

STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

April 2010

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Joint Standing Committee on Education and Cultural Affairs

LD 160 An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure

ONTP

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

This bill was carried over from the First Regular Session of the 124th Legislature. Current law requires the Commissioner of Education to notify school boards of the amount of school subsidy to be allocated to school administrative units. This bill requires the commissioner to also provide the governing bodies of regional school units and alternative organizational structures with the computation and the amount of the allocation of school subsidy that the commissioner has estimated for the regional school units and each member municipality in the regional school unit or for the alternative organizational structure and each member entity in the alternative organizational structure.

LD 352 An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine

PUBLIC 488

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-368

This bill was carried over from the First Regular Session. It establishes the Maine School of Veterinary Medicine Loan Program, similar to the Maine Dental Education Loan Program. The program would create three slots per year for veterinary students or persons eligible for licensure as a veterinarian to apply for a loan repayment program through the Finance Authority of Maine. The program would promote veterinarian practice for large animals. The bill creates the Advisory Committee on Veterinary Medical Education to work with the Chief Executive Officer of the Finance Authority of Maine to evaluate and improve the program.

Committee Amendment "B" (S-368)

This amendment includes changes to the Health Professions Loan Program and the Access to Medical Education Program. It also revises the proposed veterinary medicine loan program proposed in the original bill. The changes to the Health Professions Loan Program convert it from a program that provided forgivable loans for medical, veterinary and dental education and loans for optometry education to a program that provides loans for medical, veterinary and dental education to be repaid at varying interest rates depending upon the nature and location of the practice. The amendment eliminates loans for optometry students. The amendment adds and revises certain effective dates to transition to the Doctors for Maine's Future Scholarship Program enacted in Public Law 2009, chapter 410. The amendment eliminates new access seats for veterinary education beginning in 2011 in anticipation of the creation of the Maine Veterinary Medicine Loan Program. The amendment makes changes to the Advisory Committee on Medical Education to reflect the changing nature of the programs.

Enacted Law Summary

Public Law 2009, chapter 488 converts the Health Professions Loan Program from a program that provided forgivable loans for medical, veterinary and dental education and loans for optometry education to a program that

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provides loans for medical, veterinary and dental education to be repaid at varying interest rates depending upon the nature and location of the practice. It establishes dates that conform to certain effective dates for the Doctors for Maine's Future Scholarship Program established in Public Law 2009, chapter 410. It eliminates new access seats for veterinary education beginning in 2011 in coincide with the phase-in of the Maine Veterinary Medicine Loan Program. Chapter 488 makes changes to the Advisory Committee on Medical Education to reflect the changing nature of the programs.

LD 470 An Act To Sustain Nursing Education in Lincoln County

ONTP

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

This bill was carried over from the First Regular Session of the 124th Legislature. It proposes ongoing General Fund appropriations of \$500,000 per year beginning in fiscal year 2009-10 for Central Maine Community College's Lincoln County nursing program in Damariscotta, Maine.

**LD 551 Resolve, To Direct the Commissioner of Education To Review the
Essential Programs and Services Funding Formula**

RESOLVE 197

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-793

This bill was carried over from the First Regular Session of the 124th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the essential programs and services funding formula.

Committee Amendment "A" (H-793)

This amendment strikes the concept draft and replaces it with a resolve that requires the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to review and report on the components and subsidy distribution mechanisms of the Essential Programs and Services Funding Act. The Commissioner of Education and the Maine Education Policy Research Institute are directed to submit their report by January 3, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Enacted Law Summary

Resolve 2009, chapter 197 requires the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to review and report on the components and subsidy distribution mechanisms of the Essential Programs and Services Funding Act. The Commissioner of Education and the Maine Education Policy Research Institute are directed to submit their report by January 3, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

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LD 570 An Act To Improve the Laws Governing the Consolidation of School Administrative Units

**PUBLIC 580
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-768

This bill was carried over from the First Regular Session of the 124th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the laws governing the consolidation of school administrative units.

Committee Amendment "A" (H-768)

This amendment strikes and replaces the concept draft and enacts measures designed to improve the laws governing the consolidation of school administrative units. The amendment accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.
2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.
3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:
 - A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;
 - B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;
 - C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and
 - D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.
4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts,

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except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.
6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.
7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

Enacted Law Summary

Public Law 2009, chapter 580 enacts measures designed to improve the laws governing the consolidation of school administrative units. The law accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.
2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.
3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:
 - A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;
 - B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;
 - C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and

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D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.

4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts, except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.

6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.

7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

Public Law 2009, chapter 580 was enacted as an emergency measure effective April 1, 2010.

