

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

May 2014

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STATE OF MAINE
126TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER.....carried over to a subsequent session of the Legislature
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSESHouse & Senate disagreed; legislation died
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT action incomplete when session ended; legislation died
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.....emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT.....legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW.....sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY.....ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX chapter # of enacted public Law
RESOLVE XXX chapter # of finally passed resolve
VETO SUSTAINED.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126th Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

provide their feedback on the department's plan for the phase-in of the universal availability of public preschool programs and the department's current partnership with other states and researchers in a consortium to establish a state-of-the-art system for assessing children's learning from kindergarten entry to grade three. It requires the commissioner to submit a report, including a summary of the work of the stakeholder group and an outline of the department's proposed rules to implement the universal availability of public preschool programs by the 2018-2019 school year, to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

LD 1579 An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN BURNS	OTP-AM	H-594 H-597 MACDONALD W

This bill requires publicly supported secondary schools and secondary public charter schools to adopt and implement policies ensuring that members of the United States Armed Forces or the Maine National Guard and public safety personnel, including but not limited to firefighters, police officers, emergency medical technicians, game wardens and park rangers, may wear their uniforms when visiting schools in their official capacities.

Committee Amendment "A" (H-594)

This amendment explicitly adds forest rangers to the list of public safety personnel in the bill.

House Amendment "A" To Committee Amendment "A" (H-597)

This amendment, like the bill, as amended by the committee amendment, ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting certain publicly supported schools in their official capacities. Unlike the bill, as amended by the committee amendment, which requires school boards to adopt policies ensuring this ability, this amendment provides that such persons may not be denied access to a publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

Enacted Law Summary

Public Law 2013, chapter 450 ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting publicly supported schools in their official capacities. The law provides that such persons may not be denied access to publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

LD 1591 An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units

PUBLIC 456

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL	OTP-AM	H-612

Under current law, a student or the parent of a student may request a transfer to a school administrative unit in which the student does not reside. The superintendents of both the sending and the receiving school administrative units may approve the transfer if they find that it is in the best interests of the student. The decision is appealable to the Commissioner of Education, who may approve or disapprove the transfer. That decision is appealable to the State Board of Education, which may approve or disapprove the transfer.

This bill provides a standard for what constitutes a student's best interest. The bill requires that, if the decision of

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one or both of the superintendents to deny the transfer is appealed, the Commissioner of Education must uphold the decision unless the commissioner determines that the decision to deny the transfer was arbitrary and capricious, in which case the commissioner may approve the transfer. If that decision is appealed to the State Board of Education, the board must uphold the decision to deny the transfer unless the board determines that the decision was arbitrary and capricious, in which case the board may approve the transfer.

Committee Amendment "A" (H-612)

This amendment strikes and replaces the bill. The bill provides a standard for what constitutes a student's best interest when requesting a transfer from one school administrative unit to another; the amendment removes that standard. In current law, the superintendents of the receiving school administrative unit and the sending school administrative unit must both consent to a student's transfer. This amendment changes that provision to require that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination. The amendment also removes the provisions in the bill that direct the Commissioner of Education, or subsequently the State Board of Education, to uphold the decision of one or both superintendents to deny a transfer unless the commissioner or the board determines that the decision to deny the transfer was arbitrary and capricious. The amendment also retains the provision in the bill that extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer.

Enacted Law Summary

Public Law 2013, chapter 456 changes the provision in current law which provides that the superintendents of the sending school administrative unit and the receiving school administrative unit must both consent to the approval of a request for a student to transfer to a school administrative unit in which the student does not reside by requiring that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination.

Chapter 456 also extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer that was made by a parent of a student requesting transfer or a superintendent of either the sending or the receiving school administrative unit who is dissatisfied with the Commissioner of Education's decision to approve or disapprove the transfer upon the initial request of a parent to have the commissioner review the decision of the superintendents of the sending and the receiving school administrative units related to the transfer request.

LD 1617	An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State	Died On Adjournment
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	OTP-AM ONTP	H-796

This bill makes the following changes to the laws governing virtual public charter schools.

1. It provides that a virtual public charter school must be approved by the Legislature before it may operate.
2. It requires a virtual public charter school to be accredited by an organization approved by the Department of Education based on a demonstration that the organization's accreditation process is rigorous and aligned with state policy.
3. It requires the Maine Charter School Commission to evaluate applications for a virtual public charter school based on certain criteria.