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### Education-Related Legislation

**Enacted by the**

**128th Maine Legislature**

### Second Special Session

**Prepared by:**

**Maine Department of Education**

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**Summary of Education-Related Bills Enacted by the**

**Second Special Session of the**

**128th Maine Legislature**

| **Title** | **Provisions** | **Effective Date****Action Required** |
| --- | --- | --- |
| **LD 274, Public Law 2017, Chapter 457***An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers* | * Requires criminal background checks for child care providers, child care staff members, family child care providers, and family child care staff members. This requirement also includes individuals involved in the care or supervision of children or who have unsupervised access to children who are cared for or supervised in a child care facility or in the home of a child care provider. A contractor performing maintenance and repair at a child care facility or at the home of a child care provider, as long as there is supervised access to children, is not required to obtain a criminal background check.
* Provides that the Department of Health & Human Services reimburse the background check fees and the cost of administrating and processing the checks through a transfer of payment to the Department of Public Safety from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.
 | December 13, 2018 |
| **LD 687, Resolve 2017, Chapter 60***Resolve, Regarding Reimbursement for Speech and Language Pathology Services* | * Directs the Department of Health & Human Services to amend its rules in Chapter 101, MaineCare Benefits Manual, Chapter III to increase reimbursement rates for speech-language pathology services.
 | December 13, 2018 |
| **LD 836, Public Law 2017, Chapter 465***An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities and Community Colleges* | * Bond Issue to upgrade facilities in the University of Maine System in the amount of $49m and the Community College System in the amount of $15m. Needs to be ratified by voters.
* Directs the University of Maine System to submit a report by January 7, 2019 and every 2 years thereafter on the System’s capital investment plan to the Governor, the Joint Standing Committee on Education & Cultural Affairs, and the Joint Standing Committee on State & Local Government.
 | December 13, 2018 |
| **LD 924, Public Law 2017,****Chapter 459***An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (EMERGENCY)* | * Directs the Department of Health & Human Services to amend its rules in Chapter 101, MaineCare Benefits Manual Sections 21 and 29 on home-based and community-based services.
 | July 9, 2018 |
| **LD 925, Public Law 2017, Chapter 460***An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (EMERGENCY)* | * PART C directs the Department of Health & Human Services to amend its rules in Chapter 101, MaineCare Benefits Manual Sections 28 to establish and increase existing reimbursement rates for children’s habilitative services.
* PART L establishes the Task Force To Study and Plan for the Implementation of Maine’s Early Childhood Special Education Services for the purposes of studying and planning for the implementation of services for young children from 3 to 5 years of age.
* The Task Force will have 20 members consisting of:
1. A member of the Senate;
2. A member of the House of Representatives;
3. Two parent members of children with a disability between 3 and 5 years of age – one from a rural community – one from an urban community;
4. A member who is a contracted service provider of early intervention and free appropriate public education services representing the ME Assoc. of Community Service Providers;
5. Two members of the Child Development Services staff;
6. A member representing a Head Start agency or program;
7. A member of a child care program;
8. A member who is a teacher in an early childhood education program for children 4 years of age from a large school administrative unit (SAU) representing the ME Education Association;
9. A member who is a special education director from a small SAU representing ME Administrators of Services for Children with Disabilities;
10. A member who is a principal of a public elementary school in a small SAU that has an early childhood education program for 4 year olds that includes eligible children representing the ME Principals’ Assoc.;
11. A member who is a superintendent of a large SAU that has an early childhood education program for 4 year olds that includes eligible children representing ME School Superintendents Assoc.;
12. A member of a school board of a SAU that has an early childhood education program for 4 year olds that includes eligible children;
13. A member representing the ME Developmental Disabilities Council;
14. A member representing pediatricians;
15. A member representing a statewide association of occupational therapists;
16. A member representing a statewide association of speech, language and hearing therapists;
17. The Commissioner of Education or designee; and
18. The Commissioner of Health and Human Services or designee.
* Directs the Task Force to examine various previously submitted plans including:
1. The costs and benefits of Department of Education’s proposed plan to restructure the Child Development Services System presented with LD 1870 in the Second Regular Session of the 128th Legislature;
2. The January 2007 report of the Subcommittee To Study Early Childhood Special Education; and
3. The July 2012 report of the Office of Program Evaluation and Government Accountability on child development services.
4. As well as any other issues the Task Force determines to be useful or necessary concerning early childhood special education systems.
* The Task Force is to develop recommendations for an early childhood special education plan involving models of best practices, fiscally sound budgeting forecasting, transportation services, data systems that allow case management and coordination with MaineCare, timeline for plan implementation, procedure for data collection and analysis by the Maine Education Policy Research Institute, assessing SAUs capacity for implementing early childhood special education programs, training requirements for service providers and leaders, public information communication for plan implementation and identifying possible revision to the Department of Health & Human Services rule Chapter 101, MaineCare Benefits Manual.
