

123rd Legislature LD 560 SP0172
Education and Cultural Affairs

An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools.
Presented by Senator SULLIVAN of York. **Public Hearing** 03/29/07.
Majority (OTP) Accepted 05/08/07. **Final Disposition:** Enacted, Signed 05/18/07, PUBLIC LAWS, Chapter 141.

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

See title page for effective date.

CHAPTER 141
S.P. 172 - L.D. 560

**An Act To Integrate the
Approval of Early Childhood
Education Plans for Children 4
Years of Age into Basic School
Approval for Elementary
Schools**

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

Sec. 1. 20-A MRSA §1, sub-§15, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

15. Kindergarten. "Kindergarten" means a one-year or 2-year childhood education program, for children at least 5 years of age, immediately prior to grade one.

Sec. 2. 20-A MRSA §1, sub-§23-A is enacted to read:

23-A. Public preschool program. "Public preschool program" means a program offered by a public school that provides instruction to children who are 4 years of age.

Sec. 3. 20-A MRSA §4252, sub-§4, as amended by PL 1989, c. 548, §3, is further amended to read:

4. Programs for children 4 years of age and 5 years of age. Encourage the development of public preschool programs or 2-year kindergartens in conformity with section 5201, subsection 2, paragraph C and other appropriate programs to address the needs of 4-year-old children 4 years of age and 5 years of age;

Sec. 4. 20-A MRSA §4253, as amended by PL 1997, c. 534, §1, is repealed.

Sec. 5. 20-A MRSA §4255, as enacted by PL 2005, c. 368, §1, is repealed.

Sec. 6. 20-A MRSA §4501, as amended by PL 1985, c. 797, §31, is further amended to read:

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise ~~and support~~ annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. School units that choose to offer a

public preschool program must meet the requirements of basic school approval.

Sec. 7. 20-A MRSA §4502, sub-§2, as amended by PL 1991, c. 824, Pt. A, §32, is further amended to read:

2. Curriculum standards. Schools shall also meet all curriculum standards established in chapter 207-A. Schools that offer public preschool programs shall demonstrate curriculum practice for those programs that implements the Maine early childhood learning guidelines and is appropriate for the age and development level of the children.

Sec. 8. 20-A MRSA §4502, sub-§5, ¶N, as amended by PL 2001, c. 452, §9, is further amended to read:

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5; ~~and~~

Sec. 9. 20-A MRSA §4502, sub-§5, ¶O, as enacted by PL 2001, c. 452, §10, is amended to read:

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; ~~and~~

Sec. 10. 20-A MRSA §4502, sub-§5, ¶P is enacted to read:

P. Provision of family outreach and support programs designed to improve parent-school relations and parenting skills consistent with section 4252, subsection 8.

Sec. 11. 20-A MRSA §4502, sub-§9 is enacted to read:

9. Coordinated early childhood programs for children 4 years of age. Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a proposal for approval to the department. Evaluation of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been dis-

seminated broadly to other early childhood programs in the community.

Sec. 12. 20-A MRSA §5201, sub-§2, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. A person who will be at least 4 years old of age on October 15th of the school year may enroll in a 2-year childhood education public preschool program prior to grade one kindergarten if it is offered.

Sec. 13. 20-A MRSA §15672, sub-§6, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

6. **Elementary grades.** "Elementary grades" means kindergarten public preschool programs to grade 8 and includes children enrolled in early kindergarten programs and 4 year old children enrolled in a 2-year childhood education program prior to grade one.

Sec. 14. 20-A MRSA §15672, sub-§7, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

7. **Elementary school level.** "Elementary school level" means the grades from kindergarten public preschool programs to grade 5 and includes early kindergarten programs and 2-year childhood education programs enrolling 4-year-old children prior to grade one.

Sec. 15. 20-A MRSA §15675, sub-§3, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

3. **Public preschool program to grade 2 students.** If a school administrative unit is eligible to receive targeted funds for its kindergarten public preschool to grade 2 program under section 15681, then for each kindergarten public preschool program to grade 2 student, the unit receives an additional weight of .10.

A. For purposes of the additional weight under this subsection, the count of kindergarten public preschool program to grade 2 students is calculated based on the number of resident pupils in the most recent calendar year.

