

Education and Cultural Affairs

PUBLIC 480 An Act to Make Technical Changes to the Maine State Grant Program LD 2042

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

Public Law 2001, chapter 480 amends the provisions of the student incentive scholarship program administered by the Finance Authority of Maine by eliminating the need that the student applicant be eligible for a Pell Grant to receive an award under the program.

PUBLIC 506 An Act to Hold the Bureau of General Services Accountable for Services Provided for School Construction Projects LD 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS LONGLEY	OTP-AM	H-814

Public Law 2001, chapter 506 requires the Bureau of General Services to furnish reports to the project unit school board and the State Board of Education concerning the services provided on school construction projects. It also requires the State Board of Education, the Bureau of General Services and the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over education matters by December 31, 2002 on the results of a survey to assess the level of satisfaction for school construction services provided by the Bureau of General Services.

PUBLIC 510 An Act to Designate Department of Education Chapter 180 Rules as Major Substantive Rules LD 1977

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

Public Law 2001, chapter 510 designates as major substantive rules those rules establishing and maintaining a statewide network that ensures the provisions of Childfind and rules governing the eligibility for and delivery of free appropriate public education for children with disabilities from birth to 5 years of age and their families.

PUBLIC 519 An Act to Abolish the Educational Leave Advisory Board LD 2115

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Public Law 2001, chapter 519 terminates the Educational Leave Advisory Board. It retains language that declares the educational leave program for state employees to be in the public interest.

PUBLIC 534 An Act Regarding Provisional Certification for Teachers and LD 2021
Administrators

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD SMALL	OTP-AM	H-815

Public Law 2001, chapter 534 amends the law regarding the certification for school administrators and teachers by incorporating performance standards for provisional teacher certification and allows the State Board of Education to determine competency areas for school administrators. The rules governing certification of provisional teachers, superintendents, principals and directors of vocational education are designated as major substantive rules.

PUBLIC 588 An Act Regarding the Local Governance of School Administrative LD 2143
Units

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	S-479

Public Law 2001, chapter 588 implements the recommendations of the interim report of the Task Force on School Governance convened by the State Board of Education at the request of the Joint Standing Committee on Education and Cultural Affairs during the First Regular Session of the 120th Legislature. The law amends provisions of the education statutes to clarify the respective roles and responsibilities of school board members and school superintendents in governing and administering local school administrative units. Under this law, the primary role and responsibilities of school board members are to serve as policymakers for the school administrative units, and the role and responsibilities of school superintendents are to serve as education leaders and administrators for the school administrative units.

PUBLIC 644 An Act Concerning Student Threats LD 1975

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<u>Sponsor(s)</u> NORTON EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-922 S-546 GOLDTHWAIT
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Public Law 2001, chapter 644 adds the phrase "students threatening death or bodily harm to others" to the list of types of behaviors in the student code of conduct that would require policies and procedures to be established for removing a student from the classroom.

PUBLIC 658 An Act to Implement the Recommendations of the Blue Ribbon LD 2102
Commission on Postsecondary Educational Attainment

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-460 S-578 GOLDTHWAIT
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Public Law 2001, chapter 658 implements certain recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment. The law establishes the Maine Higher Educational Attainment Council -- a 16-member body appointed jointly by the Governor, the President of the Senate and the Speaker of the House -- to develop a long-term plan for increasing the level of educational attainment in the State and to provide a unified voice for higher education in the State. The law requires that the council is to be equally funded by government and the private sector; and also provides a \$40,000 General Fund appropriation to the Maine Development Foundation for the State's share of supporting the council. Finally, the law requires the council to report annually to the Legislature and the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of its long-term plan and any recommended changes to the long-term plan.

