

**123<sup>rd</sup> Legislature LD 2303 HP1661  
Acted Upon Without Reference To A  
Committee**

An Act To Implement the Recommendations of the Alternative Education Programs Committee. (Submitted by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2007, chapter 124, section 8.) OTP Accepted 04/04/08. Engrossed Without Reference 04/16/08.

**Amended by:** SA S-647. **Final Disposition:** Enacted, Signed 04/18/08, PUBLIC LAWS, Chapter 667.

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

criminal history record check provisions of the Maine Revised Statutes, Title 20-A, section 6103 and the provisions set forth in Title 22, section 4011-A that require persons, when acting in a professional capacity, to report their knowledge or reasonable suspicions of the abuse or neglect of a child to the Department of Health and Human Services. The Office of Policy and Legal Analysis shall submit a report with findings to the Joint Standing Committee on Education and Cultural Affairs by November 5, 2008.

See title page for effective date.

## CHAPTER 667

H.P. 1661 - L.D. 2303

### An Act To Implement the Recommendations of the Alternative Education Programs Committee

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 20-A MRSA §1, sub-§1-B** is enacted to read:

**1-B. Alternative education program.** "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

**Sec. 2. 20-A MRSA §1, sub-§1-C** is enacted to read:

**1-C. Alternative learning.** "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

**Sec. 3. 20-A MRSA §1, sub-§2-A** is enacted to read:

**2-A. At-risk student.** "At-risk student" means a student who:

- A. Is not meeting the requirements for promotion to the next grade level or graduation from high school;
- B. Is at risk for dropping out of school;
- C. Is habitually truant; or

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007).

**Sec. 4. 20-A MRSA §3271, sub-§2, ¶B**, as enacted by PL 1985, c. 490, §8, is amended to read:

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner.

**Sec. 5. 20-A MRSA §3271, sub-§3**, as enacted by PL 1985, c. 490, §8, is amended to read:

**3. Exceptions.** Attendance at school or an alternative education program shall is not be required of the following:

- A. A person who has graduated from high school before his the person's 17th birthday;
- B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and
- C. A person who has been adjudged an habitual truant and has been excused from attendance pursuant to procedures established by the commissioner.

**Sec. 6. 20-A MRSA §4729**, as amended by PL 2001, c. 454, §25, is further amended to read:

#### §4729. Alternative education programs

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students.

**1. Coordination.** These programs shall operate as part of the elementary or secondary school program.

**2. Alternative schedules.** Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day.

**Sec. 7. 20-A MRSA §5103, sub-§5**, as corrected by RR 2001, c. 1, §24, is amended to read:

**5. Responsibilities.** The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

- (1) Study the problem of dropouts; and habitual truancy and the need for alternative education programs, kindergarten to grade 12;

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L-1.

B. The dropout prevention committee shall consider the following when developing its plan:

- (1) Reasons why students drop out of school;
- (2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for ~~alternate educational~~ alternative education programs, counseling and referral;
- (3) Education of teachers and administrators about the dropout problem;
- (4) Use of human services programs to help dropouts;
- (5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and
- (6) Discriminatory practices and attitudes within the school administrative unit.

**Sec. 8. 20-A MRSA §5104-A**, as enacted by PL 1989, c. 415, §31, is further amended to read:

**§5104-A. Alternative education programs outside the school administrative unit**

**1. Alternative education programs.** If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.

**2. Student count.** A student properly approved for enrollment under subsection 1 ~~shall~~ must be counted as a 1.0 student on school administrative unit counts for each semester, or its equivalent, of alternative education program.

**3. Rules.** The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to administer this section.

**Sec. 9. 20-A MRSA §5151**, as amended by PL 2001, c. 452, §12, is further amended to read:

**§5151. Technical assistance for truants, dropout prevention and reintegration and alternative education**

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative ~~educational~~ education programs. To do this, the commissioner shall employ at least one consultant whose sole responsibility is to cover the area of truancy, dropouts and alternative education.