LD 1296 An Act To Strengthen the Job Creation Through Educational Opportunity Program

PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RAYE	OTP-AM	H-703

This bill, which was carried over from the First Regular Session of the 124th Legislature, was rereferred from the Joint Standing Committee on Taxation. The bill amends provisions of the educational opportunity tax credit enacted in 2007 to improve administration of the program. Participating students would enter the program by registering electronically for the "job credit through educational opportunity program" rather than signing an "opportunity contract." The bill makes provisions for partial benefits for students transferring to an eligible Maine institution. The bill also clarifies or provides needed definitions, requires additional promotion of the program and requires institutions to report to the Department of Education in 2010 and 2011 on how the program is working.

Committee Amendment "A" (H-703)

This amendment strikes and replaces the bill in order to make a number of improvements to the Job Creation Through Educational Opportunity Program. Part A of the amendment accomplishes the following.

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1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.

Part B of the amendment amends the educational opportunity tax credit to reflect the changes that were made to the program in Part A and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.

Enacted Law Summary

Public Law 2009, chapter 553 makes a number of improvements to the Job Creation Through Educational Opportunity Program. The law accomplishes the following.

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1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.
14. It amends the educational opportunity tax credit statutes to reflect the changes that were made to the program in the education statutes and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.

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LD 1506 An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts

**P & S 27
EMERGENCY**

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

Private and Special Law 2009, chapter 9 granted approval of degree-granting authority until June 30, 2010 to Maine Media College. This bill authorizes Maine Media College to grant the degree of Master of Fine Arts beyond June 30, 2010.

Enacted Law Summary

Private and Special Law 2009, chapter 27 authorizes Maine Media College to grant the degree of Master of Fine Arts beyond June 30, 2010.

Private and Special Law 2009, chapter 27 was enacted as an emergency measure effective June 30, 2010.

LD 1521 An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008

**PUBLIC 463
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX	OTP-AM	H-586

This bill clarifies an ambiguity in the law that prevents Maine public colleges and universities from receiving less than the in-state tuition rate from veterans using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008. The bill provides that the amount of the tuition waiver received by an eligible veteran may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. The bill also provides that Maine public colleges and universities may apply other nonrepayable resources, including grants and scholarships for which the veteran may be eligible, toward the institution's tuition charges prior to waiving the tuition charges that remain.

Committee Amendment "A" (H-586)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 463 clarifies an ambiguity in the law that prevents Maine public colleges and universities from receiving less than the in-state tuition rate from veterans using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008. The law provides that the amount of the tuition waiver received by an eligible veteran may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. The law also provides that Maine public colleges and universities may apply other nonrepayable resources, including grants and scholarships for which the veteran may be eligible, toward the institution's tuition charges prior to waiving the tuition charges that remain.

Public Law 2009, chapter 463 was enacted as an emergency measure effective February 8, 2010.

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LD 1532 An Act To Align Education Laws with Certain Federal Laws

PUBLIC 508

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-373

This bill provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services shall determine which of the two units is appropriate and notify the unit in writing of its determination.

The bill further provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.

The bill also changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

Committee Amendment "A" (S-373)

This amendment provides that the Department of Health and Human Services shall consult with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed with an adult that is not the child's parent or legal guardian when the department is determining the appropriate school administrative unit for providing public education for the student. The amendment also provides that, after this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

Enacted Law Summary

Public Law 2009, chapter 508 enacts measures to align certain state education laws with federal laws. The law accomplishes the following.

1. It provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services, in consultation with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed, shall determine which of the two school units is appropriate and notify the school unit in writing of its determination. After this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

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2. It provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.
3. It changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

LD 1563 Resolve, To Develop Model Academic Year Calendars

RESOLVE 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND ALFOND	OTP-AM MAJ ONTP MIN	H-601 H-636 SUTHERLAND

This resolve directs the Commissioner of Education to establish a study group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare a draft model academic year calendar by December 1, 2010. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit legislation to implement the findings of the study group to the First Regular Session of the 125th Legislature.

Committee Amendment "A" (H-601)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment changes the reporting date of the working group and requires that it develop draft model academic year calendars that account for regional differences within the State, rather than one statewide model, and authorizes the working group to seek input from other stakeholders as it determines appropriate. The amendment also clarifies that this is a working group, rather than a study group.

House Amendment "A" (H-636)

This amendment authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill, rather than legislation, to the First Regular Session of the 125th Legislature to implement the findings of the working group on model academic year calendars.

Enacted Law Summary

Resolve 2009, chapter 154 directs the Commissioner of Education to establish a working group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare draft model academic year calendars that account for regional differences within the State by February 11, 2011. It provides that the working group may seek input from other stakeholders as it determines appropriate and that the working group shall present recommendations to the Commissioner of Education on how to present the model academic year calendars for statewide review. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to implement the findings of the working group to the First Regular Session of the 125th Legislature.

