

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

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No. 963

H.P. 677

House of Representatives, March 12, 2013

An Act To Expand Access to Early Postsecondary Education

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NELSON of Falmouth.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: JOHNSON of Greenville, KUSIAK of Fairfield, MacDONALD of Boothbay,
MAKER of Calais, TREAT of Hallowell, Senators: CAIN of Penobscot, JOHNSON of
Lincoln.

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

2 **Sec. 1. 5 MRSA §12004-C, sub-§9** is enacted to read:

3 **9.**

4 Commission on Expanding Legislative Per Diem 20-A MRSA §4777
5 Early Postsecondary Access for and Expenses
6 High School Students

7 **Sec. 2. 20-A MRSA §4772**, as amended by PL 2005, c. 519, Pt. XX, §§1 to 3, is
8 repealed.

9 **Sec. 3. 20-A MRSA §4772-A**, as amended by PL 2005, c. 519, Pt. XX, §4, is
10 repealed.

11 **Sec. 4. 20-A MRSA §4772-B** is enacted to read:

12 **§4772-B. Postsecondary courses; student eligibility**

13 **1. Student eligibility.** A secondary school student may be eligible to receive state
14 subsidy for postsecondary courses as specified in section 4775 if all the requirements of
15 subsection 2 are satisfied and the student:

16 A. Is enrolled in grade 11 or higher in the student's school administrative unit;

17 B. Maintains a minimum secondary school grade point average of at least 3.0 on a
18 scale of 4.0, or the equivalent of a "B" average, as determined by the school
19 administrative unit; or

20 C. Has been granted a waiver by the eligible institution.

21 For purposes of this subsection, "secondary school student" includes a student enrolled in
22 an adult education program as defined in section 8601-A, subsection 1, a student
23 receiving a home instruction program eligible for state subsidy pursuant to section 5021,
24 subsection 8 or a student at a private school approved for attendance purposes pursuant to
25 section 2901.

26 **2. Postsecondary courses.** A student that meets the criteria pursuant to subsection 1
27 may be eligible to receive state subsidy for postsecondary courses as specified in section
28 4775 as long as:

29 A. The eligible institution has space available for the secondary school student;

30 B. The eligible institution has determined that the student has satisfactorily
31 completed all course prerequisites;

32 C. The school administrative unit approves;

33 D. The student's parent approves; and

34 E. The student has received a recommendation to take a postsecondary course or
35 courses at an eligible institution from the student's school administration or one of the

1 student's secondary school teachers following an assessment of the student by the
2 school administration.

3 **Sec. 5. 20-A MRSA §§4774 and 4775**, as enacted by PL 1997, c. 758, §2, are
4 amended to read:

5 **§4774. Credits**

6 **1. High school credit.** A school administrative unit ~~may~~ shall grant academic credit
7 toward a high school diploma to a student who successfully completes a course, including
8 an online course, under this chapter.

9 **2. Postsecondary credit.** The eligible institution shall grant full credit to any
10 student who successfully completes a course, including an online course, at the eligible
11 institution under this chapter. The course must apply to graduation requirements at the
12 eligible institution in which it was taken or be transferable to another eligible institution
13 on an equal basis with a course taken by any other student at the eligible institution. The
14 eligible institution must provide parents with information on the extent to which credits
15 gained may be transferable to other higher education institutions in the State.

16 **§4775. Payment; appropriations**

17 The department shall pay 50% of the in-state tuition for ~~the first 3 credit hours taken~~
18 ~~each semester up to 12 credit hours per academic year taken~~ by a student eligible under
19 section 4772-B at an eligible institution ~~and up to 6 credit hours per academic year~~. The
20 eligible institution may not make any additional tuition charges for ~~the course those~~
21 courses but may impose fees and charges, other than tuition, that are ordinarily imposed
22 on students not covered by this chapter. The department may pay these fees and charges
23 for a high school student eligible for free or reduced-price lunch. Funds appropriated to
24 the department to carry out the purposes of this chapter must be in addition to the
25 customary and ongoing amounts appropriated for general purpose aid for local schools.

