

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1560

H. P. 1304

House of Representatives, April 12, 1977

On Motion of Mr. Lynch of Livermore Falls, referred to Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Goodwin of South Berwick.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT** Relating to an Adult Education Act and Adult Vocational Education and Establishing a Bureau of Adult Education.

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

Sec. 1. 20 MRSA § 858 as amended by PL 1975, c. 746, § 12-A, is repealed.

Sec. 2. 20 MRSA § 2356-B, sub-§ 2, 1st ¶, 2nd sentence as repealed and replaced by PL 1975, c. 513, § 6, is repealed.

Sec. 3. 20 MRSA § 2356-B, sub-§ 2, 2nd ¶, 1st sentence, as repealed and replaced by PL 1975, c. 513, § 6, is repealed.

Sec. 4. 20 MRSA § 2358, as amended by PL 1973, c. 571, § 44, is repealed.

Sec. 5. 20 MRSA § 2359, as amended by PL 1975, c. 771, § 183 is repealed.

Sec. 6. 20 MRSA § 2360 is repealed.

Sec. 7. 20 MRSA c. 308 is enacted to read:

CHAPTER 308

ADULT EDUCATION

SUBCHAPTER I

BUREAU OF ADULT EDUCATION

### § 2381. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Administrative costs. "Administrative costs" means all costs relating to administration and supervision of an adult education activity, including counseling and secretarial costs.

2. Adult education. "Adult education" means any activity by which men and women, 18 years of age or over, seek to improve themselves by increasing their skills, knowledge, understanding or sensitivity.

3. Bureau. "Bureau" means the Bureau of Adult Education.

4. Director. "Director" means the Director of Adult Education.

### § 2382. Bureau of adult education

There shall be within the Department of Educational and Cultural Services, a Bureau of Adult Education.

The bureau shall be administered by a director appointed by the commissioner subject to the Personnel Law. The director shall possess full authority and responsibility for administering all powers and duties of the bureau, subject to the direction of the commissioner, except as otherwise provided by statute. The director shall, subject to the approval of the commissioner, employ personnel and staff necessary to carry out the purposes of this chapter.

### § 2383. Powers and duties of the bureau

The bureau shall establish, in accordance with the purposes and intent of this chapter, subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to adult education, which are conducted or supported in the State. The bureau shall have the power and duty to:

1. Administration of funds. Administer, with the approval of the commissioner, adult learning funds as provided in section 2384, to provide matching moneys to local units for adult basic education, general adult education programs, adult diploma programs and other adult education activities.

2. Projects and research. Develop special projects and undertake research in the area of adult education.

3. Consultant and resource services. Provide consultant and resource services to schools, public or private groups or individuals in the field of adult learning.

4. Other services. Provide other services in the area of adult education deemed necessary by the commissioner.

### § 2384. Nonlapsing Adult Education Fund

There is hereby established within the Department of Educational and Cultural Services, an Adult Education Fund to be used to provide funds for local public school adult education programs, nonpublic school adult

learning programs, research and development in the area of adult learning at the state, local or private level.

The Adult Education Fund shall not lapse. Moneys allocated to the fund in any year not used in that year may be used in any succeeding year.

## SUBCHAPTER II

### ADULT EDUCATION PROGRAMS

#### § 2385. Purpose

Since education is a lifelong process, it is the declared policy of the State to provide and encourage the growth of educational opportunities for all adults.

#### § 2385-A. Authority to raise money for adult education

Any administrative unit may, in addition to the sum raised for the support of public schools, raise and appropriate money for the support of adult education classes and educational activities which shall be under the direction and supervision of the administrative unit's school committee or board of school directors. An administrative unit may raise, appropriate and expend money to cover the tuition costs resulting from its residents attending adult education courses in another administrative unit provided that the courses are not offered by the unit of residence.

#### § 2386. Authority to operate nonsubsidizable activities

The school committee or board of school directors may make available facilities for adults for day and evening educational and recreational activities not supported by public school funds and not reimbursed by the State. Such courses and activities may be financed by tuition fees, by funds voted by the administrative unit, by funds from other proper sources or by any combination of these.

#### § 2387. Participation in adult education

Any person over 17 years of age, who is not attending another public school is entitled to attend local adult education courses in accordance with local program criteria. The commissioner may grant exceptions to the above in admitting students into adult education programs at the local level. Students enrolled in public day school programs may participate in adult or adult vocational programs to supplement the regular day school program on an exception basis in accordance with the guidelines established by the commissioner.

#### § 2388. Reimbursement procedures

1. Commissioner certification. Annually, prior to February 1st, the commissioner shall certify to the Legislature and to the Bureau of the Budget his recommendation for the funding levels for the various program categories in adult education. The requested funding levels shall be computed by adding the actual costs for the first half of the year immediately prior to the year of allocation of funds to the total estimated costs that will be in-

curred for the 2nd half of the same year. If an administrative unit fails to submit the necessary information required in this section within the time specified by the commissioner, the commissioner shall estimate that unit's educational cost.

