

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

June 2012

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*Joint Standing Committee on Education and Cultural Affairs*

**LD 98      Resolve, Directing the Commissioner of Education To Adopt a Policy      ONTP**  
**Regarding Management of Head Injuries in Youth Sports**

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

This resolve was carried over from the First Regular Session of the 125th Legislature. The resolve directs the Commissioner of Education to adopt a policy for schools in Maine on the management of head injuries in school athletic activities. The policy must include information, protocols and forms and requirements for removing from an athletic practice, game or activity a student suspected of having sustained a head injury and for banning that student from participation for that day and until the school has received written clearance for the student to resume participation. The resolve requires schools to adopt a policy on management of head injuries and to implement the policy beginning January 1, 2012. The resolve allows the sharing of policies, information, training, protocols and forms with statewide and local organizations that sponsor sports and athletics.

While this resolve was not enacted, the Joint Standing Committee on Education and Cultural Affairs reported out LD 1873, which was enacted as Public Law 2011, chapter 688 and contained similar provisions to address the management of head injuries in school activities and athletics.

**LD 627      An Act To Expand the Capacity of York County Community College      PUBLIC 667**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELIVEAU LANGLEY	OTP-AM	H-699 S-594 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the current law to expand the capacity of York County Community College due to its doubled student enrollment in the past five years.

**Committee Amendment "A" (H-699)**

This amendment strikes and replaces the bill to establish the Integrated Manufacturing Program Fund within the Maine Community College System to support the education and training of the manufacturing workforce in the State. The amendment provides one-time funding and ongoing funding from the General Fund and requires the Maine Community College System to seek funds from the public and private sectors for deposit into the fund. The amendment also provides that the disbursement of funds in fiscal years 2012-13 to 2016-17 must be provided to expand the capacity of the integrated manufacturing program at York County Community College.

The amendment further provides that the Legislature may not reduce General Fund appropriations to the Department of Education, the University of Maine System, the Maine Community College System or the Maine Maritime Academy in fiscal year 2012-13 to fund the Integrated Manufacturing Program Fund. The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-594)**

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This amendment strikes the provisions of Committee Amendment "A" that establish the Integrated Manufacturing Program Fund and eliminates the provision of \$820,000 in one-time funds to the Maine Community College System in fiscal year 2012-13. As amended, the bill still includes ongoing General Fund appropriations of \$257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

**Enacted Law Summary**

Public Law 2011, chapter 667 provides ongoing General Fund appropriations of \$257,000 per year beginning in fiscal year 2012-13 for York County Community College to respond to the demand for skilled workers in the precision machining industry.

**LD 675      Resolve, To Create a Working Group To Study Multidistrict Online Learning Options in Maine      RESOLVE 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-375

This bill was carried over from the First Regular Session of the 125th Legislature. The bill allows nonresident students to enroll in a school administrative unit's online learning program, with the school administrative unit of residence for that student to pay the enrolling school administrative unit the student's tuition for the program. The bill also directs the Department of Education to create a stakeholder group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.

**Committee Amendment "B" (S-375)**

This amendment strikes and replaces the bill to create a resolve that directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs is authorized to submit a bill to the 126th Legislature.

**Enacted Law Summary**

Resolve 2011, chapter 116 directs the Department of Education to create a working group to study the opportunities in and challenges of establishing multidistrict online learning options for students in the State and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 4, 2013. The joint standing committee is authorized to submit a bill to the 126th Legislature.

**LD 958      Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act      RESOLVE 166 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P THOMAS	OTP-AM	H-920

This bill was carried over from the First Regular Session of the 125th Legislature. The resolve directs the Department of Education to have an independent agency not previously involved with the essential programs and

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services funding formula review the essential programs and services model to analyze the impact of its implementation on children from economically disadvantaged areas, the funding shifts experienced by small rural schools and the result of the regional salary adjustment variable and the economically disadvantaged student variable on the equity of the distribution of state aid to municipalities for education and to provide a report to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2011. The bill authorized the joint standing committee to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

### **Committee Amendment "B" (H-920)**

This amendment strikes and replaces the resolve, which directs the Department of Education to have an independent agency not previously involved with the essential programs and services funding formula review the essential programs and services funding formula to analyze the impact of its implementation on certain issues involved with funding public education in Maine. The amendment authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The amendment requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The involvement by that office in this project was approved by a vote of 12-0 by the Government Oversight Committee on March 9, 2012. The amendment also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

The amendment also provides that the qualified research entity selected to conduct the independent review must present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Resolve 2011, chapter 166 authorizes the Legislature to enter into a contract for an independent review of the Essential Programs and Services Funding Act through a process that awards a contract to a qualified research entity. The review of Maine's school funding formula must be designed to provide the Legislature with an objective evaluation of the Essential Programs and Services Funding Act that includes, but is not limited to, comparisons between fair and equitable state education finance policies established in other comparable states and such policies in Maine.

The resolve requires the Office of Program Evaluation and Government Accountability to provide assistance to the Joint Standing Committee on Education and Cultural Affairs on the development and administration of a process that awards a contract to a qualified research entity to conduct the independent review of the Essential Programs and Services Funding Act. The resolve also establishes an advisory committee to advise the Office of Program Evaluation and Government Accountability and the Joint Standing Committee on Education and Cultural Affairs on matters related to administering the contract for the independent review of the Essential Programs and Services Funding Act.

Finally, the resolve provides that the qualified research entity selected to conduct the independent review must

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present a preliminary report of the results of the initial evaluation required under the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by April 1, 2013. The final report, including the results of the detailed evaluation required under the independent review, must be presented to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 1, 2013. The joint standing committee is authorized to submit a bill relating to the final report to the Second Regular Session of the 126th Legislature.

Resolve 2011, chapter 166 was finally passed as an emergency measure effective May 16, 2012.

**LD 980 An Act To Prohibit Cyberbullying in Public Schools**

**ONTP**

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

This bill was carried over from the First Regular Session of the 125th Legislature. Current law requires each school board to adopt a policy that addresses injurious hazing. This bill repeals the injurious hazing law and enacts provisions requiring school boards to adopt policies prohibiting offensive student or organizational behavior, including injurious hazing, harassment, bullying and cyberbullying. It requires the school board to include in the policy a procedure for reporting the offensive behavior to the authorities. The bill also makes harassment by cyberbullying a civil violation.

**LD 1003 Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services**

**RESOLVE 145  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM	H-788

The bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to increase school administrative units' access to federal Medicaid funding for medically necessary services provided by those school administrative units to special education students for whom those services are required under an individualized education plan adopted for the student and as part of a free and appropriate public education.

**Committee Amendment "A" (H-788)**

This amendment strikes and replaces the bill with a resolve and does the following.

1. It adds an emergency preamble and an emergency clause.
2. It directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings.
3. It provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the

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Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

4. It requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

### **Enacted Law Summary**

Resolve 2011, chapter 145 directs the Department of Education and the Department of Health and Human Services to work together with an interagency stakeholder group to refine existing MaineCare policies, develop new policies or prepare nonregulatory guidance on billing procedures, as appropriate, to ensure the provision of medically necessary services to students in school-based settings. The resolve provides that, after due consideration of the input of the stakeholders and relevant work groups involved in the interagency stakeholder group and if determined to be appropriate by the Department of Education and the Department of Health and Human Services, the departments shall pursue amendments to the MaineCare rules and to the state plan related to the provision of medically necessary services to eligible children in school-based settings by July 1, 2012.

The resolve requires the Department of Education and the Department of Health and Human Services to report jointly to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services on March 30, 2012, on the status of the work undertaken by that date. The report must include a timeline that establishes specific dates for each of the initiatives included in any proposed changes to existing MaineCare policies, any new policies to be developed or any nonregulatory guidance on billing procedures to be developed by the departments.

Resolve 2011, chapter 145 became law as a result of the Legislature's vote to override the Governor's veto.

Resolve 2011, chapter 145 was finally passed as an emergency measure effective April 4, 2012.

### **LD 1033 An Act To Support Resource Sharing among Maine Libraries**

**PUBLIC 470**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO RECTOR	OTP-AM	S-369 ROSEN R

LD 1033 was enacted by the Legislature during the First Regular Session of the 125th, and the bill provides funding to support weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

#### **Committee Amendment "A" (H-225)**

This amendment specifies that the funds appropriated in the bill are to be used to defray the cost of van delivery service for those libraries that participated in the van delivery service in fiscal years 2009-10 and 2010-11.

#### **Senate Amendment "A" (S-369)**

This amendment incorporates Committee Amendment "A" and removes the funding for fiscal year 2011-12.

