

Joint Standing Committee on Education and Cultural Affairs

LD 8

**An Act to Change the Membership of the Board of Trustees of the
Maine School of Science and Mathematics**

PUBLIC 4

<u>Sponsor(s)</u> YOUNG		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 8 proposed to change the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chair of the Limestone School Board to choose a designee.

Enacted Law Summary

Public Law 2003, chapter 4 changes the membership of the Board of Trustees of the Maine School of Science and Mathematics to allow the chairperson of the Limestone School Board to choose a designee.

LD 13

**An Act to Establish a Visual and Performing Arts Position for the
Department of Education**

ONTP

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 13 proposed to provide funds for one Regional Education Rep position within the Department of Education beginning October 1, 2003 to provide leadership and support in helping teachers and administrators implement the visual and performing arts content area of Maine's learning results system.

LD 23

**An Act Authorizing the University of Maine System to Enter into
Cooperative Agreements with Local Law Enforcement Agencies**

ONTP

<u>Sponsor(s)</u> DUNLAP CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 23 proposed to provide that the trustees of the University of Maine System, or such administrators of the University of Maine System as the trustees may designate for this purpose, may enter into cooperative agreements with municipal law enforcement agencies for the provision of law enforcement services.

The substance of this bill was also addressed by other bills referred to the Joint Standing Committee on Criminal Justice and Public Safety (see LD 469, which was enacted as P.L. 2003, c. 233, and LD 1026).

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LD 60 **An Act to Provide School Districts with Authority to Address the Problem of Truancy** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BRENNAN	ONTP	

LD 60, which was a concept draft pursuant to Joint Rule 208, proposed to address the issues surrounding truancy and to provide school districts with procedures to combat truancy. The bill proposed to create a protocol that school districts could follow to enforce the laws regarding school attendance.

LD 69 **An Act To Clarify the Intent of School Budget Referendum Language** **PUBLIC 474**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM	H-115

LD 69 proposed to add language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

Committee Amendment "A" (H-115) proposed to strike and replace the bill to make technical corrections to the explanations provided for the foundation allocation article and the additional local appropriation article. The amendment proposed to contain the provisions of the bill that proposed to add language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." The amendment also proposed to replace the term "school district" with the term "municipality/district" to correspond to the existing statutory provisions of the Maine Revised Statutes, Title 20-A, section 15614.

Enacted Law Summary

Public Law 2003, chapter 474 adds language to the required format of school referenda articles to explain to the voters the meaning of the terms "foundation allocation," "debt service" and "additional local funds." Under current law, the legislative body of a school administrative unit must vote to raise and appropriate amounts using articles that are worded in "substantially" the same form as is set forth in the Maine Revised Statutes.

LD 84 **An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services** **PUBLIC 300**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-392

LD 84 proposed to establish the State Poet Laureate Reimbursement Fund within the Maine Arts Commission and require the commission to administer the fund, which provides funds to nonprofit public agencies in Maine to

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reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. This bill further proposed to require the commission to conduct a review of the process of applying for and obtaining funds once the process has been in place for 3 years and implement any necessary adjustments by September 30, 2006. The bill also proposed to require the Maine Arts Commission to promote the State Poet Laureate Reimbursement Fund through its various avenues of communication, including its publicly accessible site on the Internet.

Committee Amendment "A" (H-392) proposed to replace the bill and proposed to establish the State Poet Laureate Reimbursement Fund within the Maine Arts Commission. The amendment proposed to replace the General Fund account proposed in the bill with an Other Special Revenue Funds account and clarify that the fund administered by the commission may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. The amendment also proposed to require the commission to conduct a review of the process of applying for and obtaining funds once the process has been in place for 3 years and to implement any necessary adjustments by September 30, 2006. The amendment further proposed to require the Maine Arts Commission to promote the State Poet Laureate Reimbursement Fund through its various avenues of communication, including its publicly accessible site on the Internet.

Enacted Law Summary

Public Law 2003, chapter 300 establishes the State Poet Laureate Reimbursement Fund within the Maine Arts Commission as an Other Special Revenue Funds account. The fund is administered by the commission and may provide funds to nonprofit public agencies and to schools in Maine to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community.

LD 104 An Act to Help Public Schools Promote Public Health and Address Childhood Obesity CARRIED OVER

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

LD 104 proposes to direct the Department of Education to adopt rules to prohibit the sale of certain foods and drinks in schools. The bill proposes to prohibit the sale in all schools of any food or beverage that has more than a 35 percent sugar or sweetener content, any juice that is less than 100 percent real fruit juice and any food that has more than 8 grams of fat per serving. The bill also proposes to prohibit the sale of all soft drinks in elementary schools and middle schools. It would allow the sale of soft drinks in high schools only if they are free of caffeine and sugar. The bill also proposes to allow schools to honor contracts that were in effect on January 1, 2003 with suppliers for the prohibited foods and beverages. The bill has been carried over to the Second Regular Session.

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LD 149

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

CARRIED OVER

<u>Sponsor(s)</u> NASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 149, which is a concept draft pursuant to Joint Rule 208, proposes to move current oversight of state-approved school construction projects from the Department of Administrative and Financial Service, Bureau of General Services to the Department of Education. The purpose of this change would be to create a single oversight and service entity, so that all of the major functions, from application through final project completion, associated with school construction projects are delivered from a single agency.

Under the bill, fees currently collected by the Bureau of General Services would be assigned to the Department of Education to support the additional responsibility the Department of Education would assume. Position counts at the Bureau of General Services would be transferred to the Department of Education as necessary. The bill has been carried over to the Second Regular Session.

LD 160

An Act To Amend the Laws Governing Home Instruction

**PUBLIC 181
EMERGENCY**

<u>Sponsor(s)</u> WESTON GAGNE-FRIEL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-79
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LD 160 proposed to provide that a child is excused from attending a public day school if the person responsible for ensuring the child's attendance provides a written notice of intent to provide home instruction to the Commissioner of Education within 14 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually and provide instruction in the following subjects: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. A home instruction program must also provide that, at one grade level from grade 7 to 12, the student must demonstrate proficiency in the use of computers.

Committee Amendment "A" (S-79) proposed to make changes to the bill to clarify the intent of the original bill, proposed to add certain provisions to the bill that are currently contained in Department of Education rules related to equivalent instruction through a home instruction program and proposed to make changes to other sections of the statutes related to equivalent instruction through a home instruction program so that they are consistent with the intent of the original bill. The committee amendment also proposed to include the following provisions.

1. It proposed to provide that a student is excused from attending a public day school if the student's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education and to the superintendent of the local school administrative unit within 10 calendar days of the beginning of the home instruction program.

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2. It proposed to provide that the notice of intent to provide a home instruction program must contain a statement of assurance that the home instruction program will provide for an annual assessment of the student's academic progress. It also proposed to specify the several forms of assessment that comply with this requirement.
3. It proposed to provide that, following the initial year of providing a home instruction program, the notice of intent to continue to provide a home instruction program must include a copy of the annual assessment of the student's academic progress from the prior year.
4. It proposed to make technical changes to 2 related statutory provisions so that these provisions are consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program.
5. It proposed to provide that the information filed under the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program and any other education records pertaining to the home instruction program must be maintained by the student's parent or guardian until the home instruction program concludes. It further provides that these records must be made available to the Commissioner of Education upon request.
6. It proposed to provide that the Commissioner of Education should amend or adopt rules to be consistent with the new "notice of intent" requirements governing the provision of equivalent instruction through a home instruction program. The rules adopted are proposed to be major substantive rules.
7. It proposed to underscore that, notwithstanding any Department of Education rules to the contrary, the Commissioner of Education shall use the new written "notice of intent" provisions in excusing a child from attendance at a public day school if a parent or guardian of the child who intends to provide equivalent instruction through a home instruction program for the child in the 2003-2004 school year provides the notice of intent.
8. It proposed to add an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 181 provides that a child is excused from attending a public day school if the child's parent or guardian provides a written notice of intent to provide home instruction to the Commissioner of Education within 10 calendar days of the beginning of home instruction. This notice must contain a statement of assurance that the home instruction program will provide 175 days of instruction annually, provide instruction in certain subject areas and provide for an annual assessment of the child's academic progress. The law also provides that the Commissioner of Education shall adopt major substantive rules to be consistent with these new requirements.

Public Law 2003, chapter 181 was enacted as an emergency measure effective May 16, 2003.

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LD 162

An Act to Provide for the Fair Distribution of Resources for Teaching Students of Limited Proficiency in English

ONTP

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

LD 162 proposed to direct the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who are placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposed to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units would be made during the year of allocation as a single payment.
2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.
3. The funds disbursed for this adjustment would be limited to the amount appropriated by the Legislature for this purpose and payments to units would be prorated if the amount appropriated is insufficient to make full payments to all units. If additional appropriations were not provided for this disbursement, the Department of Education would not redistribute existing appropriations for general purpose aid to local schools for this adjustment.
4. The Commissioner of Education would be directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year could include the count of all students placed in an approved transitional instruction program beginning with the April 15, 2003 student count. The commissioner would also be directed to provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school would be required to specify the number of students placed in an approved transitional instruction program as part of the annual student counts.

LD 177

An Act to Ensure that Emergency Medical Help is Available to All School Children and Personnel **CARRIED OVER**

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

LD 177 proposes to require that a school administrative unit or private school ensure that all school personnel are certified in cardiopulmonary resuscitation. The bill has been carried over to the Second Regular Session.