PUBLIC 660 An Act Regarding Essential Programs and Services LD 2103

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-1002 S-540 GOLDTHWAIT
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Public Law 2001, chapter 660 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1579. The law defines "essential programs and services" as those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and establishes a timeline for a transition to a new school funding approach, based on essential programs and services no later than 2007-08, in order to provide all children with an equitable opportunity to access the resources necessary to achieve the high standards of Maine's system of learning results. The law also:

1. Provides that funding essential programs and services is a state-local partnership and that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide no later

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than fiscal year 2007-08;

2. Clarifies the components of essential programs and services to be funded on a per-pupil basis, addresses resources for specialized student populations, defines major cost components to be determined on other than a per-pupil basis and provides for targeted grants; and clarifies that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants;
3. Directs the Commissioner of Education and the State Board of Education to prepare an alternative recommended funding level based on essential programs and services for fiscal year 2003-04, in addition to the recommended funding level for fiscal year 2003-04 as provided under current law;
4. Provides for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including proposed revisions to the school finance laws, to be submitted to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs in January 2003;
5. Clarifies the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; and requires that this study also consider findings and recommendations related to the impact of the essential programs and services on tax effort;
6. Provides for a waiver of certain statutory provisions related to the timeline established for the implementation of the system of learning results so that these required implementation dates will align with the timeline established for full implementation of a new school funding approach based on essential programs and services, which must be fully implemented no later than fiscal year 2007-08; and
7. Provides for the establishment of the Task Force to Review the Status of Implementation of the System of Learning Results to assess the status of implementation of the system of learning results in schools throughout the State.

PUBLIC 700 An Act to Supplement Maine's Academic Attainment and to Retain LD 2162 Talent

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM MAJ	H-1055
BENNETT	ONTP MIN	S-616

Public Law 2001, chapter 700 establishes a tax credit for individuals or corporations that provide a contribution that promotes the postsecondary educational attainment of Maine residents or that promotes the recruitment and retention of college-educated persons to work in Maine. To accomplish these purposes, the law enacts the following provisions:

1. It provides tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003, 20% for taxable years beginning in 2004 and 50% for taxable years beginning after 2004, of the amount contributed by an individual or corporation to a qualified

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scholarship organization that is a private, nonprofit 501(c)(3) corporation that provides need-based scholarships and is either affiliated with an accredited public or private institution of higher education in the State or that has filed as a nonprofit corporation with the Secretary of State on or before April 1, 2002 and remains in good standing;

2. It provides recruitment tax credits against the income tax and the insurance premium tax equal to a certain proportion, 10% during taxable years beginning in 2003 or 15% for taxable years beginning after 2003, of the amount paid by an employer to a creditor on behalf of certain employees for the purpose of repaying the employee's outstanding postsecondary education loans;
3. It provides that the total tax credit may not exceed \$2,000 for an individual taxpayer or \$10,000 for each taxpayer who is a corporation or an employing unit. It also provides that the contribution may not directly benefit the taxpayer claiming the credit or those directly related to a taxpayer that is claiming the credit. It further provides that the tax credits may not reduce the contributor's Maine income tax to less than zero but may be carried over for 5 taxable years;
4. It requires annual reporting of the costs and effectiveness of the tax credit programs by the Finance Authority of Maine, in conjunction with the Department of Administrative and Financial Services, Maine Revenue Services, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters;
5. It authorizes the Finance Authority of Maine to establish routine technical rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations, including any rules necessary to establish fees and penalties to ensure that a qualified scholarship organization is fulfilling its purpose in accordance with this tax program. The authority is also required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, 2003 on the rule-making process and rules established to implement the tax credits;
6. It places a contingent effective date on the initial tax credit scheduled to take effect for the 2003 tax year. The tax credit of 10% would only take effect if there are sufficient funds in the General Fund unappropriated surplus at the close of fiscal year 2001-02 to cover the cost of the tax credit, estimated to be \$271,294. The tax credit for tax years after 2003 is unaffected by the contingency; and
7. It establishes that, beginning January 1, 2003 and pursuant to legislation that may be enacted during the Second Regular Session of the 120th Legislature to implement the recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment, the advisory council established to address policies related to higher education attainment in the State shall review the policy alternatives available to the Legislature in creating an endowment fund for the benefit of eligible residents of the State to meet the high cost of attending an institution of higher education. The advisory council shall submit a report, including any suggested legislation, by December 1, 2003. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the Second Regular Session of the 121st Legislature.