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LD 1564 An Act To Update the Laws Concerning the Maine School of Science and Mathematics

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND JACKSON	OTP-AM MAJ OTP MIN	H-605

This bill updates the laws concerning the Maine School of Science and Mathematics. It provides that students may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of their enrollment at the school. It allows postgraduate high school students to attend at full cost. It clarifies that private scholarship funds may not be used to offset state funds and creates a general purpose educational enhancement fund with the same provision. This bill makes necessary changes to reflect the newly created regional school unit. It provides that one of the three teacher members of the board of trustees is a full-time teacher and clarifies that both full-time and part-time faculty members may participate in the election of a faculty representative to the board of trustees. It also provides that the student member of the board of trustees is a nonvoting member. It strengthens the quorum requirement from members in attendance to one-third of all voting members. Finally, it removes references to high school sophomores, juniors and seniors in the laws governing admission to the school and provides that admittance of high school students must be based on criteria established by the board of trustees.

Committee Amendment "A" (H-605)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the proposal in the bill that designates the student member of the Board of Trustees of the Maine School of Science and Mathematics as a nonvoting member. The amendment clarifies that the student member is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter that was discussed or considered during an executive session. The amendment also amends the programs and operations provisions of the laws governing the Maine School of Science and Mathematics to include the admission of students pursuing a postgraduate high school year of education as part of the school admissions program.

Enacted Law Summary

Public Law 2009, chapter 486 updates the laws concerning the Maine School of Science and Mathematics. The law accomplishes the following.

1. It provides that students may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of their enrollment at the school. It clarifies that private scholarship funds may not be used to offset state funds and creates a general purpose educational enhancement fund with the same provision.
2. It allows postgraduate high school students to attend at full cost and amends the programs and operations provisions of the laws governing the Maine School of Science and Mathematics to include the admission of students pursuing a postgraduate high school year of education as part of the school admissions program.
3. It provides that one of the three teacher members of the board of trustees is a full-time teacher and clarifies that both full-time and part-time faculty members may participate in the election of a faculty representative to the board of trustees.
4. It clarifies that the student member of the board of trustees is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter

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that was discussed or considered during an executive session.

- 5. It strengthens the quorum requirement for the board of trustees from members in attendance to one-third of all voting members.
- 6. It removes references to high school sophomores, juniors and seniors in the laws governing admission to the school and provides that admittance of high school students must be based on criteria established by the board of trustees.
- 7. Finally, it makes necessary changes to reflect the newly created regional school unit.

LD 1613 An Act To Modernize the Laws Governing the State's Cultural Agencies

ONTP

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

This bill provides for further implementation of recommendations contained in the State Controller's audit of the Maine State Library, the Maine Arts Commission, the Maine State Museum Commission and the Maine Historic Preservation Commission to provide greater accountability and transparency in the conduct of the work of those agencies. The bill directs the cultural agencies to recommend legislation to modernize the laws related to those agencies. The bill directs the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to work with the agencies, the Department of Education and the Department of Administrative and Financial Services to determine whether to establish a new position of deputy commissioner for cultural affairs within the Department of Education and place the cultural agencies under the jurisdiction of that department. The bill also makes changes to the appointment process for certain members overseeing the agencies, specifies the terms for members of and permissible reappointments for certain commissions and strengthens public access to records of the commissions.

LD 1654 An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families

LEAVE TO WITHDRAW

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

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to restructure the services available to infants and young children with developmental disabilities, including autism, and developmental delays. The restructured services would include supports for the families of these infants and young children. The bill would aim to improve informed choices for families and improve the coordination of services among numerous community agencies and state departments. The bill would provide a new, streamlined structure to improve identification of need and ease of accessing services and improve outcomes for infants and young children and their families and efficiency in the use of state funds.

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LD 1658 An Act To Increase Maine's High School Graduation Rates

PUBLIC 626

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-429

This bill establishes the state goal of achieving an average statewide secondary school graduation rate of 90% by the end of the 2015-2016 school year. The State Board of Education is required to provisionally adopt major substantive rules specifying the methodology to be used to calculate secondary school graduation rates through 2016 and to submit those rules for legislative review by January 14, 2011. The bill also requires the Commissioner of Education and the State Board of Education to establish a stakeholder group to develop recommendations relating to increasing secondary school graduation rates in the State and to report its findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 10, 2011.

