

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

**PUBLIC 471**      **An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians**      **LD 1755**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON CURLEY	OTP-AM	S-442

Public Law 2005, chapter 471 extends the availability of tuition waivers to include persons who had been in the custody of the Department of Health and Human Services and were in subsidized adoptive care or under subsidized permanency guardianship under the Maine Revised Statutes, Title 22, section 4038-D at the time those persons graduated from high school or successfully attained a high school equivalency diploma.

**PUBLIC 496**      **An Act Concerning Members of School Administrative Districts' Finance Committees**      **LD 1780**

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

Public Law 2005, chapter 496 establishes that the finance committee of a board of directors for a school administrative district be made up of at a minimum 3 members.

**PUBLIC 499**      **An Act Concerning Energy Conservation in Schools**      **LD 1902**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-791

Public Law 2005, chapter 499 raises the allowable contract cost for improving school energy conservation or combined energy conservation and air quality improvements from \$1,000,000 to \$2,000,000. The law also decreases the length of the allowable contract from 20 years to 15 years and clarifies that a school administrative unit may enter into such an improvement contract only for an existing school administrative unit facility. The law further provides that a school administrative unit's costs for entering into such an improvement contract are not applicable to school construction project costs, the debt service on which is eligible for subsidy purposes under the Maine Revised Statutes, Title 20-A, section 15907.

**PUBLIC 593**      **An Act To Support the Efficient Implementation of Maine's Learning Results**      **LD 1425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS WESTON	OTP-AM    MAJ ONTP        MIN	H-913

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Public Law 2005, chapter 593 amends the statutory requirements related to the local assessment system that school administrative units must comply with in implementing the system of learning results. The law accomplishes the following.

1. It alters the requirement that the Department of Education provide technical assistance to school administrative units in establishing their local assessment systems to clarify that the department shall provide technical assistance in using assessments to inform teaching and learning.
2. It establishes a moratorium for the 2006-2007 school year for those local assessment system activities that are designed to certify student achievement and clarifies that assessments that are used to inform teaching and learning are exempt from the moratorium.
3. It clarifies that the moratorium established for the 2006-2007 school year for certain activities within each school administrative unit's local assessment system does not affect other statutory requirements related to the implementation of the system of learning results.
4. It provides that the Department of Education shall establish quality standards for the comprehensive state and local assessment system.
5. It provides that, for fiscal year 2006-07, the Commissioner of Education may expend and disburse up to \$1,000,000 of the \$2,000,000 appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 6 and 7 to provide targeted professional development or technical assistance to increase the capacity of school administrative units to implement the system of learning results.

**PUBLIC 595**      **An Act Relating to Secondary School Construction Projects**      **LD 2104**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Public Law, chapter 595 provides that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The law makes this change effective January 1, 2007.

**PUBLIC 600**      **An Act To Allow the Maine Educational Center for the Deaf and**      **LD 1979**  
**EMERGENCY**      **Hard of Hearing and the Governor Baxter School for the Deaf To**  
                                 **Lease Classroom Space to Independent Schools**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CUMMINGS MITCHELL		OTP-AM		H-996

Public Law 2005, chapter 600 provides authority to the Department of Administrative and Financial Services to enter into lease agreements for unused school facilities on Mackworth Island. The law provides that lease arrangements and funds received from this type of lease must be used in a manner that is consistent with the deed of gift from Governor Baxter and applicable state law regarding excess state property, with any remaining funds being retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf for statutorily authorized programs.

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Public Law 2005, chapter 600 was enacted as an emergency measure effective April 27, 2006.

**PUBLIC 605**      **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act**      **LD 2105**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				S-579 MITCHELL

Public Law 2005, chapter 605 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the Telecommunications Relay Services Advisory Council under the State Government Evaluation Act. The law authorizes the Telecommunications Relay Services Advisory Council to enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications services to persons who are deaf, hearing impaired or speech impaired. Because of this new contracting authority, the advisory council is reallocated from its current status in the Maine Revised Statutes, Title 5, section 12004-I as an advisory board with minimal authority to Title 5, section 12004-G, which lists general government boards with contracting authority. The law also changes the joint standing committee of the Legislature having jurisdiction over the review of the advisory council under the State Government Evaluation Act from the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and requires that the advisory council be reviewed by that committee in 2013. Finally, the law corrects a reference in existing law to the entity that oversees and manages the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission.