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**Enacted Law Summary**

Public Law 2011, chapter 470 provides funding in fiscal year 2012-2013 to support the weekly van delivery service to help defray the cost of sending and returning items through interlibrary loan to public libraries across the State.

**LD 1237 An Act To Prohibit Bullying and Cyberbullying in Schools**

**PUBLIC 659**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON BARTLETT	OTP-AM	H-745 S-598 ROSEN R

This bill was carried over from the First Regular Session. The bill requires each school administrative unit to adopt, by August 15, 2012, a harassment, intimidation and bullying prevention policy based upon a model policy developed by the Commissioner of Education in conjunction with an advisory committee composed of representatives of parents, guardians, teachers, school employees, volunteers, students, administrators, community representatives, the Maine School Superintendents Association, the Maine Principals' Association and other interested parties. Harassment, intimidation and bullying prevention policies must be posted on the publicly accessible portions of the Department of Education's website and the respective school administrative unit's website.

**Committee Amendment "B" (H-745)**

This amendment replaces the bill, which requires the Commissioner of Education to develop a model harassment, intimidation and bullying prevention policy and requires that school administrative units adopt a policy based on the model by August 15, 2012. The amendment:

1. Requires the Department of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013;
2. Defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State;
3. Provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology;
4. Provides that the policy adopted by a school board to address bullying must include the following provisions:
  - A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;
  - B. The requirement that school staff members, including persons involved with extracurricular or cocurricular activities, report incidents of bullying;

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- C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;
  - D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;
  - E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;
  - F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and
  - G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate;
- 5. Requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook;
  - 6. Provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed;
  - 7. Provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis; and
  - 8. Provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

### **Senate Amendment "A" To Committee Amendment "B" (S-598)**

This amendment adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2011, chapter 659 requires the Commissioner of Education to develop a model policy on bullying and cyberbullying in accordance with the requirements set forth in the Maine Revised Statutes, Title 20-A, section 6554 by January 1, 2013. The law accomplishes the following.

- 1. It defines "bullying" to include cyberbullying and establishes a prohibition on bullying to ensure a safe and secure student learning environment in public schools in the State.
- 2. It provides that when a school board revises the school administrative unit's existing policies and procedures established to address bullying pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, the school board shall adopt a policy that is consistent with the provisions established to prohibit bullying at school or on school grounds, including cyberbullying that takes place at school or elsewhere through the use of technology.
- 3. It provides that the policy adopted by a school board to address bullying must include the following provisions:
  - A. The responsibility of the superintendent or the superintendent's designee to implement and enforce the policy;
  - B. The requirement that school staff members, including persons involved with extracurricular or cocurricular

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activities, report incidents of bullying;

C. The procedures for students, school personnel, parents, legal guardians and others to report incidents of bullying;

D. The procedures for promptly investigating and responding to incidents of bullying, including communicating measures to ensure the safety of a targeted student and prevent further acts of bullying;

E. A statement of the disciplinary actions that a person who engages in bullying may be subjected to, including the imposition of a series of graduated consequences that include alternative discipline practices;

F. A procedure, consistent with the school board's other appeals procedures, to appeal the decision of a school principal or superintendent's designee involving disciplinary action taken or not taken against a person who engages in bullying; and

G. A statement that communication with law enforcement officials is permitted if a school principal or superintendent's designee believes that the pursuit of civil action or criminal charges is appropriate.

4. It requires a school board to disseminate its policies to address bullying, including posting the policies on the school administrative unit's publicly accessible website and incorporating details of the policies in the student handbook.

5. It provides that a superintendent or the superintendent's designee is responsible for ensuring that every substantiated incidence of bullying is addressed.

6. It provides that each school administrative unit shall file its policies to address bullying with the Department of Education and requires the Commissioner of Education to create a procedure for reporting incidents of bullying and cyberbullying to the department on at least an annual basis.

7. It provides that a school administrative unit shall provide professional development and staff training in the best approaches to implementing its policies to address bullying.

**LD 1316 An Act To Expand Magnet Schools in Maine**

**ONTP**

Sponsor(s)

LOVEJOY

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 125th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to give school districts across the State authority to create magnet schools, either within their communities or in partnerships with other districts. Magnet schools that are created under this bill will be eligible for state funds under the essential programs and services funding formula.

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**LD 1422     An Act To Prepare Maine People for the Future Economy**

**PUBLIC 669**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-477 S-529    LANGLEY

This bill was carried over to from the First Regular Session of the 125th Legislature. The bill:

1. Establishes an education policy, core priorities for the State's education system, education system goals, benchmarks and intervention strategies;
2. Requires the development of a strategic plan to achieve the goals within the policy framework;
3. Requires that the state budget document present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the established policy framework, advances the established goals and implements the strategic plan;
4. Requires that the Commissioner of Education adopt rules prescribing a uniform process for kindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness;
5. Requires school administrative units to award high school diplomas based on standards established by rule; and
6. Requires that, beginning with the class of 2015, students graduating from high schools demonstrate proficiency in the content areas of English language arts, mathematics, science and technology, social studies and health, and physical education and wellness. Beginning with the class of 2018, students graduating from high schools must demonstrate proficiency in the content areas of career and education development; English language arts; world languages; health, physical education and wellness; mathematics; science and technology; social studies; and visual and performing arts.

**Committee Amendment "A" (S-477)**

This amendment strikes and replaces the bill to establish statutory standards and to direct the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The amendment adds a mandate preamble and makes the following changes to the bill.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.
2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

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3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.
4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.
5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.
6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.
7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.
8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.
9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.
10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

### **Senate Amendment "C" To Committee Amendment "A" (S-529)**

This amendment removes the mandate preamble and requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The amendment also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.

### **Enacted Law Summary**

Public Law 2011, chapter 669 establishes statutory standards and directs the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The law does the following.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning

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January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.

2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.

4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.

5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.

6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.

7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.

8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.

9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.

10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

11. It requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The law also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.

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**LD 1503    An Act To Promote School Attendance and Increase School Achievement**

**PUBLIC 614**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	H-756 ESPLING S-378

This bill implements the recommendations of the stakeholder group established by the Commissioner of Education pursuant to Public Law 2009, chapter 626. The charge provided to the stakeholder group was to develop methodologies and recommendations relating to increasing high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The bill proposes the following.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.
2. It changes the law regarding compulsory school age by reducing the age when a child must start school from seven to six years of age and by increasing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 17 to 20 years of age. The bill also amends the exceptions to the compulsory school age requirements.
3. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student. It describes response to intervention teams for schools and their duties, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.
4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators. In current law, school attendance coordinators are elected. It establishes that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.
5. It directs school boards to review policies and procedures established for the code of conduct and school discipline, including provisions that encourage school boards to focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and to focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. The bill also requires that schools provide notice to parents or legal guardians of a student's suspension regardless of whether it is an in-school or out-of-school suspension and discourages the use of zero-tolerance practices in school discipline.
6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.
7. It amends the laws regarding school expulsion to require that all students who have been expelled from school must be provided with a written reentry plan, developed by the superintendent in consultation with the student and

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the student's parents or legal guardian, that provides guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

8. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

9. The bill also provides for an ongoing appropriation of funds to the Department of Education to disburse to school administrative units that request funding for providing appropriate interventions to students who are at risk of becoming truants or dropouts due to an expulsion from school or who struggle with mental health and substance abuse issues.

### **Committee Amendment "B" (S-378)**

This amendment strikes and replaces the bill to make the following changes.

1. It strikes the definition of "response to intervention team" and all uses of the term from the bill and replaces it with references to a student assistance team or the school personnel designated by the superintendent in accordance with the system of intervention established by the school administrative unit in accordance with the Maine Revised Statutes, Title 20-A, section 4710.

2. It amends the due process standards proposed for school expulsion proceedings by removing the provisions pertaining to a student's right to appeal the decision of the school board to the Superior Court within 30 days.

3. It amends provisions regarding school boards' adopting disciplinary policies required in current law to require that, in revising the prescribed consequences for violation of the student code of conduct pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 15, paragraph C, a school board consider certain factors in revising the district wide disciplinary policies that are required by current law.

4. It amends the provision that requires a reentry plan to be developed for a student who has been expelled by a school board. The amendment provides that a school board may expel the student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. The amendment provides that, in addition to the requirements retained from the bill, if a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall provide that:

A. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

B. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

C. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

5. It strikes the provision that requires a school board to use suspensions and expulsions only as a last resort when taking disciplinary action against a student who has violated the school administrative unit's student code of conduct.