**1. Qualifications.** Any consultant must be knowledgeable in the problems of truancy, dropouts

and reintegration and policies and programs pertaining to the problems and have this as the consultant's sole responsibility.

**2. Duties.** The consultant shall:

A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs;

B. Develop screening tools for early identification of potential dropouts;

C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs;

D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education;

E. Develop model curricula and programs for alternative ~~educational~~ education schools and programs;

F. Assess and provide for the evaluation of alternative ~~educational~~ education programs consistent with the standards established by the commissioner;

G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs;

H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult ~~educational~~ education programs and prepare positive strategies to prevent and remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State;

I. Have the responsibility for preventive programs and alternative education programs;

J. Collect data on the scope of the dropout and truancy problem in the State;

K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders

who have been released from juvenile facilities and have enrolled in schools in the State;

L. Provide staff services to the advisory committee; and

M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education.

**Sec. 10. 20-A MRSA §5152, sub-§2**, as amended by PL 2001, c. 452, §13, is further amended to read:

**2. Duties of the advisory committee, as appointed by the commissioner.** The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. ~~They~~ The committee should consider ~~their~~ its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.

**Sec. 11. 20-A MRSA §5152, sub-§3**, as amended by PL 2005, c. 397, Pt. A, §§15 and 16, is further amended to read:

**3. Membership.** The advisory committee shall must have a broad membership reflecting the range of individuals and public and private institutions ~~which~~ that are involved or interested in the problem and its solution. ~~These shall~~ It must include representation from each of the following:

- A. Teachers;
- B. Elementary school principals;
- C. Secondary school principals;
- D. Guidance counselors;
- E. Adult education teachers with experience in high school completion education;
- F. Superintendents;
- G. Administrators from private schools involved in alternative education programs;
- H. Department of Health and Human Services;
- J. Department of Corrections;
- K. Department of Labor;
- L. A local positive action committee on truancy, dropout and alternative education programs;

M. Representatives from the business community; and

N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs.

Two of the representatives in paragraphs A to D ~~shall~~ must be directly involved in alternative education programs. There ~~shall~~ may be no more than 15 members on the committee.

**Sec. 12. 20-A MRSA §8402**, as amended by PL 2005, c. 2, Pt. D, §25 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

#### **§8402. Programs**

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative ~~educational~~ education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

**Sec. 13. 20-A MRSA §8451-A**, as amended by PL 2005, c. 2, Pt. D, §27 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

#### **§8451-A. Programs**

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative ~~educational~~ education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

**Sec. 14. 20-A MRSA §15002-A**, as amended by PL 1989, c. 525, §2, is further amended to read:

**§15002-A. Permanent School Fund**

The Treasurer of State shall keep a separate account of all money received from sales of lands appropriated for the support of schools or from notes taken therefor and of any other money appropriated for the same purpose. Those sums shall constitute a the Permanent School Fund, which shall must be invested in such securities as are legal investments for savings banks under Title 9. The income from these investments shall must be placed in a dedicated revenue, interest-bearing account and shall must be available to be used as follows for:

**1. Alternative education, school dropouts and truants.** Financing the department's obligation to provide services to encourage the development of alternative ~~educational~~ education programs, including high school completion programs through adult education programs and shall must address other needs of school dropouts and truants as more specifically set forth in sections 5151 to 5153; and

**2. Allocation to school units.** Allocations to school administrative units for the purpose of surveying school systems and developing school plans. The allocations shall may not in any case exceed the unit's local share percentage determined under ~~section 15609 of the School Finance Act~~ chapter 606-A times the cost of those surveys or plans; and.

**Sec. 15. 20-A MRSA §15674, sub-§1, ¶C**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

- C. The greater of:
  - (1) The average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; and
  - (2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program and counted in accordance with section 5104-A.

See title page for effective date.

