

Joint Standing Committee on Education and Cultural Affairs

LD 623

Resolve, to Provide Educational Placement Options within the Public School System

**DIED ON
ADJOURNMENT**

Sponsor(s)
AMERO

Committee Report
OTP-AM

Amendments Adopted

LD 623 was carried over from the First Regular and First Special Sessions and proposed to broaden public education options for parents and students and would provide that residence is no longer a prerequisite for enrollment in a school administrative unit. Under this proposed bill, a student may attend the public school of the student's choosing subject to some limitations. A school unit could limit the percentage of students who could choose to attend school in another unit if the loss of students creates a hardship, subject to rules established by the Commissioner of Education. The bill also proposed changes to the School Finance Act of 1985 to reflect the potential increase in enrollment. These changes would allow funding to "follow" the student and provide an incentive for each school to maintain or increase enrollment levels. The Commissioner of Education would be responsible for the coordination and implementation of this enrollment options program.

The bill further proposed to prohibit a school administrative unit that does not maintain one or more grades from kindergarten to grade 12 and has not contracted with another school administrative unit for school services from participating in the enrollment options program. The enrollment options program would not restrict the right of a school administrative unit to contract with another school administrative unit to provide school services or the right of a school administrative unit to receive tuition payment for educating a student from another school administrative unit.

In addition, the bill proposed to restrict the special education costs that must be borne by a school administrative unit that accepts a nonresident student with special education needs through the enrollment options program. The cost would be limited to the state average tuition cost. Costs in excess of the state average tuition cost must be paid by the sending school administrative unit. The bill proposed to require a representative of the sending school administrative unit to participate in all meetings concerning provision of special education services to the student.

The bill also proposed to establish a review of the enrollment options program after five years of operation, including provisions that the program may continue for a maximum of six years and the Legislature must approve continuation of the program past the sixth year. The bill would also change a definition in the Maine Revised Statutes, Title 20-A, to clarify funding for students who participate in the enrollment options program. Each school district superintendent would be required to send information to the Department of Education about the number of requests for transfer into that district and the outcome of those requests.

Committee Amendment "A" (S-472) proposed to replace the bill and change the title of the bill. The amendment proposed a resolve authorizing the Commissioner of Education to establish a grant program to promote educational placement options for public school students in the State. The resolve further proposed to establish the following provisions for the educational placement options grant program:

1. A grant of up to \$10,000 would be awarded on a competitive basis to an alliance of two or more school administrative units formed for the purpose of providing educational placement options through the sharing of resources among the member school administrative units. Students would be eligible for an educational

placement option within another school administrative unit pursuant to the so-called "superintendents' agreement" provisions established in the Maine Revised Statutes, Title 20-A, section 5205, subsection 6;

2. Priority would be given to proposals that the commissioner determines are most likely to make a lasting contribution to education in the State, that are reasonably cost-effective and that could be replicated in urban or rural areas of the State;
3. The commissioner would review the results of the educational placement options grant program following operation of the grant program during the 1999-2000 school year and would submit a report and any recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on or before January 31, 2001; and
4. A General Fund appropriation of \$50,000, in addition to the customary and ongoing amounts appropriated in fiscal year 1998-99 for general purpose aid to local schools, would be appropriated to the Department of Education to carry out the purposes of this resolve.

The amendment also proposed to add a fiscal note.

LD 1045 Resolve, to Create the Task Force on Research and Development Investment ONTP

<u>Sponsor(s)</u> BIGL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1045 was carried over from the First Regular and First Special Sessions and proposed to create the Task Force on Research and Development Investment to determine the appropriate level of capital and human resource investment necessary to enhance Maine's ability to develop projects that can lead to the creation of new businesses and jobs.

LD 1168 Resolve, to Reorganize the University of Maine System ONTP

<u>Sponsor(s)</u> LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1168 was carried over from the First Regular and First Special Sessions and proposed to require the Legislative Council to draft legislation that reorganizes the governance and coordination structure of the University of Maine System by replacing the Board of Trustees of the University of Maine System with a coordinating board and seven campus boards of trustees. The bill further proposed to allow the Legislative Council to request assistance from the Office of the Chancellor of the University of Maine System, the Department of Education, the State Board of Education and the Joint Standing Committee on Education and Cultural Affairs in drafting this legislation.

LD 1260

An Act Allowing Schools to Remain on the School Construction Account Priority List

OTP-ND-NT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY	OTP-ND-NT	

LD 1260 was carried over from the First Regular and First Special Sessions and proposed to establish that once a school administrative unit has an application for approval of a construction project on file with the State Board of Education, it may still seek or obtain local funding for a project. The bill would have further required the state board to consider the initial application without regard to local funding or any construction that may have occurred while the project was on the priority list and would have also required the board to fund the project when the project rating allowed concept and funding approval, based on the initial application.

The Committee voted “Ought to Pass in New Draft” (pursuant to Joint Rule 310) and changed the title of the bill with the permission of the sponsor (see LD 2289).

LD 1325

An Act to Make the State Board of Education Elected

ONTP

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

LD 1325 was carried over from the First Regular and First Special Sessions and proposed that the 16 members of the State Board of Education be elected, with one member elected from each county. The elected board would have made all policy for the Department of Education and would have recommended education policy to the Legislature. The bill further proposed to direct the Commissioner of Education to study and report to the state board on the feasibility of restructuring the department.

Committee Amendment "A" (H-801), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the year in which election of State Board of Education members would begin and the date of the report of the Commissioner of Education on the feasibility of restructuring the Department of Education. The amendment also proposed to add an appropriation and a fiscal note to the bill.

LD 1340

An Act to Establish a Public Education Assessment Advisory Commission

ONTP

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

LD 1340 was carried over from the First Regular and First Special Sessions and proposed to establish the Public Education Assessment Advisory Commission to oversee the continuing improvement to the system of learning results established pursuant to the Maine Revised Statutes, Title 20-A, section 6209. The bill also proposed to oversee the development of the statewide education assessment program and other state and local assessment mechanisms for implementing the learning results system.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	OTP-AM MAJ ONTP MIN	H-809

LD 1398 was carried over from the First Regular and First Special Sessions and proposed to clarify the authority of school boards in disciplining exceptional students. Under the provisions of this bill, school boards:

1. Have the duty to apply an appropriate disciplinary sanction to an exceptional student whose misconduct violates school rules;
2. May authorize superintendents, principals or assistant principals to sanction exceptional students for such infractions; and
3. May interrupt an exceptional student's special education program when that student is suspended from school for 10 days or less.

The bill further proposed to require the Department of Education to remove state special education regulations that compel school administrative units to provide special educational services to an exceptional student who has been suspended for violation of school rules.

Committee Amendment "A" (H-809), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to remove the word "deliberate" from the bill, which would enact the Maine Revised Statutes, Title 20-A, section 1001, subsection 9-B, to make that provision consistent with recently reauthorized federal statutes and proposed federal regulations related to sanctioning exceptional students for misconduct that violates school rules.

Enacted law summary

Public Law 1997, chapter 594 clarifies the authority of school boards in disciplining exceptional students. Under the provisions of this law, school boards:

1. Have the duty to apply an appropriate disciplinary sanction to an exceptional student whose misconduct violates school rules;
2. May authorize superintendents, principals or assistant principals to sanction exceptional students for such infractions; and
3. May interrupt an exceptional student's special education program when that student is suspended from school for 10 days or less.