**PUBLIC 611**      **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act**      **LD 2103**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
				H-1017 NORTON

Public Law 2005, chapter 611 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs pursuant to its review of the State Board of Education under the State Government Evaluation Act. The law clarifies that the authority of the State Board of Education with respect to the development or implementation of cooperative agreements among school administrative units is advisory in nature and replaces the term “school consolidation” with “school administrative unit configuration.”

**PUBLIC 616**      **An Act To Implement Organizational Improvements to the Legislative Youth Advisory Council**      **LD 2114**

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

Public Law 2005, chapter 616 implements organizational improvements related to the operations of the Legislative Youth Advisory Council. The law accomplishes the following.

Part A repeals a requirement that the Department of Education transfer \$30,000 to the Legislature to fund certain activities of the Legislative Youth Advisory Council. In lieu of that transfer, this bill instead requires that the Department of Education use existing Other Special Revenue funds to pay for 2 statewide public forums of the council between July 1, 2006 and November 30, 2006. Completion of the 2 public forums required in this bill and payment by the department of all associated costs constitute fulfillment of the duties of the department and the council pertaining to public forums required under Resolve 2003, chapter 143, Part A, sections 2 and 3. A summary of these forums, along with any recommendations from those forums, will be included in the council's report to the Legislature in January 2007. Part A also adds a provision prohibiting any public or private entity from seeking any outside funds to support activities of the council without first obtaining the prior written approval from the Legislative Council or its executive director.

Part B simplifies the appointment process, changes the council's reporting requirements from an annual report to the full Legislature to a biennial report to the Legislative Council, changes the number of youth members on the council from 18 to 16, requires youth members to be at least 16 years of age at the time of appointment and requires that all youths and legislative members be appointed or reappointed at the start of each new Legislature. Transition provisions are included that allow current youth members to serve the full 2-year term for which they were appointed under the previous law.

### **PUBLIC 635      An Act To Update Teachers' Minimum Salaries**

**LD 1381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM    MAJ	S-577
DAVIS G	ONTP      MIN	S-620    MITCHELL
	OTP-AM    MIN	

Public Law 2005, chapter 635 updates the law that established a minimum teachers' salary, starting in 1987, of \$15,500, an amount that is now outdated. The law accomplishes the following.

1. It increases the amount to \$27,000 for certified teachers for the school year starting after June 30, 2006; and establishes a minimum salary of \$30,000 for certified teachers for school years starting after June 30, 2007.
2. It repeals statutory language that limits the amount a school administrative unit may be required to increase the salary of any teacher to no more than \$500 in one school year.
3. It provides that the intent of the Legislature is that the State provide 100% of the funding from state General Fund appropriations to achieve the \$27,000 minimum salary for certified teachers for the 2006-2007 school year and to achieve the \$30,000 minimum salary for certified teachers for the 2007-2008 school year, including dedicating a portion of the targeted funds to implement a standards-based system for fiscal year 2006-07.

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4. It provides that, beginning in school year 2008-2009, the funding necessary to continue to provide the \$30,000 minimum salary for certified teachers who are employed by qualifying school administrative units must be included as an adjustment to the state share provided to qualifying school administrative units in the determination of the state and local shares calculated in accordance with the Essential Programs and Services Funding Act.
5. It also provides that, in school year 2009-2010 and each subsequent school year, money from the state General Fund must be allocated to continue this adjustment for the minimum salary for certified teachers who were employed by qualifying school administrative units in school year 2008-2009 and who continue to be employed in the same school administrative units in the subsequent school year.
6. It indicates that it is the intent of the Legislature that the 123rd Legislature appropriate at least \$2,118,308 in fiscal year 2007-08 to carry out the purpose of the Maine Revised Statutes, Title 20-A, section 13406 and section 15689, subsection 7, paragraph C.
7. It also indicates that the intent of the Legislature is that the amount required to meet the employer share of teacher retirement costs attributable to achieving the minimum teacher salary in fiscal year 2006-07 and fiscal year 2007-08 be appropriated or allocated to the Maine State Retirement System in the appropriate fiscal year, including dedicating a portion of the targeted funds to implement a standards-based system in fiscal year 2006-07 to meet the employer share of teacher retirement costs attributable to achieving a \$27,000 minimum teacher salary in fiscal year 2006-07.
8. The law amends Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to be distributed in fiscal year 2006-07 under the Essential Programs and Services Funding Act to include the minimum teacher salary.

