that could prevent the issuance of additional bonds for the project in that the warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

Enacted Law Summary

Private and Special Law 2003, chapter 42 validates a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and authorizes the Calais School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The law is needed to cure a legal defect that could prevent the issuance of additional bonds for the project. The warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

Private and Special Law 2003, chapter 42 was enacted as an emergency measure effective April 9, 2004.

LD 1956

An Act To Establish a School Leadership District for East Millinocket, Medway and Millinocket

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY DUPREY G	ONTP	

LD 1956 proposed to establish School Leadership District #1, comprising the municipalities of East Millinocket, Medway and Millinocket. The new district would be a 5-year pilot project of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students as sanctioned by the Maine Revised Statutes, Title 20-A, section 8. The bill proposed that the district be governed by a board consisting of the school boards currently in East Millinocket, Medway and Millinocket. As proposed in the bill, the board of SLD #1 would be established and would be authorized to hire a superintendent, establish a budget and curriculum and enter into lending and leasing agreements. The costs of employment of the superintendent would be divided equally among the participating municipalities; and all other costs would be apportioned among the participating municipalities based on property values, population and student enrollment.

Joint Standing Committee on Education and Cultural Affairs

LD 1960

An Act Regarding the Continued Provision of Free and Appropriate Public Education for Eligible Children of Kindergarten Age

PUBLIC 676

Sponsor(s)
DOUGLASS

Committee Report
OTP

Amendments Adopted

LD 1960 was reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order (see S. P. 680). The bill proposed to amend applicable statutes and proposed to instruct the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th would continue to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. To accomplish this purpose, the bill proposed the following:

1. It would amend provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It would clarify that the modification to the eligibility criteria for certain children to continue to receive free, appropriate public education services through the Child Development Services System meets the requirements under the federal Individuals with Disabilities Education Act;
3. It would direct the Commissioner of Education to determine the adjustment to the statewide adjustment factor under the Maine Revised Statutes, Title 20-A, section 15654, subsection 1, paragraph B necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2004-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year;
4. It would direct the Department of Education to adopt emergency rules regarding the provision of free, appropriate public education services through the Child Development Services System to children who continue to be eligible to receive those services for the state fiscal year 2004-05;
5. It would direct the Department of Human Services to adopt emergency rules regarding the payment and apportionment of state and federal MaineCare funds to ensure the reimbursement for services to children who continue to be eligible for those services through the Child Development Services System for the state fiscal year 2004-05;
6. It would provide that the Commissioner of Education and the Commissioner of Human Services adopt major substantive rules to implement this Act and that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It would also provide that the emergency rules be effective until the Legislature has completed review of those rules;

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7. It would direct the Commissioner of Education to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature; and

It would add a fiscal note and an appropriations section to provide for the appropriation and deappropriation of state funds to the pre-school handicapped program and the MaineCare program in the Department of Human Services in fiscal year 2004-05 necessary to continue to provide free and appropriate public education services for these eligible 5 year olds whose parents have chosen to have their children remain in the Child Development Services system.

Enacted Law Summary

Public Law 2003, chapter 676 amends applicable statutes and instructs the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th continues to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. Specifically, the law accomplishes the following:

1. It amends provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It directs the Department of Education and the Department of Human Services to adopt emergency rules and to adopt major substantive rules to implement this Act and requires that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and
3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.

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