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State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-603 GOLDTHWAIT

Public Law 2001, chapter 704 implements certain recommendations included in the comprehensive plan for preserving and protecting historical records and access to those records developed by the Secretary of State, the University of Maine System and the Maine Historical Records Advisory Board. The law enacts provisions included in a bill introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority provided to the committee under Resolve 2001, chapter 10. The law directs each local government to respond to a survey distributed biennially by the State Archivist regarding the adequacy of the measures taken by the local government to comply with existing statutory requirements regarding the provision of a fireproof safe or vault for the preservation of records and the retention and preservation of archival records currently in a digital format.

The law also codifies in statutes the existing Maine Historical Records Advisory Board, established pursuant to Executive Order No. 7 and ordered on January 30, 1989, and permits the members currently serving on this advisory board to continue serving their terms of office as initial members of the statutory advisory board. The law further requires that the Governor, beginning with the 2004-2005 biennium, include in the budget submitted to the Legislature each biennium a line item to permit expenditure of nonstate General Fund revenues, including federal funds, grants or gifts and a proposed line item to support a full-time position funded from nonstate General Fund revenues.

P & S 46 **An Act to Authorize the Yarmouth School Department to use the** **LD 2048**
EMERGENCY **Construction-Manager-at-Risk Method of Construction Delivery**
for Locally Funded School Projects

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

Private and Special Law 2001, chapter 46 authorizes the Yarmouth School Department to construct locally funded improvements to the Yarmouth High School and the Rowe School in the Town of Yarmouth by the construction-manager-at-risk method of construction delivery rather than the design-bid-build method of construction delivery.

Private and Special Law 2001, chapter 46 was finally passed as an emergency measure effective February 7, 2002.

P & S 52 **An Act to Increase the Debt Limit of the Calais School District** **LD 2074**
EMERGENCY

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<u>Sponsor(s)</u> SHOREY MORRISON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-443
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Private and Special Law 2001, chapter 52 amends the charter of the Calais School District to permit the lease purchase of administrative space and raises the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais. The amendment also clarifies the referendum question to be submitted to the legal voters within the City of Calais regarding this proposed charter amendment.

Private and Special Law 2001, chapter 52 was finally passed as an emergency measure effective March 12, 2002.

P & S 54 An Act to Increase the Number of Alternative Delivery Pilot LD 1864
Projects for School Construction and to Increase the Maximum
Project Cost of Projects Eligible for Alternative Delivery

<u>Sponsor(s)</u> RICHARD PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-879
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Private and Special Law 2001, chapter 54 amends certain provisions of Private and Special Law 1999, chapter 79, which authorized school administrative units to use alternative delivery methods for school construction projects. The law accomplishes the following:

1. It authorizes 10 additional "construction-manager-at-risk" alternative delivery projects for school construction, including 5 projects that exceed \$2,500,000 in total project cost but do not exceed \$10,000,000 and 5 projects that exceed \$10,000,000 in total project cost.
2. It authorizes 2 additional "design-build" alternative delivery projects for school construction and increases the cap on total project cost for the 4 projects from \$10,000,000 to \$20,000,000.
3. It amends the authorization regarding the "design-build" and the "construction-manager-at-risk" alternative delivery methods for school construction projects to be consistent with the prequalification procedures devised for the alternative delivery methods established in the Maine Revised Statutes, Title 5, section 1743 for public improvement projects.
4. It establishes an assessment team to evaluate the relative advantages and disadvantages of the alternative delivery methods employed during the 5-year pilot program, including but not limited to an analysis of the comparative costs and benefits of these methods for school construction projects to those found using the traditional competitive design-bid-build method.
5. It clarifies the eligible project authorization provisions to more accurately reflect the legislative intent of the authorizing legislation.