6. It amends the changes to the compulsory school attendance statutes by reducing the age threshold under which a child who has not attained high school graduation or equivalency is expected to attend secondary school from 20

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years of age, as in the bill, to 18 years of age. The amendment also makes technical changes to align the changes to the age requirements with the exceptions to the compulsory school attendance requirements.

7. It amends the changes to exceptions to the compulsory attendance statutes by clarifying that a student may be excused from compulsory school attendance when each of the requirements under Title 20-A, section 5001-A, subsection 2, paragraph B are met. The amendment also retains the exception to the compulsory attendance statutes that provides that one of the requirements that must be met for an exception is that the person has been approved by the principal for a suitable program of work and study or training.

8. It strikes the proposed changes to the truancy laws that would have counted excused absences, as well as unexcused absences, towards the number of days of absences that would determine when a student is truant.

9. It strikes procedural provisions proposed in the bill and makes technical changes to clarify the role of superintendents, principals, attendance coordinators and the student assistance team or other systems of intervention established by the school administrative unit pertaining to assessing situations of student truancy and developing and implementing intervention plans for truant students.

10. It strikes the provisions in the bill pertaining to the qualifications of school attendance coordinators and the provisions that propose to establish that the salary costs of attendance coordinators are eligible for state subsidy under the Essential Programs and Services Funding Act.

### **House Amendment "B" To Committee Amendment "B" (H-756)**

This amendment removes the provisions that change the ages and exceptions for compulsory school attendance. It also makes a change in the provisions governing truancy to conform to the removal of the provision that changes the age for compulsory school attendance.

### **Enacted Law Summary**

Public Law 2011, chapter 614 adopts changes to the education statutes that are intended to increase high school graduation rates and to address other policy issues pertaining to school expulsion, suspension, zero-tolerance practices and truancy in the State. The law makes the following changes to the education statutes.

1. It requires the Department of Education to obtain more accurate and complete data in calculating high school graduation rates. In addition to calculating the four-year adjusted cohort graduation rate required by the Federal Government, the department is required to collect and record graduation rates for a five-year cohort and a six-year cohort and also use other descriptors of academic success for school-age students on a statewide aggregate basis, including the Department of Education diploma, high school equivalency diploma obtained through adult education and the general equivalency diploma.

2. It amends the truancy laws by striking all references to "habitual" truancy. It changes the provisions for determining truancy and removes the requirement that local law enforcement be notified of a truant student.

3. It clarifies the duties of student assistance teams or the school personnel designated by the superintendent in accordance with the intervention system established by the school administrative unit in accordance with current law, including assessing situations of student truancy and developing and helping implement intervention plans for truant students.

4. It clarifies provisions pertaining to the qualifications and role of school attendance coordinators and requires superintendents to appoint attendance coordinators.

5. It provides that when a school board revises existing provisions regarding prescribed consequences for violation of the student code of conduct, the school board shall consider district wide disciplinary policies that

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focus the code of conduct on positive intervention and expectations rather than unacceptable student behavior and that focus school disciplinary policies on evidence-based positive and restorative interventions rather than set punishments for specific behavior. It also discourages the use of zero-tolerance practices in school discipline.

6. It establishes due process standards for school expulsion proceedings to inform students and their parents or legal guardians of the procedural steps involved in and of their legal rights prior to, during and following the due process hearing and provide an explanation of the consequences of expulsion.

7. It amends the laws regarding school expulsion to provide that a school board may expel a student for a specific time period not to exceed the total number of instructional days approved by the school board for the current school year or the school board may expel the student and authorize the superintendent to provide the expelled student with a written reentry plan that does not specify the length of the expulsion, but instead specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion.

8. It also provides that, if a school board authorizes the superintendent to provide the expelled student with a written reentry plan, the school board shall provide that:

A. The reentry plan is developed by the superintendent, in consultation with the student and the student's parents or legal guardian;

B. The reentry plan must provide guidance to the expelled student regarding what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur;

C. The reentry plan may require the expelled student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school;

D. The expelled student's parents are responsible for the cost of any professional services necessary to establish the student's readiness to return to school under the reentry plan, except for the costs of a child with a disability that is, or is subsequently determined to be, eligible for a free and appropriate public education in accordance with 34 Code of Federal Regulations, Sections 300.530, Paragraph (d) and 300.534, Paragraph (d); and

E. For a child with a disability who is expelled by a school board, the superintendent may, as appropriate, notify the student's individualized education program team.

9. It further amends the laws regarding school expulsion to authorize school boards to provide educational services to an expelled student in an alternative setting.

**LD 1592     An Act To Update the Laws Concerning the Maine School of Science and Mathematics**

**PUBLIC 473**

Sponsor(s)

AYOTTE  
JACKSON

Committee Report

OTP

Amendments Adopted

This bill updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

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**Enacted Law Summary**

Public Law 2011, chapter 473 updates the laws concerning the Maine School of Science and Mathematics to change the designation of the school from a chartered school to a magnet school and changes the title of "superintendent" of the school to "executive director" to avoid confusion with other statutory terms.

**LD 1601      Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans      RESOLVE 119  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-686

This resolve, which is an emergency, amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

**Committee Amendment "A" (H-686)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2011, chapter 119 amends Resolve 2011, chapter 102, which established the Task Force on Franco-Americans. The resolve extends the time during which appointments may be made for the task force and authorizes the task force to hold 4 meetings. The resolve also provides that the task force chairs may call and convene the first meeting of the task force during the Second Regular Session or any subsequent special session of the 125th Legislature. It also directs the Franco-American Center at the University of Maine to provide necessary staffing services to the task force when the Legislature is in regular or special session. The resolve also adds a retroactivity clause.

Resolve 2011, chapter 119 was finally passed as an emergency measure effective March 7, 2012.

**LD 1645      An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses      PUBLIC 615**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ OTP-AM MIN	S-475

This bill requires the Maine Community College System, the University of Maine System and the Maine Maritime Academy to report annually on the number of traditional students who attended high school in the State and who are enrolled in remedial courses at each campus within their respective systems.

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**Committee Amendment "A" (S-475)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It limits the compilation of information to remedial courses in English language arts and mathematics.
2. To ensure that personally identifiable information that would make a student's identity easily traceable is not disclosed, it prohibits an institution of higher education from reporting disaggregated data for students enrolled in remedial courses when there are 5 or fewer traditional students who received high school diplomas from the same secondary school and who are enrolled in the same remedial course at the same campus.
3. It eliminates the provision in the bill that requires the institutions of higher education to report information on students enrolled in remedial courses to school boards and superintendents of school administrative units whose high school graduates are enrolled in remedial courses.
4. It adds a repeal provision to provide that the compilation and reporting requirements related to remedial education are repealed July 1, 2016, unless the United States Congress enacts a law by this date that requires the compilation and reporting of substantially the same data required by this legislation by public higher education institutions.

**Enacted Law Summary**

Public Law 2011, chapter 615 requires the Maine Community College System, the University of Maine System and the Maine Maritime Academy to report annually on the number of traditional students who attended high school in the State and who are enrolled in remedial courses in English language arts and mathematics at each campus within their respective systems. To ensure that personally identifiable information that would make a student's identity easily traceable is not disclosed, the law prohibits an institution of higher education from reporting disaggregated data for students enrolled in remedial courses when there are 5 or fewer traditional students who received high school diplomas from the same secondary school and who are enrolled in the same remedial course at the same campus.

The law also provides that the compilation and reporting requirements related to remedial education are repealed July 1, 2016, unless the United States Congress enacts a law by this date that requires the compilation and reporting of substantially the same data required by this legislation by public higher education institutions.

**LD 1668    An Act To Improve the Regional School Unit Budget Approval and Validation Process**

**ONTP**

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

This bill changes the form of the question for a regional school unit budget validation referendum. It also provides that if a budget for the operation of a regional school unit is not approved prior to July 1st, the latest budget approved at a budget validation referendum is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved.

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**LD 1696 An Act To Modify the Alternative Organizational Structure Budget Approval Process**

**PUBLIC 485**

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

This bill allows the budget of an alternative organizational structure formed pursuant to the laws governing the consolidation of school administrative units to be approved by the governing body of the alternative organizational structure rather than at a meeting of the voters of all of the member entities of the alternative organizational structure if such a budget approval process is approved by the governing body of the alternative organizational structure and at a referendum by the voters of all of the member entities of the alternative organizational structure.

**Enacted Law Summary**

Public Law 2011, chapter 485 allows the budget of an alternative organizational structure formed pursuant to the laws governing the consolidation of school administrative units to be approved by the governing body of the alternative organizational structure rather than at a meeting of the voters of all of the member entities of the alternative organizational structure if such a budget approval process is approved by the governing body of the alternative organizational structure and at a referendum by the voters of all of the member entities of the alternative organizational structure.

