

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1742

H.P. 1284

House of Representatives, January 5, 2012

### An Act To Amend Education Laws

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Submitted by the Department of Education pursuant to Joint Rule 204.  
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative RICHARDSON of Carmel.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

3 **Sec. A-1. 20-A MRSA §6051, sub-§1, ¶D**, as enacted by PL 1985, c. 797, §36,  
4 is amended to read:

5 D. An audit of all federal programs in accordance with applicable federal law  
6 including a written determination that the audit has been conducted in accordance  
7 with applicable federal laws relating to financial and compliance audits as indicated  
8 in federal Office of Management and Budget circulars;

9 **Sec. A-2. 20-A MRSA §6051, sub-§3**, as repealed and replaced by PL 1985, c.  
10 797, §36, is amended to read:

11 **3. Auditors.** Audits ~~shall~~ must be conducted by ~~either the Department of Audit or~~  
12 qualified certified public accountants or public accountants registered by the Board of  
13 Accountancy. The auditor shall review the audit with the school board.

14 **Sec. A-3. 20-A MRSA §6051, sub-§7, ¶¶B and C**, as enacted by PL 2009, c.  
15 571, Pt. E, §14, are amended to read:

16 B. A school administrative unit audit is not necessary to meet federal audit  
17 requirements; and

18 C. The municipal school administrative unit files the municipal audit or audits that  
19 include the fiscal year specified in subsection 2; and.

20 **Sec. A-4. 20-A MRSA §6051, sub-§7, ¶D**, as enacted by PL 2009, c. 571, Pt. E,  
21 §14, is repealed.

22 **Sec. A-5. 20-A MRSA §15909, sub-§§5 and 6** are enacted to read:

23 **5. Records.** Financial records and accounts for a school construction project must  
24 be kept for 7 years after the final audit.

25 **6. Audit.** Financial records and accounts for state-funded school construction  
26 projects must be audited by department staff or certified public accountants contracted by  
27 the department.

28 **PART B**

29 **Sec. B-1. 20-A MRSA §1486, sub-§4**, as enacted by PL 2007, c. 240, Pt.  
30 XXXX, §13, is amended to read:

31 **4. Failure to approve budget.** If the voters do not validate the budget approved in  
32 the regional school unit budget meeting at the budget validation referendum vote, the  
33 regional school unit board shall hold another regional school unit budget meeting in  
34 accordance with this section and section 1485 at least 10 days but no longer than 30 days  
35 after the referendum to vote on a budget approved by the regional school unit board. The  
36 budget approved at the regional school unit budget meeting must be submitted to the

1 voters for validation at referendum in accordance with this section. The process must be  
2 repeated until a budget is approved at a regional school unit budget meeting and validated  
3 at referendum. If a budget is not approved and validated before July 1st of each year,  
4 section 1487 applies.

## 5 PART C

6 **Sec. C-1. 20-A MRSA §1, sub-§41**, as enacted by PL 1981, c. 693, §§5 and 8, is  
7 repealed.

8 **Sec. C-2. 20-A MRSA c. 109**, as amended, is repealed.

9 **Sec. C-3. 20-A MRSA §15005, sub-§3**, as amended by PL 2009, c. 571, Pt. E,  
10 §16, is further amended to read:

11 **3. Return required.** An apportionment provided in this chapter, chapters ~~409~~, 505  
12 and 606-B, and section 13601, and Title 20, section 3457, may not be paid to a school  
13 administrative unit by the Treasurer of State until returns required by law have been filed  
14 with the commissioner.

15 **Sec. C-4. 20-A MRSA §15909, sub-§1**, as amended by PL 1985, c. 248, §8, is  
16 repealed.

17 **Sec. C-5. 20-A MRSA §15909, sub-§2**, as amended by PL 1987, c. 402, Pt. A,  
18 §133 and c. 803, §§3 and 5, is further amended to read:

19 **2. Bonds.** A school administrative unit shall sell bonds in its name for the total cost  
20 of ~~the a school construction~~ project minus the amounts listed in paragraph A. Bond sales  
21 ~~shall~~ must be consistent with rules adopted or amended by the state board.

22 A. The amount to be bonded ~~shall~~ must be determined as follows. The total cost of  
23 the project ~~shall~~ must be reduced by:

24 (2) Proceeds from insured losses;

25 (3) Money from federal sources; and

26 (4) Other noneducational funds, except gifts and money from federal revenue  
27 sharing sources.