Committee Amendment "A" (S-429)

The amendment requires the Department of Education rather than the State Board of Education to develop the method used to calculate publicly supported secondary school graduation rates. It also requires the department to provide technical assistance to schools that have not attained an 80% graduation rate by the end of the 2012-2013 school year. It requires these schools to develop and submit to the department a corrective action plan. The amendment expands the membership of the stakeholder group to be established by the Commissioner of Education and explicitly directs the group to review plans developed by the commissioner's advisory committee on truancy, dropouts and alternative education and other groups.

The amendment changes the date for the working group to report its findings from January 10, 2011 to November 1, 2010 and provides that the Joint Standing Committee on Education and Cultural Affairs of the 124th Legislature may receive and discuss the report at an authorized interim meeting of the committee. The amendment allows the committee to make recommendations to the Commissioner of Education and to the joint standing committee of the 125th Legislature having jurisdiction over education matters.

Enacted Law Summary

Public Law 2009, chapter 626 establishes the state goal of achieving an average statewide secondary school graduation rate of 90% by the end of the 2015-2016 school year. The law requires the Department of Education to provisionally adopt major substantive rules specifying the methodology to be used to calculate secondary school graduation rates through 2016 and to submit those rules for legislative review by January 14, 2011. The law also requires the department to provide technical assistance to schools that have not attained an 80% graduation rate by the end of the 2012-2013 school year and requires these schools to develop and submit to the department a corrective action plan.

The law requires the Commissioner of Education to establish a stakeholder group to develop recommendations relating to increasing secondary school graduation rates in the State and to report its findings to the Joint Standing Committee on Education and Cultural Affairs of the 124th Legislature by November 1, 2010. The law allows the committee to receive and discuss the report at an authorized interim meeting of the committee and also permits the committee to make recommendations to the Commissioner of Education and to the joint standing committee of the 125th Legislature having jurisdiction over education matters.

Joint Standing Committee on Education and Cultural Affairs

LD 1686 Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services

**RESOLVE 182
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO DAMON	OTP-AM	H-660 S-437 ALFOND

This bill allows the cost of minor capital school improvement projects, including, but not limited to, the replacement of windows, a boiler or a roof, to be permitted costs under the essential programs and services funding formula.

Committee Amendment "A" (H-660)

This amendment replaces the bill with a resolve that directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters. Following receipt of the report, the committee may submit a bill relating to the matters addressed in the report to the First Regular Session of the 125th Legislature.

Senate Amendment "A" To Committee Amendment "A" (S-437)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 182 directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 182 was finally passed as an emergency measure effective March 30, 2010.

LD 1704 An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs

PUBLIC 628

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM	H-736 H-781 SUTHERLAND

This bill transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The bill transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from

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the Department of Education to the Department of Health and Human Services. The bill also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. Finally, the bill increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

Committee Amendment "A" (H-736)

This amendment decreases the fees for competency testing of nursing assistants from \$55 in the bill to \$45. The amendment also eliminates one Office Assistant II position from the Department of Education and transfers the position to the Department of Health and Human Services, Division of Licensing and Regulatory Services. It establishes one Social Services Program Specialist II position in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services to align the functions of the certified nursing assistant educational programs within one department.

House Amendment "A" To Committee Amendment "A" (H-781)

This amendment clarifies that the position established in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services is funded 75% with General Fund money and 25% with Other Special Revenue Funds from federal funding. It also strikes and replaces the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 628 transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The law transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from the Department of Education to the Department of Health and Human Services. The law also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. The law also increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

**LD 1705 An Act To Align the Duties of School Boards Concerning Student Safety
with the Requirements of the Federal Gun-Free Schools Act and To
Prohibit the Discharge of Firearms within 500 Feet of Public and
Private School Properties**

PUBLIC 614

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-769 H-805 SUTHERLAND

This bill requires school boards to adopt policies consistent with federal legislation on gun-free schools. This bill also clarifies that the prohibition of the discharge of firearms within 500 feet of school property applies to both public school property and private school property.

Committee Amendment "A" (H-769)

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This amendment clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.

The amendment makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.

1. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
2. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
3. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

House Amendment "B" To Committee Amendment "A" (H-805)

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A" except that it clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

Enacted Law Summary

Public Law 2009, chapter 614 aligns the duties of school boards concerning student safety with recent changes in the federal Gun-free School Zones Act of 1994. The law accomplishes the following.

1. It clarifies that the prohibitions in the federal Gun-free School Zones Act of 1994 pertain to possessing a firearm at school as well as bringing a firearm to school.
2. It clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.
3. It makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.
 - A. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
 - B. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
 - C. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

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4. It clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

LD 1729 An Act To Form a Western Maine Regional School Unit

ONTP

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

This bill allows School Administrative District 58, Coplin Plantation, Highland Plantation and those unorganized territories with students who attend School Administrative District 58 to form a regional school unit. It authorizes the Commissioner of Education to approve the formation of such a regional school unit.