### **PUBLIC 639      An Act To Fund Youth Mentoring Programs**

**LD 979**

<u>Sponsor(s)</u> FISCHER EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-332 S-682 ROTUNDO
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Public Law 2005, chapter 639 establishes the Maine Mentoring Partnership Grant Program administered by the Department of Education through the Jobs for Maine's Graduates program to provide grants to eligible entities for mentoring programs that provide guidance, support and encouragement to young people through the development of structured relationships. Grants range from \$1,000 to \$75,000, depending on financial need. The law also provides a one-time General Fund appropriation of \$25,000 in fiscal year 2006-07 to the Jobs for Maine's Graduates program.

### **PUBLIC 651      An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events**

**LD 1964**

<u>Sponsor(s)</u> RICHARDSON J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-788 S-689 ROTUNDO
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Public Law 2005, chapter 651 authorizes the State Librarian to enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible blind and disabled persons. The law also provides a General Fund appropriation of \$5,000 in fiscal year 2006-07.

### **PUBLIC 653      An Act To Improve the Oral Health of Maine's Children**

**LD 1936**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SMITH N	OTP-AM	S-498 S-672 ROTUNDO

Public Law 2005, chapter 653 directs the Commissioner of Health and Human Services, in consultation with the Commissioner of Education, to develop and implement a grant program to award funds to nonprofit organizations to provide oral health assessments and dental services to eligible children. The law directs the Commissioner of Education and the Commissioner of Health and Human Services to convene a task force to assist in developing and implementing the grant program. The task force is charged with advising the commissioners on models for the provision of oral health assessments in the schools or that are facilitated by school administrative units and criteria to use in selecting among applicants for grants and schools to participate. The commissioners are required to report back to the joint standing committee of the Legislature having jurisdiction over education matters. Beginning in fiscal year 2006-07, the law also provides for an annual transfer of \$25,000 from General Fund undedicated revenues to fund the grant program.

### **PUBLIC 657      An Act To Invest in the Future of Maine Citizens**

**LD 1954**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN NORTON	OTP-AM	S-586 S-702 ROTUNDO

Public Law 2005, chapter 657 establishes the After-school Program Fund as an ongoing program to be implemented and administered by the Department of Education. The law authorizes the Commissioner of Education to establish standards and approval procedures for the program fund, including the adoption of rules to implement the program fund. The law also appropriates \$25,000 in General Funds in fiscal year 2006-07 to the After-school Program Fund.

### **PUBLIC 662      An Act To Improve Early Childhood Special Education** **EMERGENCY**

**LD 1772**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM    MAJ ONTP      MIN	S-585

Public Law 2005, chapter 662 consolidates and reorganizes the delivery of early childhood special education services including the child development services system, to achieve efficiencies of cost and effectiveness of childhood special education programs. The law accomplishes the following.

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1. It consolidates the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.
2. It directs the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education must adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.
3. It revises existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.
4. It requires that “related services” be provided at public expense to children with disabilities. “Related services” means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.
5. It further amends state statutes to ensure consistent terminology, including replacing the term “exceptional student” with the term “child with a disability.”
6. It reorganizes the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public Law 2005, chapter 12, Part YY.
7. It establishes initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.
8. It provides the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.
9. It establishes the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee shall function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee shall submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee has the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Public Law 2005, chapter 662 was enacted as an emergency measure effective May 30, 2006.

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**PUBLIC 674**      **An Act To Prevent the Use of Performance-enhancing Substances  
by Maine Student Athletes**      **LD 1952**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN CUMMINGS	OTP-AM	S-479 S-673 ROTUNDO

Public Law 2005, chapter 674 requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list. It requires the Department of Education to notify all school administrative units with students in grades 9 to 12 who participate in sports of the list. It requires the Department of Education to request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances and requires school administrative units to update their policies concerning performance-enhancing substances. A person violating provisions relating to banned performance-enhancing substances is subject to sanctions in accordance with local policies.

**P & S 38**      **An Act To Restore the Cost-sharing Agreement Established by the**      **LD 1903**  
**EMERGENCY**      **Voters of Maine School Administrative District No. 40**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER DOW	OTP-AM	H-771

Private and Special Law, chapter 38 reestablishes the cost-sharing agreement established in 1992 at a referendum election by the voters of Maine School Administrative District No. 40. That cost-sharing formula apportions all the local share contributions to the school district on the basis of 50% of each town's valuation and 50% of each town's student population. The law also preserves the right of the voters of the school district to amend that formula in the future according to the procedures to amend cost-sharing arrangements that are available under current law.

Private and Special Law 2005, chapter 38 was enacted as an emergency measure effective March 17, 2006.