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LD 182

An Act to Eliminate Discrimination Against Parents Who Want to Send Their Children to Religious Private Schools

ONTP

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

Current law prohibits religious private schools from receiving public funding to educate children from school districts that do not have secondary schools. LD 182 proposed to repeal that prohibition.

Committee Amendment "A" (H-324) was the minority report and proposed to change the title of the bill and strike and replace the bill with a resolve to establish the Commission to Study School Tuition Reimbursement Policies and Practices in Maine. The amendment proposed that the study commission would study Maine's tuition payment policies and practices and the chairs of the commission could seek and accept outside funding to support the work of this study commission. The commission would have submitted its report with any accompanying legislation to the Second Regular Session of the 121st Legislature by December 1, 2003. This amendment was not adopted.

LD 195

An Act to Facilitate Summer Employment for Youths

CARRIED OVER

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

LD 195 proposes to prohibit school administrative units from commencing classes prior to Labor Day. The bill would allow school administrative units to hold athletic activities, in-service days and summer school prior to Labor Day. The bill has been carried over to the Second Regular Session.

LD 199

Resolve, Directing the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor To Review the 2002 United States Environmental Protection Agency List of Pesticides Registered and Classified as Known, Likely or Probable Human Carcinogens

**RESOLVE 48
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDER	OTP-AM	H-323

LD 199 proposed to require the Commissioner of Education and the Commissioner of Human Services to adopt major substantive rules that would prohibit the presence, use and storage of chemicals known to cause cancer on school and child care center property by July 1, 2004.

Committee Amendment "A" (H-323) proposed to change the bill to a resolve that would direct the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous

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chemicals. The amendment also proposed to direct the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Enacted Law Summary

Resolve 2003, chapter 48 directs the Department of Agriculture, Food and Rural Resources, the Department of Education, the Department of Human Services and the Department of Labor to review the 2002 EPA list of pesticides registered and classified as known, likely and probable carcinogens and compare it to current department rules governing the purchase and storage of hazardous chemicals. The resolve directs the departments to report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations regarding proposed amendments to current department rules regarding the use and storage of hazardous chemicals by July 1, 2003.

Resolve 2003, chapter 48 was passed as an emergency measure effective May 27, 2003.

LD 203

An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions

ONTP

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

LD 203 proposed to provide for a direct initiative and people's veto process for school policies and rules, except those that pertain to staffing or salary matters, any other personnel matters or any budgetary matters, to be exercised by the voters of any school administrative unit. The processes proposed to be established are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

Committee Amendment "A" (H-460) was the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to strike and replace the bill title and the bill to limit the right of petition and redress in local school board decisions to the voters in a municipality that has a municipal school unit. Under this amendment, the right of petition and redress in local school committee decisions would be a local option available to the voters in a municipality that has a municipal school unit form of school governance. The amendment proposed the following provisions to accomplish this purpose:

1. It proposed to provide that the voters in a municipality that also has a municipal school unit could use the provisions of the Maine Revised Statutes, Title 30-A, chapter 111 to adopt or amend a municipal charter to establish a direct initiative and people's veto process regarding the establishment, amendment or repeal of a limited scope of school committee policies;
2. It proposed to provide that the direct initiative and people's veto process regarding school committee policies would not apply to policies that pertain to staffing, salary or any other personnel matters or any budgetary matters; and
3. It proposed to provide an emergency override provision for the school committee of a municipal school unit. The school committee would have the power to override any school policy adopted, amended or rejected by the voters of the municipal school unit provided that the school committee declares an emergency, that such

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override is approved on an individual case-by-case basis in the application of the school policy and that such override is approved by a 2/3 vote of the school committee members present and voting.

LD 230 **An Act Concerning Restructuring of School Districts** **CARRIED OVER**

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

LD 230, which is a concept draft pursuant to Joint Rule 208, proposes the restructuring of school districts within Aroostook County to provide for only one school administrative district for the county. The bill has been carried over to the Second Regular Session.

LD 262 **An Act To Require That Disciplinary, Attendance and Health Records Be Included in the Records That Follow a Student Who Transfers to Another School** **PUBLIC 472**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL CUMMINGS	OTP-AM	S-189

LD 262 proposed to require that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer.

Committee Amendment "A" (S-189) proposed to retain the provisions of the bill and proposed to clarify that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

Enacted Law Summary

Public Law 2003, chapter 472 requires that when a student transfers from one school administrative unit to another, the school administrative unit from which the student is transferring must transfer the student's disciplinary records, attendance records and health records to the school administrators at the school administrative unit to which the student is seeking a transfer. The law also clarifies that a student's health records, including records and information pertaining to HIV infection status, health care and treatment, mental health treatment and alcohol and other substance abuse treatment, may not be disseminated as part of a student's health records without the authorization or consent necessary under existing state statutes.

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LD 301 **An Act To Allow Access to State Postsecondary Educational Institutions to Maine Seniors** **ONTP**

<u>Sponsor(s)</u> ASH WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 301 proposed to allow residents 65 years of age and older to audit courses at any state postsecondary educational institution free of tuition charges. Under the proposed bill, individuals would be allowed to audit only if space is available, as tuition-paying students have priority in the case of limited class size.

LD 326 **An Act To Increase Access to Higher Education** **PUBLIC 187
EMERGENCY**

<u>Sponsor(s)</u> BRENNAN KANE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-71
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LD 326 proposed to increase the number of foster care residents who are eligible for a tuition waiver at a state postsecondary educational institution from 25 to 35 new students per year in each year.

Committee Amendment "A" (S-71) proposed to strike and replace the bill. The amendment proposed to increase the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year, whereas the bill proposed to increase the number to 35. The amendment also proposed to clarify that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows:

1. Three must be available to eligible persons at the University of Maine System; and
2. Two must be available to eligible persons at the Maine Community College System.

The amendment also proposed to add an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 187 increases the number of foster care residents who are eligible for a tuition waiver at state postsecondary educational institutions from 25 to 30 new students per year in each year. The law also provides that the 5 additional tuition waivers must be available to eligible persons at state postsecondary educational institutions as follows: 3 must be available to eligible persons at the University of Maine System; and 2 must be available to eligible persons at the Maine Community College System.

Public Law 2003, chapter 187 was enacted as an emergency measure effective May 16, 2003.

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LD 344

An Act To Amend the School Finance Act

ONTP

<u>Sponsor(s)</u> MURPHY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 344, which was a concept draft pursuant to Joint Rule 208, proposed to amend the school funding formula in the following ways:

1. It proposed to change the school funding formula so that it would, during periods of diminishing state fiscal resources, direct state subsidy to students in the classrooms rather than to subsidize the costs for school administrators and limit the amount of the state subsidy allocated to all school administrative units for allowable reimbursements under the school funding formula to the level of the previous school year's state subsidy allocation;
2. It proposed that all costs for school administrators would be removed from the reimbursement formula for operating costs and program costs, and school administrator costs would be included in a separate category of the school funding formula and would be reimbursed at a lower rate of reimbursement under the school funding formula; and
3. It proposed that the savings from reimbursing school administrator costs at a lower rate would be redistributed to other program costs and operating costs eligible for state subsidy under the school funding formula.

LD 358

An Act To Promote Participation of Retired Professionals in the State's Classrooms

ONTP

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 358, which was a concept draft pursuant to Joint Rule 208, proposed to establish a program to recruit retired professionals to become teachers or mentors in the State's classrooms.

LD 386

An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime

ONTP

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 386 proposed to allow a school administrative unit to release confidential information about an employee or former employee to another school administrative unit for the purpose of a reference for employment.

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LD 390 **An Act To Raise the High School Dropout Age** **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 390 proposed to raise the age until which a student is required to attend school from 17 years of age to 18 years of age.

LD 420 **An Act Regarding the School Board of the Governor Baxter School for the Deaf** **PUBLIC 115**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-139
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LD 420 proposed to amend the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor would not be subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature. It also proposed to clarify that the School Board of the Governor Baxter School for the Deaf has the legal authority to grant the necessary security interest in Mackworth Island and the facilities in order to secure bonds that generate revenue to make necessary improvements to the school facilities on the island.

Committee Amendment "A" (H-139) proposed to strike out the provision in the bill that would have provided the School Board of the Governor Baxter School for the Deaf the legal authority to grant the necessary security interest in Mackworth Island and the facilities in order to secure bonds that generate revenue to make necessary improvements to the school facilities on the island.

Enacted Law Summary

Public Law 2003, chapter 115 amends the appointment process for nonvoting student members of the School Board of the Governor Baxter School for the Deaf to provide that nonvoting members appointed by the Governor are not subject to review by the Joint Standing Committee on Education and Cultural Affairs nor subject to confirmation by the Legislature.

LD 425 **Resolve, To Prepare Maine's Students for Active Citizenship** **RESOLVE 85**

<u>Sponsor(s)</u> CUMMINGS ROTUNDO		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-239 H-599 CUMMINGS
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LD 425 proposed to establish the 15-member Commission to Study the Scope and Quality of Citizenship Education. As proposed, the duties of the commission would be to evaluate the extent to which citizenship education is included in the values and practices of Maine schools.