LD 1732 An Act To Allow a Municipality To Withdraw from a Regional School Unit

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER ROSEN R	ONTP	

This bill enacts into law provisions regarding the reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 and allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another. A municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and must become a member of a regional school unit within two years of withdrawal or be subject to the penalties that apply to nonconforming school administrative units. The bill also includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

While this bill was not enacted, Public Law 2009, chapter 580 includes similar provisions that allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another.

LD 1733 An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN RECTOR	ONTP	

This bill provides that penalties for a school administrative unit that does not conform to reorganization requirements do not apply if the school administrative unit would lose state subsidy as a result of its reorganization or if the reorganization failed because a participating school administrative unit would lose state subsidy.

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LD 1734 An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN RECTOR	ONTP	

This bill requires the Department of Education to calculate the subsidy a school administrative unit would receive as part of a regional school unit or an alternative organizational structure and as if the school administrative unit had not reorganized pursuant to the Maine Revised Statutes, Title 20-A, chapter 103-A. The department shall pay the larger subsidy amount to the regional school unit or alternative organizational structure of which that school administrative unit is a member.

LD 1735 An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM	H-691

This bill provides that if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy.

Committee Amendment "A" (H-691)

This amendment provides that, beginning in fiscal year 2011-12, if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, then local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy. The amendment adds that this provision is repealed on June 30, 2014.

The amendment also extends a waiver from the requirement that school administrative units must raise the additional mill rate expectation or face a reduction in the state contribution that was enacted in Public Law 2009, chapter 213, Part C, section 19 to include fiscal year 2010-11.

While the provisions of this amendment were not enacted, Part E, Sec. E-25 of Public Law 2009, chapter 571, the supplemental budget bill, includes similar provisions (see LD 1671).

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LD 1739 An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum

ONTP

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

This bill removes the requirement that a referendum must be held in a regional school unit to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

LD 1741 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education

**RESOLVE 200
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-795

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-795)

Part A of this amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The amendment provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

Part B of the amendment requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Part C of the amendment directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Enacted Law Summary

Resolve 2009, chapter 200 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The resolve provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that

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were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

The resolve also requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Finally, the resolve directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 200 was finally passed as an emergency measure effective April 2, 2010.

LD 1747 An Act To Allow the Town of Wells and the Town of Ogunquit To **DIED BETWEEN
Amend the Terms of Their Cost-sharing Agreement for Their **HOUSES**
Community School District and To Provide Each Town the Ability To
Withdraw from the Wells-Ogunquit Community School District**

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

This bill amends the terms of the cost-sharing agreement for the Wells-Ogunquit Community School District and allows each town the right to withdraw from the community school district after 2014.

Committee Amendment "A" (S-422)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill to allow either Wells or Ogunquit to withdraw from the Wells-Ogunquit Community School District using a process similar to the process established in statute for a municipality to withdraw from a regional school unit. The amendment also directs the Commissioner of Education to adapt that process to the unique circumstances of these two towns.

House Amendment "A" To Committee Amendment "A" (H-815)

This amendment provides that if one of the towns is willing to bear the costs, the Town of Wells and the Town of Ogunquit shall enter into mediation of any disputes related to the sharing of costs for the Wells-Ogunquit Community School District. If mediation is not successful after one year, the towns may jointly agree to an extension or, if one of the towns is willing to bear the costs, the towns shall enter binding arbitration under the Maine Uniform Arbitration Act.

LD 1750 An Act To Require the State To Pay the Costs of School Administration **ACCEPTED ONTP
Consolidation **REPORT****

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

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This bill requires the State to pay the costs of consolidation by July 1, 2012 for any town or community that has complied with the laws governing the reorganization of school administrative units by June 2, 2009.

**LD 1751 Resolve, Regarding Legislative Review of the Repeal of Chapter 182:
Formula for Distribution of Funds to Child Development Services
Regional Sites, a Major Substantive Rule That Has Been Provisionally
Repealed by the Department of Education**

**RESOLVE 157
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of the final repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education that has been provisionally repealed.

Enacted Law Summary

Resolve 2009, chapter 157 provides that the repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education, is authorized.

Resolve 2009, chapter 157 was finally passed as an emergency measure effective March 8, 2010.

**LD 1752 Resolve, Regarding Legislative Review of the Repeal of Chapter 181:
Child Development Services System: Regional Provider Advisory
Boards, a Major Substantive Rule That Has Been Provisionally
Repealed by the Department of Education**

**RESOLVE 158
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of the final repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education that has been provisionally repealed.

Enacted Law Summary

Resolve 2009, chapter 158 provides that the repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education, is authorized.

