

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-412)

HOUSE AMENDMENT "A" to H.P. 1586, L.D. 1799, Bill,
"AN ACT to Clarify the Role of the Department of Educational
and Cultural Services Relating to Local School Systems."

Amend the Bill by striking out all of that part designated
"§6." and inserting in its place the following:

§6. Compliance

1. State aid withheld; notice; Attorney General.

A. The commissioner is authorized to withhold state aid from
an administrative unit in order to assure compliance with
reporting requirements prescribed under this Title.

B. The withholding of aid may only be undertaken after due
notice is given to the appropriate school officials and may
only continue for so long as it is necessary to achieve
compliance with the law.

C. Whenever compliance with the administrative and reporting
requirement cannot be achieved by the withholding of state
aid, the commissioner is authorized to refer the matter to
the Attorney General who shall take such action as he deems
necessary to achieve compliance.

2. Complaint; adoption of rules and regulations.

A. A formal complaint alleging that a school administrative
unit is not in compliance with the program requirements set
forth in this Title or set forth in the rules and regulations
adopted by the department under authority granted in this
Title shall be filed with the commissioner pursuant to the
procedures set forth in section 102, subsection 12.

B. Only those rules and regulations adopted for use by the department as authorized by this Title which were adopted in the manner set forth in section 3132 shall be subject to ~~the provisions of~~ this section.

3. Probable cause; state board hearing; Attorney General.

A. If the commissioner finds that probable cause for the complaint exists, he shall refer the complaint to the State Board of Education for a public hearing.

B. The commissioner, on behalf of the ~~State~~ Board, shall notify the administrative unit of the date of the hearing and:

(1) At the hearing all parties shall have the right to testify, present witnesses, cross-examine witnesses, introduce evidence and be represented by counsel; and

(2) The ~~State~~ Board shall make findings of fact on the specific charges in the complaint and shall decide whether there are reasonable grounds to believe that a unit is in non-compliance.

C. If the board decides there are reasonable grounds to believe that a unit is in non-compliance, the commissioner shall refer the matter to the Attorney General, who shall take such action as he deems necessary to achieve compliance.'

Statement of Fact

The purpose of this amendment is to specify a means for local school system compliance with state statutes and reporting requirements. It is also intended that this amendment shall extend greater decision-making authority to local administrative units.

Filed by Mr. Lynch of Livermore Falls.

Reproduced and distributed under the direction of the Clerk of
the House.
5/25/77

(Filing No. H-412)