* Directs the Legislative Council to contract for a facilitator for the Task Force.
* Directs the Task Force by December 5, 2018 to submit a report including findings and recommendations to the Joint Standing Committee on Education & Cultural Affairs. That Committee may submit proposed legislation to the 129th First Regular Session of the Legislature.
* Provides one-time funds in FY 2018-19 of $3.7 million to address Child Development Services shortfall.
* PART N provides one-time funding in FY 18-19 of $600,000 from the Fund for Healthy Maine to Maine’s school-based health centers to equal funding of FY 16-17. The health centers were previously funded by dollars from DHHS.
 | July 9, 2018Include in DOE’s Dispatch or Update.Participate as member of Task Force. Task Force to submit a report to the Joint Standing Committee on Education & Cultural Affairs by December 5, 2018. |
| **LD 1286, Public Law 2017, Chapter 426***An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements* | * Directs school administrative units (SAUs) beginning January 1, 2019, and quarterly thereafter, to submit to the Department a list of names of all employees subject to certification or clearance, the data to include the date the employee most recently became employed by the SAU.
* The Department is to determine whether each person listed has complied with all applicable criminal history record check and fingerprinting requirements. If the Department determines a person has failed to comply, the Department must immediately notify the SAU.
 | December 13, 2018Include in DOE’s Dispatch or Update. |
| **LD 1539, Public Law 2017, Chapter 452***An Act To Amend Maine's Medical Marijuana Law* | * Clarifies that a caregiver, parent, guardian or person having legal custody of a qualifying patient who is enrolled in a preschool, elementary or secondary school may possess medical marijuana for use by that qualifying patient and administer medical marijuana to that qualifying patient on a school bus or school grounds.
* Directs the Department of Administrative and Financial Services to request a criminal history background check (CHRC) and fingerprints for a caregiver except that a caregiver, in their capacity as a parent, a legal guardian, or a person having legal custody of the qualifying patient is not required to have a registry ID card if the patient is in their legal custody and administering medical marijuana at a school.
* For all other caregivers providing medical marijuana to patients in a school, the caregiver must have a registry ID card. In order to be eligible for a registry ID card, a caregiver cannot have been denied a CHRC issued by the Department of Education.
* A school, landlord or employer may not discriminate. A school many not refuse to enroll or employ or otherwise penalize a person solely for the person’s status as a qualifying patient or caregiver, unless the failure to do so would violate federal law or cause it to lose a federal contract or funding.
 | December 13, 2018 |
| **LD 1584, Public Law 2017, Chapter 437***An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement* | * Directs the Department of Agriculture, Conservation and Forestry to establish a local foods procurement program to promote and increase the procurement of local foods including education and outreach to farms, farmers’ markets, state institutions, community supported agriculture and seafood providers.
 | December 13, 2018 |
| **LD 1666, Public Law 2017, Chapter 466***An Act To Ensure the Successful Implementation of Proficiency-based Diplomas* | * Repeals Section 253(9) of Commissioner’s Duties, Transition to standards-based education system, removing the transition to a proficiency based education;
* Deletes proficiency based diploma standards from charter school statutes;
* Replaces ‘proficiency’ with ‘achievement’ in the grant criteria section of the Fund for the Efficient Delivery of Educational Services (FEDES) statute;
* Removes Section 4722-A from the **Basic School Approval statute**, Section 2902(3) **Courses required by law**;
* Section 4502(1) **School approval Requirements. General Requirements** is amended to remove “transitioning to proficiency based” from the school, comprehensive plan and replacing it with the graduation requirements of 4722;
* Removes the waiver provision for a request by a school administrative unit (SAU) to extend the time to comply with the transition to a proficiency based diploma system.
* Removes the requirement that schools demonstrate sufficient capacity through multiple pathways to reach proficiency in the accreditation requirements.
* Removes the language which would have repealed Section **4722 High school diploma standards** in July, 2020;
* Amends Section 4722-A to allow a secondary school to award a diploma based on a student’s demonstration of proficiency.
* Amends the Exceptions section of statute to align with allowing a school to choose a proficiency based diploma system;
* Amends Transcripts and certification of content area proficiency state to align with allowing a school to choose a proficiency based diploma system;
* Amends requirement for the Department to collect data from proficiency based diploma schools, no longer required;
* Rulemaking is required for specified sections;
* Removes certification of proficiency on the transcript by a school choosing the graduation requirements of Section 4722.
* Removes measures of student proficiency from performance measures for school accountability;
* Removes the duty of the commissioner to create a profile of school performance and student proficiency in the annual report on school accountability;
* Removes the implementation of proficiency based reporting from the components to be reviewed by MEPRI;
* Removes proficiency based reference in the digital content library statute, replacing with achievement.
 | December 13, 2018Include in DOE’s Dispatch or Update.Department of Education to determine the requirements for rulemaking. |
| **LD 1736, Public Law 2017, Chapter 419***An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans* | * Expands the Maine National Guard Education Assistance Program to include private nonprofit postsecondary education institutions and the Maine Criminal Justice Academy that have registered with the Military Bureau as institutions where members of the Maine National Guard may receive a tuition benefit.