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Committee Amendment "A" (H-239) proposed to expand the membership of the commission to include one principal, one superintendent and one school board member. The amendment also proposed to require that at least one legislative appointee to the commission has experience in the field of education. It would also require the solicitation and use of outside funding to cover all costs of the commission.

House Amendment "A" to Committee Amendment "A" (H-599) proposed to change the appointing authority for members, specify that the commission may hold up to 4 meetings and change language regarding compensation and funding. The amendment also proposed to remove the emergency preamble and emergency clause from the resolve.

Enacted Law Summary

Resolve 2003, chapter 85 establishes the 15-member Commission to Study the Scope and Quality of Citizenship Education. The commission is required to solicit and use outside funding to cover all its costs. The commission is also required to submit its report to the Second Regular Session of the 121st Legislature no later than December 3, 2003 and is authorized to submit a bill to the Legislature at the time of submission of its report.

Resolve 2003, chapter 85 was passed as an emergency measure effective June 23, 2003.

LD 442 **Resolve, Directing the President of Each University Campus To Meet With Local Municipal Officers To Negotiate Reasonable and Appropriate Financial Support for Municipal Services Provided** **ONTP**

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

LD 442 proposed to direct the president of each university within the University of Maine System to meet with the municipal officers of the host municipality of each respective university campus to negotiate reasonable and appropriate financial support for municipal services provided to each campus.

LD 477 **An Act To Establish the Maine Week of Heroes** **PUBLIC 56**

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

LD 477 proposed to encourage each political subdivision and school administrative unit to observe a Maine Week of Heroes during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

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Enacted Law Summary

Public Law 2003, chapter 56 encourages each political subdivision and school administrative unit to observe a Maine Week of Heroes, during the week within which September 11th occurs, to honor the efforts of heroic people in Maine communities.

LD 499 **An Act To Allow a Parent To Choose Not To Vaccinate a Child
against Chicken Pox for School Attendance** **ONTP**

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 499 proposed to allow a parent to choose not to immunize a child against chicken pox, which is a requirement for enrollment in elementary and secondary school in the State effective for the start of 2003 school year.

LD 527 **An Act To Improve the Method of Reapportionment of School
Boards** **PUBLIC 57
EMERGENCY**

<u>Sponsor(s)</u> NUTTING GAGNON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 527 proposed to provide additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. Under current law, if a school administrative district requires reapportionment that results in a reduction in the number of directors, all of the directors choose by lot which directors' terms terminate. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position should be terminated in accordance with the reapportionment plan, the bill proposed to allow one or more directors to voluntarily resign to achieve the necessary reduction and proposed to allow the municipality to reduce the number of open positions prior to election.

Enacted Law Summary

Public Law 2003, chapter 57 provides two additional options to the board of directors of a school administrative district that is instituting an approved reapportionment plan that requires a reduction in the number of directors to be elected to represent a member municipality. To avoid the necessity of the existing directors representing the municipality having to cast lots to determine which director or directors position shall terminate in accordance with the reapportionment plan, the law allows one or more directors to voluntarily resign to achieve the necessary reduction and allows the municipality to reduce the number of open positions prior to election.

Public Law 2003, chapter 57 was enacted as an emergency measure effective April 18, 2003.

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LD 541

**An Act To Ensure Timely Responses to Requests for School
Administrative District Reapportionments**

**PUBLIC 354
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL LEDWIN	OTP-AM	S-174

LD 541 proposed to require the Commissioner of Education to make a determination whether a school district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters.

Committee Amendment "A" (S-174) proposed to strike and replace the bill to add a mandate preamble, emergency preamble and clause to the bill and to clarify the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee. The amendment proposed to retain the original provision of the bill that would require the Commissioner of Education to make a determination whether a school district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters.

Enacted Law Summary

Public Law 2003, chapter 354 requires the Commissioner of Education to make a determination whether a school administrative district needs to be reapportioned within 30 days of receiving a request by the board of directors or a petition from district voters. The law also clarifies the duties of the Commissioner of Education in ordering the establishment of a reapportionment committee.

Public Law 2003, chapter 354 was enacted as an emergency measure effective May 30, 2003.

LD 553

**Resolve, To Study the Needs of Deaf and Hard-of-hearing Children
and Adolescents**

RESOLVE 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	H-553 RICHARDSON J H-590 DUPLESSIE S-182

LD 553 proposed to establish the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents.

Committee Amendment "A" (S-182) proposed to add 6 members to the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. It proposed to clarify the duties of the task force regarding mental health services and educational services.

House Amendment "A" (H-590) proposed to remove the emergency preamble and emergency clause from the resolve.

House Amendment "A" to Committee Amendment "A" (H-553) proposed to change who appoints the 11 public members of the task force from the Governor to the Speaker of the House and the President of the Senate,

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who would appoint 5 and 6 members respectively. The amendment proposed to authorize the task force to hold up to 4 meetings. It also proposed to allow public members of the task force to receive a per diem upon a demonstration of financial hardship and to change the reporting date from December 10, 2003 to December 3, 2003.

Enacted Law Summary

Resolve 2003, chapter 84 establishes the Task Force to Study the Needs of Deaf and Hard-of-hearing Children and Adolescents. The task force is composed of 4 legislators, 11 members of the public, the Commissioner of Human Services, the Commissioner of Education and the Commissioner of Behavioral and Developmental Services. The task force is authorized to meet up to 4 times and is required to submit a report, including suggested legislation, to the 2nd Regular Session of the 121st Legislature no later than December 3, 2003.

LD 592 **An Act Regarding Age Eligibility for Enrollment in a Public Secondary School** **PUBLIC 116 EMERGENCY**

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

LD 592 proposed to authorize the Commissioner of Education to waive on a case-by-case basis age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

Enacted Law Summary

Public Law 2003, chapter 116 authorizes the Commissioner of Education to waive, on a case-by-case basis, age requirements to allow students who have reached 20 years of age before the start of the school year to enroll as public secondary school students.

Public Law 2003, chapter 116 was enacted as an emergency measure effective May 8, 2003.

LD 597 **An Act To Establish a Community College System in Maine** **ONTP**

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

LD 597 proposed to transform the Maine Technical College System into the Maine Community College System and provide funds necessary to support the transition to a comprehensive community college system.

The substance of this bill was also addressed by another bill referred to the Education Committee (see LD 1369) and was enacted as part of the Part I budget bill (see LD 1319, which was enacted as P.L. 2003, c. 20, Part OO).

LD 624 **Resolve, Directing the Department of Education to Use Money for** **ONTP**

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School Transportation Costs for Payment of School Crossing Guards

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

LD 624 proposed to require the Department of Education to adopt major substantive rules for the apportionment of money for school transportation costs to pay for school crossing guards.

LD 628 Resolve, Directing the Department of Education To Develop RESOLVE 10
Guidelines for Outdoor Playground Surfaces

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-150

LD 628, a resolve, proposed to require the Department of Education to adopt policy standards for outdoor playground surfaces at public schools.

Committee Amendment "A" (H-150) proposed to change the title and proposed to strike and replace the original resolve with a resolve that would require the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

Enacted Law Summary

Resolve 2003, chapter 10 requires the Department of Education to develop and communicate policy guidelines for outdoor playground surfaces at public schools.

LD 641 An Act To Implement a Recommendation of the Commission on ONTP
Fatherhood Issues Related to Parental Notice of School Activities
and Programs

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

Current law provides that, upon written request and with the agreement of both the custodial parent and the school administrative unit, a school may provide written notification of all school activities and programs for which parental participation, involvement, notification or awareness is in the best interest of the student. LD 641 proposed to implement one of the recommendations of the Commission on Fatherhood Issues related to the notification provided to a noncustodial parent regarding that parent's child's school activities and programs. Under this proposed bill, a school administrative unit must provide a noncustodial parent with written notification of the child's school activities and programs when the noncustodial parent submits a copy of a court order awarding

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parental rights and responsibilities that includes a statement that the noncustodial parent must have access to records and information pertaining to the minor child's school records and other information on school activities.

The bill also proposed to include an exception provision to providing notification to a noncustodial parent. Under the proposed bill, upon the written request of a custodial parent that states the reasons why written notification of school activities and programs is not in the best interests of the child, the superintendent or the superintendent's designee in the school administrative unit where the child is enrolled may deny providing notification to the noncustodial parent who has submitted a request for that notification.

LD 653 **An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees** **DIED IN CONCURRENCE**

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

LD 653 proposed to repeal the law requiring background checks and fingerprinting of school employees. This bill also proposed to correct cross-references to the repealed provisions.

LD 660 **An Act To Create the Maine Humanities Authority** **ONTP**

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

LD 660 proposed to create the Maine Humanities Authority and give the authority bonding authority for the purpose of financing, protecting or acquiring works of art, literature, archives and library acquisitions.

LD 687 **An Act To Allow Home Schooled Athletes To Play on Private School Teams** **ONTP**

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

LD 687 proposed to allow a home schooled student to participate in an interscholastic, cocurricular or extracurricular activity at a private school. The bill further proposed to allow a student enrolled in a private school to participate in an interscholastic, cocurricular or extracurricular activity at another private school if the student's school does not provide the activity. This bill also proposed to forbid interscholastic organizations to deny the eligibility of a student or that student's team or school in an interscholastic, cocurricular or extracurricular activity because the student is home schooled but participating with a private school and forbid public schools from belonging to such interscholastic organizations.

