

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

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 HOUSES*..... House & 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  
*EMERGENCY*..... enacted 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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***

**LD 1898      An Act To Amend Maine's High School Diploma Standards and Ensure  
Maine Students Meet State Standards upon Graduation      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	ONTP	

This bill repeals the provisions of law relating to proficiency-based high school diploma standards and replaces those provisions with a requirement that the issuance of a high school diploma be based on a student's meeting state standards.

**LD 1900      An Act To Repeal Proficiency-based Diplomas      Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP OTP-AM	

This bill was reported out of Committee in the Second Regular Session of the 128th Legislature and then carried over to the next Special Session by joint order S.P. 748.

This bill repeals the provisions of law relating to proficiency-based high school diploma standards.

**Committee Amendment "A" (H-775)**

This amendment is the minority report of the committee. The amendment strikes and replaces the bill to retain the proficiency-based diplomas and to delay by one year the timeline for the implementation of proficiency-based diplomas. The amendment makes several changes to the implementation of the proficiency-based system, including:

1. Refining the provisions regarding the exceptions for students with disabilities to be awarded a proficiency-based diploma; and
2. Strengthening the provisions for career and technical education students to meet the proficiency-based diploma requirements within the context of the career and technical education curriculum, including career and technical education programs and courses as defined in the Department of Education's rules.

The amendment also requires that the Department of Education provide technical assistance to school administrative units in implementing proficiency-based systems, including providing definitions of proficiency, establishing criteria for ensuring that the intents and purposes of a proficiency-based system are achieved, developing model course descriptions and developing training resources for use in training educators.

**LD 1902      An Act To Implement Certain Recommendations of the Task Force To  
Identify Special Education Cost Drivers and Innovative Approaches to  
Services      Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM OTP-AM	H-779

## *Joint Standing Committee on Education and Cultural Affairs*

This bill was reported by the committee pursuant to Resolve 2017, chapter 26, section 7 in the Second Regular Session of the 128th Legislature and then referred back to the committee for processing in the normal course. The bill was reported out of committee in the Second Regular Session and carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

The bill includes certain recommendations proposed in the report submitted by the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services established for consideration by the 128th Legislature.

### **Committee Amendment "A" (H-779)**

This amendment is the majority report of the committee. This amendment narrows the focus of the bill to the following provisions:

1. The addition of response to intervention systems to ensure an all-encompassing, tiered system of support for general and special education students;
2. Collaboration between general education and special education, including a clarification that the Department of Education is required to facilitate a process to help schools apply for schoolwide status with respect to federal Title I funds;
3. Promotion of dual certification programs by the Department of Education and the State Board of Education;
4. Recodification of the Maine Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes;
5. A review of the purpose of the maintenance of effort component of the essential programs and services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units; and
6. A review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services.

The amendment also adds four provisions to the statute regarding nontraditional limited purpose schools that were part of Department of Education rule, Chapter 250, which has been repealed, delays the reporting dates to ensure adequate time for review and adds an appropriations and allocations section.

### **Committee Amendment "B" (H-780)**

This amendment is one of two minority reports of the committee. This amendment narrows the focus of the bill to the following:

1. The addition of response to intervention systems to ensure an all-encompassing, tiered system of support for general and special education students;
2. A review of the purpose of the maintenance of effort component of the essential programs and services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units;
3. A review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services; and
4. A requirement that the joint standing committee of the Legislature having jurisdiction over education and

***Joint Standing Committee on Education and Cultural Affairs***

cultural affairs submit a request for consideration by the steering committee of the Maine Education Policy Research Institute to include a research project to investigate and address the costs associated with special education litigation and educational program materials.

The amendment also delays the reporting dates to ensure adequate time for review and adds an appropriations and allocations section.

**Committee Amendment "C" (H-781)**

This amendment is one of two minority reports of the committee. This amendment is the same as Committee Amendment "A" (H-779), except that it does not include the section regarding nontraditional limited purpose schools.

**LD 1924      An Act To Improve Information Sharing Relating to Investigations of Educators      PUBLIC 477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P	OTP-AM	H-813

This bill requires that a school entity notify the Department of Education when it opens an investigation into a holder of a department-issued credential and provide all final reports on that investigation to the department. It requires that the department notify a school entity when it is investigating a holder of a department-issued credential who works for the school entity and requires the department to provide all final reports on the outcome of that investigation to all school entities for which that credential holder works. When a school entity notifies the department of an investigation into a credential holder, the department must then notify all the school entities for which that credential holder works of the investigation and provide to them all final reports the department receives. The bill defines "school entity."

**Committee Amendment "A" (H-813)**

This amendment strikes and replaces the bill and does the following:

1. Adds a mandate preamble;
2. Adds a definition section to define "boundaries," "covered investigation" and "school entity";
3. Narrows the types of investigations that a school entity must notify the department of to a "covered investigation," which means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, violating boundaries, inappropriate contact between a credential holder and a student, stalking, or similar behavior that may endanger the health, safety or welfare of a student;
4. Specifies that a school entity must notify the Department of Education and the department must notify a school entity within 15 business days of the initiation of a covered investigation, and clarifies that the department must notify the superintendent or chief administrative officer of the school entity;
5. Clarifies that the department may share confidential information pertaining to credentialing and employee records with a school entity pursuant to this section and requires that a school entity that receives confidential information must maintain and ensure the confidentiality of that information; and
6. Directs the Commissioner of Education to adopt major substantive rules to identify the types of conduct for which the school entity must notify the department and develop procedures for maintaining and ensuring