The law further requires the Department of Education to remove state special education regulations that compel school administrative units to provide special educational services to an exceptional student who has been suspended for violation of school rules.

LD 1416

An Act Concerning Eligibility for Service on a School Board

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 1416 was carried over from the First Regular and First Special Sessions and proposed to amend the current definition of "full-time employee" as that applies to school board membership. Currently, neither a full-time employee in a public school nor such an employee's spouse may serve on the district's or union's school board. This bill further proposed a definition of "volunteer" to mean a person who, for no remuneration, volunteers no more than once a month or in no more than five months a year. The bill would have allowed volunteers to serve on a school board but maintained the prohibition against full-time employees serving as school board members.

LD 1436

An Act to Amend School Construction Laws

ONTP

Sponsor(s)
TREAT
COWGER

Committee Report
ONTP

Amendments Adopted

LD 1436 was carried over from the First Regular and First Special Sessions and proposed that the State Board of Education be required to include in its rating plan for school construction projects equal consideration for "substantial" restoration, rather than "complete" restoration, if it is in lieu of new construction and consideration of health and safety, building codes and federal Americans with Disabilities Act violations. The bill would also have amended the state board's design limit provisions to eliminate any requirements for minimum parcel size if the location of a school construction project is consistent with the town's comprehensive plan and other approval criteria are met. The bill further proposed to establish that, once a school administrative unit has been approved by the state board for funding, it may still seek or obtain local funding for a project and be reimbursed for any funds expended prior to receipt of state funding once the money is released from the State to the school administrative unit.

LD 1544

An Act to Amend the Process by Which School Construction Is Approved

ONTP

Sponsor(s)
TRUE

Committee Report
ONTP

Amendments Adopted

LD 1544 was carried over from the First Regular and First Special Sessions and proposed to authorize the Department of Education to develop standardized construction plans and to choose school plans for new school construction that take the school's five-year target population into consideration. The bill further proposed to require the department to develop a process for choosing the plans in a timely manner and would have required any changes to the plans requested by a local school administrative unit to be the responsibility of the local unit.

LD 1601

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Require the Legislature to Provide a Statewide System of
Uniform and High-quality Education**

ONTP

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

LD 1601 was carried over from the First Regular and First Special Sessions and proposed an amendment to the Constitution of Maine to strike the words requiring that towns make suitable provision for the support and maintenance of schools and to add language requiring the Legislature to support schools and to seek to ensure that a program of uniform and high-quality education is established and continually maintained at all schools in the State.

Committee Amendment "A" (S-576), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill and would have established a 12-member special commission of Legislators and legal scholars to study the need to amend the "education clause" of the Constitution of Maine. The special commission would have been required to issue its report and recommendations by January 1, 1999. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1622

**An Act to Require That a Course in Multicultural Education Be
Included in All Teacher Preparation Programs in the State**

ONTP

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

LD 1622 was carried over from the First Regular and First Special Sessions and proposed that teacher preparation programs offered in the State must include a mandatory course in multicultural education.

LD 1652

**An Act to Establish the Dirigo Higher Education Bond Program to
Provide Financial Aid to Maine Students**

ONTP

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

LD 1652 was carried over from the First Regular and First Special Sessions and proposed to establish the Dirigo Higher Education Bond Program to provide financial aid to Maine students under the administration of the Finance Authority of Maine. The proposed program was designed to offer bonds, for purchase by Maine residents, that would have been redeemable to pay the costs of attendance at institutions of higher education.

LD 1653

An Act to Abolish the State Board of Education

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP MAJ OTP MIN	

LD 1653 was carried over from the First Regular and First Special Sessions and proposed to abolish the State Board of Education, transfer its responsibilities to the Department of Education and provide for its funding to be used for the Maine School of Science and Mathematics and general purpose aid to local schools.

LD 1717

An Act Establishing a Higher Education Trust as an Instrumentality of the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E PENDLETON P	ONTP	

LD 1717 was carried over from the First Regular and First Special Sessions and proposed to establish a higher education trust to assist residents of the State in saving for the costs of attending higher education and to assist students in the payment, in advance, of the tuition and related costs of attending colleges and universities in the State. This bill would have created the Maine University Savings Trust as an instrumentality of the State and would have accomplished the following:

1. Provided assistance and incentives for saving toward higher education costs and for the purchase of prepaid tuition contracts for the benefit of the children of this State to attend a qualified institution of higher education in the State;
2. Encouraged timely financial planning for higher education by the creation of prepaid tuition contracts and further encouraged employer participation in that planning; and
3. Increased the number of qualified students who will seek to attend colleges and universities in Maine, which would be of benefit to the colleges and universities, and would therefore advance and improve higher education in the State.

Under this proposed bill, members of the Finance Authority of Maine would have served as trustees for the Maine University Savings Trust and would have acted on behalf of the trust to establish and administer the separate trust funds.

LD 1718

An Act to Create a Prepaid Tuition Plan

ONTP

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

LD 1718 was carried over from the First Regular and First Special Sessions and proposed to establish a prepaid tuition program that would encourage long-term family savings for higher education tuition costs. Under this bill, the Finance Authority of Maine would have been authorized to establish and administer the Maine Prepaid Tuition Savings Plan and, on behalf of the State, to contract for the advance payment of tuition by a parent or other purchaser for a qualified beneficiary to enroll at a campus of the University of Maine System to which the qualified beneficiary is admitted, without further tuition cost to the qualified beneficiary. A qualified beneficiary would also have the option of applying prepaid tuition benefits to attend an accredited institution of higher education other than a campus of the University of Maine System, including an accredited technical, community or junior college, provided that tuition paid by the program to the other institution of higher education is limited to the total amount of tuition charged at the campus of the University of Maine System that charges the highest rate of tuition.

LD 1721

An Act Regarding Appointment to the Maine Public Broadcasting Board of Trustees

PUBLIC 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-481

LD 1721 was carried over from the First Regular and First Special Sessions and proposed to alter the composition of the Board of Trustees of the Maine Public Broadcasting Corporation. Under this bill, the Governor would be required to appoint eight public trustees and the President of the Maine Public Broadcasting Corporation would be prohibited from serving on the board.

Committee Amendment "A" (S-481) proposed to replace the bill and to alter the composition of the Board of Trustees of the Maine Public Broadcasting Corporation in the following manner:

1. It would require that, by January 1, 1999 and thereafter, the Governor appoint two additional public trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate; and
2. It would also require the board to amend the Maine Public Broadcasting Corporation bylaws January 1, 1999 to reflect the different methods of appointing public trustees to the board.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 599 alters the composition of the Board of Trustees of the Maine Public Broadcasting Corporation in the following manner:

1. It requires that, by January 1, 1999 and thereafter, the Governor appoint two additional public trustees, subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate; and
2. It also requires the board to amend the Maine Public Broadcasting Corporation bylaws by January 1, 1999 to reflect the different methods of appointing public trustees to the board.

LD 1725

An Act to Authorize School Administrative Units to Enter into Multi-year Agreements for Telecommunications Services

PUBLIC 664

<u>Sponsor(s)</u> PARADIS O'NEAL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-628
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LD 1725 was carried over from the First Regular and First Special Sessions and proposed to provide school administrative units with the fiscal powers required to construct and finance fiber-optic systems. The bill further proposed to authorize school administrative units, including municipalities, school administrative districts, community school districts and applied technology regions, to enter into interlocal agreements and to form nonprofit corporations in order to construct and operate fiber-optic cable systems for educational purposes to provide interactive audio-visual communication among school administrative units. Such fiber-optic systems have the potential to improve public education and to reduce school transportation and construction costs by providing a practical and inexpensive means of consolidating school programs, particularly in the more rural areas of the State.

