

Education and Cultural Affairs

**PUBLIC 16 An Act To Limit Terms for Members of the State Board of
Education**

LD 247

<u>Sponsor(s)</u> FINCH TURNER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 16 limits the number of terms of office for members of the State Board of Education to 2 5-year terms, which need not be consecutive, beginning with new appointments by the Governor at the expiration of the current board members' terms of office.

PUBLIC 30 An Act To Promote Education in the Unorganized Territory

LD 594

<u>Sponsor(s)</u> PERRY A DAMON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 30 requires the Department of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a school in the unorganized territory.

**PUBLIC 70 An Act To Align Maine Special Education Complaint Management
Provisions with the Federal Individuals with Disabilities Education
Act**

LD 400

<u>Sponsor(s)</u> TURNER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 70 repeals the Maine Revised Statutes, Title 20-A, section 7206, subsection 4 provision that an interested party has 30 days in which to challenge a complaint investigation report completed by the Commissioner of Education. Repealing this subsection will maintain the right of a parent or school administrative unit to request an administrative hearing on the same issues that were dealt with in a complaint investigation at any time.

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PUBLIC 85 **An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from State Requirements for Degree-granting Authority** **LD 424**

<u>Sponsor(s)</u> TARDY PLOWMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-128
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Public Law 2005, chapter 85 exempts certain religious, private, postsecondary institutions from state degree-granting requirements. The law also requires that the religious, nonpublic, educational institutions that receive an exemption from the state degree-granting requirements, including an exemption from review by the State Board of Education and authorization from the Legislature, provide a consumer protection notice on all written materials made available to potential applicants or to the general public.

PUBLIC 115 **An Act To Cap Tuition Rates by Schools in the Unorganized Territory** **LD 478**

<u>Sponsor(s)</u> MCFADDEN RAYE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-203
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Public Law 2005, chapter 115 caps the per pupil tuition charge of schools maintained by the State in the unorganized territory for students sent by other school administrative units at the state average expenditure per pupil for the preceding year.

PUBLIC 118 **An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted** **LD 624**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-216
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Public Law 2005, chapter 118 requires that the Maine Education Assessment scores for a student who receives education from a regional alternative education program or a regional special education program may be assigned to the community or school within the school administrative unit where the student resides. The law requires the Commissioner of Education to adopt routine technical rules to implement these provisions.

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**PUBLIC 129 An Act To Restructure the Board of Trustees of the Maine School
of Science and Mathematics**

LD 921

<u>Sponsor(s)</u> CUMMINGS BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-188
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Public Law 2005, chapter 129 restructures the Board of Trustees of the Maine School of Science and Mathematics, changing the number of members appointed by the Governor from the general public to 10 and specifying that one of the 10 must be a graduate of the school and one must be a parent of a student or recent graduate of the school. The law also removes the President of the Maine Science and Technology Foundation and the President of the Maine Community College System as board members.

PUBLIC 130 An Act Allowing School Unions To Improve Efficiency

LD 856

<u>Sponsor(s)</u> MERRILL DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-234
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Public Law 2005, chapter 130 provides that the superintendent of a school union may be designated as the treasurer of the school union and that the union committee may perform the function of fiscal agent of the school union if these designations are approved by a majority of the voters of each municipality within the school union. The law also authorizes a school union to hire personnel that are shared between different schools in the union.

**PUBLIC 151 An Act To Amend the Education Laws Regarding Equivalent
Instruction, Medical Screening and Adult Education**

LD 887

<u>Sponsor(s)</u> ANDREWS NORTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-133
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Public Law 2005, chapter 151 revises the statute regarding participation in public schools by students enrolled in equivalent instruction programs to include pupils who reside in the unorganized territory. It allows legal resident pupils of the unorganized territory to participate in classes and cocurricular and extracurricular activities in the school administrative unit that the pupil would regularly attend if the pupil were not receiving equivalent instruction. The law also revises a section of the adult education statute to provide a mechanism for a school administrative unit to directly receive subsidy for secondary school-age students being served through the adult education in the school administrative unit, regardless of the student's residency status.