Establishes the Veterans Temporary Assistance Fund and prescribes the purposes when it may be used.  | December 13, 2018 |
| **LD 1843, Public Law 2017, Chapter 420***An Act To Amend Career and Technical Education Statutes* | * Revises the current calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model to recognize current costs of direct instruction, operation of facilities and student and administrative support.
* Authorizes that a "satellite program" may be affiliated with career and technical education regions.
* Establishes that any affiliated school administrative unit (SAU) that wishes to operate a career and technical education region satellite program must follow the same authorization procedure as career and technical education centers.
* Clarifies that personnel working for a satellite program are supervised by the career and technical education director of the center or region of the affiliated unit in consultation with the school administrative unit superintendent or high school principal.
* Authorizes the Commissioner to establish funding provisions for the operation of middle school pilot projects to create career and technical education exploration programs.
* Directs the Department of Education to submit a report to the Joint Standing Committee on Education & Cultural Affairs by January 15, 2019 of the progress of the funding model components for career and technical education and the evaluation of proposed middle school career and technical education exploration pilot projects.
 | December 13, 2018Include in DOE’s Dispatch or Update.Department of Education to submit a report to the Joint Standing Committee on Education & Cultural Affairs by January 15, 2019. |
| **LD 1862, Public Law 2017, Chapter 424***An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19 (EMERGENCY)* | * Establishes municipal cost components for state and county services, including education in the unorganized territory, provided to the unorganized territory that would be paid for by a municipality in FY 2018-19. The municipal cost components constitute the property tax for the unorganized territory.
* The cost component for Education in the Unorganized Territory (EUT) for 2018-19 is $12,335,556.
 | June 27, 2018 |
| **LD 1869, Public Law 2017, Chapter 446***An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 (EMERGENCY)* | * Sets the mill expectation at 8.48.
* Allocates education funding for Public Education for FY 2018-2019.
* Recognizes that increased funding for career and technical education (CTE) may be calculated, to the extent that funding allows, without a cap, for FY 2018-2019 only.
 | July 8, 2018 |
| **LD 1894, Public Law 2017,** **Chapter 475***An Act To Correct Errors and Inconsistencies in the Laws of Maine* | * Corrects conflicting versions of statutes that were created in Public Law 2017, Chapter 284 (LD 390).
* Revises an outdated reference to the Maine Uniform Building and Energy Code.
* Provides that regional school units have the authority to condemn land for school construction as well as school administrative units.
 | September 12, 2018 |
| **LD 1924, Public Law 2017, Chapter 1924***An Act To Improve Information Sharing Relating to Investigation of Educators* | * Adds a definitions section to this part of statute.
* Specifies that a school entity must notify the Department of Education and the Department must notify the superintendent or chief administrative officer of the school entity of a covered investigation within 15 business days of initiation;
* Requires a school entity to notify the Department in writing of the final outcome of the investigation and to provide any final reports on the investigation to the Department within 5 business days after completion of the covered investigation;
* Clarifies that the Department may share information pertaining to credentialing and employee records that is confidential with a school entity and requires that a school entity that receives that information ensure the confidentiality of the information;
* Directs the Commissioner of Education to adopt major substantive rules to develop guidelines for school entities on the types of conduct of which the school entity must notify the Department and to ensure confidentiality.
 | December 13, 2018Include in DOE’s Dispatch or Update.Department to promulgate major substantive rules pertaining to types of conduct that schools notify the Department and to ensure confidentiality of information. |

**Studies, Working Groups and Stakeholder Groups Requiring Report-Backs**

**Stakeholder, Working Groups and Report-Backs**

LD 925 –*An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government (EMERGENCY)*

LD 1843 – *An Act To Amend Career and Technical Education Statutes*

**Legislation Requiring Rulemaking**

**Rulemaking**

LD 1666 - *An Act To Ensure the Successful Implementation of Proficiency-based Diplomas*

LD 1924 - *An Act To Improve Information Sharing Relating to Investigation of Educators*