**LD 1723 Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education**

**RESOLVE 122  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a major substantive rule of the Department of Education.

**Enacted Law Summary**

Resolve 2011, chapter 122 authorizes the final adoption of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a major substantive rule of the Department of Education.

Resolve 2011, chapter 122 was finally passed as an emergency measure effective March 8, 2012.

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**LD 1724      Resolve, Regarding Legislative Review of Portions of Chapter 101:  
Maine Unified Special Education Regulation Birth to Age Twenty, a  
Major Substantive Rule of the Department of Education**

**RESOLVE 134  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-749

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

**Committee Amendment "A" (H-749)**

This amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The amendment also provides that final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, that were submitted to the Legislature for review in LD 1782 to ensure that the Chapter 101 rule complies with changes in federal regulations pertaining to the Part C provisions of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, is authorized.

**Enacted Law Summary**

Resolve 2011, chapter 134 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department making specified changes to the proposed rule. The law also provides that final adoption of certain sections and the appendix of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a provisionally adopted major substantive rule of the Department of Education, that were submitted to the Legislature for review in LD 1782 to ensure that the Chapter 101 rule complies with changes in federal regulations pertaining to the Part C provisions of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, is authorized.

Resolve 2011, chapter 134 was finally passed as an emergency measure effective March 20, 2012.

**LD 1742      An Act To Amend Education Laws**

**PUBLIC 678**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM   MAJ OTP-AM   MIN	H-757 S-602   ROSEN R

This bill, submitted by the Department of Education, amends and clarifies certain education statutes.

Part A amends and clarifies audit requirements in order for the State and school administrative units to be in compliance with federal regulations. Part A also enacts statutory language requiring the audit of state-funded school construction projects and repeals language that is no longer necessary.

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Part B requires that the regional school unit budget meeting occur within 30 days after the failure of the budget validation referendum.

Part C repeals the Maine Revised Statutes, Title 20-A, chapter 109, which establishes the union school governance structure, and fixes cross-references to that chapter. There are no longer any school administrative units using this governance structure. It also repeals statutory language that applies to school construction projects approved prior to July 1, 1985 and clarifies statutory language that applies to current school construction projects.

Part D revises school construction language to be in compliance with the current funding requirements.

Part E clarifies the treatment of foreign exchange students and students who do not reside in the State for the purposes of counting students for state subsidy.

Part F repeals the addition of targeted funds to the elementary tuition rate for students who are residents of the unorganized territory to be consistent with the repeal of the addition of targeted funds to the secondary tuition rate by Public Law 2009, chapter 213.

Part G refines state requirements for summer school tuition rates for the first year of operation.

Part H reinstates the statutory requirement for school administrative units to operate education programs for gifted and talented students. It repeals outdated language related to funding and clarifies that approved gifted and talented education program costs are subsidizable costs under the Essential Programs and Services Funding Act.

Part I corrects a reference in the Maine Revised Statutes, Title 20-A, section 7001, subsection 2-C from Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to Part B.

### **Committee Amendment "A" (H-757)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It provides that the required annual audit of school administrative units must include a determination of whether the school administrative unit has complied with unexpended balances requirements established under the Maine Revised Statutes, Title 20-A, section 15004.
2. It requires that the regional school unit budget meeting occur within 45 days after the failure of a budget validation referendum. The bill requires that the regional school unit budget meeting must occur within a 30-day time period.
3. It includes a definition of "foreign exchange student," with reference to federal laws and regulations, in the laws governing who is eligible to be counted as a resident student for state subsidy purposes.
4. It provides that a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the Commissioner of Education for a one-year waiver if full implementation of the requirement presents an undue burden.
5. It provides that the rules amended or adopted by the Department of Education must establish the provisions applicable to the Commissioner of Education's authority to grant a one-year waiver to a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year. The rules must also address the commissioner's authority to review additional extension requests on an annual basis.
6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school

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unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

### **Senate Amendment "A" To Committee Amendment "A" (S-602)**

This amendment adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2011, chapter 678 amends and clarifies certain education statutes. The law does the following.

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment makes the following changes to the bill.

1. It provides that the required annual audit of school administrative units must include a determination of whether the school administrative unit has complied with unexpended balances requirements established under the Maine Revised Statutes, Title 20-A, section 15004.
2. It requires that the regional school unit budget meeting occur within 45 days after the failure of a budget validation referendum. The bill requires that the regional school unit budget meeting must occur within a 30-day time period.
3. It includes a definition of "foreign exchange student," with reference to federal laws and regulations, in the laws governing who is eligible to be counted as a resident student for state subsidy purposes.
4. It provides that a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the Commissioner of Education for a one-year waiver if full implementation of the requirement presents an undue burden.
5. It provides that the rules amended or adopted by the Department of Education must establish the provisions applicable to the Commissioner of Education's authority to grant a one-year waiver to a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year. The rules must also address the commissioner's authority to review additional extension requests on an annual basis.

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6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

**LD 1762      An Act To Amend and Clarify the Public Charter School Law**

**PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON	OTP-AM MAJ ONTP MIN	S-422 S-451 LANGLEY

This bill amends the law authorizing creation of public charter schools. The bill makes the following changes with regard to authorizers of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the State Charter School Commission, including specifying members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

The bill makes the following changes with regard to public charter schools. It provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. The bill changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. The bill ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

Under current laws, if a school administrative unit fails to make payment to a public charter school, the Treasurer of

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State is directed to withhold payments to that school administrative unit. This bill provides the Treasurer of State may withhold those funds from the municipalities that are members of the school administrative unit. Finally, the bill provides public charter schools have access to high-risk pools and emergency funds operated by the State or by the school's authorizer, but do not have access to local high-risk or emergency funds.

### **Committee Amendment "A" (S-422)**

The amendment does the following.

1. It changes the name of the charter school commission from "State Charter School Commission" to "Maine Charter School Commission" and allows reimbursement to commission members for all expenses.
2. It defines "catchment area" as the geographic area from which a public charter school expects to draw a majority of its students.
3. It adds a provision regarding catchment areas to the criteria a proposed public charter school's plan of organization must meet and clarifies a catchment area may not be designed to exclude areas with high rates of poverty, English language learners, at-risk students or students with disabilities.
4. It clarifies that the term of a member of the commission who is not a member of the State Board of Education ends on June 30th of the final year of the member's term and that grounds for removing a member of the commission must be specified in the commission rules.
5. It provides beginning June 30, 2014, commission rules are major substantive rules.
6. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with the public charter school.
7. It adds detailed requirements for the auditing of public charter schools.
8. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.
9. It removes a provision regarding access to risk pools for high-cost special education services and fiscal emergencies.

### **Senate Amendment "A" To Committee Amendment "A" (S-451)**

This amendment alters the committee amendment to remove the emergency preamble and emergency clause from the legislation.

### **Enacted Law Summary**

Public Law 2011, chapter 570 amends the law authorizing creation of public charter schools. It allows the Commissioner of Education to suspend an authorizer's authority to enter into new charter contracts if the commissioner finds the authorizer is deficient in performing its functions. It clarifies the functioning of local school boards that join together to form a regional charter school. It clarifies membership and operations of the Maine Charter School Commission, including specifying that members who are appointed because of their membership on the State Board of Education continue to serve on the commission only as long as they are members of the State Board of Education and further specifies that the terms of members who are not on the State Board of Education end on June 30th of the final year of the member's term. It clarifies Maine Charter School Commission rules are major substantive beginning June 30, 2014. It provides the transitional 10-school limit on public charter schools in current law applies only to schools approved by the commission. It requires a public charter school authorizer to give a public charter school written notice of deficiencies in the school and to provide written notice of the authorizer's charter revocation procedures and criteria.

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The law provides governing boards of public charter schools are subject to the same conflict of interest provisions as noncharter public school boards. It clarifies when public charter schools take over responsibility for special education services for a student transferring from a noncharter public school and clarifies special education funding. It changes the law regarding payment of special education funds to a public charter school authorized by a local school board by requiring the payments be made to the local school board, not to the public charter school. It ensures a public charter school student has the same access to career and technical education programs as students in the noncharter public school in the student's resident school administrative unit.

The law provides the Treasurer of State may withhold funds from the municipalities that are members of the school administrative unit. It removes authority for teachers at a public charter school to form a professional group that operates an instructional program under an agreement with a public charter school. It adds detailed requirements for auditing public charter schools. It specifies the reimbursement procedures for high-cost in-district special education placement, high-cost out-of-district special education placement and gifted and talented students served by a public charter school.

**LD 1766      *Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education*      **RESOLVE 135  
EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education.

