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### Education-Related Legislation

**Enacted by the**

**128th Maine Legislature**

### Second Regular Session

**Prepared by:**

**Maine Department of Education**

**Robert G. Hasson, Jr., Commissioner**

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

**Second Regular Session of the**

**128th Maine Legislature**

| **Title** | **Provisions** | **Effective Date****Action Required** |
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| **LD 51, Public Law 2017, Chapter 385***An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit* | * Adds the following requirements to an agreement for withdrawal of a single municipality from a regional school unit:
1. The provisions to provide child nutrition services in compliance with state and federal laws.
2. An anticipated budget for the first year of operation of schools operated by the petitioning municipality, including all revenues and expenditures in accordance with the provisions contained in Section 1485.
* Directs the Commissioner to set a date no later than November 30th of the year prior to the intended July lst effective operational date for the referendum vote to approve withdrawal for the schools of the withdrawn municipality.

  | August 1, 2018Include in DOE’s Dispatch or Update. |
| **LD 780, Public Law 2017, Chapter 403***An Act Authorizing the Deorganization of Cary Plantation* | * Authorizes the deorganization of Cary Plantation if the 2/3 of the legal voters approve that in a referendum by November 30 and the total number of votes cast for and against the deorganziation must equal or exceed 50% of the total number of votes cast in Cary Plantation for Governor in the last gubernatorial election.
 | July 1, 2019  |
| **LD 1484, Private & Special Law 2017, Chapter 14***An Act Authorizing the Deorganization of the Town of Atkinson* | * Authorizes the deorganization of the Town of Atkinson if the 2/3 of the legal voters approve that in a referendum by November 30 and the total number of votes cast for and against the deorganziation must equal or exceed 50% of the total number of votes cast in the Town of Atkinson for Governor in the last gubernatorial election.
 | July 1, 2019  |
| **LD 1664, Resolve 2017, Chapter 32***Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services (EMERGENCY)* | * Authorizes the Maine Department of Education and the Department of Health and Human Services to proceed to final adoption of provisionally adopted amended Rules Chapter 126 and 261: *Immunization Requirements for School Children*, Major Substantive Rules.
* Aligns Maine’s immunization rules with current national recommendations to include meningococcal meningitis disease in the list of immunization requirements for **all students attending a public or private school in the State of Maine.**
 | March 7, 2018 Include in DOE’s Dispatch or Update.Final adoption of amended Rule Chapter 126 Effective Date May 10, 2018  |
| **LD 1673, Private & Special Law 2017, Chapter 11***An Act Authorizing the Deorganization of Codyville Plantation* | * Authorizes the deorganization of Codyville Plantation if 2/3 of the legal voters approve that in a referendum by November 30 and the total number of votes cast for and against the deorganziation must equal or exceed 50% of the total number of votes cast in Codyville Plantation for Governor in the last gubernatorial election.
 | July 1, 2019 |
| **LD 1694. Resolve 2017, Chapter 38***Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide* | * Directs the Department of Education to amend Chapter 38, Suicide Awareness and Prevention in Maine Public Schools, a Major Substantive Rule.
* Amends the Rule to require all public schools, public charter schools and approved private schools have protocols for suicide prevention and intervention and counseling services in place.
* Directs the Department of Education to review and approve these protocols based on the best practices as established by organizations authorized by the Department of Health and Human Services through its suicide prevention program.
 | August 1, 2018Include in DOE’s Dispatch or Update.Provisionally Adopt Rule Chapter 38 and submit to the Legislative Council by December 31, 2018. |
| **LD 1719, Public Law 2017, Chapter 409***An Act To Implement a Regulatory Structure for Adult Use Marijuana* | * Enacts a regulatory structure in the retail marketplace for adult use marijuana to be overseen by the Department of Administrative and Financial Services.
* Transfers the Medical Marijuana Law regulatory structure to the Department of Administrative and Financial Services from the Department of Health and Human Services.
* Local authorization is required for operation of marijuana establishments within a municipality.
* The legislative body of the town or plantation has to vote to allow some or all types of marijuana establishments within the town or plantation, including that type of marijuana establishment, or, in the case of a township, the county commissioners of the county in which the township is located vote to allow some or all types of marijuana establishments within the township,
* A municipality may only authorize a location of a marijuana establishment less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school if there is an existing ordinance or other regulation stating that.
* If the ordinance does not cover that location, the marijuana establishment must be not less than 1,000 feet from the property line of a preexisting public or private school.
* Signs, advertising and marketing fall under the same location prohibitions as the marijuana establishment itself.