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PUBLIC 152 An Act To Amend the Law Regarding Certification of Educational Personnel

LD 1446

<u>Sponsor(s)</u> MERRILL MITCHELL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2005, chapter 152 amends the law regarding the certification of educational personnel in 3 ways.

1. It authorizes the granting of a certificate or authorization of personnel who provide early childhood education programs or developmental therapy to all children from birth to age 5. Currently, the certificate or authorization is limited to educational personnel who provide programs or developmental therapy to children birth to school age 5 who have disabilities.
2. It repeals the requirement for certification that all educational personnel have knowledge of physiology and hygiene and the effects of alcohol, stimulants and narcotics upon the human system.
3. It revises the conditional certificate for administrators to allow the Department of Education to grant a maximum of 2 one-year conditional administrator certificates. Previously, conditional administrator certificates could be granted for only one year.

PUBLIC 153 An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures

LD 1200

<u>Sponsor(s)</u> FINCH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-292
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Public Law 2005, chapter 153 establishes a single rate-setting process for all tuition subject to approval by the Commissioner of Education, including tuition for private special purpose education facilities that exclusively serve exceptional students and tuition for private general purpose schools that receive state aid for special education programs. Chapter 153 limits tuition increases from one year to the next. It also allows the approval process used by private secondary schools receiving public funds to be used for approving other private schools to receive public funds.

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PUBLIC 178 **An Act To Strengthen Certain Student Support Services within the
Maine Community College System** **LD 1030**

<u>Sponsor(s)</u> NORTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2005, chapter 178 eliminates the Skill Standards Board and amends the Maine Career Advantage Program by enhancing its services to better meet the needs of the students the program was intended to reach, those students that are not traditionally considered college bound.

PUBLIC 194 **An Act To Require Legislative Review of Rules Governing Private
Schools** **LD 726**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-246
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Public Law 2005, chapter 194 makes any new Department of Education rules governing private schools, as well as amendments to existing rules that affect private schools, major substantive rules.

PUBLIC 224 **An Act To Authorize Exemptions for Montessori Schools from
Certain Requirements** **LD 1037**

<u>Sponsor(s)</u> GAGNON PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-178
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Public Law 2005, chapter 224 authorizes the Commissioner of Education and the Commissioner of Health and Human Services to grant exemption from certain licensing requirements for child care facilities and nursery schools to accredited Montessori schools.

PUBLIC 272 **An Act To Amend the Laws Regarding the School Revolving
EMERGENCY** **Renovation Fund** **LD 1454**

<u>Sponsor(s)</u> GOLDMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-462
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Public Law 2005, chapter 272 allows reimbursement from the School Revolving Renovation Fund to school administrative units for costs incurred for first priority status health and safety projects approved by the Commissioner of Education. The law provides that the amount of the reimbursement that a school administrative unit may receive from the School Revolving Renovation Fund for costs incurred for a first priority status health and safety project may not exceed 70% and may not be less than 30% of the costs of the

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first priority status health and safety project as determined in accordance with the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 6, paragraph A.

Public Law 2005, chapter 272 was enacted as an emergency measure effective June 2, 2005.

PUBLIC 279 **An Act To Add an Organizational Name to the Governor Baxter School for the Deaf** **LD 981**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-481
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Public Law 2005, chapter 279 provides an expanded organizational name to the Governor Baxter School for the Deaf in order to better reflect the range of programs and services provided to the deaf and hard-of-hearing pursuant to State law. The expanded name of the organization is the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The law also retains the name Governor Baxter School for the Deaf for the center school located on Mackworth Island.

PUBLIC 307 **An Act To Amend the Laws Governing the Student Code of Conduct** **LD 564**

<u>Sponsor(s)</u> GROSE STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-333
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Public Law 2005, chapter 307 requires school boards to establish policies to address bullying, harassment and sexual harassment. It directs a subcommittee of the Children's Cabinet to develop model policies, materials for communicating and implementing the model policies and training modules specific to recognizing and addressing bullying, harassment and sexual harassment. It directs the subcommittee to complete its work by February 15, 2006 and school administrative units to have policies and procedures in place by September 1, 2006.