**CHAPTER 668  
S.P. 931 - L.D. 2323**

**An Act To Remove Barriers to  
the Reorganization of School  
Administrative Units**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §1, sub-§26**, as amended by PL 2007, c. 240, Pt. XXXX, §5, is repealed and the following enacted in its place:

**26. School administrative unit.** "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only the following:

- A. A municipal school unit;
- B. A regional school unit formed pursuant to chapter 103-A;
- C. An alternative organizational structure as approved by the commissioner and approved by the voters, with the alternative organizational structure serving as the school administrative unit for all its member entities for purposes of chapter 606-B and Public Law 2007, chapter 240, Part XXXX, section 36;
- D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A;
- E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A;
- F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A; and
- G. A municipal school unit, school administrative district, community school district or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner.

**Sec. 2. 20-A MRSA §1305-C**, as enacted by PL 2007, c. 240, Pt. XXXX, §11, is amended to read:

STATE LAW OFFICE  
AUGUSTA, MAINE



# 123rd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2008

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Legislative Document

No. 2303

H.P. 1661

House of Representatives, April 4, 2008

### An Act To Implement the Recommendations of the Alternative Education Programs Committee

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Reported by Representative NORTON of Bangor for the Joint Standing Committee on  
Education and Cultural Affairs pursuant to Resolve 2007, chapter 124, section 8.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

1 sequence of courses that are directly related to the preparation of individuals for  
2 employment in current or emerging occupations and may include training and education  
3 in academic and business skills preparing students to further their education at the  
4 community college or college level or allowing students to use trade and occupational  
5 skills on other than an employee basis. Programs of career and technical education may  
6 also include alternative ~~educational~~ education programs and training and education in  
7 music, athletics, art and other activities approved by the commissioner pursuant to section  
8 8306-A.

9 **Sec. 14. 20-A MRSA §15002-A**, as amended by PL 1989, c. 525, §2, is further  
10 amended to read:

11 **§15002-A. Permanent School Fund**

12 The Treasurer of State shall keep a separate account of all money received from sales  
13 of lands appropriated for the support of schools or from notes taken therefor and of any  
14 other money appropriated for the same purpose. Those sums ~~shall~~ constitute a the  
15 Permanent School Fund, which ~~shall~~ must be invested in such securities as are legal  
16 investments for savings banks under Title 9. The income from these investments ~~shall~~  
17 must be placed in a dedicated revenue, interest-bearing account and ~~shall~~ must be  
18 available to be used as follows for:

19 **1. Alternative education, school dropouts and truants.** Financing the  
20 department's obligation to provide services to encourage the development of alternative  
21 ~~educational~~ education programs, including high school completion programs through  
22 adult education programs and ~~shall~~ must address other needs of school dropouts and  
23 truants as more specifically set forth in sections 5151 to 5153; and

24 **2. Allocation to school units.** Allocations to school administrative units for the  
25 purpose of surveying school systems and developing school plans. The allocations ~~shall~~  
26 may not in any case exceed the unit's local share percentage determined under ~~section~~  
27 ~~45609 of the School Finance Act~~ chapter 606-A times the cost of those surveys or plans;  
28 and

29 **Sec. 15. 20-A MRSA §15674, sub-§1, ¶C**, as enacted by PL 2003, c. 504, Pt. A,  
30 §6, is amended to read:

31 C. The greater of:

32 (1) The average of the 2 pupil counts for April 1st and October 1st of the most  
33 recent calendar year prior to the year of funding, reported in accordance with  
34 section 6004, including the counts of students enrolled in an alternative education  
35 program made in accordance with section 5104-A; and

36 (2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most  
37 recent calendar years prior to the year of funding, reported in accordance with  
38 section 6004, including the counts of students enrolled in an alternative education  
39 program and counted in accordance with section 5104-A.

1       **Sec. 16. Commission established.** The Commission to Study Alternative  
2 Education Programs, referred to in this section as "the commission," is established.