* Signs, advertising and marketing are prohibited from being designed to appeal to persons under 21.
* Prohibits licensed premises from employing anyone under 21 years of age.
 | May 2, 2018 |
| **LD 1731, Public Law 2017, Chapter 342***An Act To Recognize the Accreditation of Certain Private Schools* | * Amends the statute for a private school to operate as an approved private school for the purpose of meeting the requirements of compulsory school attendance. If that private school is currently accredited by a New England association of schools and colleges, it does not have to meet the requirements of the system of learning results.
* Amends the statute for approval of the receipt of public funds by a private school to clarify that a private school that enrolls 60% or more publicly funded students is required, in addition to participation in the statewide assessment program, to meet the system of learning results established in Section 6209.
 | August 1, 2018 |
| **LD 1829, Public Law 2017, Chapter 381***An Act To Amend the Laws Governing Education* | * Provides various changes to laws governing education.
* Changes the minimum eligibility age from 18 to 17 for a student to take the high school equivalency exam.
* Removes the requirement that the student drop out for one year before being eligible to take the high school equivalency exam.
* Creates specific process and criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student.
* Repeals the provisions of law that allow a person to obtain such a waiver, effective July 1, 2020.
* Makes clear that a student is not a health threat just because the child has parasites.
* Clarifies the teacher must inform the superintendent if indeed the child is a public health threat; clarifies that the superintendent consult with the school nurse as the school nurse is the health expert.
* Removes the requirement that the Commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students and instead directs the superintendent, in collaboration with the school nurse consultant, to provide guidance, training and sample report and referral forms in connection with these tests.
* Expands the objections for parents who object in writing to sight or hearing screening from “religious objection” to “objection”. A student whose parent objects may not be screened unless a sight or hearing defect is reasonably apparent.
* Clarifies that the school nurse and not the school board would communicate with the parents regarding screening results.
* Removes Body Mass Index screenings from statute.
* Changes the date from December 15th to February 1st for adult education programs to allow for time to compile estimates and reporting requirements for subsidy purposes. Clarifies that adult education programs are primarily focused on academic and workforce programming by removing enrichment courses from the list of options that comprise an adult education program, but retains the definition in current law of "enrichment course" to keep enrichment courses in the adult education statues/
* Requires school administrative units that offer enrichment courses to report on the number of courses offered and the total student enrollment of those courses.
* Amends the laws governing the employment of conditionally certified persons to correct an error in statute which placed “education specialists” into statute that applies only to teachers and not to educational specialists.
* Amends Title 20-A, §13013 (2-B)(C) adopted in PL 2017, Chapter 235, governing qualifications for a professional teacher credential to correct an error in statute, making it clear that a person who has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and, in addition, must also meet the specified teaching experience requirement.
* Changes the calculation for fiscal year 2019-2020 and each subsequent fiscal year to stabilize the valuation and fiscal capacity for municipalities under the Essential Programs and Services funding formula to allow for the use of the average of the 3 most recent years prior to the most recently certified state valuation or the most recent prior year, whichever is lower.
* Eliminates the Maine Online Learning Program.
* Allows the Department of Education to provide a copy of the confidential version of the March, 2014 report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.
 | August 1, 2018Update DOE Rule Chapter 45: *Rule for Vision and Hearing Screening in Maine Public Schools the next time a full rulemaking is undertaken.* |
| **LD 1851, Resolve 2017, Chapter 53***Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)* | * Authorizes the Department of Education to proceed to final adoption of a provisionally adopted amended Rule Chapter 180: *Performance Evaluation and Professional Growth Systems*, a Major Substantive Rule, as long as the following changes are made to the provisionally adopted rule:
* Amend Section 11(1) by including in the list of educators additional references to conditionally certified special education teachers as described in Section 11(5).
* Amend Sections 11(3) and (4) to reduce from 2 years to 1 year the required period of employment for a teacher who holds a conditional certificate for a regular education or special education endorsement to receive performance evaluation and professional growth (PEPG) services. That PEPG system includes formative peer mentoring or coaching component of at least one year.
* Amend Section 11(5) to replace all references to the Maine Alternative Certification and Mentoring Program with references to an alternative certification and mentoring program designated by the Department.