Committee Amendment "A" (S-628) proposed to replace the original bill and amend the bill title. The amendment further proposed to accomplish the following:

1. It would authorize governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.

2. It would provide for the legal and tax status of a joint board or governing body of a legal entity formed under this Act by:
 - A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this Act by the governing body of one or more of the constituent members of the interlocal agreement;
 - B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
 - C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
 - D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 664 provides school administrative units with the fiscal powers required to construct and finance fiber-optic systems for educational purposes to provide interactive audio-visual communication among school administrative units. The law accomplishes the following:

1. It authorizes governing bodies of school administrative units and applied technology regions to:
 - A. Enter into service agreements for not more than 10 years with private entities, such as telecommunications service providers, to purchase telecommunications services for educational purposes;
 - B. Enter into interlocal agreements in accordance with the Maine Revised Statutes, Title 30-A, chapter 115; and
 - C. Organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications and related technology equipment.
2. It provides for the legal and tax status of a joint board or governing body of a legal entity

formed under this law by:

- A. Requiring that the interlocal agreement provide for appointment or election of each member of a legal governing entity formed under this law by the governing body of one or more of the constituent members of the interlocal agreement;
- B. Allowing the body of the legal governing entity formed to purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement;
- C. Exempting all income derived from the acquisition, purchase, lease and lease-purchase of customer premise telecommunications and related technology equipment from state taxation since these purchases constitute a proper public purpose; and
- D. Requiring that, in the event that the legal governing entity formed is dissolved, the distribution of the net earnings and all property owned by the legal governing entity formed must be determined by the joint board or governing body of the legal governing entity formed and may not inure to the benefit of any private person.

LD 1769

An Act to Authorize Additional Adjustments to the State Share of School Funding

INDEF PP

Sponsor(s)
DESMOND
KILKELLY

Committee Report
OTP-AM

Amendments Adopted

LD 1769 was carried over from the First Regular and First Special Sessions and proposed to amend the adjustment provisions of the school finance laws. This bill proposed to accomplish the following:

1. It would require the state share of subsidizable education costs statewide to be at least 50 percent annually;
2. It would establish a five percent incentive adjustment to promote administrative consolidation of schools within a school administrative unit;
3. It would require the Commissioner of Education to repay each school administrative unit the amounts withheld from that unit in fiscal year 1991-92 and would establish a five-year repayment period beginning in fiscal year 1997-98;
4. It would require the commissioner to propose the legislation necessary to provide 100 percent state funding for any costs that school administrative units incur in implementing the system of learning results;
5. It would establish a one-year moratorium on new school construction funds until a statewide school facilities inventory and an independent evaluation are completed; and

6. It would repeal the provisions related to adjustments for geographic isolation and nonpublic school service.

Committee Amendment "A" (H-955), proposed to replace the bill. The amendment further proposed to direct the Commissioner of Education to repay local school administrative units the so-called "general purpose aid push" from fiscal year 1990-91 by making a June 1998 subsidy payment of \$39,226,420 as part of the fiscal year 1997-98 supplemental appropriations budget. While this bill was indefinitely postponed, the substance of this amendment was enacted as part of the supplemental appropriations bill with a \$39,226,419 appropriation in fiscal year 1997-98 (see Public Law 1997, chapter 643, part A).

House Amendment "A" to Committee Amendment "A" (H-972), proposed to require the Department of Education to submit legislation to the 119th Legislature that would replace the current school funding formula with the school funding formula in place on January 1, 1985. The amendment was not adopted.

LD 1778 An Act to Establish the Maine Prepaid College Tuition Program ONTP

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

LD 1778 was carried over from the First Regular and First Special Sessions and proposed to establish the Maine Prepaid College Tuition Program, administered by a board of trustees with the administrative support of the Treasurer of State. The program would have provided for advance purchase by parents of tuition and housing contracts at current prices that would have provided for future attendance by their children at campuses of the University of Maine System, the Maine Technical College System or the Maine Maritime Academy. Funds under the contracts could also have been used for attendance at private colleges and universities and to out-of-state public institutions of higher education up to the amount that would have been paid to an in-state institution under the contract.

LD 1825 An Act to Authorize a Tuition Savings Plan to Encourage Attendance at Institutions of Higher Education PUBLIC 732

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON P KONTOS	OTP-AM MAJ OTP-AM MIN	S-620

LD 1825 was carried over from the First Regular and First Special Sessions and proposed to create the Maine Tuition Savings Program to assist residents of the State in meeting the costs of higher education. The bill proposed to provide a mechanism for people to save for education, including favorable tax considerations. This bill is designed to allow a participant to benefit from recently enacted federal tax law providing favorable treatment to tuition savings plans.

Committee Amendment "A" (S-620), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill. The amendment proposed to create the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants

would establish college savings accounts and use contributions and earnings on the accounts for higher education expenses. The amendment further proposed to accomplish the following:

1. The Maine College Savings Program would be designed to benefit from recently enacted federal tax laws providing favorable income tax treatment to savings programs for the expenses of higher education. The amendment also proposed that earnings on an eligible account would be exempt from state tax;
2. The Maine College Savings Program would be administered by the Finance Authority of Maine and the Maine College Savings Program Fund would be held by the Treasurer of State. The Treasurer of State would also be required to keep the program fund segregated from other funds held by the Treasurer of State and to invest the money as directed by the Finance Authority of Maine, which must make investment decisions with the assistance of the Advisory Committee on College Savings;
3. The Finance Authority of Maine would also be authorized to implement a program limiting future increases on the costs of education to participants through the negotiation of agreements with institutions of higher education. The Finance Authority of Maine would be required to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 30, 1999 on the rules and rule-making process relating to implementing this component of the Maine College Savings Program; and
4. The amendment further proposed to clarify the tax treatment under state law for amounts withdrawn from accounts established under the Maine College Savings Program and used for higher education expenses.

The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (S-621), the minority report of the Joint Standing Committee on Education and Cultural Affairs, also proposed to replace the bill. Like the majority report, this amendment proposed to create the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants may establish college savings accounts and use contributions and earnings on the accounts for higher education expenses.

The minority report differs from the majority report in the following two ways:

1. The minority report requires that the Finance Authority of Maine adopt rules to implement the tuition lock-in component of the Maine College Savings Program by January 1, 1999 and designates those rules as major substantive thus requiring legislative review before they are finally adopted. The majority report designates the rules as routine technical which does not require legislative review and requires the Finance Authority of Maine to report to the joint standing committee of the Legislature having jurisdiction over education matters on the outcome of the rule-making process by January 1, 1999; and
2. The minority report requires the Finance Authority of Maine to absorb the marketing costs for the program.

