

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-66)

HOUSE AMENDMENT " B " to H.P. 99, L.D. 123, Bill, "AN ACT to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems."

Amend the Bill in that part designated "§6." by striking out all of subsection 1 and inserting in its place the following:

'1: State aid withheld; notice, hearing. The commissioner is authorized to withhold state aid from an administrative unit in order to assure compliance with the administrative and reporting requirements prescribed by the state statutes or by rules and regulations adopted by the Department of Educational and Cultural Services pursuant to statutory authority.

A. The withholding of aid may only be undertaken after due notice is given to the appropriate school officials.

B. The administrative unit shall be granted a hearing before the State Board of Education if, within 7 days following the receipt of notice that aid is to be withheld, the unit requests such a hearing. The commissioner shall notify the administrative unit of the date of the hearing. All parties at the hearing shall have the right to testify, present witnesses, cross-examine witnesses, introduce evidence and be represented by counsel.

C. The board shall make a finding of fact as to whether the administrative unit is in compliance with administrative and reporting requirements.

D. If a hearing is requested, no state aid shall be withheld until after the findings of the board have been made. The withholding of aid may continue for as long as it is necessary to achieve compliance with the law.

2. Refer to the Attorney General. Whenever compliance with the administrative and reporting requirement cannot be achieved by the withholding of state aid, the commissioner is authorized to refer the matter to the Attorney General who shall take such action as he deems necessary to achieve compliance.'

Further amend the Bill in that part designated "§6." by renumbering subsections 2 and 3 to be subsections 3 and 4.

Statement of Fact

The purpose of this amendment is to provide an opportunity for a public hearing before the State Board of Education prior to the withholding of state aid to any administrative unit which has been found by the commissioner to be out of compliance with the administrative and reporting requirements.

The board is required to make a finding of fact as to whether the unit is out of compliance. If a unit is found to be out of compliance, the commissioner's decision to withhold aid shall become effective.

Filed by Mrs. Mitchell of Vassalboro.

Reproduced and distributed under the direction of the Clerk of the House.  
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