

MAINE STATE LEGISLATURE

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L.D. 1716

DATE: 3.22.04

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 648, L.D. 1716, "Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

Sec. 1. Prohibition on use of state funds; exceptions. Resolved: That, in order to give priority to the implementation of Maine's system of learning results, and consistent with Title IX, Part E, Subpart 2, Section 9527 of the federal No Child Left Behind Act of 2001, the Department of Education may not spend any state funds or incur any costs not paid for under the federal No Child Left Behind Act of 2001 in order to comply with the provisions of the act, except for state funds necessary to act in accordance with sections 2, 3, 4 and 5 of this resolve; and be it further

Sec. 2. Administration of federal education funds. Resolved: That the Department of Education may administer such federal funds as may be made available to the State under Public Law 89-10, known as the federal Elementary and Secondary Education Act of 1965, as amended by Public Law 107-110, known as the federal No Child Left Behind Act of 2001. Those funds may be accepted and must be distributed and accounted for by the Department of Education in accordance with the federal No Child Left Behind Act of 2001 and federal regulations issued under provisions of that act even if there is conflict between that act or those regulations and the statutes and rules of this State; and be it further

COMMITTEE AMENDMENT

R. of S.

2 **Sec. 3. Compliance with federal requirements of No Child Left**
 Behind Act of 2001. **Resolved:** That, notwithstanding the provisions
 4 of the Maine Revised Statutes, Title 20-A related to the
 implementation of Maine's system of learning results, and in
 6 order to comply with the provisions of the federal No Child Left
 Behind Act of 2001 during the 2003-2004 and 2004-2005 school
 8 years, the Commissioner of Education is authorized to determine
 annually whether schools are meeting state standards, and the
 Department of Education is authorized to impose consequences
 10 allowed in state law and required by the federal No Child Left
 Behind Act of 2001 within the time frame required in that act.
 12 The Department of Education may expend other state funds for
 activities the department was already conducting consistent with
 14 the federal No Child Left Behind Act of 2001, or for activities
 already authorized in the budgets for fiscal years 2003-04 and
 16 2004-05. It is the intent of the Legislature that the Department
 of Education continue to study the provisions of the federal No
 18 Child Left Behind Act of 2001 and continue to seek guidance from
 the United States Department of Education in order to determine
 20 changes necessary in the act and in federal regulations issued
 under the act; and be it further

22 **Sec. 4. Investigation. Resolved:** That the Department of
 24 Education shall conduct a thorough investigation of the costs and
 benefits of participating in the federal No Child Left Behind Act
 26 of 2001. The investigation must focus on the costs and benefits
 of aligning the federal No Child Left Behind Act of 2001 with
 28 Maine's system of learning results and must include a
 comprehensive analysis of the costs and benefits of participating
 30 in the federal No Child Left Behind Act of 2001; and be it further

32 **Sec. 5. Report. Resolved:** That, no later than January 15,
 2005, the Department of Education shall submit its findings and
 34 recommendations to the joint standing committee of the
 Legislature having jurisdiction over education matters.'

SUMMARY

40 This committee amendment is the unanimous report of the
 Joint Standing Committee on Education and Cultural Affairs. The
 42 amendment strikes and replaces the resolve to accomplish the
 following.

44 1. It removes the emergency preamble and the emergency
 46 clause.

48 2. It clarifies that the prohibition on the use of state
 funds to participate in the federal No Child Left Behind Act of
 50 2001 does not prohibit the State from expending other state funds

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 648, L.D. 1716

2 for activities that the Department of Education was already
conducting consistent with the federal No Child Left Behind Act
of 2001, or for activities authorized in the state budgets for
4 fiscal year 2003-04 and fiscal year 2004-05.

6 3. It makes an exception to the prohibition on the use of
state funds to implement the policies of the federal No Child
Left Behind Act of 2001 by authorizing the Department of
8 Education to use state funds to conduct the investigation of the
costs and benefits of participating in the federal No Child Left
10 Behind Act of 2001.

12 4. It clarifies that the investigation required by the
resolve must focus on the costs and benefits of aligning the
14 federal No Child Left Behind Act of 2001 with Maine's system of
learning results and must include a comprehensive analysis of the
16 costs and benefits of participating in the federal No Child Left
Behind Act of 2001.

20 5. It changes the reporting date for the Department of
Education to submit its findings and recommendations to the joint
22 standing committee of the Legislature having jurisdiction over
education matters to January 15, 2005.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1716

**Resolve, Regarding Participation in the Federal No Child Left Behind
Act of 2001**

LR 2453(02)

**Fiscal Note for Bill as Amended by Committee Amendment *A*
Committee: Education and Cultural Affairs**

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to study the costs and benefits of participating in the federal No Child Left Behind Act of 2001 can be absorbed utilizing existing budgeted resources.