The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 732 creates the Maine College Savings Program to assist Maine residents in meeting the expenses of higher education. Under the program, participants would establish college savings accounts and use contributions and earnings on the accounts for higher education expenses. The law accomplishes the following:

1. The Maine College Savings Program is designed to benefit from recently enacted federal tax laws providing favorable income tax treatment to savings programs for the expenses of higher education. The law establishes that earnings on an eligible account are exempt from state tax:
2. The Maine College Savings Program will be administered by the Finance Authority of Maine and the Maine College Savings Program Fund will be held by the Treasurer of State. The Treasurer of State is also required to keep the program fund segregated from other funds held by the Treasurer of State and to invest the money as directed by the Finance Authority of Maine, which must make investment decisions with the assistance of the Advisory Committee on College Savings;
3. The Finance Authority of Maine is also be authorized to implement a program limiting future increases on the costs of education to participants through the negotiation of agreements with institutions of higher education. The Finance Authority of Maine is required to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 30, 1999 on the rules and rule-making process relating to implementing this component of the Maine College Savings Program; and
4. The law further clarifies the tax treatment under state law for amounts withdrawn from accounts established under the Maine College Savings Program and used for higher education expenses.

LD 1861 RESOLUTION, Proposing an Amendment to the Constitution of ONTP
Maine to Provide Equal Educational Funding

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS BELANGER D	ONTP	

LD 1861 was carried over from the First Regular and First Special Sessions and proposed to amend the Constitution of Maine to require that the Legislature ensure that funding is available to provide equal educational opportunities to students at public schools throughout the State.

LD 1967 An Act to Allow for Greater Efficiency in School Construction ONTP

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

LD 1967 proposed to authorize school administrative units to enter into design-build contracts, as an alternative to the traditional design-bid-build method, for the construction, major alteration or repair of school buildings. Under current law, any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of \$100,000 must be awarded by competitive bids. While the Committee voted ONTP on this bill, the concept of permitting school units to use alternative school construction methods and delivery systems will be examined as part of a stakeholders group review to be established by the Department of Education, the State Board of Education and the Bureau of General Services (see Public Law 1997, chapter 787, section 16).

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	S-565 H-1153 RICHARD S-701 TREAT

LD 1969 proposed to make the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It would reduce the size of the board from 11 to nine members to bring it into conformity with the size of other state licensing boards. In addition, the bill proposed to change the membership of the board to include the Commissioner of Education, or the commissioner's designee, and an owner of a barbering or cosmetology school. The bill further proposed to repeal the law that required that a licensed instructor of cosmetology be a member of the board. The bill also proposed that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It would move the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It would amend the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The bill further proposed to require each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students; and
4. It would impose a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The bill also proposed to require schools to notify students of where to make complaints with regard to their education.

Committee Amendment "A" (S-565) proposed to correct language in the bill and to amend several sections of the bill to accomplish the following:

1. It would clarify that bonds are required with every license renewal application and the definition of the term "bond," in addition, the amendment proposed to add further language to indicate that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also proposed to provide that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
2. It would further clarify that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
3. It would add an additional member to the Board of Barbering and Cosmetology.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" (H-1153) proposed to remove references to certain functions that the board no longer performs and would eliminate the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, would continue to apply to the board.

Senate Amendment "A" to Committee Amendment "A" (S-701) proposed to correct language in section 10 of Committee Amendment "A" to clarify the proper holder of the required bond.

Enacted law summary

Public Law 1997, chapter 771 makes the following changes in the laws relating to the Board of Barbering and Cosmetology:

1. It reduces the size of the board from 11 to 10 members. In addition, the law changes the membership of the board to include the Commissioner of Education, or the commissioner's designee, as an ex-officio and non-voting member and an owner of a barbering or cosmetology school. The law further repeals the provision that required that a licensed instructor of cosmetology be a member of the board. The law also establishes that a majority of the board constitutes a quorum and includes conflict of interest provisions for the member representing school owners;
2. It moves the provision regarding inspection of establishments by board members to the section of law establishing the powers and duties of the board;
3. It amends the licensing and bond requirements for schools of cosmetology, schools of barbering and other proprietary schools. The law further requires each school to post a bond, based on the amount of gross tuition the school receives, to more closely match the bond to an amount that may assist students in the event of fraud, misrepresentation or failure to pay refunds due to the students;
4. It clarifies that bonds are required with every license renewal application and the definition of the term "bond." In addition, the law indicates that these bonds should not run in favor of the Finance Authority of Maine only when the school's sole participation in state or federal financial aid programs is the Federal Direct Student Loan Program, and also provides that the licensing authority and the Finance Authority of Maine have the right to review the school's operations and records for certain purposes;
5. It imposes a requirement that all schools submit a copy of the most recent financial audit or financial statements when applying for its annual license renewal. The law also requires schools to notify students of where to make complaints with regard to their education;
6. It clarifies that responsible owners, officers and employees of a licensee are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding refunds, for the amount of damages caused by the violations; and
7. It removes references to certain functions that the board no longer performs and eliminates the provisions whereby the board would hold closed sessions while performing those functions. The provisions of the freedom of access laws, the Maine Revised Statutes, Title 1, chapter 13, subchapter I, continue to apply to the board.

LD 1973

An Act Regarding the Energy Testing Laboratory of Maine

PUBLIC 607

<u>Sponsor(s)</u> COLWELL CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-824
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LD 1973 proposed to remove the Southern Maine Technical College from the Energy Testing Laboratory of Maine program as the laboratory no longer serves an educational role for the college.

Committee Amendment "A" (H-824) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 607 removes the Southern Maine Technical College from the Energy Testing Laboratory of Maine program as the laboratory no longer serves an educational role for the college. This law will enable the college to more properly allocate resources and space to the educational needs of its students.

LD 1983

An Act Regarding the State Subsidy for Kindergarten Programs

ONTP

<u>Sponsor(s)</u> MCELROY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1983 proposed to provide that a kindergarten program in a school administrative unit must receive the full state subsidy for each child who receives at least 12 and one-half hours per week of scheduled instruction time and further proposed that a school administrative unit must receive an amount equal to twice the full state subsidy for each child who receives at least 25 hours per week of scheduled instruction time.

LD 2001

**An Act to Amend the Maine Indian Claims Settlement Act
Regarding Education Funding**

**PUBLIC 626
EMERGENCY**

<u>Sponsor(s)</u> MOORE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-918
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LD 2001 proposed to continue an educational funding provision that enables schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This federal funding, which was initially enacted for a six-year period, would continue to reduce the need for state general purpose aid to those schools. While the tribal schools benefited from additional federal funding, a report from the Department of Education, filed with the Joint Standing Committee on Education and Cultural Affairs, showed average annual savings in general purpose aid of nearly \$750,000.

Committee Amendment "A" (H-918) also proposed to continue this educational funding provision, which was scheduled to be repealed on June 30, 1998, that would enable schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This amendment further proposed to add an

emergency preamble and an emergency clause to the bill to ensure that the legislation is enacted prior to the June 30, 1998 repeal date. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 626 continues an educational funding provision that enables schools operated by the Passamaquoddy Tribe and the Penobscot Nation to obtain significant additional federal funding. This federal funding provision, which reduces the need for state general purpose aid to those schools, was initially enacted for a six-year period and was scheduled to be repealed on June 30, 1998. Public Law 1997, chapter 626 was enacted as an emergency measure effective on March 26, 1998.

LD 2040 An Act to Amend the Law Relating to Special Education Out-of-district Placements PUBLIC 736

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C	OTP-AM	H-823 S-727 MICHAUD

LD 2040 proposed to establish that a school administrative unit that places a special education student in a regional program must receive an out-of-district adjustment for the costs of that placement even when the school administrative unit is the host unit for the regional program.