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LD 699 **Resolve, To Address Multicultural Education Needs of Maine Teachers** **ONTP**

<u>Sponsor(s)</u> MCKEE ROTUNDO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 699 proposed to create a special commission to study the multicultural needs of Maine teachers to ensure that multicultural awareness and understanding is brought to the attention of all students.

LD 715 **An Act to Assist Visual Care Providers in the State** **ONTP**

<u>Sponsor(s)</u> STANLEY PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 715 proposed to expand the loan forgiveness aspect of the Health Professions Loan Program to include ophthalmologists and optometrists practicing in health professional shortage areas, practicing in underserved specialty areas or providing services to a designated underserved group as determined by the Commissioner of Human Services. Currently dentists and physicians practicing general or family medicine, internal medicine, pediatrics, obstetrics and gynecology qualify for loan forgiveness under the program.

LD 744 **An Act To Ensure Improved Stability in School Funding Distributions** **ONTP**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 744 proposed to require that the pupil count and the property valuation data used for determination of the state general purpose aid for local schools subsidy to be distributed to each school administrative unit be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 5-year period.

LD 751 **An Act To Implement the Recommendations of the Legislative Youth Advisory Council** **PUBLIC 481 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-295 S-297 CATHCART
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LD 751 proposed to implement the recommendations of the Legislative Youth Advisory Council. The bill proposed to accomplish the following:

1. It proposed to require the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop

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recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;

2. It proposed to require the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school.
3. It proposed to require the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. It proposed to require the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. It proposed to require the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. It proposed to require the Commissioner of Education, as part of the required review of content standards and performance indicators under the system of learning results, to determine whether the content standards pertaining to health and physical education adequately incorporate the principles and goals of the alcohol and drug use policies for student athletes as proposed in the 2002 report by the Youth Policy and Empowerment Project;
7. It proposed to add a 2nd Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and
8. It proposed to adjust the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Committee Amendment "A" (H-295) proposed to clarify the terms of the members of the Legislative Youth Advisory Council, correct errors in the bill and add the process to be used to review alcohol and drug abuse prevention policies for student athletes.

Senate Amendment "A" to Committee Amendment "A" (S-297) proposed to remove the appropriations and allocations section from the amendment.

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Enacted Law Summary

Public Law 2003, chapter 481 implements the recommendations of the Legislative Youth Advisory Council. Specifically, this law:

1. Requires the Commissioner of Education, the Secretary of State and the Director of the Office of Substance Abuse within the Department of Behavioral and Developmental Services to develop recommendations for the establishment of a permanent youth advisory committee within the Executive Branch to serve as a resource for any state agency charged with developing, implementing or enforcing programs, policies or laws that apply specifically to youth;
2. Requires the Director of the Office of Substance Abuse to review the procedures used by the office for collecting information on drug and alcohol use among youth, including a review of Washington State's "Healthy Youth Survey," and to report back to the Legislative Youth Advisory Council on options to the existing Maine Youth Drug and Alcohol Use Survey tool that include a more appropriate survey tool and a methodology based on random sampling that provides statistically valid data at the state level and within participating local school districts and expanding the target population of the survey to include not only students who attend school but also home-schooled students and youth who attend school infrequently or have dropped out of school;
3. Requires the Director of the Office of Substance Abuse to review procedures used by the office for awarding grants for youth-related drug and alcohol abuse prevention programs and services to ensure that those grants are being awarded to programs with the highest demonstrated level of effectiveness and in those areas of the State having the highest demonstrated need;
4. Requires the Director of the Office of Substance Abuse and the Commissioner of Education to review and report on procedures for preparing and training teachers and others who administer the Maine Youth Drug and Alcohol Use Survey in the schools to ensure that all persons administering the survey are adequately prepared to perform that task;
5. Requires the Commissioner of Education to review the Project ALERT program and other similar prevention programs and prepare recommendations on the viability of those programs as options to the Drug Abuse Resistance Education, DARE, program in Maine schools;
6. Requires the Commissioner of Education to review the principles and goals of the alcohol and drug use policies for student athletes proposed in the 2002 report by the Youth Policy and Empowerment Project and discuss that report with the Legislative Youth Advisory Council during the fall of 2003;
7. Adds a second Senate member to the Legislative Youth Advisory Council and provides for the legislative chair to alternate every 2 years between the first-appointed House member and the first-appointed Senate member; and
8. Adjusts the terms of the existing youth members to provide greater consistency in membership and simplicity in the appointment process.

Public Law 2003, chapter 481 was enacted as an emergency measure effective June 23, 2003.

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LD 763 **Resolve, Directing the Department of Professional and Financial Regulation To Establish a Degree Program for Denturism** **ONTP**

<u>Sponsor(s)</u> STANLEY DUPREY G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 763 proposed to direct the Department of Professional and Financial Regulation to establish a degree program for denturism.

LD 765 **An Act To Prevent Truancy** **ONTP**

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 765 proposed to authorize the Secretary of State to suspend the driver's license or driving privileges of a student who is determined "habitually truant."

LD 822 **An Act To Provide Greater Protection for School Children** **ONTP**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law requires that school employees or service providers under contract with a school administrative unit must undergo a criminal history record check. However, current statutes do not require schools to conduct an investigation or verification of a volunteer driver's driving, record or criminal history. LD 822 proposed to require superintendents of a school administrative unit or a school union to complete a background check on each driver who transports students on behalf of the school administrative unit, including verification of the driver's driving record, criminal history and other relevant information.

LD 825 **An Act To Establish a Special Education Secondary School Diploma** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 825 proposed to direct the Department of Education to authorize special education secondary school diplomas.

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LD 828

**An Act To Phase In General Purpose Aid for Local Schools
Funding Losses Over Time**

ONTP

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

LD 828 proposed to provide for an ongoing "maximum loss" provision for the general purpose aid for local schools program. The bill proposed to require that, beginning in fiscal year 2003-04 and for each fiscal year thereafter, the Legislature provide each school administrative unit with at least 90% of the state share of subsidy that it received for the preceding fiscal year for operating costs, program costs excluding the state share of bus purchases and minimum subsidy.

LD 842

An Act Relating to Portable Classrooms for Certain Cases

PUBLIC 314

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-351

LD 842 proposed to provide that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. Under this proposal, the school administrative unit would be eligible for state support until it obtained funding to correct problems with its facilities.

Committee Amendment "A" (H-351) proposed to strike and replace the bill. The amendment proposed to clarify that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school administrative unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school administrative units to obtain funding to correct problems with its facilities. The amendment also proposed to provide criteria that the State Board of Education must use when making a determination on a school administrative unit's appeal for relief from an undue burden presented by this statutory requirement.

Enacted Law Summary

Public Law 2003, chapter 314 provides that a school administrative unit engaged in a lease agreement for temporary interim nonadministrative space may be eligible for state support beyond the 5-year limit if the school unit has a major capital improvement application or a school revolving renovation fund application on file with the Department of Education and is not rated high enough by the Department of Education using the department's rating scale compared to other school units to obtain funding to correct problems with its facilities. The law also provides criteria that the State Board of Education must use when making a determination on a school unit's appeal for relief from an undue burden presented by this statutory requirement.

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LD 850

An Act To Establish a New School Funding Formula

ONTP

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 850 proposed to repeal the Maine Revised Statutes, Title 20-A, chapter 606, the School Finance Act of 1985; Title 20-A, chapter 606-A, the School Finance Act of 1995; and Title 20-A, chapter 606-B, Essential Programs and Services. The bill proposed to provide that the general purpose aid to local schools program would be recreated to provide a certain amount of state subsidy to each pupil in the State regardless of where the pupil resides or attends school.

LD 890

An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval

**VETO
SUSTAINED**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-520
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LD 890 proposed to restrict application of the fingerprinting and background check requirements to newly hired educational personnel. This bill proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel.

Committee Amendment “A” (H-520) was the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to change the title and proposed to strike and replace the bill. The amendment proposed to accomplish the following:

1. It proposed to clarify that, beginning on August 15, 2003 the fingerprinting and criminal history record check requirements for educational personnel would be limited to applicants for initial certification, authorization and approval from the Department of Education under the Maine Revised Statutes, Title 20-A, chapters 501 and 502.
2. It proposed to include in the definition of "applicant" a person who applies for a position that requires certification or authorization and who holds a valid credential from another state, including a state that is a party state to an interstate agreement on qualifications of educational personnel under Title 20-A, chapter 511.
3. It proposed to exclude from the definition of "applicant" a person who is an applicant for renewal of certification, authorization and approval from the Department of Education under Title 20-A, chapters 501 and 502.
4. It proposed to remove the provision from the bill that would have authorized the Maine State Police and the Commissioner of Education to release statistics and certain general information relating to the fingerprinting and criminal history record check of educational personnel.

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LD 931 **An Act To Provide Certain Health Emergency Training to High School Seniors** **ONTP**

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

LD 931 proposed to authorize schools to provide voluntary cardiopulmonary resuscitation and automatic external defibrillator training to students during senior year health and safety classes through a cooperative agreement with a local fire department.

LD 957 **An Act To Retain Teachers Holding Targeted Need Area Certificates, Conditional Certificates or Transitional Endorsements** **PUBLIC 445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N BROMLEY	OTP-AM	H-458 H-523 CUMMINGS

LD 957 proposed to provide an exception from any amended rules adopted by the State Board of Education that increase the qualifications requirements for targeted need area certificates. Under this proposed bill, teachers who were issued targeted need area certificates to teach in teacher shortage areas prior to or during the 2002-2003 school year would be exempt from any increase in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates.