3       **1. Membership.** The commission consists of 13 members appointed as follows:

4       A. Three members of the Senate, appointed by the President of the Senate;

5       B. Four members of the House of Representatives, appointed by the Speaker of the  
6 House;

7       C. One member from the University of Maine Institute for the Study of Students At  
8 Risk, appointed by the President of the Senate;

9       D. Two members from the advisory committee on truancy, dropouts and alternative  
10 education established under the Maine Revised Statutes, Title 20-A, section 5152,  
11 appointed by the Speaker of the House;

12       E. One member from the Department of Education, Office of Truancy, Dropout and  
13 Alternative Education, appointed by the President of the Senate;

14       F. One member from the Alternative Education Association of Maine, appointed by  
15 the Speaker of the House; and

16       G. One member from the Interdepartmental Committee on Transition established  
17 pursuant to the Maine Revised Statutes, Title 20-A, section 7803, appointed by the  
18 President of the Senate.

19       In making appointments, the presiding officers shall give preference to Legislators and  
20 other persons who served on the Alternative Education Programs Committee established  
21 under Resolve 2007, chapter 124.

22       **2. Commission chairs.** The first-named Senate member is the Senate chair of the  
23 commission and the first-named House of Representatives member is the House chair of  
24 the commission.

25       **3. Appointments; convening of commission.** All appointments must be made no  
26 later than 30 days following the effective date of this Act. The appointing authorities shall  
27 notify the Executive Director of the Legislative Council once all appointments have been  
28 completed. Within 15 days after appointment of all members, the chairs shall call and  
29 convene the first meeting of the commission.

30       **4. Duties.** For the purposes of increasing the understanding of alternative learning  
31 and support of alternative education programs in Maine, the commission shall:

32       A. Assist with analysis of the results of the survey on alternative education programs  
33 conducted by the Department of Education in the fall of 2007;

34       B. Review the needs of special at-risk populations such as teen parents and substance  
35 abusers;

36       C. Collect and analyze cost data from several exemplary alternative education  
37 programs and develop per student cost estimates for providing effective alternative  
38 learning opportunities;

- 1 D. Develop approaches to fund alternative education programs; and  
2 E. Evaluate the alignment of regional school units and alternative education programs  
3 in terms of geography and need.

4 **5. Staff assistance.** The Legislative Council shall provide necessary staffing services  
5 to the commission.

6 **6. Report.** No later than November 5, 2008, the commission shall submit a report  
7 that includes its findings and recommendations, including suggested legislation, to the  
8 joint standing committee of the Legislature having jurisdiction over education matters.  
9 Following receipt of the report, the joint standing committee of the Legislature having  
10 jurisdiction over education matters is authorized to submit legislation related to  
11 alternative education to the First Regular Session of the 124th Legislature.

12 **SUMMARY**

13 This bill is the unanimous report of the Joint Standing Committee on Education and  
14 Cultural Affairs. It adds definitions for "alternative education program," "alternative  
15 learning" and "at-risk student" to the definitions section in the Maine Revised Statutes,  
16 Title 20-A. It amends sections of statute to consistently use defined terms. It also  
17 establishes the Commission to Study Alternative Education Programs with directives to  
18 continue the work of the committee established in Resolve 2007, chapter 124.

**FISCAL NOTE REQUIRED**  
(See attached)

Date: 4-15-08

(Filing No. S-647)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to H.P. 1661, L.D. 2303, Bill, "An Act To Implement the Recommendations of the Alternative Education Programs Committee"

Amend the bill by striking out all of section 16.

SUMMARY

This amendment strikes the Commission To Study Alternative Education Programs from the bill.

SPONSORED BY: 

(Senator MARTIN)

COUNTY: Aroostook

FISCAL NOTE REQUIRED  
(See attached)

**SENATE AMENDMENT**



Approved: 04/15/08 *MJC*

# 123rd MAINE LEGISLATURE

LD 2303

LR 3615(03)

**An Act To Implement the Recommendations of the Alternative Education Programs Committee**

**Fiscal Note for Senate Amendment "A"**

**Sponsor: Sen. Martin of Aroostook**

**Fiscal Note Required: Yes**

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## Fiscal Note

Legislative Study Removed

### Legislative Cost/Study

This amendment removes the study from the bill and any fiscal impact on the Legislature.