B. Only school administrative units with a kindergarten public preschool to grade 2 program programs approved by the department are eligible for funds pursuant to this subsection or other comparable index.

C. Funds provided pursuant to this subsection may be expended only on behalf of kindergarten public preschool program to grade 2 students.

Sec. 16. 20-A MRSA §15681, sub-§1, ¶C, as amended by PL 2005, c. 12, Pt. D, §2, is further amended to read:

C. To receive targeted kindergarten public preschool program to grade 2 funds calculated pursuant to subsection 4, the school administrative unit must be in compliance with any applicable reporting requirements for local early childhood programs. Any program must be in compliance with chapter 203, subchapter 2.

Sec. 17. 20-A MRSA §15681, sub-§4, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

4. **Public preschool program to grade 2 funds.** For targeted kindergarten public preschool program to grade 2 funds, the commissioner shall calculate the amount that may be made available to eligible school administrative units as follows.

A. For fiscal year 2005-06, the amount equals the product of the per-pupil guarantee calculated pursuant to section 15676 multiplied by the additional weight calculated pursuant to section 15675, subsection 3.

B. For fiscal year 2006-07 and each subsequent year, the commissioner shall recalculate the amount by using the amount calculated under paragraph A as a base and appropriate trends in the Consumer Price Index or other comparable index.

See title page for effective date.

CHAPTER 142

H.P. 372 - L.D. 488

An Act To Amend the Child Support Laws

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

Sec. 1. 19-A MRSA §1653, sub-§8, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. Either parent of a minor child shall contribute reasonable and just sums as child support payable weekly, biweekly, monthly or quarterly. In an action filed under section 1654, the court may require the child's nonprimary care provider to pay past support. Availability of public welfare benefits to the family may not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to chapter 65, subchapter H 2, article 3. If an order exists, the court shall consider its terms in establishing a child support obligation. A determination or modification of child support under this section and a de-



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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 560

S.P. 172

February 5, 2007

**An Act To Integrate the Approval of Early Childhood Education
Plans for Children 4 Years of Age into Basic School Approval for
Elementary Schools**

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SULLIVAN of York.
Cosponsored by Representative WEBSTER of Freeport and
Senator: TURNER of Cumberland, Representatives: EDGECOMB of Caribou, NORTON of
Bangor.

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

2 **Sec. 1. 20-A MRSA §1, sub-§15**, as enacted by PL 1981, c. 693, §§5 and 8, is
3 amended to read:

4 **15. Kindergarten.** "Kindergarten" means a one-year or 2-year childhood education
5 program, for children at least 5 years of age, immediately prior to grade one.

6 **Sec. 2. 20-A MRSA §1, sub-§23-A** is enacted to read:

7 **23-A. Public preschool program.** "Public preschool program" means a program
8 offered by a public school that provides instruction to children who are 4 years of age.

9 **Sec. 3. 20-A MRSA §4252, sub-§4**, as amended by PL 1989, c. 548, §3, is
10 further amended to read:

11 **4. Programs for children 4 years of age and 5 years of age.** Encourage the
12 development of public preschool programs or 2-year kindergartens in conformity with
13 section 5201, subsection 2, paragraph C and other appropriate programs to address the
14 needs of 4-year-old children 4 years of age and 5 years of age;

15 **Sec. 4. 20-A MRSA §4253**, as amended by PL 1997, c. 534, §1, is repealed.

16 **Sec. 5. 20-A MRSA §4255**, as enacted by PL 2005, c. 368, §1, is repealed.

17 **Sec. 6. 20-A MRSA §4501**, as amended by PL 1985, c. 797, §31, is further
18 amended to read:

19 **§4501. Duty of school units**

20 In accordance with the policy expressed in section 2, every school administrative unit
21 shall raise ~~and support~~ annually sufficient funds to maintain or support elementary and
22 secondary schools to provide free education for its resident students at all grade levels.
23 These schools shall meet the requirements of basic school approval. School units that
24 choose to offer a public preschool program must meet the requirements of basic school
25 approval.