Committee Amendment "A" (H-458) proposed to change the title of the bill and proposed to expand the exception provisions of the bill. The amendment proposed to accomplish the following.

1. It proposed to provide an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules would be exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completed the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules.
2. It also proposed to provide that, until the Department of Education adopts revised rules under the Maine Revised Statutes, Title 20-A, section 13011, subsection 9, the Department of Education could issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant could show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate.

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3. It also proposed to direct the Department of Education to consider the concerns raised by the Superintendent of the Governor Baxter School for the Deaf and advocates for teachers of the deaf who are prelingually deaf regarding the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

House Amendment "A" to Committee Amendment "A" (H-523) proposed to amend Committee Amendment "A," House Paper 458, to reflect that it would be the intent of the Legislature that the Department of Education consider the concerns specified in the committee amendment.

Enacted Law Summary

Public Law 2003, chapter 445 provides an exception from any amended rules adopted by the State Board of Education that revise the qualifications requirements for targeted need area certificates, conditional certificates or transitional endorsements. Under this law, teachers who were issued targeted need area certificates, conditional certificates or transitional endorsements to teach prior to or during the school year preceding the adoption of revisions to the original rules are exempt from any revision in the qualifications required by amended rules adopted by the State Board of Education for targeted need area certificates, conditional certificates or transitional endorsements, provided that the holder of the targeted need area certificate, conditional certificate or transitional endorsement annually completes the required course work and testing as determined by the Department of Education for the school year preceding the adoption of revisions to the original rules. The law also provides that, until the Department of Education adopts revised rules for targeted need area certificates, the department may issue 2nd and 3rd targeted need area certificates to prelingually deaf applicants provided that an applicant can show evidence of having attempted the Pre-professional Skills Test during the first or 2nd year of holding the targeted need area certificate. Finally, the law directs the Department of Education to consider the need for accommodations for prelingually deaf applicants for targeted need area certificates as the department proceeds with the filing of the revised rule for the remaining portions of Chapter 115: Certification, Authorization and Approval of Education Personnel.

LD 987

An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility

PUBLIC 271

Sponsor(s)
MITCHELL
GAGNE-FRIEL

Committee Report
OTP

Amendments Adopted

LD 987 proposed to make the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for home school instruction by adding the authority for a principal to require student testing before transferring credit for equivalent instruction. The bill also proposed to predicate the awarding of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

Enacted Law Summary

Public Law 2003, chapter 271 makes the law regarding transfer of credit for equivalent instruction at nonapproved private schools consistent with earned credit for homeschool instruction by adding the authority for a principal to

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require student testing before transferring credit for equivalent instruction. The bill also predicates award of a high school diploma on a student's satisfying both course credit and other requirements set by a local school board.

LD 1032 **An Act Concerning the Processing Time for Substitute and Regular School Employee Fingerprinting** **PUBLIC 184**

<u>Sponsor(s)</u> LAVERRIERE-BOUC		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-200
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LD 1032 proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute, and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. Current law requires that a regular school employee subject to the fingerprinting and criminal history record check requirements must meet these requirements prior to the 20th day of employment. The bill also proposed to provide that, for a person employed as a substitute and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

Committee Amendment "A" (H-200) proposed to change the title of the bill and proposed to strike and replace the bill to expand the provisions of the bill, which would affect only a person employed by a school as a substitute, to include a person who is a regular school employee. The amendment proposed to provide that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who would also need fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The amendment also proposed to provide that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card would remain valid until the Commissioner of Education would determine whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

Enacted Law Summary

Public Law 2003, chapter 184 provides that, beginning with the 2003-2004 school year, a person employed by a school as a substitute and a person who is a regular school employee and who also needs fingerprinting and a criminal history record check must be issued a temporary approval card by the Department of Education and must meet the fingerprinting and criminal history record check requirements within 8 weeks of employment. The law also provides that, for a person employed as a substitute and for a person who is a regular school employee and who has been fingerprinted pursuant to criminal history record check requirements, the temporary approval card remains valid until the Commissioner of Education determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification.

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LD 1036 **An Act To Clarify Curriculum Requirements for Gifted and Talented High School Students** **ONTP**

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

LD 1036, which was a concept draft pursuant to Joint Rule 208, proposed to clarify that the existing honors and advanced placement curricula serve to meet curriculum requirements for educating gifted and talented students, thus obviating the need for high schools to create an additional separate curriculum for such students. Currently, public high school students labeled as "gifted and talented" are enrolled in the honors classes and advanced placement classes offered by their high schools.

LD 1041 **An Act To Protect Schools That Are Completing Health and Safety Improvements from Losing Points as Part of Their Major Capital Project Applications** **ONTP**

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

LD 1041 proposed to establish a so-called "hold harmless" provision to protect school administrative units that are completing health and safety improvements to their school facilities from losing points in the rating process used by the State Board of Education to evaluate school construction project applications. The bill also proposed to provide that, beginning with the 2003-2004 rating cycle for school construction project applications, the State Board of Education should ensure that the rating points assigned to a project application for the rating cycle in progress are not adjusted, reduced or affected by improvements made to existing buildings that relate directly to protecting the health or safety of staff or students, as long as the project application involved received a rating on the school facilities priority list for the 2001-2002 rating cycle and the improvements were made subsequent to the submission of the 2003-2004 application. The bill also proposed to direct the State Board of Education to adopt or amend rules relating to the rating and approval of school construction projects.

LD 1046 **An Act To Expand Waiver of Tuition Payments to All Active Duty Military Personnel Who Are Maine Residents** **ONTP**

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

LD 1046 proposed to allow residents who are active duty military personnel to earn an associate degree at a state postsecondary educational institution free of tuition charges.

Joint Standing Committee on Education and Cultural Affairs

LD 1069

**Resolve, Directing the Maine State Cultural Affairs Council To
Examine Available Funding for Local Historical Societies**

RESOLVE 18

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MAYO	OTP-AM	H-133

LD 1069 proposed to direct the Maine Historic Preservation Commission to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also proposed to direct the Commission to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

Committee Amendment "A" (H-133) proposed to direct the Maine State Cultural Affairs Council instead of the Maine Historic Preservation Commission to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also proposed to direct the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

Enacted Law Summary

Resolve 2003, chapter 18 directs the Maine State Cultural Affairs Council to review and study all available funding sources to fund projects for local historical societies to document and preserve the local histories throughout the State. It also directs the Council to submit a report with its findings and any necessary implementing legislation to the Joint Standing Committee on State and Local Government by December 15, 2003.

LD 1082

An Act Regarding Habitual Truants

CARRIED OVER

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

LD 1082 proposes to amend the current law that addresses the procedures that local school units must take when dealing with students who are habitually truant. It would require the superintendent to send a notice to the parent of a truant informing the parent that the child is truant and is required by law to attend school. The bill also proposes to require the superintendent to report the truancy of a child to the local law enforcement agency if a parent has not complied with the notice. The bill further proposes to make it a Class E crime if a parent fails to enroll a child in school or fails to require the child to regularly attend school. The bill has been carried over to the Second Regular Session.

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LD 1103 **An Act To Protect Children from Indecent Material on the Internet** **ONTP**

<u>Sponsor(s)</u> DUPREY B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1103 proposed to prohibit an elementary or secondary school from allowing a person under 18 years of age to access obscene or pornographic materials through the use of that school's computer. This bill also proposed to direct the Department of Education to adopt rules to implement this bill.

LD 1112 **An Act To Restore an Annual Adjustment for Costs to the School Funding Formula** **ONTP**

<u>Sponsor(s)</u> COLLINS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1112 proposed to restore to the school funding formula an annual adjustment to reflect variations in costs. The School Finance Act of 1995 used to factor in the school funding formula an adjustment to reflect variations in regional costs. Public Law 1999, chapter 401, Part GG, section 5 eliminated this adjustment.

LD 1116 **An Act Regarding University of Maine System Boards of Visitors** **P & S 14**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-138
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LD 1116 proposed to require each board of visitors for each of the 7 universities in the University of Maine System to submit an annual report of its activities to the Board of Trustees of the University of Maine System. Under this proposed bill, the Board of Trustees would be required to submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters.

Committee Amendment "A" (H-138) proposed to clarify that the Board of Trustees of the University of Maine System is required to submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the board of trustees in the Maine Revised Statutes, Title 20-A, section 10902-A.

Enacted Law Summary

Private and Special Law 2003, chapter 14 requires that each board of visitors for each of the 7 universities in the University of Maine System must submit an annual report of its activities to the Board of Trustees of the University of Maine System. The law also requires that the Board of Trustees submit a copy of the annual report of each board of visitors to the Legislature and to the joint standing committee of the Legislature having jurisdiction over education matters annually in January as part of the report required from the Board of Trustees under existing law.

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LD 1130 **An Act To Protect Children from Classes Contradictory to Their Religious Beliefs** **ONTP**

<u>Sponsor(s)</u> DUPREY B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law and rules of the Department of Education include accommodation provisions for instances when course content conflicts with sincerely held religious beliefs and practices of a student or a student's parent or guardian. LD 1130 proposed to provide the procedures by which a student may be granted an excused absence from a course when course content conflicts with sincerely held religious beliefs and practices of the student or of the student's parent or guardian. The bill also proposed to provide the instructional alternatives available to such students and the procedures for receiving academic credit for these instructional alternatives. The bill also proposed to require the Commissioner of Education to establish or amend rules to accomplish this purpose.