Committee Amendment "A" (H-823) proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-727) proposed to clarify the law on payment of tuition to general-purpose private schools that receive public tuition for special education students. The amendment proposed to ensure that private schools with exclusive contracts and those with student enrollments of greater than 60 percent public tuition students are treated the same, as is the current practice.

Enacted law summary

Public Law 1997, chapter 736 establishes that a school administrative unit that places a special education student in a regional program must receive an out-of-district adjustment for the costs of that placement even when the school administrative unit is the host unit for the regional program. In addition, the law clarifies the payment of tuition to general-purpose private schools that receive public tuition, special education students. The law ensures that private schools with exclusive contracts and those with student enrollments of greater than 60 percent public tuition students are treated the same, as is the current practice.

LD 2042

**An Act Relating to the Maine School Administrative District 49
Arts and Technology Center**

**P & S 59
EMERGENCY**

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

LD 2042 proposed to authorize Maine School Administrative District No. 49 to accept an additional \$1,400,000 and gifts obtained through fund raising and other sources in a combined total amount not to exceed \$5,500,000 from the Town of Fairfield's Williamson Fund to build an auditorium and supporting facilities. Private and Special Law 1995, chapter 32 authorized the district to accept up to \$3,300,000 from the Williamson Fund to build an auditorium and supporting facilities at no cost to the taxpayers. Since that time, the cost of the project has increased due to changes in the project. The voters of Maine School Administrative District No. 49 approved this additional authorization at the election held on November 4, 1997.

Enacted law summary

Private and Special Law 1997, chapter 59 authorizes Maine School Administrative District No. 49 to accept an additional \$1,400,000 and gifts obtained through fund raising and other sources in a combined total amount not to exceed \$5,500,000 from the Town of Fairfield's Williamson Fund to build an auditorium and supporting facilities. Private and Special Law 1995, chapter 32 authorized the district to accept up to \$3,300,000 from the Williamson Fund to build an auditorium and supporting facilities at no cost to the taxpayers. Since that time, the cost of the project has increased due to changes in the project. The voters of Maine School Administrative District No. 49 approved this additional authorization at the election held on November 4, 1997. Private and Special Law 1997, chapter 59 was enacted as an emergency measure effective on February 27, 1998.

LD 2044

An Act to Promote Access to Public Higher Education

PUBLIC 758

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-842

LD 2044 proposed to permit eligible secondary students to take one course per semester at the University of Maine System or the Maine Technical College System. One half the cost of the tuition would be the responsibility of the postsecondary institution. One half would be paid by the school administrative unit and would be reimbursed by the Department of Education.

Committee Amendment "A" (H-842) proposed to replace the bill. The proposed amendment would permit eligible secondary school students to receive state subsidy for up to three credit hours per semester at the institutions of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. The amendment also proposed to establish the following eligibility requirements for secondary school students: the eligible institution must have space available, the student must have the equivalent of a "B" average and must have satisfactorily completed all course prerequisites, and the student's participation is subject to approval by both the school unit and the student's parent.

The amendment further proposed to provide that the Department of Education shall pay 50 percent of the in-state tuition for the first three credit hours taken each semester and up to six credit hours taken per academic year. In addition, the amendment proposed a General Fund appropriation of \$75,000 to enable 250 secondary school students per semester to take postsecondary courses under this act. Funds appropriated to the department to carry out the purposes of this act must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1157) proposed to provide a General Fund appropriation to the University of Maine System for additional support for students at the University of Maine at Augusta. The amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-728) also proposed to provide a General Fund appropriation to the University of Maine System for additional support for students at the University of Maine at Augusta. The amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 758 permits eligible secondary school students to receive state subsidy for up to three credit hours per semester at the institutions of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy. The law establishes the following eligibility requirements for secondary school students: the eligible institution must have space available, the student must have the equivalent of a "B" average and must have satisfactorily completed all course prerequisites, and the student's participation is subject to approval by both the school unit and the student's parent.

The law further provides that the Department of Education shall pay 50 percent of the in-state tuition for the first three credit hours taken each semester and up to six credit hours taken per academic year. The law also provides a General Fund appropriation of \$75,000 to enable 250 secondary school students per semester to take postsecondary courses. Funds appropriated to the department to carry out the purposes of this law must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.

LD 2048

An Act to Ensure Equitable School Funding

PUBLIC 724

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PENDLETON P	OTP-AM	H-979 S-752 MICHAUD

LD 2048 proposed to provide a homestead exemption of \$10,000 applied to the portion of the property tax assessment attributable to education costs. The bill also proposed to accomplish the following:

1. It would remove the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to 105 percent of the corresponding appropriation for the prior fiscal year;
2. It would require the Legislature to appropriate at least a 10 percent increase in general purpose aid to local schools for fiscal year 1997-98 to allow schools to move forward with implementation of three delayed areas in

the System of Learning Results (career preparation, foreign languages and performing arts); and

3. It would require the Legislature to enact legislation defining “essential education services” and to fund at least 51 percent of the costs of essential education services beginning in fiscal year 1999-2000.

Committee Amendment "A" (H-979) proposed to replace the bill and to change the bill's title. The amendment proposed to strike the statutory provisions that limited both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to 105 percent of the corresponding appropriation for the prior fiscal year. The amendment also proposed to add a fiscal note to the bill.

Public Law 1997, chapter 643, part D, sections 2 and 4 limits the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level in effect for the fiscal year then in progress. The law also establishes that additional appropriations for general purpose aid to local schools may be requested in a supplemental appropriations budget bill.

Senate Amendment "A" to Committee Amendment "A" (S-752) proposed to strike the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for the general purpose aid to local schools to the funding level for the prior fiscal year.

Enacted law summary

Public Law 1997, chapter 724 removes the statutory provisions that limit both the Commissioner of Education's recommended funding level and the Legislature's appropriation for general purpose aid to local schools to the funding level for the prior fiscal year. The law clarifies that the Commissioner of Education, with the approval of the State Board of Education, shall recommend funding levels for actual education costs (defined as state and local expenditures during the base year for the programs and adjustments specified in Maine Revised Statutes, Title 20-A, sections 15604 and 15612). The law further establishes that the Legislature's contribution for general purpose aid to local schools must be at least the amount of the corresponding appropriation for the prior fiscal year.

LD 2061

An Act to Establish the Endowment Incentive Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C CATHCART	OTP-AM	

LD 2061 proposed to establish the Endowment Incentive Fund for the University of Maine System to benefit public higher education. The bill proposed to encourage private fund raising by allowing the University of Maine System donors to multiply the value of their gifts through state matching funds.