28 B. A school administrative unit may borrow money for projects in anticipation of  
29 bond sales. Borrowing ~~shall~~ must be consistent with rules adopted or amended by the  
30 state board.

31 **Sec. C-6. 20-A MRSA §15909, sub-§3**, as enacted by PL 1981, c. 693, §§5 and  
32 8, is amended to read:

33 **3. Deductions; cost of project.** Proceeds from insured losses, money from federal  
34 sources and other noneducational funds ~~shall~~ must be deducted from the total cost of ~~the a~~  
35 school construction project to determine the amount on which the state's share ~~shall~~ must  
36 be calculated. Proceeds from gifts or moneys from federal revenue sharing sources ~~shall~~  
37 must be treated as local appropriations.



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**PART F**

**Sec. F-1. 20-A MRSA §3252, sub-§4-A**, as amended by PL 2005, c. 635, §1, is repealed.

**PART G**

**Sec. G-1. 20-A MRSA §8802, sub-§2, ¶A**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. In the first summer of its operation, ~~the average~~ an estimated cost for each student ~~in all summer schools in the State for the preceding summer~~ based on estimated costs to operate the summer school program divided by the estimated number of students expected to attend the summer school program;

**Sec. G-2. 20-A MRSA §8802, sub-§4**, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

**PART H**

**Sec. H-1. 20-A MRSA §8101-A** is enacted to read:

**§8101-A. Gifted and talented education programs**

**1. Implementation.** Each school administrative unit shall implement a gifted and talented education program. The commissioner may provide technical assistance to a school administrative unit in planning and implementing its gifted and talented education program.

**2. Costs; approval.** Costs of gifted and talented education programs approved by the department are subsidizable costs under the Essential Programs and Services Funding Act.

**3. Rules.** The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A establishing procedures and criteria for approval of gifted and talented education programs under this chapter.

**Sec. H-2. 20-A MRSA §8102**, as amended by PL 2009, c. 147, §8, is repealed.

**Sec. H-3. 20-A MRSA §8103**, as amended by PL 2003, c. 477, §9, is repealed.

**Sec. H-4. Transition.** A school administrative unit that does not operate an approved gifted and talented education program in the 2011-2012 school year shall implement such a program not later than the 2012-2013 school year. School administrative units that operate an approved gifted and talented education program in the 2011-2012 school year are subject to the requirements of the Maine Revised Statutes, Title 20-A, section 8101-A beginning on the effective date of this Act.

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**PART I**

**Sec. I-1. 20-A MRSA §7001, sub-§2-C**, as enacted by PL 2011, c. 348, §3, is amended to read:

**2-C. Individualized education program team.** "Individualized education program team" means the group of individuals composed in accordance with Part C B of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to determine the individualized education program for a child with a disability.

**SUMMARY**

Part A amends and clarifies audit requirements in order for the State and school administrative units to be in compliance with federal regulations.

Part A also enacts statutory language requiring the audit of state-funded school construction projects and repeals language that is no longer necessary.

Part B requires that the regional school unit budget meeting occur within 30 days after the failure of the budget validation referendum.

Part C repeals the Maine Revised Statutes, Title 20-A, chapter 109, which establishes the union school governance structure, and fixes cross-references to that chapter. There are no longer any school administrative units using this governance structure. It also repeals statutory language that applies to school construction projects approved prior to July 1, 1985 and clarifies statutory language that applies to current school construction projects.

Part D revises school construction language to be in compliance with the current funding requirements.

Part E clarifies the treatment of foreign exchange students and students who do not reside in the State for the purposes of counting students for state subsidy.

Part F repeals the addition of targeted funds to the elementary tuition rate for students who are residents of the unorganized territory to be consistent with the repeal of the addition of targeted funds to the secondary tuition rate by Public Law 2009, chapter 213.

Part G refines state requirements for summer school tuition rates for the first year of operation.

Part H reinstates the statutory requirement for school administrative units to operate education programs for gifted and talented students. It repeals outdated language related to funding and clarifies that approved gifted and talented education program costs are subsidizable costs under the Essential Programs and Services Funding Act.

1           Part I corrects a reference in the Maine Revised Statutes, Title 20-A, section 7001,  
2 subsection 2-C from Part C of the federal Individuals with Disabilities Education Act, 20  
3 United States Code, Section 1414(d)(1)(B) to Part B.