LD 1133 **Resolve, To Establish the Study Committee to Study the Feasibility of a 4-year High School Vocational Program** **ONTP**

<u>Sponsor(s)</u> ANNIS MITCHELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1133 proposed to establish a study commission to study the feasibility of providing a technical high school setting for middle school students to attend after they complete 8th grade.

LD 1198 **An Act Regarding the Criminal History Record Check of School Employees** **ONTP**

<u>Sponsor(s)</u> MAYO MURPHY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1198 proposed to provide that, beginning with the 2003-2004 school year, only newly hired school employees would be subject to the fingerprinting and criminal history record check requirements. The bill also proposed to provide that former school employees who left a school administrative unit in the State due to a sincerely held philosophical belief against the fingerprinting and criminal history record check requirement, and who subsequently return to school employment, would be exempted from the criminal history record check requirement for newly hired school employees. The bill also proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel.

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LD 1202 **An Act To Require Consistency in the School Budget Process** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH HATCH PH	ONTP	

LD 1202 proposed to require that whenever a school budget is considered and defeated in a town meeting or municipal election then the revised budget to be considered must follow the same process for approval.

LD 1205 **Resolve, Regarding the Effect of the Income Factor on General Purpose Aid for Local Schools** **ONTP**

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

LD 1205 proposed to direct the Department of Education to disclose in spreadsheet format the effect of eliminating the income factor from the General Purpose Aid for Local Schools funding formula.

LD 1229 **An Act To Provide School Vouchers to Students in Overcrowded Schools** **ONTP**

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

LD 1229 proposed to create a school voucher program for students who live in households having an annual household income of \$30,000 or less and who attend public schools that have a student-to-teacher ratio greater than 20 to 1. If a student who is eligible for a school voucher chooses to leave a public overcrowded school to attend a public, private or religious school that has a student-to-teacher ratio less than 20 to 1, this bill proposed to require the State to pay \$3,000 to that receiving school towards the education of that student. Under the proposed bill, the remainder of the cost to educate that student at the receiving school would be paid by the sending school, up to an amount equal to the per-pupil costs at the sending school.

LD 1241 **An Act To Provide Tuition Subsidies for Students in High-growth Areas** **ONTP**

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

LD 1241 proposed to require the Legislature to annually appropriate funds to a school district that is experiencing high growth in student enrollment or that is facing a crisis of overcrowding, as determined by the Commissioner of Education, to allow an appropriate number of those students to attend another public, private or religious school to alleviate that overcrowding.

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LD 1250 **An Act To Provide an Exception to the Laws Governing Fingerprinting of Educational Personnel** **ONTP**

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

LD 1250 proposed to allow educational personnel who have not been fingerprinted and who are seeking certification, authorization, approval or renewal from the Department of Education to seek exemption due to a sincerely held philosophical objection to the required fingerprinting and criminal history record check.

Under the proposed bill, education personnel who had left their jobs due to the same objection would have also been allowed an exemption so they could seek reemployment in their field.

LD 1269 **An Act To Support Maine's Educational Needs through a Public Education Partnership** **ONTP**

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

LD 1269 proposed to provide funds for the University of Maine System to take a leadership role in integrating Maine's teacher education programs to form a comprehensive public education partnership to address issues related to school quality and teacher preparation.

LD 1296 **An Act To Amend the Maine State Grant Program** **PUBLIC 103**

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

LD 1296 proposed to provide a description of need for student financial assistance that is consistent with the definition used in federal student financial assistance programs.

Enacted Law Summary

Public Law 2003, chapter 103 provides a description of need for student financial assistance that is consistent with the definition of need used in federal student financial assistance programs.

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LD 1302 **An Act To Expand Access to Higher Education** **ONTP**

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

LD 1302, which was a concept draft pursuant to Joint Rule 208, proposed to use existing infrastructure and technology available in this State for distance learning as well as improvements to this infrastructure and technology to expand access to higher education for the citizens of this State. The bill proposed to seek to provide access to and the benefits of higher education provided by the institutions of higher learning in this State to the citizens of Maine in their own communities through the use of technology.

LD 1303 **An Act To Provide for Full State Funding for Special Education Costs** **ONTP**

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

LD 1303 proposed to provide that the general purpose aid for local schools program would provide state subsidy for 100% of the actual special education costs incurred by each school administrative unit in the State. Under this bill, the Commissioner of Education would be required to adjust each school administrative unit's state share of state subsidy to include an amount that equals 100% of the unit's actual special education costs, including the unit's personnel costs, to provide special education services and special education costs for state wards, state agency clients and out-of-district placements. The bill also proposed to provide an additional amount of General Fund appropriations for the general purpose aid for local schools program to fully fund the local share of actual local special education costs.

LD 1340 **An Act To Amend the Educators for Maine Program** **PUBLIC 427**

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

LD 1340 proposed to make modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The proposed modifications would allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The proposed changes would also allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The bill proposed to accomplish the following.

1. It proposed to repeal the existing definition section and replace it with updated definitions. New definitions are proposed to be added for "child care provider qualifications," "cost of attendance" and "undergraduate." The definition of "preservice" was proposed to be removed because all loan recipients now are required to show an interest in providing return service.

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2. It proposed to eliminate distinctions in program participants other than as undergraduate and postbaccalaureate students.
3. It proposed to increase the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000.
4. It proposed to clarify that there are only 2 categories of eligible students: undergraduate and postbaccalaureate.
5. It proposed to clarify that no loan recipient would receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school.
6. It proposed to provide that individuals would provide return service as a child care worker if they received their first loan after January 1, 2000, the first year that Educators for Maine funds were available to students pursuing a career in child care. The bill also proposed to clarify that the authority could allow for partial loan forgiveness for individuals who are teaching part-time. A reference to educator shortage areas is proposed to be removed because the Department of Education no longer designates educator shortage areas.
7. It proposed to change the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It proposed to provide that the authority could limit by rule the number of deferments granted to any one student.
8. It proposed to allow the authority to forgive loans made to individuals who die or become permanently disabled.
9. It proposed to repeal forgiveness provisions that are now incorporated into other provisions.
10. It proposed to provide that the authority could use a single master promissory note for multiple disbursements of loans under the program.

Enacted Law Summary

Public Law 2003, chapter 427 makes modifications to the Educators for Maine Program administered by the Finance Authority of Maine. The modifications allow for uniform administration of the program by integrating and coordinating amendments that have been made over several years. The changes allow for consistent treatment for all undergraduate candidates, notwithstanding their course of study. The law also:

1. Clarifies that there are only 2 categories of eligible students: undergraduate and postbaccalaureate;
2. Increases the maximum loan amounts available to students pursuing postbaccalaureate teacher certification from \$1,500 annually to \$2,000 and from up to \$6,000 total to a maximum aggregate loan of \$8,000;
3. Clarifies that no loan recipient may receive loan funds that result in making the total financial aid award exceed the amount it costs the recipient to attend the school;
4. Changes the maximum time to repay the debt to 11 years, to provide for the period between graduation and commencement of the repayment period. It provides that the authority may limit by rule the number of deferments granted to any one student;
5. Allows the authority to forgive loans made to individuals who die or become permanently disabled; and

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6. Provides that the authority may use a single master promissory note for multiple disbursement of loans under the program.

LD 1344 An Act To Give Teachers a Greater Voice in School Improvement CARRIED OVER

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

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

**LD 1355 An Act To Increase State Funding for Renovation, Repair and ONTP
Replacement of Schools for Local Communities by Limiting the
State's Debt Limit for New School Construction**

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

LD 1355 proposed that the Commissioner of Education be required to transfer debt service funds to be used to provide additional state subsidy to be distributed to school administrative units to offset school repair, replacement and renovation costs to increase the state share of school renovation, repair and replacement costs. The bill, in essence, proposed to freeze the debt service limit for state-supported school construction projects to the \$80,000,000 debt service limit established for fiscal year 2002-03; and, between fiscal year 2003-04 and fiscal year 2006-07, require the Commissioner of Education to transfer an increasing percentage of debt service funds to the foundation allocation component of the general purpose aid for local schools program. The bill also proposed to provide for a transfer of \$8,000,000 in fiscal year 2003-04 and an additional \$12,600,000 in fiscal year 2004-05 from the state debt service allocation to the School Revolving Renovation Fund to increase the state share of school renovation, replacement and repair costs.

**LD 1365 An Act To Assist Maine Educators in Meeting the Quality CARRIED OVER
Requirements of the Federal Elementary and Secondary Education
Act of 1965**

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

LD 1365 proposes to require the Department of Education to provide Maine educators with a range of options for demonstrating their proficiency and to assist Maine educators in meeting the requirements of the federal Elementary

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and Secondary Education Act of 1965, as amended by the federal No Child Left Behind Act of 2001. The bill proposes to accomplish the following:

1. It proposes to require the Department of Education to adopt or amend rules for the program of technical assistance;
2. It proposes to require the Department of Education to notify by mail, by May 1, 2003, every person who is certified to teach or authorized to be employed as an educational technician in this State of the new requirements of and the deadlines for complying with the federal Elementary and Secondary Education Act 1965.
3. It proposes to require the Department of Education to convene, not later than June 1, 2003, an advisory committee, the majority of members of which are practicing classroom teachers and practicing educational technicians, to identify the needs imposed on Maine educators and Maine schools by the federal Elementary and Secondary Education Act of 1965's educator quality provisions and to recommend actions by the Department of Education and the Legislature to assist educators in meeting those needs. The advisory committee shall present a report on its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs no later than December 15, 2003.
4. It proposes to require the Department of Education to compile and publish on its website a database of programs accredited or recommended to assist educators in meeting the teacher quality requirements of the federal Elementary and Secondary Education Act of 1965 and other information about professional development funding, grants and other resources available to assist them in meeting these requirements.