Committee Amendment "A" (H-1000) proposed to replace the bill. The amendment would have established the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit academic purposes at the various campuses of Maine's publicly assisted postsecondary education institutions. The amendment proposed to accomplish the following:

1. The Endowment Incentive Fund would be established as a nonlapsing fund, and the Treasurer of State would be responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State would also be responsible for disbursement of the fund upon certification that established criteria are met;
2. Interest earned on the investment of the fund would be credited to the General Fund;
3. For the administration of the fund, "academic purposes" would be defined as scholarships, professorships or other endowed faculty positions;
4. The respective boards of trustees for the three entities would be required to adopt criteria establishing qualifications for private gifts and grants to be matched from the fund; and for each campus within the University of Maine System, the board of visitors would advise their respective campus president on the qualifications that are to be included in the final recommendations to the Board of Trustees of the University of Maine System;
5. Qualified recipients of private donations eligible for matching funds would be the respective institutions of the three postsecondary entities, as well as institutionally related foundations; and qualified institutionally related foundations would have the authority to receive and manage the investment of matching funds and may, at their discretion, deposit funds allocated to them. Unless otherwise restricted by the donors, qualified recipients may also combine, merge or pool these funds with other similar funds at the system level;
6. Matching funds would be made available to the three publicly-assisted postsecondary entities on a percentage basis. The amount of matching funds available to these entities would be determined exclusively by the amount of General Fund appropriated to the fund established in this amendment;
7. The Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System would be required to ensure that the funds distributed to the University of Maine System and to the Maine Technical College System are allocated to each of the colleges in the respective systems in accordance with the formula that the respective board of trustees adopts for the distribution of education and general funds;
8. The board of trustees of each qualified institution and qualified institutionally related foundation would be required to provide an annual audited report to the Governor and the Legislature on the management and investment of matching funds disbursed to them;
9. The amendment proposed to clarify that the Treasurer of State is responsible for disbursement of the fund upon certification by the Chancellor of the University of Maine System, the President of the Maine Technical College System or the President of the Maine Maritime Academy that established criteria are met; and
10. The amendment further proposed to establish that the respective boards of trustees for the three entities would set reporting and accountability standards for the state matching funds for the individual campus development offices and the institutionally related foundations, when appropriate.

The amendment also proposed to add a fiscal note to the bill.

LD 2063

An Act to Create the Partnership to Rebuild Maine's Schools

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E BENNETT	ONTP	

LD 2063 was referred jointly to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs. This bill proposed to establish the School Repair Revolving Loan Fund. The fund would be administered by the Maine Municipal Bond Bank to provide interest-free loans to school administrative units to make necessary repairs to school buildings throughout the State.

LD 2106

An Act to Provide Degree-granting Authority to the SALT Center for Documentary Field Studies

ONTP

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

LD 2106 proposed to provide the SALT Center for Documentary Field Studies in Portland, Maine with degree-granting authority.

LD 2129

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority

RESOLVE 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE AMERO	OTP-AM	H-836

LD 2129 proposed to authorize the Maine Technical College System and the South Portland Housing Authority, its designee or its authorized entity, to enter into a 40-year lease whereby the South Portland Housing Authority would lease from the Maine Technical College System approximately three and one-half acres of property adjacent to the Southern Maine Technical College campus for purposes of constructing and providing low-income and moderate-income, elder-care housing for the citizens of Maine.

Committee Amendment "A" (H-836) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 95 authorizes the Maine Technical College System and the South Portland Housing Authority, its designee or its authorized entity, to enter into a 40-year lease whereby the South Portland Housing Authority will lease from the Maine Technical College System approximately three and one-half acres of property adjacent to the Southern Maine Technical College campus for purposes of constructing and providing low-income and moderate-income, elder-care housing for the citizens of Maine.

LD 2140

An Act to Implement the Maine Arts Commission's Arts in Education Program

PUBLIC 762

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON AMERO	OTP-AM	H-850

LD 2140 proposed to create the Maine Arts Commission's Arts in Education Program. The bill also proposed to appropriate \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

Committee Amendment "A" (H-850) proposed to correct the program name in the appropriation section of the bill within the account of the Maine Arts Commission. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 762 creates the Maine Arts Commission's Arts in Education Program. The law also appropriates \$150,000 to the Maine Arts Commission to allow for the implementation of the Arts in Education Program.

LD 2142

Resolve, To Establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

RESOLVE 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN	OTP-AM MAJ ONTP MIN	H-1001 H-1075 RICHARD H-1132 RICHARD

LD 2142 proposed to require school boards to develop and adopt a district-wide school disciplinary policy that addresses rules of conduct for students, consequences for violations of the rules of conduct and the grounds and procedures for the removal of a student from a class or activity period. The bill also proposed to provide for an ombudsman service to provide advocacy for the enforcement of the disciplinary policy and to mediate disputes regarding the disciplinary policy. The bill would further provide for an annual review of the disciplinary policy by the school board and by other involved parties.

Committee Amendment "A" (H-1001), the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to change the title of the bill, change the bill from an act to a resolve and establish the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The proposed commission would review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission would study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The amendment also proposed to authorize the commission to conduct public hearings and receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The proposed commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The amendment further proposed that the commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-1075) proposed to eliminate the necessity of joint appointments by the President of the Senate and the Speaker of the House of Representatives.

House Amendment "B" to Committee Amendment "A" (H-1132) proposed to change the meeting date from August 1, 1998 to August 15, 1998.

Enacted law summary

Resolve 1997, chapter 119 establishes the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings to review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. In addition, the commission shall study the establishment and the effectiveness of district-wide school disciplinary policies and practices throughout the State and develop a plan to address the growing concern of violence in the public schools.

The law authorizes the commission to conduct public hearings to receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools. The commission review must include, but is not limited to, the following components:

1. The collection and analysis of available data related to the incidence of disruptive student conduct and violent behavior in the public schools;
2. Effective district-wide school disciplinary policies, procedures and practices that seek to prevent or respond to disruptive or violent student conduct in the public schools;
3. The establishment of suggested student conduct and responsibility standards; and
4. The establishment of a system for notifying staff regarding a student with a history of violent behavior.

The commission shall submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature by October 30, 1998.

LD 2143

An Act to Restore Advocacy Services for Handicapped Students

P & S 84

Sponsor(s)
WINN

Committee Report
OTP-AM

Amendments Adopted
H-898

LD 2143 proposed to restore funding for advocacy for students with special needs in special education matters including the development of appropriate individual education plans. Representation includes consultation, attendance at pupil evaluation team meetings and such actions as are necessary to enforce the rights of a student. The bill further proposed to require the Department of Education to study the practice of using attorneys as advocates for school administrative units in special education matters and would also permit the department to adopt rules prohibiting the use of state funds for that purpose.

Committee Amendment "A" (H-898) proposed to replace the bill. The amendment further proposed to appropriate \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1997, chapter 84 appropriates \$80,000 to Maine Advocacy Services to provide students with learning disabilities with advocacy services in special education matters.

LD 2162

**Resolve, to Authorize the Maine State Museum to Purchase Historic
Maine Artifacts**

RESOLVE 86

Sponsor(s)
MITCHELL E
LAWRENCE

Committee Report

Amendments Adopted
S-447 PINGREE

LD 2162 was not referred to committee and proposed to appropriate \$162,000 from the General Fund to allow the Maine State Museum to purchase historic artifacts.

Senate Amendment "A" (S-447) proposed to remove the emergency preamble and emergency clause, change the fiscal year to 1998-99 and authorize the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

Senate Amendment "B" (S-448) proposed General Fund appropriation in fiscal year 1997-98 of \$162,000 and replace it with a new section that authorize the purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Senate Amendment "A" to Senate Amendment "A" (S-449) proposed to remove the proposed General Fund appropriation in fiscal year 1998-99 of \$162,000 and replaces it with a new section that would authorize the

purchase of historic artifacts, utilizing funds available in the State Contingent Account and the Reserve Fund for State House Preservation and Maintenance. The amendment was not adopted.

Enacted law summary

Resolve 1997, chapter 86 provides a General Fund appropriation in fiscal year 1998-99 of \$162,000 to allow the Maine State Museum to purchase historic artifacts or to reimburse another organization for the purchase of historic artifacts.