Resolve 2009, chapter 158 was finally passed as an emergency measure effective March 8, 2010.

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LD 1757 An Act To Create Fair Education Funding for Regional School Units

ONTP

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

This bill requires that the State calculate, based on the original date that school units were required to comply with the school consolidation laws, the reduction in state funding that would have applied to nonconforming school units if penalties had been assessed and requires the State to distribute that amount of funds to those regional school units that successfully completed the process of reorganization in order to comply with the school consolidation laws.

LD 1764 Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education

**RESOLVE 151
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-359 ALFOND

This legislation is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority granted under Resolve 2009, Chapter 98, "Resolve, To Understand and Assist Efforts to Promote Science, Technology, Engineering and Math Education."

The resolve directs the Department of Education, in consultation with the University of Maine System and the Maine Community College System, to conduct a study and develop a strategic plan for science, technology, engineering and mathematics learning in preparation for the State application for federal funding under the Race to the Top competitive grant established under the federal American Recovery and Reinvestment Act of 2009.

The resolve also directs the Department of Education to review existing State learning standards for kindergarten to grade 12 public education to determine if students have the opportunity to develop the skills and gain the knowledge that will be incorporated as part of a national assessment of technological literacy beginning in 2012. The Department of Education shall submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the State plan for science, technology, engineering and mathematics learning and on the review of State learning standards and opportunities for learning related to technological literacy. The joint standing committee of the Legislature having jurisdiction over education matters may submit legislation based on the findings and recommendations of the report submitted by the Department of Education to the First Regular Session of the 125th Legislature.

Senate Amendment "A" (S-359)

The bill authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit legislation to the Legislature. This amendment instead specifies that the committee may submit a bill to the Legislature.

Enacted Law Summary

Resolve 2009, chapter 151 directs the Department of Education, in consultation with the University of Maine System and the Maine Community College System, to conduct a study and develop a strategic plan for science, technology, engineering and mathematics learning in preparation for the State application for federal funding under the Race to

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the Top competitive grant established under the federal American Recovery and Reinvestment Act of 2009.

The resolve also directs the Department of Education to review existing State learning standards for kindergarten to grade 12 public education to determine if students have the opportunity to develop the skills and gain the knowledge that will be incorporated as part of a national assessment of technological literacy beginning in 2012. The Department of Education shall submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the State plan for science, technology, engineering and mathematics learning and on the review of State learning standards and opportunities for learning related to technological literacy. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill based on the findings and recommendations of the report submitted by the Department of Education to the First Regular Session of the 125th Legislature.

Resolve 2009, chapter 151 was finally passed as an emergency measure effective February 23, 2010.

LD 1771 An Act To Include All Children in the Conditions of Education Report

PUBLIC 540

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

This bill requires the Education Research Institute to include in the information that it collects and analyzes information on early care and public preschool programs. The bill also adds as a member of the steering committee a person from the Maine Children's Growth Council.

Enacted Law Summary

Public Law 2009, chapter 540 requires the Education Research Institute to include in the information that it collects and analyzes information on early care and public preschool programs. The law also adds as a member of the steering committee a person from the Maine Children's Growth Council.

LD 1782 An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law

**ACCEPTED ONTP
REPORT**

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

This bill exempts the Town of Hermon from minimum student enrollments established in statute for regional school units. The Commissioner of Education is required to treat the town in a manner similar to the treatment of coastal islands.

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LD 1784 Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

RESOLVE 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR ALFOND	ONTP MAJ OTP-AM MIN	S-522 BARTLETT

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to examine the rule-making authority of the Commissioner of Education as it relates to rules that have been submitted to the Legislature by the commissioner, considered by the Legislature and rejected by the Legislature.

Committee Amendment "A" (H-777)

This amendment, which is the minority report of the committee, replaces the bill with a resolve. It establishes the Commission To Study the Rule-making Process under the Maine Administrative Procedure Act to examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The amendment authorizes the commission to make findings and recommendations and to submit suggested legislation. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit a bill to the First Regular Session of the 125th Legislature.

House Amendment "A" To Committee Amendment "A" (H-808)

This amendment removes language specifying the joint standing committees from which members of the Commission to Study the Rule-making Process under the Maine Administrative Procedure Act must be appointed and removes authority of the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit a bill to the 125th Legislature.

House Amendment "B" To Committee Amendment "A" (H-818)

This amendment removes the emergency preamble and the emergency clause.

Senate Amendment "A" (S-522)

This amendment changes the concept draft to a resolve. This amendment authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

Enacted Law Summary

Resolve 2009, chapter 207 authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. In conducting the study, the committee shall examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

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LD 1799 An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data

PUBLIC 646

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	H-813 SUTHERLAND S-483 S-515 ALFOND

This bill eliminates the prohibition on the use of student assessment data in the establishment of models for evaluation of the professional performance of teachers. It also extends the models for evaluation developed by the Department of Education to principals and requires that the models include multiple measures.