**Enacted Law Summary**

Resolve 2011, chapter 135 provides that final adoption of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education, is authorized.

Resolve 2011, chapter 135 was finally passed as an emergency measure effective March 29, 2012.

**LD 1767      *An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File*      **PUBLIC 521****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-730

This bill authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. It authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 5 years.

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### **Committee Amendment "A" (H-730)**

This amendment authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 7 years.

### **Enacted Law Summary**

Public Law 2011, chapter 521 authorizes the Commissioner of Education to allow access to criminal history record information to entities providing document management to the Department of Education. The law also authorizes the Commissioner of Education to remove electronic and physical fingerprint records in the fingerprint file maintained by the Department of Public Safety, State Bureau of Identification when the applicant for a department credential has not had an active credential for a period of 7 years.

## **LD 1770 An Act To Encourage Parental Involvement in Education**

**PUBLIC 571**

### Sponsor(s)

ALFOND

### Committee Report

OTP-AM

### Amendments Adopted

S-448

This bill requires school administrative units and public charter schools, in consultation with parents, teachers and administrators, to develop a parental involvement plan that promotes student achievement. Each school board and governing board is required to annually approve a parental involvement plan for the school administrative unit and the public charter school and to submit the plan to the Commissioner of Education. The bill also requires the Commissioner of Education to post on the Department of Education's publicly accessible website the names of all schools and public charter schools that do not develop a parental involvement plan.

### **Committee Amendment "A" (S-448)**

This amendment strikes and replaces the bill. It directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary parental involvement initiatives posted on the department's publicly accessible website no later than December 31, 2012, and to strongly encourage school boards to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The amendment provides that, beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, which the commissioner is required to post on the department's publicly accessible website along with links to the publicly accessible websites of those school administrative units that have adopted districtwide parental involvement initiatives as school board policy.

### **Enacted Law Summary**

Public Law 2011, chapter 571 directs the Commissioner of Education, in collaboration with school boards, school administrators, teachers, parents, students and other community members, to review parental involvement initiatives developed in this State and other jurisdictions that promote improvement in student learning and academic achievement. The commissioner is required to select exemplary parental involvement initiatives and post information on the selected initiatives on the Department of Education's publicly accessible website. The commissioner is also required to disseminate information in writing to school administrative units on the exemplary

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parental involvement initiatives posted on the department's publicly accessible website no later than December 31, 2012, and to strongly encourage school boards to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy. The law also provides that, beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, which the commissioner is required to post on the department's publicly accessible website along with links to the publicly accessible websites of those school administrative units that have adopted districtwide parental involvement initiatives as school board policy.

**LD 1772      An Act To Enforce Prompt Payment to Career and Technical Education Regions      PUBLIC 489**

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

The purpose of this bill is to enforce prompt payment from school administrative units to career and technical education regions. This bill establishes a process, similar to the process established in statute for school administrative unit assessments and regional school unit assessments, that authorizes the imposition of interest on unpaid installments of the amounts owed by school administrative units for their shares of the applicable career and technical education region assessment.

**Enacted Law Summary**

Public Law 2011, chapter 489 establishes provisions to enforce prompt payment from school administrative units to career and technical education regions. The law establishes a process to notify school administrative units of the failure to provide payment to a career and technical education region and authorizes the imposition of interest on unpaid installments of the amounts owed by school administrative units for their shares of the applicable career and technical education region assessment.

**LD 1775      Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education      RESOLVE 125 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-713

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education.

**Committee Amendment "A" (H-713)**

This amendment conditionally authorizes a major substantive rule of the Department of Education and the State Board of Education, Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II. The Department of Education and the State Board of Education are directed to amend the rule to clarify that in order to meet Certificate Eligibility Pathway 4, all 4 requirements need to be met.

**Enacted Law Summary**

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Resolve 2011, chapter 125 provides final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education, is authorized contingent upon the Department of Education amending the proposed rule to clarify Certificate Eligibility Pathway 4.

Resolve 2011, chapter 125 was finally passed as an emergency measure effective March 14, 2012.

### **LD 1779      An Act To Update the Career and Technical Education Laws**

**PUBLIC 679**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-416 S-604 ROSEN R

This bill provides an update in language for the career and technical education laws to reflect current terminology, including changing all statutory references to "vocational" education to "career and technical" education. It requires all career and technical education programs to be based on national industry standards, or state-level standards if national industry standards are not available or applicable. This bill also clarifies references to school units other than those school units composed of single towns in an effort to reduce confusion resulting from school reorganization.

#### **Committee Amendment "A" (S-416)**

This amendment does the following.

1. It removes the emergency preamble and emergency clause.
2. It defines "articulation agreement" in the Maine Revised Statutes, Title 20-A, chapter 313. The definition is based on federal regulations under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270.
3. It requires career and technical education programs to provide learning pathways, including those set forth in articulation agreements with postsecondary institutions, and provides that an existing approved career and technical education program does not need to go through the entire approval process again, but only needs to certify to the Commissioner of Education that the program, as adopted, is designed to enable a student to meet industry standards. It also changes the effective date of this requirement from July 1, 2012 to July 1, 2013.
4. It reinstates the local approval requirement for reorganization of career and technical education centers or regions.
5. It clarifies that a career and technical education center is not only operated in certain municipalities but must serve its affiliated units.
6. It strikes a provision relating to the late payments of assessments by member units of a career and technical education region.

#### **Senate Amendment "A" To Committee Amendment "A" (S-604)**

This amendment adds a mandate preamble. This amendment also makes a technical change to incorporate language that was enacted in Public Law 2011, chapter 570, section 19 to prevent a conflict.

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**Enacted Law Summary**

Public Law 2011, chapter 679 updates the career and technical education statutes to reflect current terminology, including changing all statutory references to "vocational" education to "career and technical" education. The law makes the following changes.

1. It requires all career and technical education programs to be based on national industry standards, or state-level standards if national industry standards are not available or applicable.
2. It clarifies references to school units other than those school units composed of single towns in an effort to reduce confusion resulting from school reorganization.
3. It establishes a definition for "articulation agreement" in that is based on federal regulations under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270.
4. It requires career and technical education programs to provide learning pathways, including those set forth in articulation agreements with postsecondary institutions, no later than July 1, 2013. It also provides that an existing approved career and technical education program does not need to go through the entire approval process again, but only needs to certify to the Commissioner of Education that the program, as adopted, is designed to enable a student to meet industry standards.
5. It reinstates the local approval requirement for reorganization of career and technical education centers or regions.

**LD 1780      An Act To Enhance Career Pathways for Adult Learners**

**PUBLIC 517**

Sponsor(s)

LANGLEY

Committee Report

OTP-AM

Amendments Adopted

S-410

This bill revises the definition of "adult education" by describing what services must be offered in order to receive state subsidy. It establishes career pathways services as part of adult education, removes provisions concerning adult career and technical education classes that are outside the scope of adult education funding and removes obsolete provisions regarding adult education subsidy reimbursement. The bill also confirms the State's commitment to serving adult learners with disabilities under the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities Act of 1990.

**Committee Amendment "A" (S-410)**

The bill repeals the requirement that state reimbursement for expenditures on adult education programs must be based on actual costs. This amendment retains that provision of law, but removes outdated statutory exceptions for fiscal years 1991-92, 1992-93, 1995-96 and 1996-97.

**Enacted Law Summary**

Public Law 2011, chapter 517 revises the definition of "adult education" by describing what services must be offered in order to receive state subsidy. The law establishes career pathways services as part of adult education, removes provisions concerning adult career and technical education classes that are outside the scope of adult education funding and removes obsolete provisions regarding adult education subsidy reimbursement. This law also confirms the State's commitment to serving adult learners with disabilities under the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities

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Act of 1990.

**LD 1781 An Act To Restructure the National Board Certification Program for Teachers**

**PUBLIC 702**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-488 S-610 ROSEN R

This bill restructures the incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. The bill provides, beginning with the 2012-2013 school year, the payment of the \$3,000 annual salary supplement awarded to national board-certified teachers must be provided with funds from the Department of Education and the state subsidy allocated to the school administrative unit that employs the teacher. The bill also establishes an incentive to encourage teachers to apply for national board certification. The bill provides, beginning with school year 2012-2013, up to 10% of the per-pupil amount for professional development allocated to a school administrative unit must be awarded to provide payment of the application fees for teachers employed by the school administrative unit who apply for national board certification during the year of allocation. If a school administrative unit fails to use the full 10% of the per-pupil amount to pay for application fees, the Commissioner of Education may withhold from the next year's allocation the unused amount.