**P & S 39**      **An Act Relating to the Flanders Bay Community School District**      **LD 1851**  
**EMERGENCY**

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

Private and Special Law 2005, chapter 39 removes existing uncertainties with respect to the name and legal authority of the governing body of the Flanders Bay Community School District. The law clarifies the authority of the district school committee of the Flanders Bay Community School District to act as the governing body of the district, provides that the district is governed by the laws of the State applicable to community school districts, and validates and approves all prior actions and obligations of the district and its governing body.

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Private and Special Law 2005, chapter 39 was enacted as an emergency measure effective March 17, 2006.

**P & S 42**                      **An Act To Raise the Debt Limit of the City of Brewer High School District**                      **LD 1988**

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

Private and Special Law, chapter 42 amended the private and special law that established the City of Brewer High School District to increase the debt limit of the district from \$5,000,000 to 7.5% of the most recent state valuation of the City of Brewer. The law clarifies the authority of the City of Brewer to convey property to the district and authorizes the district to enter into agreements with the Federal Government, the Maine Municipal Bond Bank and others to help finance school construction projects in the City of Brewer. The law also clarifies the authority of the district to renovate and repair its school buildings.

**P & S 45**                      **An Act Amending and Restating the Charter of The President and Trustees of Colby College**                      **LD 2012**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CANAVAN	OTP-AM	S-501

Private and Special Law, chapter 45 amends the charter of The President and Trustees of Colby College to increase the maximum number of trustees from 31 to 35 and to increase the minimum number of trustees from 21 to 24. The law clarifies that the President of Colby College is a trustee ex officio. The law also updates the language concerning removal of trustees in a manner consistent with Maine law and repeals Private and Special Law 1959, chapter 42.

Private and Special Law, chapter 45 was enacted as an emergency measure effective March 30, 2006.

**P & S 52**                      **An Act To Extend the Alternative Delivery Methods Pilot Program for Certain School Construction Projects**                      **LD 2113**

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

Private and Special Law 2005, chapter 52 extends the pilot program for using alternative delivery methods for school construction by authorizing an additional 10 school construction projects. The additional projects must be locally funded school construction projects, must have a minimum total project cost of \$2,500,000 and must have an executed contract between the school administrative unit and the project designer dated prior to August 1, 2009.

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The law also directs the assessment team to review these additional projects and report its findings and recommendations on the pilot project no later than December 12, 2008 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 124th Legislature to implement the recommendations of the assessment team.

**P & S 69**                      **An Act To Promote Economic Development by Enhancing**                      **LD 1785**  
**EMERGENCY**                      **Educational Opportunities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM	S-497
NORTON		S-669

Private and Special Law 2005, chapter 69 directs the Department of Education to work towards expanding the number of adult education programs offering services to facilitate the successful transition to college to 30 sites over a 5-year period. The law directs the Department of Education to work with interested parties in developing criteria for selecting sites and specifies that 7 pilot programs currently in operation serve as a model for programs at additional sites. The law further directs the Department of Education to provide a progress report no later than January 15, 2007, and a final report by January 15, 2008, to the joint standing committee of the Legislature having jurisdiction over education matters.

The law deappropriates excess funds in the Homestead Property Tax Exemption Reimbursement program and in the Debt Service - Government Facilities Authority program and appropriates an additional \$4,200,000 in ongoing funding for the University of Maine System and an additional \$1,600,000 in ongoing funding for the Maine Community College System.

Private and Special Law 2005, chapter 69 was enacted as an emergency measure effective June 2, 2006.

**RESOLVE 171**                      **Resolve, Regarding Legislative Review of the Final Repeal of**                      **LD 2069**  
**EMERGENCY**                      **Portions of Chapter 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>	<u>Amendments Adopted</u>
	OTP	

Resolve 2005, chapter 171 provides for legislative review of the final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education that has been provisionally repealed.

Resolve 2005, chapter was passed as an emergency measure effective April 7, 2006.

**RESOLVE 182**                      **Resolve, Regarding Legislative Review of Portions of Chapter 115:**                      **LD 1963**  
**EMERGENCY**                      **Certification, Authorization and Approval of Educational**  
**Personnel, Part I and Part II, a Major Substantive Rule That Has**  
**Been Provisionally Adopted by the Department of Education**



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

Maine youth. It encourages the center to facilitate adoption of the Sports Done Right program in schools and communities. It encourages schools and communities to assess their athletic programs and consider participating in this program. It appropriates \$25,000 to the Maine Center for Sport and Coaching to increase the center's capacity to offer training and expand the number of schools participating in the program. It requires the Maine Center for Sport and Coaching to report to the joint standing committee of the Legislature having jurisdiction over education matters on implementation of the Sports Done Right program.