26 **Sec. 7. 20-A MRSA §4502, sub-§2**, as amended by PL 1991, c. 824, Pt. A, §32,
27 is further amended to read:

28 **2. Curriculum standards.** Schools shall also meet all curriculum standards
29 established in chapter 207-A. Schools that offer public preschool programs shall
30 demonstrate curriculum practice for those programs that implements the Maine early
31 childhood learning guidelines and is appropriate for the age and development level of the
32 children.

33 **Sec. 8. 20-A MRSA §4502, sub-§5, ¶N**, as amended by PL 2001, c. 452, §9, is
34 further amended to read:

1 N. Preparation of a written local policy and implementation of training for all
2 unlicensed personnel who administer medication in accordance with the requirements
3 under section 254, subsection 5; and

4 **Sec. 9. 20-A MRSA §4502, sub-§5, ¶O**, as enacted by PL 2001, c. 452, §10, is
5 amended to read:

6 O. Preparation of a written local policy and implementation of training for all
7 guidance counselors and school personnel who administer reintegration planning
8 pursuant to section 254, subsection 12, who participate in a reintegration team and
9 who have access to confidential criminal justice information regarding juveniles
10 pursuant to section 1055, subsection 12.; and

11 **Sec. 10. 20-A MRSA §4502, sub-§5, ¶P** is enacted to read:

12 P. Provision of family outreach and support programs designed to improve parent-
13 school relations and parenting skills consistent with section 4252, subsection 8.

14 **Sec. 11. 20-A MRSA §4502, sub-§9** is enacted to read:

15 **9. Coordinated early childhood programs for children 4 years of age. Any**
16 school administrative unit that wishes to develop an early childhood program for children
17 4 years of age must submit a proposal for approval to the department. Evaluation of the
18 proposal must include consideration of at least the following factors:

19 A. Demonstrated coordination with other early childhood programs in the
20 community to maximize resources;

21 B. Consideration of the extended child care needs of working parents; and

22 C. Provision of public notice regarding the proposal to the community being served,
23 including the extent to which public notice has been disseminated broadly to other
24 early childhood programs in the community.

25 **Sec. 12. 20-A MRSA §5201, sub-§2, ¶C**, as enacted by PL 1981, c. 693, §§5
26 and 8, is amended to read:

27 C. A person who will be at least 4 years ~~old~~ of age on October 15th of the school
28 year may enroll in a ~~2-year childhood education~~ public preschool program prior to
29 ~~grade one~~ kindergarten if it is offered.

30 **Sec. 13. 20-A MRSA §15672, sub-§6**, as enacted by PL 2003, c. 504, Pt. A, §6,
31 is amended to read:

32 **6. Elementary grades.** "Elementary grades" means ~~kindergarten~~ public preschool
33 programs to grade 8 and ~~includes children enrolled in early kindergarten programs and 4-~~
34 ~~year old children enrolled in a 2-year childhood education program prior to grade one.~~

35 **Sec. 14. 20-A MRSA §15672, sub-§7**, as enacted by PL 2003, c. 504, Pt. A, §6,
36 is amended to read:

1 **7. Elementary school level.** "Elementary school level" means the grades from
2 kindergarten public preschool programs to grade 5 and ~~includes early kindergarten~~
3 ~~programs and 2-year childhood education programs enrolling 4-year-old children prior to~~
4 ~~grade one.~~

5 **Sec. 15. 20-A MRSA §15675, sub-§3,** as enacted by PL 2003, c. 504, Pt. A, §6,
6 is amended to read:

7 **3. Public preschool program to grade 2 students.** If a school administrative unit is
8 eligible to receive targeted funds for its kindergarten public preschool to grade 2 program
9 under section 15681, then for each kindergarten public preschool program to grade 2
10 student, the unit receives an additional weight of .10.

11 A. For purposes of the additional weight under this subsection, the count of
12 kindergarten public preschool program to grade 2 students is calculated based on the
13 number of resident pupils in the most recent calendar year.

14 B. Only school administrative units with a ~~kindergarten public preschool~~ to grade 2
15 ~~program programs~~ approved by the department are eligible for funds pursuant to this
16 subsection or other comparable index.

17 C. Funds provided pursuant to this subsection may be expended only on behalf of
18 kindergarten public preschool program to grade 2 students.