**LD 2163 An Act Regarding the Responsibility of the State for the Costs of INDEF PP
School Employee Record Checks and Fingerprinting**

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

LD 2163 proposed to make the State, rather than the applicant, responsible for the costs of fingerprinting and criminal record checks that will begin in fiscal year 1999-2000. Current law requires the Department of Education to certify, authorize or approve most professional and semiprofessional education personnel working in the State. Beginning in fiscal year 1999-2000, the certification, authorization and approval processes and renewals of certifications, authorizations and approvals will require applicants to undergo fingerprinting and criminal record checks.

Committee Amendment "A" (H-976), which was the majority report of the committee, proposed to require the applicant for initial certification, authorization or approval as a teacher or other educational employee to pay for the expenses involved in undergoing fingerprinting and obtaining criminal record checks. The amendment also proposed to require that the Legislature appropriate money from the General Fund to the Department of Education to cover the expenses of obtaining fingerprinting and criminal record checks for any person applying for renewal of certification, authorization or approval. The amendment would further require that, in the event that money from the General Fund is not appropriated to the Department of Education to carry out the purposes of this act, the department is not responsible for the expenses of obtaining criminal history record checks and fingerprinting for any person applying for renewal of certification, authorization or approval. The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-986) proposed to require candidates seeking election to a state office to undergo the same criminal background and fingerprint checks as are required of education personnel in this State. The amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-987) proposed to specify that an applicant must submit to a Federal Bureau of Investigation criminal history record check and fingerprinting only if the Department of Education pays the expense of the background check and fingerprinting. The amendment was not adopted.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E PINGREE	OTP-AM MAJ ONTP MIN	

LD 2213 was referred jointly to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs. This bill proposed to create the Maine First Scholars Program, designed to provide an incentive for Maine high school graduates to pursue higher education at institutions of higher education in the State. The bill also proposed to provide for an appropriation in the amount of \$14,000,000 to fund the Maine First Scholars Program for the upcoming school year.

Under the proposed program, students graduating from high school would be eligible to receive a scholarship for their first year of attendance, based on demonstrated financial need. The scholarships would be awarded as follows:

1. In the case of students attending institutions in the University of Maine System, the Maine Technical College System or the Maine Maritime Academy, the amount of the scholarship is capped at the tuition established for the University of Maine;
2. In the case of students attending an institution in the Maine Technical College System, the difference between the amount of tuition at that institution and the tuition at the University of Maine would be paid to the Maine Technical College System to provide for the ability to increase enrollment;
3. Students attending private higher educational institutions may receive a scholarship of up to \$3,000 based on demonstrated financial need; and
4. Students receiving scholarships under the Maine First Scholars Program would not be entitled to also receive funds from the student incentive scholarship program.

The bill further proposed that all funds that would have been awarded to students under the student incentive scholarship program had the student not received a scholarship under the Maine First Scholars Program may be allocated to the Maine First Scholars Program for awards to students attending private institutions of higher education.

Committee Amendment “A” (H-1082), the majority report of the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the \$14,000,000 General Fund appropriation to the Maine First Scholars Program with a one-time appropriation of \$9,000,000 for full-time freshmen for the 1998-99 academic year. The amendment further proposed to accomplish the following:

1. It would provide that those funds that would have been paid to eligible students under the student incentive scholarship program fund had those students not received a Maine First Program grant may be allocated to the Maine First Scholars Program fund to be used for grants to eligible students attending private institutions of higher education in the State;

2. It would reduce the amount allocated for scholarships to private institutions to \$500,000;
3. It would require a report to be provided to the Legislature on the effectiveness of the Maine First Scholars Program in December 1999;
4. It would extend to 24 months the time after graduation from high school or equivalent that the student is eligible for the Maine First Scholars Program;
5. It would clarify that the rules that the Finance Authority of Maine must adopt to prioritize available funds are routine technical rules;
6. It would further provide that students must maintain a 2.0 grade point average during the year for which they receive a grant under the Maine First Scholars Program. If a student does not achieve the 2.0 grade point average in the student's first semester or does not complete the semester, the student will not receive a Maine First Scholars Program grant for the second semester. If a student does not complete the first year or does not attain a minimum 2.0 grade point average for the first year, then that student must reimburse the Finance Authority of Maine for the full amount of the grant; and
7. It would also require that the University of Maine System dedicate any incremental increases of tuition revenue from students in the Maine First Scholars Program to provide scholarships for program participants.

Finally, the amendment proposed to add a fiscal note to the bill.

While this bill died in concurrence, two of the substantive provisions of this bill were enacted as part of the supplemental appropriations bill. The Maine Technical College System received a \$3,000,000 appropriation in fiscal year 1998-99 to provide funds for information technology, capital equipment and facility improvements (see Public Law 1997, chapter 643, part FF).

The Maine Student Incentive Scholarship Program received an additional \$4,000,000 appropriation in fiscal year 1998-99 (see Public Law 1997, chapter 643, part HH). The supplemental appropriations bill also increased the minimum amount of scholarships from \$500 to \$1,000 and eliminated the requirement that scholarships for students attending private postsecondary education institutions must be two times the amount of scholarships awarded to students attending public postsecondary education institutions.

LD 2227	Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education	RESOLVE 106 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-978
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LD 2227 proposed to provide for legislative review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-978) proposed to authorize the final adoption of the major substantive rule governing the membership and operation of regional provider advisory boards to the Child Development Services System regional boards of directors as long as the Department of Education amends the rule as provided in the

resolve. Under the rule as amended, until July 1, 1999, regional site employed providers would not be eligible to serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The amendment also proposed to require the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule.

Enacted law summary

Resolve 1997, chapter 106 authorizes the final adoption of the major substantive rule governing the membership and operation of regional provider advisory boards to the Child Development Services System regional boards of directors as long as the Department of Education amends the rule as provided in this resolve. Under the rule as amended, until July 1, 1999, regional site-employed providers may not serve on the advisory boards, except that providers employed by a site and currently serving on advisory boards may continue to serve in that capacity until July 1, 1999. The law also requires the department to report back to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the rule. This bill was enacted as an emergency measure effective on April 1, 1998.

LD 2252

An Act to Implement the Recommendations of the Governor's Commission on School Facilities

**PUBLIC 787
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD PENDLETON P	OTP-AM	H-1088 H-1143 RICHARD S-634 NUTTING S-637 MICHAUD S-698 PENDLETON P S-743 MICHAUD

LD 2252 proposed to provide for the implementation of recommendations from the Governor's Commission on School Facilities. The bill proposed to accomplish the following:

1. It would establish a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation;
2. It would establish the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
3. It would establish the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
4. It would provide for interest-free loans and loan forgiveness for eligible school administrative units;

5. It would provide a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
6. It would revise the terms of compensation for lease costs of school facilities;
7. It would require that school administrative units establish maintenance and capital improvement programs for all school facilities; and
8. It would provide \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities.

Committee Amendment "A" (H-1088) proposed to amend the bill that provides for the implementation of recommendations from the Governor's Commission on School Facilities. The amendment also proposed to add an emergency preamble, an emergency clause and a mandate preamble to the bill. The amendment proposed to accomplish the following:

1. It would increase from \$20,000,000 to \$30,000,000 an appropriation from the General Fund to fund the School Revolving Renovation Fund;
2. It would provide that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and
3. It would authorize the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction. The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

The amendment would also add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1143) proposed to provide that the School Revolving Renovation Fund may be used to make loans to refund bonds or notes of a school administrative unit issued for the purpose of financing certain repairs if sold after June 1, 1998. Committee Amendment "A" proposed to provide that this fund may be used to make loans to refund these bonds or notes if sold after July 1, 1998.