The bill has been carried over to the Second Regular Session.

LD 1369

An Act To Establish the Maine Community College System

ONTP

Sponsor(s)
DAGGETT
COLWELL

Committee Report
ONTP

Amendments Adopted

LD 1369 proposed to amend the Maine Revised Statutes to reflect the transformation of the Maine Technical College System into the Maine Community College System. The bill proposed to change statutory references from "technical" college or system to "community." The bill also proposed to amend the laws governing the Maine Career Advantage program to align its services with the Maine Community College System.

The substance of this bill was also addressed by another bill referred to the Education Committee (see LD 597) and was enacted as part of the Part I budget bill (see LD 1319, which was enacted as P.L. 2003, c. 20, Part OO).

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LD 1374 **An Act To Ensure That No Maine Child Is Left behind by
Improving the Overall Education of Disadvantaged Children and
Complying with New Federal Education Funding Requirements** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1374 proposed several changes in law to improve school choice in order to address the educational needs of a wider range of students. The bill proposed to provide for the establishment of charter schools to serve the unique educational needs of students by act of the Legislature. The bill also proposed to expand the current law governing transfer of students between public schools through the process known as "superintendents' agreement" to include a wider range of public schools and to include transfers between public schools and private schools approved for tuition purposes. Under the proposed bill, such transfers would have been required if the student had failed to meet state academic and student achievement standards and the school from which the student requests to transfer had failed to make adequate yearly progress as defined in the federal No Child Left Behind Act of 2001 and the school to which transfer is sought had met those standards. The bill also proposed to increase the number of private schools eligible for student transfer by removing the requirement that private schools be nonsectarian in order to be eligible for tuition payment. Finally, the bill proposed to establish principles to guide the Department of Education in implementing the law. The proposed bill would not have applied to homeschooling or homeschooled students.

LD 1384 **An Act To Provide Student Loan Forgiveness to Maine Employees** **ONTP**

<u>Sponsor(s)</u> STRIMLING CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1384 proposed to establish a loan and loan forgiveness program, similar to that established for teachers, to provide school loans and loan forgiveness to students who remain in or return to Maine to work.

LD 1391 **An Act To Approve Public Charter Schools in Maine** **ONTP**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1391 proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education.

Under the proposed bill, charter schools would be existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status. A chartering authority would be a local school board or nonsectarian, 4-year postsecondary institution. Charter schools would be created to offer students and parents a choice of public schools. Charter schools would be open to all students equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter

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school would not be affiliated with a religious institution and must be nonsectarian in its programs, practices and policies.

The bill also proposed that charter school staff would include at least one teacher holding an appropriate teaching certificate. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit; or teachers could choose to operate the charter school themselves as partners or members of a cooperative.

The bill further proposed that charter schools would be funded by per-pupil allocations from state and local sources. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Both operating and program funds would follow each child to the public school chosen.

LD 1422 An Act To Promote Student and Taxpayer Equity in the School Funding Formula ONTP

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

LD 1422 proposed to provide amendments to the school funding formula to ensure student equity and taxpayer equity in the distribution of state resources for kindergarten to grade 12 public education in the State. In order to achieve those goals, the bill proposed to provide the following changes to the school funding formula.

1. Beginning in fiscal year 2003-04, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 4-year period.
2. As an exception to the current method of computing property fiscal capacity, the Commissioner of Education would provide municipalities that have tax-exempt property that exceeds 20% of property in the municipality due to the location of nonprofit and governmental organizations within the municipality, with an adjustment to the property weight used to determine their school funding subsidy.
3. In fiscal year 2003-04, the income factor used to determine local fiscal capacity would be calculated at 20% and in fiscal year 2004-05, the income factor used would be calculated at 25%.
4. As an exception to using income to determine local fiscal capacity, the Commissioner of Education would adjust the income factor used for a school administrative unit that is located within a municipality whose local fiscal property capacity as a percent of the municipality's median household income exceeds the statewide fiscal property capacity as a percent of the statewide median household income.
5. For fiscal year 2003-04, the program millage limit would be 1.45 mills, approximately the level established for fiscal year 2002-03.
6. For fiscal year 2003-04, the operating mill rate would be determined by the Department of Education.
7. For fiscal year 2003-04, the program cost reduction percentage would be 0%.

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8. In fiscal year 2003-04, the adjustment for out-of-district placement would be increased to \$3,788,679.
9. In fiscal year 2003-04, the adjustment for the costs of geographic isolation would be fully funded at \$1,792,317.
10. The implementation of the essential program and services model would include a weighted pupil methodology, a cost-of-education adjustment and a method of calculating district costs other than using a statewide average cost method.
11. The State Board of Education and the Department of Education would prepare and present a state incentive plan for school consolidation. The Department of Education would designate a senior staff person to be responsible for investigating other state models of consolidation and would adopt rules on school administrative unit consolidation no later than November 1, 2003, which may provide for an additional allocation of state subsidy to school administrative units that consolidate schools.
12. The State Board of Education and the Commissioner of Education would study the possibility of establishing an early retirement program for educational personnel.

LD 1432 **An Act Regarding the Factors Used for General Purpose Aid in the Essential Programs and Services Model for "English as a 2nd Language" Students** **ONTP**

<u>Sponsor(s)</u> ADAMS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1432 proposed to direct the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who were placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposed to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units would be made during the year of allocation as a single payment.
2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.
3. The funds disbursed for this adjustment would be limited to the amount appropriated by the Legislature for this purpose and payments to units would be prorated if the amount appropriated was insufficient to make full payments to all units. If additional appropriations were not provided for this disbursement, the Department of Education would not redistribute existing appropriations for general purpose aid to local schools for this adjustment.

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4. The Commissioner of Education would be directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year would include the count of all students placed in an approved transitional instruction program beginning with the April 15, 2003 student count. The commissioner would also be directed to provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school would be required to specify the number of students placed in an approved transitional instruction program as part of the annual student counts.

LD 1465 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition** **RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-224
TREAT	ONTP MIN	S-311 CATHCART

LD 1465 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell.

Committee Amendment "A" (H-224), which is the majority report, proposed to incorporate a fiscal note.

Senate Amendment "A" (S-311) proposed to authorize the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. This would be to replace 43 buses that must be removed from service for safety reasons. The amendment proposed that financing may not exceed 7 years in duration and \$2,500,000 in principal costs, and interest rates may not exceed 6%.

Enacted Law Summary

Resolve 2003, chapter 92 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell. It also authorizes the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. Financing may not exceed 7 years in duration and \$2,500,000 in principal costs. Interest rates may not exceed 6%.

LD 1484 **An Act To Amend the School Construction Program** **ONTP**

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

LD 1484 proposed to amend the requirements for local debt service costs that are eligible for state subsidy under the general purpose aid for local schools program. The bill proposed to amend provisions of the school construction program and the so-called debt service "circuit breaker" program in the following ways:

1. It proposed to increase the millage limit established for the debt service circuit breaker from 45% to 100%;

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- 2. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in 2 or more approved major capital projects is eligible to include the principal and interest costs for each major capital project in the determination of the debt service millage limit;
- 3. It proposed to provide that, beginning in school year 2003-04, a school administrative unit engaged simultaneously in an approved major capital project and a nonstate funded project is eligible for state support for 100% of the principal and interest costs for the approved major capital project and for 50% of the principal and interest costs for the nonstate funded project if the project was approved by the commissioner after the school administrative unit applied to the state board for major capital project approval and the project application involved received a rating in the top 50% on the major capital project priority list; and
- 4. It proposed to direct the Department of Education and the State Board of Education to amend or adopt rules necessary to implement the changes to the debt service "circuit breaker" program.

LD 1508

Resolve, Regarding Legislative Review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health

**RESOLVE 56
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-423 H-521 CUMMINGS
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LD 1508, a resolve, proposed to provide for legislative review of Chapter 7: Rules Advancing the Performance of Sound Student Safety Practices in Maine's Public Schools and Colleges, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

Committee Amendment "A" (H-423) proposed to provide that the provisionally adopted rule submitted by the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health could be authorized only if the rule was amended as follows.

- 1. The following designated parts of the provisionally adopted rule must be deleted: "III. Educational institution's duty to respond," "V. Board of Occupational safety and Health oversight of this rule," "VI. Educational institutions' additional duties to advance student safety through sound student safety practices initiatives" and "VII. Enforcement"; and
- 2. The part designated "I. Summary of purpose" must be amended by deleting the 2nd sentence, which summarizes parts of the rule that are not authorized for final adoption.