State reimbursement for expenditures on all adult education programs shall be based upon the total expenditure less income from federal sources. The reimbursement shall be based on the net expenditures, or the report of expenditures for the first 6 months and the estimate of the expenditure for the last 6 months of the fiscal year, as approved by the commissioner, whichever is lower. State aid will be paid to the administrative units during the 2nd quarter of the state's fiscal year following the unit's expenditure.

#### § 2389. Reimbursement rates

1. Administrative costs. Whenever the school committee or school directors of an administrative unit shall have maintained during the school year, evening schools, day schools, classes and educational activities for adults as provided in this chapter 50% of the administrative costs shall be reimbursed to the administrative unit in the year following expenditures.

2. Adult vocational education courses. Adult vocational education courses shall be reimbursed at the rate of 90% of the cost of instructional salaries and 50% of the net cost of consumable supplies and textbooks.

3. General adult courses. Courses provided for the general public in avocational, leisure and life skill programs, as defined by the commissioner, shall be reimbursed at the rate of 50% of the cost of instructional salaries.

4. Courses for mentally and physically handicapped adults. Courses for mentally and physically handicapped adults, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries.

5. High school completion courses. High school completion courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries. All high school completion courses shall be offered free of tuition cost.

6. Basic literacy courses. Basic literacy courses, as defined by the commissioner, shall be reimbursed at the rate of 75% of the cost of instructional salaries. All basic literacy courses shall be offered free of tuition cost.

#### § 2390. Teacher education reimbursement

The commissioner shall add to his budget request a sum not to exceed 5% of the sum recommended for reimbursement to the local units for pre-service and inservice education activities for teachers in adult education.

#### § 2391. Fees for adult education

Registration fees for general adult education courses may be charged by the local unit up to \$7.50 per semester for residents and \$10 for nonresidents. An administrative unit may charge a student a fee to cover the actual cost of materials used by him in a course he is attending.

**§ 2392. Adult vocational education authority**

1. **Basic authority.** A vocational region or vocational center may offer adult vocational education programs within their geographic area.

2. **Request for program approval.** Any administrative unit in a vocational region or an administrative unit served by a vocational center may request that adult vocational education courses be offered in that administrative unit through the cooperative board of the vocational region or the governing body of the vocational center.

3. **Board approval.** The cooperative board of the vocational region or the governing body of the regional vocational-technical center may approve adult vocational education courses in that administrative unit.

4. **Adequate funding.** The offering of adult vocational education courses shall be dependent upon that administrative unit appropriating sufficient funds to pay for the courses.

5. **Persons entitled to attend.** All adult vocational education courses offered in any administrative unit under the authority of this section shall be open to any adult who needs retraining or upgrading. Whenever space is limited, priority will be given to the residents of the unit offering the program. State reimbursement will be made to the administrative unit in accordance with this chapter. If the request from an administrative unit to operate a reimbursable adult vocational education course is disapproved by the cooperative board of the vocational region or by the administrative unit governing the vocational center, the administrative unit may appeal to the commissioner for authority to offer the course and his decision is final and binding.

**Sec. 8.** 20 MRSA § 2404, as last amended by PL 1969, c. 448, is repealed.

**Sec. 9.** 20 MRSA § 2405, as last amended by PL 1975, c. 771, § 184, is repealed.

**Sec. 10.** 20 MRSA § 2406, is repealed.

**Sec. 11. Transfer of funds.** Notwithstanding the provisions of Title 5, section 1585, any funds appropriated to the Department of Educational and Cultural Services prior to the effective date of this Act, which are for the purpose of adult education, shall be transferred to the Adult Education Fund as established by Title 20, section 2384. Any appropriations made by the Legislature for the purposes of adult education after the effective date of this Act shall also be allocated to the Adult Education Fund.

**Sec. 12. Exception.** Notwithstanding any other provision of law, any resources, assets, liabilities, property, equipment or personnel held or employed prior to the effective date of this Act by the Division of Adult Education within the Department of Educational and Cultural Services or by the Department of Educational and Cultural Services for that division shall, on the effective date of this Act, be transferred to and shall be deemed to be held by or employed by the Bureau of Adult Education. Any transfer of

personnel pursuant to this section shall be without any loss of salary, benefits or status.

**Sec. 13. Effective date.** This Act shall become effective on January 1, 1978; however, it shall not become effective for subsidy purposes until July 1, 1978.

#### STATEMENT OF FACT

The purposes of this bill are as follows :

1. To consolidate into one section all provisions of the statutes relating to adult education and adult vocational education ;
2. To clarify the procedures and duties of administrative units in approving and providing adult education and adult vocational education programs ; and
3. To establish a Bureau of Adult Education and outline its responsibilities.