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P & S 61 **An Act to Change the Governing Board of the George Stevens** **LD 2142**
EMERGENCY **Academy in Blue Hill**

<u>Sponsor(s)</u> VOLENIK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-921
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Private and Special Law 2001, chapter 61 makes changes to the composition of the board of trustees of the George Stevens Academy in the Town of Blue Hill. The law also repeals the provision providing for a joint committee between the academy and nearby towns.

Private and Special Law 2001, chapter 61 was finally passed as an emergency measure effective April 1, 2002.

RESOLVE 77 **Resolve, to Examine the Doctorate-level Educational Opportunities** **LD 535**
Available Through the University of Maine System

<u>Sponsor(s)</u> DUNLAP NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-813
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Resolve 2001, chapter 77 directs the Board of Trustees of the University of Maine System to establish a review of doctorate-level educational opportunities provided through the University of Maine System and to provide a report to the Legislature by December 1, 2002. The resolve also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to report out a bill to the First Regular Session of the 121st Legislature to implement the findings of the program review.

RESOLVE 80 **Resolve, to Study School Administrative Unit Organization in** **LD 2043**
Maine

<u>Sponsor(s)</u> MITCHELL B RICHARD	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-843 DUPLESSIE S-428
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Resolve 2001, chapter 80 directs the Commissioner of Education and the Chair of the State Board of Education to create a study group to examine school administrative unit organization in the State. The study group shall research the history of formation of districts and participation in regional collaboratives in the State and in other states that may be applicable in the State. The study group shall recommend incentives that might be used in the State to promote organizational characteristics that can be demonstrated to support high levels of student outcomes and efficient use of resources and to maintain school administrative units that already exhibit these organizational characteristics. The study group shall also investigate any existing disincentives to forming regional collaboratives and shall identify strategies that may be applicable to removing or overcoming these disincentives.

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The resolve further directs the study group to submit a preliminary report to the joint standing committee of the Legislative having jurisdiction over education matters by January 31, 2003 and a final report by January 20, 2004. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters is authorized to submit proposed legislation to the Second Regular Session of the 121st Legislature.

**RESOLVE 107 Resolve, Regarding Legislative Review of Amendments to Chapter LD 2136
127, Instructional Program, Assessment and Diploma
Requirements, a Major Substantive Rule of the Department of
Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-954
	OTP-AM MIN	

Resolve 2001, chapter 107 authorizes the "final adoption" of amendments to the provisionally adopted, major substantive rule of the Department of Education concerning instructional program, assessment and diploma requirements. This rule repeals and replaces the existing Chapter 127 rules on "Instructional Requirements and Graduation Standards" with a revised set of "minimum" requirements that the school boards of each school administrative unit must meet in aligning the school unit's basic instructional requirements with the system of Learning Results. The rule specifies instructional program requirements for each school unit's comprehensive education plan, including instruction for elementary, middle and secondary school students; the local assessment system requirements for students and schools and the awarding of diplomas based on student performance on the school unit's local assessment system.

**RESOLVE 117 Resolve, Regarding Legislative Review of Portions of Chapter 126: LD 2124
EMERGENCY Immunization Requirements for School Children, a Rule of the
Department of Human Services, and Portions of Chapter 261:
Immunization Requirements for School Children, a Rule of the
Department of Education, Major Substantive Rules Jointly
Adopted by the Department of Human Services and the Department
of Education**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1026
		S-601 GOLDTHWAIT

Resolve 2001, chapter 117 provides for legislative review of portions of Chapter 126: Immunization Requirements for School Children, a rule of the Department of Human Services, and portions of Chapter 261: Immunization Requirements for School Children, a rule of the Department of Education, major substantive rules jointly adopted by the Department of Human Services and the Department of Education.