26 **Sec. 6. 20-A MRSA §4776**, as enacted by PL 2007, c. 240, Pt. VVV, §2, is
27 repealed.

28 **Sec. 7. 20-A MRSA §4777** is enacted to read:

29 **§4777. Commission on Expanding Early Postsecondary Access for High School**
30 **Students**

31 **1. Establishment; composition.** The Commission on Expanding Early
32 Postsecondary Access for High School Students, established in Title 5, section 12004-C,
33 subsection 9, referred to in this section as "the commission," consists of the following 19
34 members:

35 A. Three ex officio members:

36 (1) The commissioner or the commissioner's designee;

37 (2) The Chancellor of the University of Maine System or the chancellor's
38 designee; and

- 1 (3) The President of the Maine Community College System or the president's
2 designee;
- 3 B. Two Senators appointed by the President of the Senate;
- 4 C. Two members of the House of Representatives appointed by the Speaker of the
5 House; and
- 6 D. The following 12 members, appointed by the Governor:
- 7 (1) Two representatives of private colleges or universities in the State;
- 8 (2) Two representatives of private nonprofit organizations that work on
9 improving educational opportunities for Maine students;
- 10 (3) A representative of a statewide organization of student financial aid
11 administrators;
- 12 (4) A representative of a statewide organization for college admissions
13 administrators;
- 14 (5) A representative of a statewide organization of school boards;
- 15 (6) A representative of a statewide organization of school superintendents;
- 16 (7) A representative of a statewide organization of administrators of career and
17 technical education;
- 18 (8) A representative of a statewide organization for adult education;
- 19 (9) A representative of a statewide organization of secondary school principals;
20 and
- 21 (10) A representative of the Maine Education Association.

22 **2. Terms; vacancy.** The members of the commission appointed pursuant to
23 subsection 1, paragraphs B and C serve 2-year terms concurrently with the legislative
24 term. Members appointed pursuant to subsection 1, paragraph D serve for 3-year terms
25 and serve until their successors are appointed. On the expiration of a term of any member
26 appointed pursuant to subsection 1, paragraph D, a successor must be appointed to a 3-
27 year term. A member of the commission is eligible for reappointment to the commission.
28 A vacancy in the commission does not impair the right of a quorum of members to
29 perform the duties of the commission. In the event of a vacancy occurring in the
30 members appointed pursuant to subsection 1, paragraph D, the Governor shall appoint a
31 replacement member for the remainder of the unexpired term in the same manner as the
32 original appointment was made.

33 **3. Duties.** The commission shall develop strategies to expand access to early
34 postsecondary opportunities for high school students in the State including:

35 A. Determining the availability of early postsecondary opportunities in the State's
36 high schools and the approaches by which early postsecondary opportunities are
37 made available to students;

38 B. Promoting and advocating for early postsecondary education programs across the
39 State;

1 C. Coordinating cooperation between the secondary education school system and
2 higher education communities;

3 D. Serving as a clearinghouse of best practices in early postsecondary education
4 programming;

5 E. Supporting research on the effectiveness of early postsecondary education
6 programs on student outcomes; and

7 F. Seeking grant funding to support the development and expansion of early
8 postsecondary education programs.

9 **4. Chair; vice-chair.** The commissioner or the commissioner's designee is the chair
10 of the commission. The commission shall elect from its membership a vice-chair who
11 shall serve for a one-year term. The vice-chair serves until a successor is elected. The
12 chair calls meetings of the commission and presides over meetings. The vice-chair serves
13 as the chair in the absence of the chair.

14 **5. Meetings; quorum; subcommittees.** The commission shall meet at least 4 times
15 each year. The chair shall establish meeting agendas. A quorum of the commission is 10
16 members. The commission may establish subcommittees of no fewer than 3 members.