Committee Amendment "A" (S-483)

This amendment, which is the majority report of the committee, adds a provision to require the Commissioner of Education to convene a stakeholder group to review the models developed pursuant to the Maine Revised Statutes, Title 20-A, section 13802 for the evaluation of the professional performance of teachers and principals who are employed by a school administrative unit within the State. The stakeholder group shall review the models prior to the final adoption of the models.

House Amendment "A" (H-813)

This amendment removes the emergency preamble and emergency clause.

Senate Amendment "A" To Committee Amendment "A" (S-515)

This amendment provides that each school administrative unit in the State may select and incorporate one or more of the models developed by the Department of Education for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. It also provides that if a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed by the Department of Education. It requires the stakeholder group convened by the Commissioner of Education to review the models to approve models no later than July 1, 2011. It provides that the Department of Education may not finally adopt a model that is not approved by the stakeholder group.

Enacted Law Summary

Public Law 2009, chapter 646 eliminates the prohibition on the use of student assessment data in the establishment of models for evaluation of the professional performance of teachers. It also extends the models for evaluation developed by the Department of Education to principals and requires that the models include multiple measures.

The law requires the Commissioner of Education to convene a stakeholder group to review and approve the models developed for the evaluation of the professional performance of teachers and principals no later than July 1, 2011. The law provides that the Department of Education may not finally adopt a model that is not approved by the stakeholder group.

The law also provides that each school administrative unit in the State may select and incorporate one or more of the models developed by the Department of Education for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. It also provides that if a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed by the Department of Education.

Joint Standing Committee on Education and Cultural Affairs

LD 1800 An Act To Adopt the Common Core State Standards Initiative

**PUBLIC 647
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-423

This bill allows the Department of Education to include the so-called "Common Core State Standards Initiative" standards for kindergarten to grade 12 in the State's system of learning results and assessment and grants the Commissioner of Education the authority to adopt emergency rules in order to implement the standards.

Committee Amendment "A" (S-423)

This amendment is the majority report of the committee. This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2009, chapter 647 allows the Department of Education to include the so-called "Common Core State Standards Initiative" standards for kindergarten to grade 12 in the State's system of learning results and assessment and grants the Commissioner of Education the authority to adopt emergency rules in order to implement the standards.

Public Law 2009, chapter 647 was enacted as an emergency measure effective April 12, 2010.

LD 1801 An Act To Promote the Establishment of Innovative Schools

**PUBLIC 616
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ OTP-AM MIN	H-800 SCHATZ S-455

This bill allows a school administrative unit to establish innovative schools with flexibility in instruction design, staff selection, the school calendar, methods for assessing professional development and a system for assessing student achievement. The bill requires that all applicable state statutory and regulatory requirements be met by school administrative units that establish innovative schools. This bill is one of three bills introduced to address eligibility criteria for federal funding under the Race to the Top Assessment program.

Committee Amendment "A" (S-455)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It revises the language in the bill to clarify the oversight role of local school boards for innovative, autonomous public schools.

Committee Amendment "B" (S-456)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It establishes a process to authorize the establishment of charter schools in the State. It includes clarifying language identical to that of the majority report.

Joint Standing Committee on Education and Cultural Affairs

House Amendment "A" To Committee Amendment "A" (H-800)

This amendment authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

Enacted Law Summary

Public Law 2009, chapter 616 allows a school administrative unit to establish innovative schools with flexibility in instruction design, staff selection, the school calendar, methods for assessing professional development and a system for assessing student achievement. The law requires that all applicable state statutory and regulatory requirements be met by school administrative units that establish innovative schools. Chapter 616 also authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

Public Law 2009, chapter 616 was enacted as an emergency measure effective April 7, 2010.

LD 1804 **An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units**

**PUBLIC 643
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-497 S-543 DIAMOND

This bill is an emergency bill providing that MaineCare rules adopted by the Department of Health and Human Services pertaining to the Child Development Services System are major substantive rules.