19 **Sec. 16. 20-A MRSA §15681, sub-§1, ¶C,** as amended by PL 2005, c. 12, Pt. D,
20 §2, is further amended to read:

21 C. To receive targeted kindergarten public preschool program to grade 2 funds
22 calculated pursuant to subsection 4, the school administrative unit must be in
23 compliance with any applicable reporting requirements for local early childhood
24 programs. Any program must be in compliance with chapter 203, subchapter 2.

25 **Sec. 17. 20-A MRSA §15681, sub-§4,** as enacted by PL 2003, c. 504, Pt. A, §6,
26 is amended to read:

27 **4. Public preschool program to grade 2 funds.** For targeted kindergarten public
28 preschool program to grade 2 funds, the commissioner shall calculate the amount that
29 may be made available to eligible school administrative units as follows.

30 A. For fiscal year 2005-06, the amount equals the product of the per-pupil guarantee
31 calculated pursuant to section 15676 multiplied by the additional weight calculated
32 pursuant to section 15675, subsection 3.

33 B. For fiscal year 2006-07 and each subsequent year, the commissioner shall
34 recalculate the amount by using the amount calculated under paragraph A as a base
35 and appropriate trends in the Consumer Price Index or other comparable index.

1 **SUMMARY**

2 This bill defines "public preschool program" in the laws governing education. This
3 definition differentiates a public preschool program from a one-or-two-year kindergarten
4 program.

5 The bill also integrates approval of early childhood education plans for programs for
6 children 4 years of age into the laws governing basic school approval.

OFFICE OF POLICY AND LEGAL ANALYSIS

April 6, 2007

To: Members, Joint Standing Committee on Education and Cultural Affairs

From: Phillip D. McCarthy, Ed.D., Legislative Analyst 

Subj: **LD 560, An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools**
(Sen. Sullivan)

SUMMARY

This bill is submitted by the Department of Education (DOE). The bill defines “public preschool program” in the laws governing education. This definition differentiates a public preschool program from a one-or-two-year kindergarten program.

The bill also integrates approval of early childhood education plans for programs for children 4 years of age into the laws governing “basic school approval.”

TESTIMONY

Proponents

- ⊕ DOE/DHHS early childhood task force has developed “Early Childhood Learning Guidelines” and bill seeks to implement elements of “Good start, grow smart” initiative
- ⊕ “Pre-K to grade 16 task force” also identified need to start all children ready for kindergarten
- ⊕ DOE intent is to take current statutory provisions for early childhood plans and integrate them into basic school approval provisions of the law
- ⊕ CDS Services Director Council supports enactment of this bill as it will promote the recognition of early childhood as a stage in our children’s development

Opponents

None

NFNA

- ⊕ Subcommittee to Study Early Childhood Special Education agrees that early childhood standards are needed, but suggests they are needed across DOE and DHHS; and asks that this bill be amended to include the subcommittee’s recommendations to these standards

POTENTIAL ISSUES OR TECHNICAL PROBLEMS:

- ⊕ None identified

FISCAL IMPACT:

- ⊕ No fiscal impact; fiscal note is not needed

State of Maine
DEPARTMENT OF EDUCATION

Testimony of David Noble Stockford, Policy Director and Team Leader, Special Services

In Support of L.D. 560

An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Sullivan

Date: March 29, 2007

Senator Bowman, Representative Norton and Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is David Noble Stockford, and I am here today representing the Department of Education in support of L.D. 560 An Act To Integrate the Approval of Early Childhood Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools.

Previous Maine Legislatures have been most responsive to the development of a policy which aligns with the increasing body of research which documents the positive impact of early intervention on infants, toddlers and young children. This impact also positively affects the families, community, schools and the State, as the return on this investment is realized. Communities and school administrative units throughout the state have been most responsive to the incentives to promote early childhood programs for children who are four years old.

The primary purpose of L.D. 560 is to take current statutory provisions of Title 20A-MRSA, in the subchapter on "Early Childhood Educational Plans for Children Aged 4 to 9" and to align these provisions with the subchapter governing basic school approval. The bill clarifies "public preschool program" and integrates the approval of early childhood education plans for programs for children 4 years of age into the laws governing basic school approval.