PUBLIC 368 **An Act To Require Coordination of Early Childhood Programs for Children 4 Years of Age in Maine** **LD 1513**

<u>Sponsor(s)</u> PINGREE MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-507
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Public Law 2005, chapter 368 requires that local public schools must receive approval from the Department of Education before offering so-called "early kindergarten" programs. The law requires that the Department of Education approval process must consider factors related to the needs of families in the community for other early childhood education programs for children 4 years of age, the extent to which public schools have demonstrated that they have coordinated with early childhood programs for children 4 years of age in the community, demonstrated adherence by a school administrative unit to policies set forth in the Department of Health and Human Services child care licensing guidelines for care of children with respect to safety issues and

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adult-to-child ratios, and the provision of broad public notice regarding the proposed early childhood education program for children 4 years of age.

The law also permits the Department of Education to adopt major substantive rules for the approval process for early childhood programs for children 4 years of age. The law further requires the Department of Education, in collaboration with representatives of the early childhood programs in the State, to establish standards for early childhood programs for children 4 years of age developed by school administrative units.

PUBLIC 417 An Act To Increase Faculty in Maine Nursing Education Programs LD 1494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS ANDREWS	OTP-AM	H-401 S-401 ROTUNDO

Public Law 2005, chapter 417 creates the nursing education loan repayment program and fund, to be administered by the Finance Authority of Maine, for the purpose of increasing nursing faculty at nursing education programs in the State. The program will repay up to \$4,500 of education loans for a master's degree and up to \$6,000 of education loans for a doctoral degree for a nurse who commits to working as faculty in a nursing education program in the State for a minimum of 3 years after acceptance into the program.

**PUBLIC 429 An Act To Prohibit and Provide Penalties for the Issuance,
Manufacture and Use of False Academic Degrees or Certificates LD 1317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN	OTP-AM	H-273

Public Law 2005, chapter 429 makes it illegal to issue, manufacture and use false academic degrees or certificates to obtain employment, to obtain promotion or higher compensation in employment, to obtain admission to an institution of higher learning or in connection with any business, trade, profession or occupation. This law also authorizes the Department of Education to protect consumers by providing Internet site information naming and updating known state, national and international diploma mills, degree mills, accreditation mills and substandard schools.

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PUBLIC 435 **An Act To Implement the Recommendations of the Commission
To Study Public Health That Concern Schools, Children and
Nutrition**

LD 796

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-268
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Public Law 2005, chapter 435 implements certain recommendations of the Commission to Study Public Health concerning schools, children and nutrition. It does the following:

1. Directs the Department of Education to encourage nutrition education in public schools;
2. Directs the Department of Education to establish standards for food and beverages sold outside of the school meal programs. These standards are to be adopted through rulemaking. The rules are designated major substantive rules;
3. Requires schools to post caloric information on prepackaged a la carte items offered for sale;
4. Directs the Department of Education to implement a pilot program to install milk vending machines; and
5. Directs the Department of Education to collaborate with the Department of Agriculture, Food and Rural Resources to implement the National Farm to School Program.

PUBLIC 446 **An Act To Simplify Implementation of the Maine Learning Results**

LD 1424

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-554
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Public Law 2005, chapter 446 makes several changes to the education statutes in order to simplify the implementation requirements of the system of learning results. The law accomplishes the following.