**Committee Amendment "A" (S-488)**

This amendment restructures the salary supplement incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. The amendment provides, in fiscal year 2012-13, a salary supplement of \$2,500 must be awarded to national board certified teachers; in fiscal year 2013-14, a salary supplement of \$2,750 is awarded to national board certified teachers; and in fiscal year 2014-15 and succeeding years, a salary supplement of \$3,000 is awarded to national board certified teachers. The amendment establishes, beginning in fiscal year 2012-13, the National Board Certification Salary Supplement Fund. The salary supplement must be funded through fees collected by the Department of Education for teacher recertification. The amendment also establishes an incentive to encourage teachers with at least 3 years of experience who agree to mentor another teacher through the national board certification process to apply for national board certification. The amendment provides, beginning with fiscal year 2012-13, the department must establish a nonlapsing scholarship fund to encourage teachers to apply to and enroll in the certificate program of the National Board for Professional Teaching Standards. The amendment also removes a reference to the national board certification salary supplement in the Maine Revised Statutes, Title 20-A, section 15689-A. The amendment adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-610)**

This amendment restores and amends a reference to the national board certification salary supplement in the Maine Revised Statutes, Title 20-A, section 15689-A. It also adds a new appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 702 restructures the salary supplement incentive established for teachers who attain certification from the National Board for Professional Teaching Standards. It provides that, in fiscal year 2012-13, a salary supplement of \$2,500 must be awarded to national board-certified teachers; in fiscal year 2013-14, a salary supplement of \$2,750 is awarded to national board-certified teachers; and in fiscal year 2014-15 and succeeding years, a salary supplement of \$3,000 is awarded to national board-certified teachers. Public Law 2011, chapter 702 establishes, beginning in fiscal year 2012-13, the National Board Certification Salary Supplement Fund. The salary supplement must be funded through a portion of teacher certification fees



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Rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By changing the name of the application form to reflect it is a student information form;
2. By clarifying public charter schools have to transfer student records to public noncharter schools in a timely manner;
3. By clarifying when a public noncharter school that is the only public school option for students in the school administrative unit chooses to convert to a public school, town approval is determined by referendum;
4. By clarifying when the department is determining the 5% or 10% enrollment limits, it excludes from the base enrollment previously enrolled students in the public charter school;
5. By conforming transportation funding and gifted and talented funding descriptions to reflect changes in the law; and
6. By adding a plan for the provision of special education services to the charter school application process.

**LD 1788      Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank**

**RESOLVE 137  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ OTP-AM MIN	H-741 S-436 LANGLEY

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank.

**Committee Amendment "A" (H-741)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making 2 specified changes to the proposed rule.

**Senate Amendment "A" To Committee Amendment "A" (S-436)**

This amendment removes language that requires the rule governing the School Revolving Renovation Fund to be amended by restoring the priority list categories for funding renovation projects. It provides that the rule be amended by adding language that provides that approved projects must be funded based on the availability of funds and in priority order from priority one to priority five. The Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

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**Enacted Law Summary**

Resolve 2011, chapter 137 provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education and the Maine Municipal Bond Bank, is authorized contingent upon the department and the bank making the following changes to the proposed rule:

1. Adds language to provide that approved renovation projects must be funded based on the availability of funds and in priority order from priority one to priority five; and
2. Adds language to provide that the Commissioner of Education may approve funding for renovation projects as an exception to the priority one to priority five funding rule if category-specific funds become available from sources other than principal and interest received from the repayment of loans made from the fund, interest earned from the investment of fund balances and funds from school construction audit recoveries.

Resolve 2011, chapter 137 was finally passed as an emergency measure effective March 29, 2012.

**LD 1838      Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education**

**RESOLVE 146  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-820

This resolve provides for legislative review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-820)**

This amendment provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making the following changes to the proposed rule:

1. Changing the definition of "covered entities" to clarify that public charter schools are one of the covered entities;
2. Amending the rule in Section 2, subsection 16, by striking and replacing the language in paragraphs C and D to clarify the definition of "physical restraint" to provide that physical restraint does not include:
  - A. Physical contact when the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact; and
  - B. Momentarily deflecting the movement of a child when the child's movements would be destructive, harmful or dangerous to the child or to others;
3. Amending the rule in Section 6, subsection 1, paragraph B to clarify that when a staff person who is not certified in a state-approved training program initiates physical restraint, trained personnel must be summoned to the scene only if the emergency situation continues;

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- 4. Amending the rule in Section 7, subsection 1, paragraph B to clarify that a staff person who initiates physical restraint or seclusion that involves a student who has been placed in an out-of-district placement must report the incident to the entity responsible for the student's education within 24 hours or by the next business day;
- 5. Amending the rule in Section 8, subsection 1, paragraph M to clarify that the incident report documenting the use of physical restraint or seclusion must indicate if any of the personnel involved in the incident were certified in a state-approved training program; and
- 6. Amending the rule in Section 12 to clarify that the state-approved training programs may include regional training programs and regional "train the trainer" program models to provide the required training for personnel in the covered entities.

The amendment also adds a new section to the resolve to direct the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

**Enacted Law Summary**

Resolve 2011, chapter 146 provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making 6 specified changes to the proposed rule.

The law also directs the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Resolve 2011, chapter 146 was finally passed as an emergency measure effective April 4, 2012.

**LD 1839      An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf      PUBLIC 683**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-497

This bill clarifies that the school administrative unit is responsible for the costs of transporting students who are placed in an educational program at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

**Committee Amendment "A" (S-497)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill and clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The amendment:

- 1. Establishes the center preschool program;
- 2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and

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Hard of Hearing and the Governor Baxter School for the Deaf;

3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;
4. Clarifies that not all of the programs of the center school take place on Mackworth Island;
5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;
6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and
7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

### **Enacted Law Summary**

Public Law 2011, chapter 683 clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The law:

1. Establishes the center preschool program;
2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;
4. Clarifies that not all of the programs of the center school take place on Mackworth Island;
5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;
6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and
7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any

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necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

**LD 1854      Resolve, To Require the Department of Education To Convene a Stakeholder Group To Recommend Changes to the Department of Education's Proposed School Choice Model**

**PUBLIC 651**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM MAJ OTP-AM MIN	H-885 H-901 RICHARDSON D

This bill creates a school open enrollment program under which a student may attend a school other than the school to which that student is assigned based on the street address of the student's family.

The bill provides the governing bodies of public schools and private schools approved for the receipt of public funds may elect to open their schools to enrollment by students who are not otherwise entitled to attend those schools. Opening the school to enrollment is voluntary, but the school may not select which students to enroll under the program. The student is not required to obtain permission from the superintendent of the school administrative unit of which the student is a resident in order to enroll in the open enrollment school. The governing bodies of open enrollment schools are required to set forth a process to determine how many openings will be made available to students and in which grades or programs the openings will be offered. Contracts for school privileges may not prevent students from participating in the open enrollment program.

A student who transfers from a public school in one school administrative unit to a public school in another unit under the program is considered to be a resident of the unit to which the student transfers. The student is counted as a student in the new unit, as a student is under an agreement between superintendents to transfer a student, but the change in residence is included in the funding formula earlier than it would be under an agreement between superintendents. The school administrative unit in which a student actually resides is required to pay tuition if that student enrolls under the program in a private school approved for the receipt of public funds.

The bill also amends current law under which superintendents of 2 school administrative units may grant a parent's request to have a student's residency transferred from one school unit to another. If one or both superintendents deny the transfer request, the parent may appeal to the Commissioner of Education. The bill requires superintendents provide written reasons for any denial, and specifies the grounds on which the commissioner may overturn a denial.

**Committee Amendment "A" (H-885)**

This amendment is the majority report. This amendment changes the bill to a resolve and requires the Commissioner of Education to convene a stakeholder group to refine the public school choice model proposed in the bill. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner is also required to communicate with the superintendents and school boards of school administrative units to clarify the law with regard to

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superintendents' agreements regarding student placement.

**House Amendment "B" To Committee Amendment "A" (H-901)**

This amendment replaces Committee Amendment A. It allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

This amendment requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The amendment retains the reporting requirement specified in Committee Amendment "A" and the requirement that the commissioner communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

**Enacted Law Summary**

Public Law 2011, chapter 651 allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

The bill requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner shall communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

**LD 1858 An Act To Ensure Effective Teaching and School Leadership**

**PUBLIC 635**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-900

This bill requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The bill requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.
2. It directs the Department of Education to adopt rules regarding the requirements of the system.
3. It provides that effectiveness ratings must be treated as a significant factor in determining the order of layoff and recall when reductions in force occur.
4. It provides that receipt of a rating of ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract.
5. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation, not professional judgment.