For these reasons, the Department supports L.D. 560. I would be happy to answer any questions the Committee may have, and I will be available for work sessions on this bill.

Testimony Neither For Nor Against LD 560

Delivered to Education Committee 3/29/07

*Alan Cobo-Lewis, PhD
Parent of a Child with a Disability**

- **Please schedule work session on LD 560 after public hearing on LR 2513**, the bill being introduced by Sen Mitchell on behalf of the Subcommittee to Study Early Childhood Special Education
- Please **amend LD 560** to accommodate Subcommittee's **consensus recommendation** to establish **Common Early Childhood Standards Across Departments**
- Please **amend LD 560** to accommodate Subcommittee's **majority recommendation** that 4-year-old programs be mandated to be **inclusive of children with disabilities**
- Because LD 560 touches and repeals some of the same sections that LR 2513 amends, **following pages detail how LD 560 could be amended** to accommodate Subcommittee recommendations **without otherwise changing the effect of LD 560**

** also co-chair of Subcommittee to Study Early Childhood Special Education, but testifying today solely as parent and member*

CDS DIRECTORS' COUNCIL
TESTIMONY ON **LD560 – An Act to Integrate the Approval of Early Childhood Plans . . .**
March 29, 2007

Senator Bowman, Representative Norton and members of the Education and Cultural Affairs Committee, I am Jude Thomas testifying on behalf of the Child Development Services Directors' Council, representing 13 of the sixteen CDS sites.

The Directors Council recommends that the Education Committee vote *Ought to Pass* on LD560. This bill reinforces early childhood as a distinct stage of children's development, it aligns with the findings of the B-8 Subcommittee, and has the potential to improve the quality of programming in public school four-year-old programs.



HOUSE OF REPRESENTATIVES

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LD 560, An Act to Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools

Testimony of support by Representative David Webster, co-sponsor Legislative Hearing, March 29, 2007

Senator Bowman, Representative Norton and members on the Education and Cultural Affairs Committee. I am David Webster and I represent Freeport and part of Pownal.

It is important to put LD 560 in the context of the State's history of making public school programs available to four-year olds. In 1981, Title 20-A was amended to allow an individual who would be at least four years old on October 15th to be enrolled in a two-year, early childhood program, prior to grade one, if one was offered by the public school. It allowed the child to be counted for State subsidy on the October and April enrollment reports to the State.

In 1983-1984, the Department of Education began offering two-year early childhood program grants to school administrative units for the start up of early childhood programs. This program required matching funds at the local level. The two-year grant program continued from 1983-1984 through the 1991 school year. The program assisted 74 school administrative units to develop early childhood programs. With changes in State funds in the 1991-1992 school year, many school administrative units decided not to continue these programs. As a result, by 1997-1998, there were only 27 four-year old programs offered throughout the state.

The response by school administrative units, since the 2003-2004 school year, demonstrates the need and development of programs, with 83 public, four-year-old programs in that year, expanding to 91 in 2004-2005, 96 in 2005-2006, and 110 in 2006-2007 school year.

The data also demonstrates that these programs include over 30 community partners. The continued expansion of these programs, I believe, will be enhanced by LD 560.

VOTING TALLY SHEET

For LD's

LD #: 560

Committee: Joint Standing Committee on Education and Cultural Affairs

Date: 4-6-07

Motion: Ought to Pass

Motion by: Rep. Makas

Seconded by: Rep. Norton

Those Voting in Favor of the Motion	Recommendation of those opposed to the Motion					Absent	Abstain
	ONTP	OTP	OTP-AM	New Draft	Re-Refer		

Senators

1. Peter B. Bowman	X						
2. Elizabeth H. Mitchell	X						
3. Peter Mills	X						

Representatives

1. Jacqueline R. Norton	X						
2. Edward D. Finch		X					
3. Elaine Makas	X						
4. David W. Farrington	X						
5. Charles William Harlow	X						
6. Patricia B. Sutherland	X						
7. Peter Edgecomb	X						
8. Howard E. McFadden	X						
9. Roberta M. Muse	X						
10. Meredith N. Strang Burgess	X						
TOTALS	12	1					