1. It maintains the existing timelines for implementation of all curriculum and instructional requirements of the system of learning results, including implementation of the content areas of visual and performing arts, foreign languages and career preparation, by the 2007-2008 school year.
2. It continues the current practice of basing decisions regarding high school graduation and the awarding of high school diplomas upon existing credit-based requirements in law to ensure that all students will continue to have the opportunity to learn and to be awarded a high school diploma.
3. It amends current law to clarify that a high school diploma must be awarded to those special education students who successfully complete the requirements of the system of learning results as specified in the goals and objectives of their individualized education plans.
4. Beginning in the 2007-2008 school year, it allows school administrative units to award learning results endorsements in addition to the high school diploma for students who demonstrate attainment of the standards of the system of learning results; and it establishes that, between the 2009-2010 and 2011-2012

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school years, the awarding of learning results endorsements will be based on student achievement of the standards of the system of learning results as determined by the school administrative unit's local assessment system in the following content areas:

- A. By the 2009-2010 school year, English language arts and mathematics;
 - B. By the 2010-2011 school year, English language arts, mathematics, science and technology, social studies and health and physical education; and
 - C. By the 2011-2012 school years, each of the 8 content areas of the system of learning results.
5. It permits the Commissioner of Education to provide for an alternative measure of student achievement at grade 11 as part of the statewide assessment program.
 6. It provides for greater accountability by:
 - A. Requiring that the Commissioner of Education validate the comprehensive education plan and the local assessment plan for every school administrative unit;
 - B. Directing the Commissioner of Education, beginning in the 2007-2008 school year, to recommend to the Legislature annual targets for the percentage of students to whom school administrative units and private schools that enroll 60% publicly-funded students may award diplomas based on the awarding of credits and the percentage of students receiving learning results endorsements in addition to the high school diploma awarded;
 - C. Requiring that school administrative units and certain private schools, beginning in the 2007-2008 school year, must include in their annual basic school approval reports to the Commissioner of Education the number and the percentage of learning results endorsements awarded in addition to high school diplomas; and
 - D. Directing the Commissioner of Education to provide an annual report by February 1st to the joint standing committee of the Legislature having jurisdiction over education matters regarding the status of implementation of the system of learning results in all school administrative units, including a report on the number and the percentage of learning results endorsements awarded in addition to high school diplomas awarded for each of the 8 content areas of the system of learning results in every school administrative unit in the State.
 7. It authorizes the Commissioner of Education to provide technical assistance to school administrative units based on a review of the comprehensive education plan. Current law only permits the commissioner to provide technical assistance when student performance in the school unit indicates that assistance is needed.

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P & S 10 **An Act To Establish a Cost-sharing Formula for the Five Town** **LD 1668**
EMERGENCY **Community School District**

<u>Sponsor(s)</u> MERRILL WESTON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Private and Special Law 2005, chapter 10 establishes a cost-sharing formula for the community school district created in Private and Special Law 1993, chapter 64. It provides that beginning July 1, 2005, the community school district shall share its costs, including additional local funds, among the member municipalities in proportion to each municipality's required contribution to the total cost of funding education as described in the Essential Programs and Services Funding Act. It also provides that the cost-sharing formula applicable to the community school district's additional local funds may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

Private and Special Law 2005, chapter 10 was enacted as an emergency measure effective June 12, 2005.

P & S 16 **An Act To Amend the Charter of the Portland Public Library** **LD 578**
EMERGENCY

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-104
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Private and Special Law 2005, chapter 16 removes the annual cap on appropriations the City of Portland may make in support of the library and its operations.

Private and Special Law 2005, chapter 16 was enacted as an emergency measure effective May 20, 2005.

P & S 23 **An Act Regarding Transition Provisions for the Sharing of Costs** **LD 1684**
EMERGENCY **in Certain School Districts**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Private and Special Law 2005, chapter 23 was reported out as an emergency bill by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2005, chapter 2. The law changes the cost-sharing mechanism established by the Essential Programs and Services Funding Act and incorporates transition provisions for certain school districts whose cost-sharing formulas may result in adverse impacts for member municipalities within the school districts. The law accomplishes the following.

1. It provides an adjustment to the state share of the total allocation for school administrative districts and community school districts that have member municipalities with local contributions that are below the maximum mill rate expectation but that are adversely affected as a result of the cost-sharing mechanism established pursuant to the Maine Revised Statutes, Title 20-A, section 15688.