The amendment also proposed to add a new section to the resolve to report that the Joint Standing Committee on Education and Cultural Affairs made the following findings:

- 1. The portions of the rule that would not be authorized for final adoption would add new requirements to the existing health and safety requirements already mandated to school administrative units and that these new requirements could have a significant fiscal impact on school administrative units; and

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2. The portions of the rule that would be authorized for final adoption are sufficient to permit the Department of Labor, Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that could be necessary to these educational institutions.

The amendment further proposed to strike and replace the title of the resolve to more accurately reflect the entity that adopted the rules.

House Amendment "A" to Committee Amendment "A" (H-521) proposed to amend the “finding section” of the committee amendment to reflect that it is the Legislature that is making the final determination regarding the provisionally adopted rules.

Enacted Law Summary

Resolve 2003, chapter 56 requires the Department of Labor, Bureau of Labor Standards, Board of Occupational Safety and Health to amend its provisionally adopted major substantive rules regarding sound student safety practices in Maine's public schools and colleges. The resolve specifies that the portions of the rule that are authorized for final adoption are only those portions sufficient to permit the Bureau of Labor Standards to communicate allegations of unsafe student conditions in educational institutions and to provide any technical assistance that may be necessary to these educational institutions.

Resolve 2003, chapter 56 was passed as an emergency measure effective June 2, 2003.

LD 1530	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education	RESOLVE 60 EMERGENCY
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Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-453

LD 1530, a resolve, proposed to provide for legislative review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-453) proposed to provide that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education could be authorized and also proposed to provide that the remainder of the provisionally adopted major substantive rule could not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The amendment proposed to authorize the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule would be amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The amendment also proposed to require that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under Title IX, Part C, Section 9302 of the federal Elementary and Secondary Education Act, Public Law 107-110, the Department of Education would review and file a revised provisionally adopted major substantive rule. The amendment further proposed to require that the Department of Education would also consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and

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Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Enacted Law Summary

Resolve 2003, chapter 60 provides that only specific portions of the provisionally adopted major substantive rule submitted by the Department of Education related to certification, authorization and approval of education personnel are authorized and also provides that the remainder of the provisionally adopted major substantive rule may not be adopted, but rather must be reviewed and resubmitted by the Department of Education. The resolve authorizes the adoption of the proposed provisions to the Administrator Certificates section of the rule only if certain portions of this section of the rule are amended to include references to the Interstate School Leaders Licensure Consortium standards as part of the alternative pathways to certain administrator certificates.

The resolve also requires that, pending the decision of the United States Department of Education on the Maine Department of Education's Consolidated State Application for State Grants under the federal Elementary and Secondary Education Act, the Department of Education shall review and file a revised provisionally adopted major substantive rule. The resolve further requires that the department shall consider the concerns raised by interested parties during public hearings and work sessions on this rule conducted by the Joint Standing Committee on Education and Cultural Affairs related to other portions of the provisionally adopted major substantive rule that are not necessarily subject to the educator quality requirements of the federal Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001.

Resolve 2003, chapter 60 was passed as an emergency measure effective June 3, 2003.

LD 1564

An Act Regarding School Bus Contracts

**PUBLIC 325
EMERGENCY**

Sponsor(s)
PINGREE
DOUGLASS

Committee Report
OTP-AM

Amendments Adopted
H-364

LD 1564 proposed to allow the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Committee Amendment "A" (H-364) proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 325 allows the Commissioner of Education to authorize a one-year extension of a 5-year contract for transportation of public school students when such an extension would be beneficial to a school administrative unit.

Public Law 2003, chapter 325 was enacted as an emergency measure effective May 27, 2003.

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LD 1577

An Act To Amend and Improve the Education Laws

PUBLIC 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	S-201
CUMMINGS	OTP-AM MIN	

LD 1577 proposed to amend certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The bill proposed to accomplish the following:

1. It proposed to add "emotional disability" to the definition of "exceptional student";
2. It proposed to add "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;
3. It proposed to amend the definition of "homeless student" in compliance with the provisions of federal law;
4. It proposed to amend the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It proposed to amend and clarify the section of the statute defining the tuition rate that could be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It proposed to add language establishing the tuition rate that could be charged by the applied technology center, satellite or region; and
6. It proposed to amend the statutes regarding local funding requirements for gifted and talented programs and the reporting dates and implementation dates for those programs.

Committee Amendment "A" (S-201), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to retain the provision in the original bill that proposed to amend the date for full implementation of the school administrative unit's gifted and talented program, but proposed to change the implementation date for gifted and talented programs from the 2003-2004 school year to the 2004-2005 school year. The amendment also proposed to provide that, beginning with the 2004-2005 school year, a school administrative unit could request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

Enacted Law Summary

Public Law 2003, chapter 477 amends certain provisions in the education statutes to ensure compliance with new federal requirements, to reflect current practice or to clarify existing state law. The law accomplishes the following:

1. It adds "emotional disability" to the definition of "exceptional student" in the Maine Revised Statutes, Title 20-A, section 7001;
2. It adds "undue burden" as a requirement concerning requests for extension of leased space agreements relating to local school administrative units;

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3. It amends the definition of "homeless student" in compliance with the provisions of federal law;
4. It amends the homeless student provisions to be addressed by Department of Education rules to implement federal law;
5. It amends and clarifies the section of the statute defining the tuition rate that may be charged by schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers. It adds language establishing the tuition rate that may be charged by the applied technology center, satellite or region; and
6. It amends the statutes regarding local funding requirements for gifted and talented programs by establishing the date for full implementation of the school administrative unit's gifted and talented program to the 2004-2005 school year. The law also provides that, beginning with the 2004-2005 school year, a school administrative unit may request a one-year waiver from the Commissioner of Education on the requirement for fully implementing its plan for phasing in its gifted and talented program.

LD 1615

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71

**P & S 20
EMERGENCY**

Sponsor(s)
MURPHY

Committee Report

Amendments Adopted

LD 1615 proposes to validate a school construction referendum conducted by School Administrative District No. 71 on October 1, 2002 and proposed to authorize the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum would eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

This bill was not referred to a joint standing committee of the Legislature prior to being enacted.

Enacted Law Summary

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.

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LD 1623

An Act To Implement School Funding Based on Essential Programs and Services

PUBLIC 504

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	S-258
CUMMINGS	ONTP MIN	

LD 1623 proposed to establish the Essential Programs and Services Funding Act. The bill proposed to establish targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results.

Specifically, Part A of the bill proposed to accomplish the following:

1. It proposed to define the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
2. It proposed to provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
3. It proposed to establish targets for a transition to an increased state share percentage; and proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;
4. It proposed to incorporate the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
5. It proposed to establish that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
6. It proposed to establish a timeline for reviewing the essential programs and services components by providing that the first review would begin in fiscal year 2006-07 and that subsequent review cycles would take place at least every 2 years thereafter; and
7. It proposed to provide that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

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Part B of this bill proposed to make technical changes and proposed to correct cross-references necessitated by Part A.

Committee Amendment "A" (S-258), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to accomplish the following:

1. It proposed to establish July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
2. It proposed to establish that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit would be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever would result in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
3. It proposed to clarify that the annual targets established for the essential programs and services transition percentage would exclude program cost allocation, debt service allocation and adjustments;
4. It proposed to amend the annual targets established for the transition to an increased state share percentage under the essential programs and services funding approach;
5. It proposed to amend the timeline established for reviewing the essential programs and services components by establishing that the review would begin in fiscal year 2006-07 and would take place at least every 2 years thereafter; and
6. It proposed to amend the rule-making provisions of the bill to establish that rules adopted to implement the provisions of the Essential Programs and Services Funding Act would be major substantive rules.

Enacted Law Summary

Public Law 2003, chapter 504 establishes the Essential Programs and Services Funding Act. The law establishes targets for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. Specifically, the law accomplishes the following:

7. It defines the elements of essential programs and services in order to: (a) determine the resources necessary for all students in each school administrative unit; (b) establish the methodology to calculate per-pupil guarantees unique to each school administrative unit based on each unit's personnel profile for years of experience and education level; (c) address providing additional resources for specialized student populations; (d) define the major cost components; (e) provide for targeted funds; and (f) provide for an annual updating of the components;
8. It provides for a transition adjustment to minimize the fiscal impact directly related to the phase-in of this Act;
9. It establishes targets for a transition to an increased state share percentage; and clarifies that the annual targets established for the essential programs and services transition percentage exclude program cost allocation, debt service allocation and adjustments;

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10. It incorporates the statutory language necessary to maintain the current distribution method for operating allocation that was established in the School Finance Act of 1995; and establishes July 1, 2005 as the effective date for the repeal of the School Finance Act of 1995 to coincide with the implementation of the transition to a new school funding approach, based on essential programs and services, beginning in fiscal year 2005-06;
11. It establishes that, beginning in fiscal year 2004-05, the pupil counts and the property valuation data used for determination of the state subsidy to be distributed to each school administrative unit will be based on the averages of the annual numbers for pupil count and for property valuation for the most recent 3-year period or the pupil counts and the property valuation data for the most recent year, whichever results in a greater pupil count or a lesser property valuation compared to statewide averages for these factors;
12. It establishes a timeline for reviewing the essential programs and services components by providing that the first review shall begin in fiscal year 2006-07 and that subsequent review cycles shall take place at least every 2 years thereafter; and
13. It provides that rules adopted to implement the provisions of the Essential Programs and Services Funding Act are major substantive rule.