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6. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.

The bill requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. It also requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 10-week student teaching experience before attaining certification and a requirement that a person seeking an endorsement to teach either elementary or middle school must pass a rigorous test of mathematics and evidence-based reading instruction. Finally, the bill requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency.

### **Committee Amendment "A" (H-900)**

This amendment makes the following changes to the provisions in the bill that require school administrative units to develop and implement a comprehensive system of evaluation and support for teachers and principals.

1. It strikes the word "significant" from the provision in the bill that requires that when a reduction in force is required the effectiveness rating would have to be a significant factor in determining the order of layoff and recall.
2. It creates a definition of "professional improvement plan" and a definition of "summative effectiveness rating."
3. It clarifies that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units.
4. It clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.
5. It provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.
6. It provides that the rules adopted by the Department of Education must include provisions related to the department's approval of the performance evaluation and professional growth systems for educators established by school administrative units.
7. It clarifies that a school administrative unit is eligible to receive targeted educator evaluation funds if it has begun the process of developing a performance evaluation and professional growth system.
8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.
9. It removes the provision requiring the State Board of Education to consider outcome data for persons who have completed an educator preparation program in the review and evaluation of educator preparation programs in the State.
10. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification.
11. It clarifies that school administrative units may employ conditionally certified teachers notwithstanding the availability of fully certified teachers, which Department of Education Rule Chapter 115 currently forbids.
12. It changes the minimum student teaching time from 10 to 15 weeks, to align with existing requirements in Department of Education rules.

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13. It clarifies the language related to evidence-based reading instruction and clarifies that the requirement that a person seeking an endorsement to teach kindergarten to grade 8 students must demonstrate proficiency in math and reading instruction also applies to educational specialists.
14. It establishes an alternative certification working group to develop pathways consistent with the new alternative certification laws proposed in the bill.
15. It adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2011, chapter 635 requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The law requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.
2. It provides that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units; and it directs the department to adopt rules regarding the requirements of the performance evaluation and professional growth systems.
3. It creates a definition of "summative effectiveness rating" and clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.
4. It creates a definition of "professional improvement plan" and provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.
5. It provides that effectiveness ratings must be treated as a factor in determining the order of layoff and recall when reductions in force occur.
6. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation of the system, the existence of bad faith in an evaluation, or the assignment of a rating. It also provides that professional judgment involved in an evaluation or implementation of the system is not subject to appeal or grievance.
7. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.
8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.
9. It requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. The law provides that, notwithstanding the availability of fully certified teachers, school administrative units may employ conditionally certified teachers.
10. It requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 15-week student teaching experience before attaining certification. The law also requires the State Board of Education to include in its certification rules a requirement that an

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educational specialist or a person seeking an endorsement to teach either elementary or middle school must demonstrate proficiency in math and reading instruction.

11. Finally, it requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification and establishes an alternative certification working group to develop pathways consistent with the new alternative certification provisions enacted as part of this legislation.

**LD 1865     An Act To Enhance Career and Technical Education**

**PUBLIC 686**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM MAJ OTP-AM MIN	H-896 EDGECOMB S-518 S-530 LANGLEY S-605 ROSEN R

This bill increases opportunities for students in career and technical education programs by ensuring greater coordination of school calendars, requiring that students have access to career and technical education programming for the entire required instructional time and ensuring that the students get credit in their high school programs for academic competencies gained through separate or integrated courses in the career and technical education programs.

The bill also directs the President of the Maine Community College System to establish a process for determining the nature and amount of college credit that may be awarded to a student upon completion of a career and technical education program that uses national industry or state certification standards. The process will be set forth in a memorandum of understanding with the Department of Education and will not supersede any existing agreements between secondary career and technical education programs and individual colleges within the system.

**Committee Amendment "A" (S-518)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides for a one-year delay, from the 2012-2013 school year to the 2013-2014 school year, for the implementation of the provision in the bill that requires that there may be no more than 5 dissimilar days in regional school calendars coordinated between school administrative units affiliated with career and technical education programs.

The amendment makes a technical correction to the provision of the bill that provides that career and technical education students are eligible for academic credit in their high school programs for academic competencies gained through separate or integrated courses provided by a career and technical education region.

The amendment also directs the Chancellor of the University of Maine System and the President of the Maine Maritime Academy to each establish a process for determining the nature and amount of college credit that must be awarded to a student upon completion of an approved secondary school program through a career and technical education program that uses national industry or state certification standards. The processes will be set forth in separate memoranda of understanding with the Department of Education.

**House Amendment "A" To Committee Amendment "A" (H-896)**

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The bill repeals the provision in current law that allows regional school calendars to have provisions for waivers of the number of dissimilar days for extenuating circumstances. This amendment instead limits such waivers to schools in Aroostook County for the purposes of agricultural harvesting.

**Senate Amendment "A" (S-530)**

This amendment allows the Commissioner of Education to authorize regional school calendars that have more than 5 instructional days that are not aligned with the calendar of the career and technical education center in that region. To be eligible for authorization, all of the school administrative units in the region must have a plan, and ensure compliance with that plan, to provide access to students in that region to career and technical education programs for the entire instructional time required for those programs.

**Senate Amendment "B" To Committee Amendment "A" (S-605)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Public Law 2011, chapter 686 increases opportunities for students in career and technical education programs by ensuring greater coordination of school calendars, requiring that students have access to career and technical education programming for the entire required instructional time and ensuring that the students get credit in their high school programs for academic competencies gained through separate or integrated courses in the career and technical education programs. The law does the following.

1. It repeals the current statutory provision that allows regional school calendars to have provisions for waivers of the number of dissimilar days for extenuating circumstances and instead limits such waivers to schools in Aroostook County for the purposes of agricultural harvesting.
2. It allows the Commissioner of Education to authorize regional school calendars that have more than 5 instructional days that are not aligned with the calendar of the career and technical education center in that region. To be eligible for authorization, all of the school administrative units in the region must have a plan, and ensure compliance with that plan, to provide access to students in that region to career and technical education programs for the entire instructional time required for those programs.
3. It also directs the Maine Community College System, the University of Maine System and the Maine Maritime Academy to each establish a process for determining the nature and amount of college credit to be awarded to a student upon completion of an approved secondary school program through a career and technical education program that uses national industry or state certification standards. The processes will be set forth in separate memoranda of understanding with the Department of Education.

**LD 1866      An Act To Remove Inequity in Student Access to Certain Schools**

**MAJORITY  
(ONTP) REPORT**

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

This bill repeals the language stating that only nonsectarian private schools may be approved for the receipt of public funds for tuition purposes.

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**LD 1873 An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics**

**PUBLIC 688  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

S-606 ROSEN R

This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2011, S.P. 644. The bill directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The bill does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.
2. It provides that the model policy must include the following requirements:
  - A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;
  - B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;
  - C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;
  - D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and
  - E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.
3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.
4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

**Senate Amendment "A" (S-606)**

This amendment adds a mandate preamble and also changes a subsection number to prevent a conflict with Public Law 2011, chapter 571, section 1.

## *Joint Standing Committee on Education and Cultural Affairs*

### Enacted Law Summary

Public Law 2011, chapter 688 directs the Commissioner of Education to propose a model policy for public schools and private schools enrolling more than 60% of their students at public expense in this State on the management of concussive and other head injuries in school activities and athletics. The law also does the following.

1. It directs the commissioner to invite representatives of educational stakeholders and interested parties to participate in a working group that will meet during the spring and summer of 2012 to develop a model policy that addresses the prevention, diagnosis and treatment of concussive and other head injuries in students and student athletes.
2. It provides that the model policy must include the following requirements:
  - A. That athletic directors, coaches and other school personnel involved with school activities and athletics must be provided with training in the identification and management of concussive and other head injuries;
  - B. That a student participating in a school athletic activity and the student's parent or legal guardian must review the school's policy on the management of concussive and other head injuries;
  - C. That schools must use protocols and forms in the implementation of the policy on the management of concussive and other head injuries;
  - D. That a student suspected of having sustained a concussive or other head injury in any activity or athletic practice or game must be removed from participation immediately and evaluated for brain injury prior to returning to the activity or practices and games; and
  - E. That a student suspected of having sustained a concussion after an evaluation must be banned from further participation until the student has received written medical clearance from a licensed health care provider trained in concussion management for the student to begin the gradual resumption of participation in the activity or practices and games.
3. It establishes that schools are required to adopt a policy on management of head injuries and begin implementation of the policy by January 1, 2013, and further provides that schools must gradually implement the policy during the 2012-2013 and 2013-2014 school years.
4. It provides that the Commissioner of Education and school officials may share the model policy on the management of concussive and other head injuries, including the information, training, protocols and forms included in the policy, with statewide and local organizations that sponsor sports and athletics.