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2. It provides transition provisions to the current cost-sharing formula of School Administrative District No. 71 for fiscal year 2005-06 to fiscal year 2008-09 and subsequent fiscal years.
3. It provides transition provisions to the cost-sharing formula of the Manchester, Mount Vernon, Readfield and Wayne Community School District for fiscal year 2005-06 to fiscal year 2008-09.
4. It provides a one-year extension to allow the Department of Education to continue to assist School Administrative District No. 74 in developing a transition plan to phase in the new method of determining member municipalities' local cost of education in accordance with Title 20-A, section 15688 by fiscal year 2008-09.
5. It authorizes the Commissioner of Education to adjust the allocation of general purpose aid to local schools for School Administrative District No. 67 in fiscal year 2005-06 should the state valuation for the Town of Lincoln be reduced due to a reduction in value of the Eastern Fine Paper plant.

Private and Special Law 2005, chapter 23 was enacted as an emergency measure effective June 7, 2005.

P & S 28 An Act To Create a Graduate School of Biomedical Sciences at the LD 1528
University of Maine

<u>Sponsor(s)</u> BROMLEY CAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-165 S-398 ROTUNDO
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Private and Special Law 2005, chapter 28 authorizes the Board of Trustees of the University of Maine System to establish a graduate school of biomedical sciences to educate and train students in basic and clinical fields of biomedicine and the biosciences.

RESOLVE 3 Resolve, Regarding Legislative Review of the Repeal of Chapter LD 8
EMERGENCY 130: Rules for Equivalent Instruction Programs, a Major
Substantive Rule That Has Been Provisionally Repealed by the
Department of Education

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Resolve 2005, chapter 3 provides for legislative review of the repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education.

Resolve 2005, chapter 3 was enacted as an emergency measure effective March 18, 2005.

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RESOLVE 72 **Resolve, To Establish a System for Verification of Proficiency for Prelingually Deaf Candidates for Teacher Certification**

LD 1251

<u>Sponsor(s)</u> EDMONDS PERCY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-235
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Resolve 2005, chapter 72 requires the State Board of Education to amend the teacher certification rules to provide an alternative means for prelingually deaf teacher certification candidates to demonstrate their proficiency. The resolve also suspends the limitation on targeted need certificates for prelingually deaf teachers to allow prelingually deaf teacher certification candidates more time to demonstrate their proficiency.

RESOLVE 79 **Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education**

LD 1529

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-461
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Resolve 2005, chapter 79 provides for legislative review of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a major substantive rule of the Department of Education.

The resolve authorizes final adoption of the rule provided that certain designated portions of the rule are amended to:

1. Clarify that the parent of an eligible 5-year-old child shall provide informed consent to their regional site of the Child Development Services System that includes an explanation of the option to either remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten;
2. Establish that the regional site of the Child Development Services System shall provide a copy of the individualized family service plan or the individualized education plan for each eligible 5-year-old child whose parent elects to receive services to the Child Development Services State Office; and
3. Establish that the parent of an eligible 5-year-old child who has been unable to inform their regional site of the Child Development Services System of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th.

Resolve 2005, chapter 79 was enacted as an emergency measure effective June 2, 2005.

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**RESOLVE 96
EMERGENCY**

Resolve, To Retain Maine's Theater Arts and Dance Teachers

LD 1656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE WOODCOCK	OTP-AM	H-520

Resolve 2005, chapter 96 directs the State Board of Education to amend Chapter 115: Certification, Authorization and Approval of Educational Personnel in order to provide an exemption for certain theater arts and dance teachers who are employed in an accredited public or private school in the State as of October 1, 2005 from additional requirements imposed by rules adopted by the State Board of Education on April 14, 2004 that are scheduled to become effective August 1, 2005.

Resolve 2005, chapter 96 was enacted as an emergency measure effective June 7, 2005.

RESOLVE 120

Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools

LD 1024

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-393 S-382 GAGNON

Resolve 2005, chapter 120 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to identify provisions in the Maine Revised Statutes, Title 20-A that pertain to violent and threatening behavior in schools and prepare a bill to make technical changes and reorganize these provisions for submission to the Second Regular Session of the 122nd Legislature.