17 **6. Compensation.** Members of the commission appointed pursuant to subsection 1,
18 paragraphs B and C are entitled to legislative per diem as allowed under Title 5, section
19 12004-C, subsection 9 while engaged in commission activities. Members of the
20 commission appointed pursuant to subsection 1, paragraph D are entitled to receive
21 compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 9
22 while engaged in commission activities.

23 **7. Assistance.** The department shall provide staff support to the commission.

24 **8. Annual report.** By January 15th annually, the commission shall submit a report
25 of its findings and recommendations to the joint standing committee of the Legislature
26 having jurisdiction over education matters.

27 **Sec. 8. 20-A MRSA §8406** is enacted to read:

28 **§8406. Academic skills testing**

29 A career and technical education center shall serve as a site for the administration of
30 assessment tests to determine college-level academic skills.

31 **Sec. 9. 20-A MRSA §13024, sub-§1, ¶C**, as amended by PL 2005, c. 662, Pt. A,
32 §38, is further amended to read:

33 C. Personnel employed by or serving the school administrative unit as contracted
34 service providers; ~~and~~

35 **Sec. 10. 20-A MRSA §13024, sub-§1, ¶D**, as repealed and replaced by PL 2005,
36 c. 662, Pt. A, §39, is amended to read:

1 D. Personnel for whom certification or authorization is not required prior to being
2 hired or being placed under contract by a public school or an intermediate educational
3 unit-; and

4 **Sec. 11. 20-A MRSA §13024, sub-§1, ¶F** is enacted to read:

5 F. Personnel employed in a public school as instructors of postsecondary education
6 courses pursuant to chapter 208-A that are offered in secondary schools.

7 **Sec. 12. Department of Education and Commission on Expanding Early**
8 **Postsecondary Access for High School Students are directed to establish**
9 **publicly accessible website on early postsecondary education programs.** The
10 Department of Education and the Commission on Expanding Early Postsecondary Access
11 for High School Students, as established in the Maine Revised Statutes, Title 5, section
12 12004-C, subsection 9, shall establish and maintain a single publicly accessible website
13 that includes information on early postsecondary education programs and research
14 regarding those programs as well as hyperlinks to those programs and the research.

15 **Sec. 13. Commission on Expanding Early Postsecondary Access for High**
16 **School Students; staggered terms.** Notwithstanding the Maine Revised Statutes
17 Title 20-A, section 4777, subsection 2, when appointing original members to the
18 Commission on Expanding Early Postsecondary Access for High School Students, the
19 Governor shall designate 4 members to serve a one-year term, 4 members to serve a 2-
20 year term and 4 members to serve a 3-year term.

21 **SUMMARY**

22 This bill makes the following changes to the early postsecondary education programs
23 statutes:

24 1. It creates a permanent Commission on Expanding Early Postsecondary Access for
25 High School Students;

26 2. It clarifies that adult education students, home school students and students from
27 private schools are eligible for state subsidy for postsecondary courses. It also clarifies
28 that a student may be eligible if the parents, school administrative unit and postsecondary
29 institution approve;

30 3. It requires high schools to grant academic credit for postsecondary courses rather
31 than allowing discretion;

32 4. It requires postsecondary institutions to provide information to students on the
33 transferability of academic credit between postsecondary institutions;

34 5. It requires the Department of Education to pay 50% of tuition for up to 12 credit
35 hours in an academic year rather than only the first 3 credit hours up to a possible 6-
36 credit-hour maximum;

1 6. It adds instructors of postsecondary education courses that are offered in
2 secondary schools to the list of personnel that are subject to the fingerprinting and
3 background check requirements; and

4 7. It requires career and technical education centers to serve as sites for the
5 administration of assessment tests to determine college-level academic skills.

6 The bill also requires the Department of Education and the Commission on
7 Expanding Early Postsecondary Access for High School Students to establish and
8 maintain a single publicly accessible website with information on early postsecondary
9 education programs and research as well as hyperlinks to those programs and the
10 research.