Committee Amendment "A" (S-497)

This amendment replaces the bill to establish parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. The amendment provides that:

1. The Department of Health and Human Services, Office of MaineCare Services shall consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act;
2. The Department of Health and Human Services, Office of MaineCare Services shall prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act;
3. The Department of Health and Human Services is required to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee;
4. The Department of Health and Human Services and the Department of Education are required to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits

Joint Standing Committee on Education and Cultural Affairs

Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement; and

5. The Commissioner of Education and the Commissioner of Health and Human Services are required to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-543)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 643 establishes parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. This law accomplishes the following:

1. It requires the Department of Health and Human Services, Office of MaineCare Services to consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act.
2. It requires the Department of Health and Human Services, Office of MaineCare Services to prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act.
3. It requires the Department of Health and Human Services to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee.
4. It requires the Department of Health and Human Services and the Department of Education to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement.
5. It requires the Commissioner of Education and the Commissioner of Health and Human Services to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Public Law 2009, chapter 643 was enacted as an emergency measure effective April 12, 2010.

Joint Standing Committee on Education and Cultural Affairs

**LD 1820 An Act To Exempt Certain Necessary School Auxiliary Buildings for
New Heating Systems from Referendum Requirements**

**ACCEPTED ONTP
REPORT**

Sponsor(s)

TARDY

Committee Report

ONTP MAJ
OTP MIN

Amendments Adopted

This bill exempts the construction of a school's auxiliary building for the housing of a heating system from the public referendum requirement.

Joint Standing Committee on Education and Cultural Affairs

SUBJECT INDEX

Administration, Department of Education, State Board, and School Governance

Enacted

LD 1563	Resolve, To Develop Model Academic Year Calendars	RESOLVE 154
LD 1704	An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs	PUBLIC 628

Alternative Education, Charter Schools and School Choice

Enacted

LD 1564	An Act To Update the Laws Concerning the Maine School of Science and Mathematics	PUBLIC 486
LD 1801	An Act To Promote the Establishment of Innovative Schools	PUBLIC 616 EMERGENCY

Cultural Affairs

Not Enacted

LD 1613	An Act To Modernize the Laws Governing the State's Cultural Agencies	ONTP
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Curriculum, Instruction, Textbooks and Testing

Enacted

LD 1658	An Act To Increase Maine's High School Graduation Rates	PUBLIC 626
LD 1764	Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education	RESOLVE 151 EMERGENCY
LD 1800	An Act To Adopt the Common Core State Standards Initiative	PUBLIC 647 EMERGENCY

Education - Other

Enacted

LD 1771	An Act To Include All Children in the Conditions of Education Report	PUBLIC 540
LD 1784	Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act	RESOLVE 207

Not Enacted

LD 1747 **An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District** **DIED BETWEEN HOUSES**

Postsecondary Education Finance and Student Aid

Enacted

LD 352 **An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine** **PUBLIC 488**

LD 1296 **An Act To Strengthen the Job Creation Through Educational Opportunity Program** **PUBLIC 553**

LD 1521 **An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008** **PUBLIC 463 EMERGENCY**

Not Enacted

LD 470 **An Act To Sustain Nursing Education in Lincoln County** **ONTP**

Postsecondary Education Governance and Coordination

Enacted

LD 1506 **An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts** **P & S 27 EMERGENCY**

Safe Schools and Student Conduct

Enacted

LD 1705 **An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties** **PUBLIC 614**

School Budgets

Not Enacted

LD 1739 **An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum** **ONTP**

School Construction, Facilities and Buses

Not Enacted

LD 1820	An Act To Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements	ACCEPTED ONTP REPORT
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School District Reorganization

Enacted

LD 570	An Act To Improve the Laws Governing the Consolidation of School Administrative Units	PUBLIC 580 EMERGENCY
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Not Enacted

LD 160	An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure	ONTP
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LD 1729	An Act To Form a Western Maine Regional School Unit	ONTP
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LD 1732	An Act To Allow a Municipality To Withdraw from a Regional School Unit	ONTP
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LD 1733	An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization	ONTP
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LD 1734	An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009	ONTP
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LD 1750	An Act To Require the State To Pay the Costs of School Administration Consolidation	ACCEPTED ONTP REPORT
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LD 1757	An Act To Create Fair Education Funding for Regional School Units	ONTP
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LD 1782	An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law	ACCEPTED ONTP REPORT
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School Finance

Enacted

LD 551	Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula	RESOLVE 197
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LD 1686	Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services	RESOLVE 182 EMERGENCY
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Not Enacted

LD 1735	An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs	DIED ON ADJOURNMENT
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Special Education Programs and Finance

Enacted

LD 1532	An Act To Align Education Laws with Certain Federal Laws	PUBLIC 508
LD 1741	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education	RESOLVE 200 EMERGENCY
LD 1751	Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education	RESOLVE 157 EMERGENCY
LD 1752	Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education	RESOLVE 158 EMERGENCY
LD 1804	An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units	PUBLIC 643 EMERGENCY

Not Enacted

LD 1654	An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families	LEAVE TO WITHDRAW
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Teachers and Administrators

Enacted

LD 1799	An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data	PUBLIC 646
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