Senate Amendment "A" to Committee Amendment "A" (S-634) proposed to require the stakeholder group, as part of its duties, to review all issues surrounding appropriate errors and insurance levels.

Senate Amendment "B" to Committee Amendment "A" (S-637) proposed to permit newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 to be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school. The committee

amendment proposed to provide that only projects approved on or after July 1, 1998 may be included in the debt service factor.

Senate Amendment "C" to Committee Amendment "A" (S-698) proposed to change the structure of a unit of law and corrects an internal reference.

Senate Amendment "D" to Committee Amendment "A" (S-743) proposed to eliminate the \$30,000,000 included in the committee amendment for renovations since Public Law 1997, chapter 643, Part S, section 6 provided a \$20,000,000 General Fund appropriation for school renovation costs. The amendment further proposed to offset the appropriation included in chapter 643 to provide the funding necessary to assist school administrative units in developing comprehensive local maintenance and capital improvement plans. In addition, the amendment proposed to adjust the schedule for payments to the Maine Municipal Bond Bank to conform with the appropriated amounts. The amendment also proposed to replace the fiscal note.

Enacted law summary

Public Law 1997, chapter 787 provides for the implementation of recommendations from the Governor's Commission on School Facilities. The law accomplishes the following:

1. Establishes the Maine School Facilities Finance Program within the Maine Municipal Bond Bank to provide capital financing for construction, renovation and maintenance of school facilities and the leasing and purchase of needed equipment and school facilities;
2. Establishes the School Revolving Renovation Fund within the Maine School Facilities Finance Program to provide loans to school administrative units for health, safety and compliance repairs, as well as for limited nonemergency repairs, upgrades of learning spaces and small-scale capital improvements;
3. Provides for interest-free loans and loan forgiveness for eligible school administrative units;
4. Provides a \$20,000,000 appropriation from the General Fund to fund the School Revolving Renovation Fund;
5. Revises the terms of compensation for lease costs of school facilities;
6. Requires that school administrative units establish maintenance and capital improvement programs for all school facilities;
7. Provides \$425,000 for software for Maine schools to establish maintenance and capital improvement plans and an electronic inventory of school facilities;
8. Establishes a debt service factor that permits schools that accept tuition students to charge an additional fee to help cover the cost of school construction or renovation. Newly incurred capital outlay and debt service costs for a school construction project approved for funding by voters on or after June 1, 1998 may be included in the debt service factor that a receiving school administrative unit may charge to school administrative units that send tuition students to a public elementary or a public secondary school;
9. Provides that school construction and renovation rules authorized under this amendment are designated as major substantive rules; and, as provisionally adopted rules by the Department of Education, must be initially adopted as emergency rules under the provisions of the Maine Revised Statutes, Title 5, sections 8054 and 8073. In adopting emergency major substantive rules as provided, the Department of Education must hold at

least one public hearing on the rules, publish notice of the rulemaking at least three to 10 days prior to the public hearing under Title 5, section 8053, subsection 5, paragraph A and comply with Title 5, section 8056, subsection 1, paragraphs A and B. These emergency major substantive rules must also be provisionally adopted and filed with the Legislature for review during the First Regular Session of the 119th Legislature; and

10. Authorizes the Department of Education, the State Board of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a stakeholder group to review and discuss alternative construction methods and delivery systems for school construction.

The stakeholder group shall report its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in the 119th Legislature by January 30, 1999.

Public Law 1997, chapter 787 was enacted as an emergency measure effective on April 16, 1998.

LD 2256 **An Act to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2256 proposed to implement the recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The bill proposed to require elementary and secondary public schools to provide parenting education as part of their curricula. The University of Maine System and the Maine Technical College System would have also been charged with the responsibility of incorporating parenting education into their courses of study. The bill further proposed to require that the assessment of 11th-grade students include an assessment of student proficiency in career preparation.

LD 2260 **Resolve, Charging the Children's Cabinet Agencies to Support Efforts of Parents as First Teachers of Their Children** **RESOLVE 122**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-568 PENDLETON P
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LD 2260 proposed to implement recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The resolve proposed to direct the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to develop a fiscal plan for the expansion of state-funded child and family support services and related programs, develop a core curriculum and training program for parents and caregivers and develop a plan to meet identified needs for family support programs. The resolve would also extend the life of the task force until December 15, 1998.

Senate Amendment "A" (S-568) proposed to clarify that development and dissemination of core curriculum materials for parents must be accomplished by the appropriate agencies within existing resources. The amendment also proposed to authorize the Task Force to Study Strategies to Support Parents as Children's First Teachers to

meet up to three additional times during 1998 prior to issuing its final report not later than December 15, 1998. In addition, this amendment proposed to make a technical change, add a fiscal note and an appropriation section to the resolve.

Enacted law summary

Resolve 1997, chapter 122 implements the recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers created by Resolve 1997, chapter 68. The resolve directs the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to develop a fiscal plan for the expansion of state-funded child and family support services and related programs, develop a core curriculum and training program for parents and caregivers and develop a plan to meet identified needs for family support programs. The law also authorizes the task force to meet up to three additional times during 1998 prior to issuing its final report not later than December 15, 1998.

**LD 2271 An Act to Include Locally Funded Debt Service in the Formula for ONTP
Purposes of the Circuit Breaker Program**

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

LD 2271 proposed to amend the current method used to determine the local share of debt service for school construction projects by requiring the State to include in its calculation of whether a school administrative unit has met the circuit breaker the actual debt service for all school construction projects being paid by that unit whether approved for state funding or not. The bill further proposed to require that once a municipality reaches the circuit breaker, it must contribute an additional 1.0 mills in order to remain eligible for the school construction funding.

Committee Amendment "A" (H-1060), the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 2289 An Act to Make Certain Changes in the Educational Law PUBLIC 696

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

LD 2289 is a new draft of LD 1260 and was voted out of committee as an “Ought to Pass in New Draft” report pursuant to Joint Rule 310. The new draft proposed to accomplish the following purposes:

It would extend the existing waivers of certain requirements in the areas of student-teacher ratios; student personnel services, including guidance and counseling; school approval on-site reviews; school accreditation; and implementation of plans for gifted and talented students. The extension of these waivers is recommended pending the final recommendations of the Essential Programs and Services Committee in its report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First

Regular Session of the 119th Legislature; and

1. It would allow school administrative units another opportunity to issue upgrades for educational technicians who were not recommended for reclassification due to an error on the part of the school administrative unit. The new deadline proposed for upgrading the classification for these “grandfathered” educational technicians is July 1, 1999.

Enacted law summary

Public Law 1997, chapter 696 extends the existing waivers of certain statutory requirements in the areas of student-teacher ratios; student personnel services, including guidance and counseling; school approval on-site reviews; school accreditation; and implementation of plans for gifted and talented students. This law also allows school administrative units another opportunity to issue upgrades for educational technicians who were not recommended for reclassification due to an error on the part of the school administrative unit. The new deadline established for upgrading the classification for these “grandfathered” educational technicians is July 1, 1999.