* Any changes to rule to ensure conformity.
 | April 24, 2018Include in DOE’s Dispatch or Update.Final adoption of amended Rule Chapter 180 Effective Date June 3, 2018  |
| **LD 1852, Resolve 2017, Chapter 54***Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)* | * Authorizes the State Board of Education to proceed to final adoption of a provisionally adopted amended Rule Chapter 115: *The Credentialing of Education Personnel*, a Major Substantive Rule, as long as the following changes are made to the provisionally adopted rule:
* Amend Part I to require that school administrative units establish and maintain credentialing committees substantially as proposed by Department of Education on March 19, 2018 documents submitted to the Joint Standing Committee on Education and Cultural Affairs.
* Amend Part I to ensure that all equivalencies between 6 semester hours and 90 hours of in-service training for renewal are consistent.
* Amend Part I to correct all cross-references for conformity.
* Amend Part I, Section 3, definition of “certificate” to correct a cross-reference.
* Amend Part I, Section 4(2)(A)(3) to maintain the general credential requirements for the 6-month certification review in the electronic data system and remove the reference to Exhibit 1 NEO position codes.
* Amend Part I,
1. Section 6, restore the provisions in the current rule Chapter 115, Section 10.1 governing qualifications and supervision of educational technicians I and II and the requirement that educational technicians be credentialed with certificates by the Department of Education.
2. Section 6((2)(B)(2)(B), clarify that in the 5 years prior to applying for a Maine certification, the applicant must have 3 years of successful teaching experience under an appropriate comparable certificate in the same certification subject area and grade level in any state.
3. Section 6(9)(D), clarify that standards determined by the school administrative unit for substitute personnel to serve for less than 6 weeks would require a minimum of a high school diploma.
* Remove all provisionally adopted changes to Part II to restore to original version.
* Directs the Department of Education and State Board to provisionally adopt Rule Chapter 115 and submit by January 11, 2019 any amendments relating to specific certificates and endorsements in the credentialing of education personnel.
 | April 26, 2018Include in DOE’s Dispatch or Update.Final adoption of amended Rule Chapter 115 Effective Date July 14, 2018  |
| **LD 1858, Public Law 2017, Chapter 389***An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund* | * Amends the School Revolving Renovation Fund (SRRF) statute to specifically allow school facilities security projects to be funded as Priority One status loans.
 | August 1, 2018*A note will be made to Chapter 64 to reflect a statutory revision.*  |
| **LD 1871, Public Law 2017,****Chapter 407***An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language* | * Amends all Maine statutes to change substance “abuse” to substance “use”. Eliminates the words “alcohol”, “alcoholism” and “alcoholic”, instead refers to that as substance “use”.
* The bill is not intended to change eligibility requirements for services or benefits provided by the statute or affect the State's eligibility or requirements for federal programs or grants.
 | August 1, 2018 |
| **LD 1907, Resolve 2017, Chapter 57***Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)* | * Directs the Maine Public Employees Retirement System (MainePERS) and the Department of Administrative and Financial Services to continue the working group formed in PL 2017, Chapter 14 to evaluate and design retirement plan options including the financial impact of each plan on the employee or teacher, for all state employees and teachers.
* Membership of the working group consists of:
1. The Executive Director of MainePERS,
2. The Commissioner of the Department of Administrative and Financial Services or designee,
3. One member appointed by that Commissioner,
4. Two members from nominations submitted by the Maine Education Assoc.,
5. Two members from nominations submitted by the Maine School Management Assoc.,
6. Two members from nominations submitted by the Maine State Employees Assoc., and
7. One member from nominations submitted by the Maine Assoc. of Retirees serving as a non-voting member.
* The Maine Public Employees Retirement System is directed to submit a final report on retirement plan option or options of the working group, including any proposed legislation, to the Legislature no later than December 1, 2019.
* Authorizes the Legislature’s Joint Standing Committee to propose legislation to the 129th Legislature.
 | Retroactively to January 1, 2018Working group to submit final report by December 1, 2019. |

**Legislation Requiring Rulemaking**

**Rulemaking**

LD 1664 – *Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint*

*Major Substantive Rules of the Department of Education and the Department of Health and Human Services (EMERGENCY)*

LD 1694 – *Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide*

LD 1829 – *An Act To Amend the Laws Governing Education*

LD 1851 – *Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-*

*filed Major Substantive Rule of the Department of Education (EMERGENCY)*

LD 1852 – *Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major*

*Substantive Rule of the Department of Education (EMERGENCY)*

LD 1858 – *An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund*: Note added to rule