Public Law 2011, chapter 688 was enacted as an emergency measure effective May 21, 2012.

**LD 1899     An Act To Implement the Recommendations of the Joint Standing  
Committee on Education and Cultural Affairs after Its Review of the  
Maine Health and Higher Educational Facilities Authority Pursuant to  
the State Government Evaluation Act**

**PUBLIC 595**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

*Joint Standing Committee on Education and Cultural Affairs*

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 to implement the recommendations of the committee resulting from its review of the program evaluation report submitted by the Maine Health and Higher Educational Facilities Authority pursuant to the State Government Evaluation Act.

The bill repeals the authority of the Maine Health and Higher Educational Facilities Authority to issue revenue bonds and other obligations and loan the proceeds to one or more student loan corporations for the purpose of issuing low-cost loans to qualified students to assist the students in attending institutions for higher education and lowering the cost to the students or their parents of financing the students' educations. The Maine Health and Higher Educational Facilities Authority has not used this authority since the mid-1980s and this authority is no longer considered necessary by the Joint Standing Committee on Education and Cultural Affairs.

**Enacted Law Summary**

Public Law 2011, chapter 595 repeals the authority of the Maine Health and Higher Educational Facilities Authority to issue revenue bonds and other obligations and loan the proceeds to one or more student loan corporations for the purpose of issuing low-cost loans to qualified students to assist the students in attending institutions for higher education and lowering the cost to the students or their parents of financing the students' educations.

**LD 1908      An Act To Implement the Recommendations of the Stakeholder Group      PUBLIC 642**  
**To Review the Maine State Grant Program**

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

This bill implements certain recommendations made to the Joint Standing Committee on Education and Cultural Affairs by the stakeholder group to review the Maine State Grant Program pursuant to Resolve 2011, chapter 14. It modifies the Maine State Grant Program by eliminating reciprocity of the grant with other states; removes the statutory cap of 5% on grant awards to part-time students; removes the grant award differences between public and private institutions; permits the Finance Authority of Maine to establish by rule tiered award amounts; limits grant eligibility to 10 semesters or the equivalent thereof; and allows the authority to address via rulemaking certain exceptions to award denials.

The bill also requires the Finance Authority of Maine to conduct a review of the Maine State Grant Program every 10 years. The authority is required to submit a written report of the findings of the review, including any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The first decennial review is due on or before January 1, 2021.

**Enacted Law Summary**

Public Law 2011, chapter 642 makes the following changes to the Maine State Grant Program.

1. It eliminates reciprocity of the grant with other states.
2. It removes the statutory cap of 5% on grant awards to part-time students.
3. It removes the grant award differences between public and private institutions.
4. It permits the Finance Authority of Maine to establish by rule tiered award amounts.

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5. It limits grant eligibility to 10 semesters or the equivalent thereof.
6. It allows the authority to address via rulemaking certain exceptions to award denials.

The law also requires the Finance Authority of Maine to conduct a review of the Maine State Grant Program every 10 years. The authority is required to submit a written report of the findings of the review, including any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The first decennial review is due on or before January 1, 2021.

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**SUBJECT INDEX**

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

Enacted

LD 627	<b>An Act To Expand the Capacity of York County Community College</b>	<b>PUBLIC 667</b>
LD 1723	<b>Resolve, Regarding Legislative Review of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education</b>	<b>RESOLVE 122 EMERGENCY</b>
LD 1742	<b>An Act To Amend Education Laws</b>	<b>PUBLIC 678</b>
LD 1767	<b>An Act To Authorize the Commissioner of Education To Allow Access to Criminal History Record Information to Entities Providing Document Management and To Remove Applicants' Fingerprints from the Fingerprint File</b>	<b>PUBLIC 521</b>
LD 1770	<b>An Act To Encourage Parental Involvement in Education</b>	<b>PUBLIC 571</b>
LD 1839	<b>An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf</b>	<b>PUBLIC 683</b>

*Adult Education*

Enacted

LD 1780	<b>An Act To Enhance Career Pathways for Adult Learners</b>	<b>PUBLIC 517</b>
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*Alternative Education, Charter Schools and School Choice*

Enacted

LD 1592	<b>An Act To Update the Laws Concerning the Maine School of Science and Mathematics</b>	<b>PUBLIC 473</b>
LD 1762	<b>An Act To Amend and Clarify the Public Charter School Law</b>	<b>PUBLIC 570</b>
LD 1783	<b>Resolve, Regarding Legislative Review of Chapter 140: Public Charter Schools, a Major Substantive Rule of the Department of Education</b>	<b>RESOLVE 136</b>
LD 1854	<b>Resolve, To Require the Department of Education To Convene a Stakeholder Group To Recommend Changes to the Department of Education's Proposed School Choice Model</b>	<b>PUBLIC 651</b>

**Not Enacted**

LD 1316	An Act To Expand Magnet Schools in Maine	ONTP
LD 1866	An Act To Remove Inequity in Student Access to Certain Schools	MAJORITY (ONTP) REPORT

***Career and Technical Education***

**Enacted**

LD 1772	An Act To Enforce Prompt Payment to Career and Technical Education Regions	PUBLIC 489
LD 1779	An Act To Update the Career and Technical Education Laws	PUBLIC 679
LD 1865	An Act To Enhance Career and Technical Education	PUBLIC 686

***Cultural Affairs***

**Enacted**

LD 1033	An Act To Support Resource Sharing among Maine Libraries	PUBLIC 470
LD 1601	Resolve, To Amend the Resolve Establishing the Task Force on Franco-Americans	RESOLVE 119 EMERGENCY

***Curriculum, Instruction, Textbooks and Testing***

**Enacted**

LD 1422	An Act To Prepare Maine People for the Future Economy	PUBLIC 669
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***Health, Nutrition and Safety***

**Enacted**

LD 1873	An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics	PUBLIC 688 EMERGENCY
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**Not Enacted**

LD 98	Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports	ONTP
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***Online Learning Programs and Courses***

**Enacted**

LD 675	Resolve, To Create a Working Group To Study Multidistrict Online Learning Options in Maine	RESOLVE 116
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*Postsecondary Education Finance and Student Aid*

Enacted

LD 1908	An Act To Implement the Recommendations of the Stakeholder Group To Review the Maine State Grant Program	PUBLIC 642
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*Postsecondary Education Governance and Coordination*

Enacted

LD 1645	An Act To Require the Maine Community College System, the University of Maine System and the Maine Maritime Academy To Report the Number of Students Enrolled in Remedial Courses	PUBLIC 615
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LD 1899	An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs after Its Review of the Maine Health and Higher Educational Facilities Authority Pursuant to the State Government Evaluation Act	PUBLIC 595
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*Safe Schools and Student Conduct*

Enacted

LD 1237	An Act To Prohibit Bullying and Cyberbullying in Schools	PUBLIC 659
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LD 1838	Resolve, Regarding Legislative Review of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education	RESOLVE 146 EMERGENCY
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Not Enacted

LD 980	An Act To Prohibit Cyberbullying in Public Schools	ONTP
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*School Budgets*

Not Enacted

LD 1668	An Act To Improve the Regional School Unit Budget Approval and Validation Process	ONTP
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*School Construction, Facilities and Buses*

Enacted

LD 1766	Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education	RESOLVE 135 EMERGENCY
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LD 1788	Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank	RESOLVE 137 EMERGENCY
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*School District Reorganization*

Enacted

LD 1696	An Act To Modify the Alternative Organizational Structure Budget Approval Process	PUBLIC 485
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*School Finance*

Enacted

LD 958	Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate the Essential Programs and Services Funding Act	RESOLVE 166 EMERGENCY
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*Special Education Programs and Finance*

Enacted

LD 1003	Resolve, To Assist Maine Schools To Obtain Federal Funds for Medically Necessary Services	RESOLVE 145 EMERGENCY
LD 1724	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education	RESOLVE 134 EMERGENCY

Not Enacted

LD 1782	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, Including Certain Sections and the Appendix, a Major Substantive Rule of the Department of Education	ONTP
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*Teachers and Administrators*

Enacted

LD 1775	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education	RESOLVE 125 EMERGENCY
LD 1781	An Act To Restructure the National Board Certification Program for Teachers	PUBLIC 702
LD 1858	An Act To Ensure Effective Teaching and School Leadership	PUBLIC 635

*Truants, Dropouts and Homeless Students*

Enacted

LD 1503	An Act To Promote School Attendance and Increase School Achievement	PUBLIC 614
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