

MAINE STATE LEGISLATURE

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1 THIRD SPECIAL SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2482

6
7 H.P. 1879

House of Representatives, August 30, 1984

8 Received by the Clerk of the House on August 30, 1984.

9 Referred to the Committee on Education, and 2,000 ordered printed
pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Vassalboro.

11 Cosponsors: Senator Clark of Cumberland, Senator Hayes of Penobscot
and Representative Higgins of Scarborough.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Implement the Recommendations
18 of the Commission on the Status of Education in
19 Maine.
20

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

23 PART A

24 Sec. 1. 20-A MRSA §253, sub-§1, as enacted by PL
25 1981, c. 693, §§5 and 8, is amended to read:

26 1. General duties. The commissioner shall exer-
27 cise the powers and perform the duties granted to the
28 department and enforce the requirements in this Title
29 and shall devote full time to the duties of the of-
30 fice.

31 Sec. 2. 20-A MRSA §254, sub-§6, as enacted by PL
32 1981, c. 693, §§5 and 8, is amended to read:

1 6. Instructional duties. The commissioner shall
2 carry out all other duties assigned in this Title
3 prescribe the basic courses of study to be taught in
4 the public schools and in private schools approved
5 for attendance and tuition purposes, reserving to
6 school boards or other officers the right to pre-
7 scribe additional studies.

8 Sec. 3. 20-A MRS §258, as amended by PL 1983,
9 c. 806, §6, is repealed.

10 Sec. 4. 20-A MRS §258-A is enacted to read:

11 §258-A. Inspection of schools

12 1. Petition or request. The commissioner shall
13 inspect a school or schools in a school administra-
14 tive unit and report his findings and recommenda-
15 tions, addressing the concerns of the petition in
16 light of applicable school approval standards, when:

17 A. Petitioned by 60% of the parents of the chil-
18 dren of one school;

19 B. Requested by the school board or superintend-
20 ent of schools; or

21 C. Petitioned by 20% of the legal voters of the
22 unit.

23 2. Periodic reviews. The commissioner shall pe-
24 riodically review all public schools and all private
25 schools which receive public funds, to determine
26 their compliance with the applicable provisions of
27 this Title.

28 3. Special reviews. The commissioner shall ful-
29 fill the monitoring functions required by any state
30 or federal grants to school units or schools.

31 4. Private schools. The commissioner may, as a
32 condition of approval, inspect any private school
33 which applies for approval status.

34 Sec. 5. 20-A MRS §1055, sub-§9, as enacted by
35 PL 1983, c. 693, §§5 and 8, is amended to read:

1 9. Report to the commissioner. The superintendent
2 shall report, under oath, to the commissioner be-
3 fore August 1st a date established by the commis-
4 sioner, concerning the operation of the school unit. The
5 report shall contain:

6 A. The amount appropriated and expended on ele-
7 mentary and secondary education in the preceding
8 fiscal year;

9 B. The number of weeks schools were open;

10 C. The number of students registered;

11 D. The average attendance; ~~and~~

12 E. The amount received for tuition; and

13 F. Such other information required by the com-
14 missioner to demonstrate compliance with the re-
15 quirements of this Title.

16 Sec. 6. 20-A MRSA §1258, sub-§2, as enacted by
17 PL 1981, c. 693, §§5 and 8, is amended to read:

18 2. Other facilities. Notwithstanding this sec-
19 tion, a district may contract with a nearby school
20 administrative unit or with a private school approved
21 for tuition purposes to educate for all or part of
22 its secondary pupils. The contract may be for a term
23 of from 2 to 5 years and shall meet the require-
24 ments for contracts established in section 2703 and
25 shall be filed with the commissioner. Contracts with
26 private schools shall be approved by the commis-
27 ioner.

28 Sec. 7. 20-A MRSA §2703, sub-§1, ¶E, as enacted
29 by PL 1981, c. 693, §§5 and 8, is amended to read:

30 E. Shall meet any additional requirements set
31 forth in rules established by the commissioner
32 and shall be filed with the commissioner. Con-
33 tracts with private schools shall be approved by
34 the commissioner.

35 Sec. 8. 20-A MRSA §2951, sub-§4, as enacted by
36 PL 1981, c. 693, §§5 and 8, is repealed.

1 Sec. 9. 20-A MRSA §2951, sub-§5 is enacted to
2 read:

3 5. Additional requirements. Complies with the
4 reporting and auditing requirements in sections 2952
5 and 2953 and the requirements adopted pursuant to
6 section 2954. Any private school which chooses the
7 accreditation method of approval shall make available
8 to the commissioner on a timely basis all accredita-
9 tion reports on the school and shall notify the com-
10 missioner promptly upon a determination that the
11 school is not accredited or is on probation.

12 Sec. 10. 20-A MRSA §2954, as enacted by PL 1981,
13 c. 693, §§5 and 8, is amended to read:

14 §2954. Rules of commissioner

15 The commissioner may adopt rules regarding tui-
16 tion charges, accounting, audits, contracts and other
17 aspects of schooling privileges arranged between a
18 private secondary school and school administrative
19 unit relationships.

20 Sec. 11. 20-A MRSA §2955, as enacted by PL 1981,
21 c. 693, §§5 and 8, is amended to read:

22 §2955. Penalty for noncompliance

23 Private secondary schools approved for tuition
24 purposes which have not complied with sections 2951
25 to 2953 before September 1st of each year and with
26 the requirements adopted pursuant to section 2954 may
27 not receive tuition payments from any school adminis-
28 trative unit.

29 Sec. 12. 20-A MRSA §3051, as enacted by PL 1981,
30 c. 693, §§5 and 8, is repealed and the following en-
31 acted in its place:

32 §3051. Non-Maine students

33 Schools which enroll only students whose parents
34 are not residents of the State shall meet all health
35 and safety requirements of the State applicable to
36 private schools.

1 Sec. 13. 20-A MRSa §§4201 to 4203, as enacted by
2 PL 1981, c. 693, §§5 and 8, are repealed.

3 Sec. 14. 20-A MRSa §4204, as amended by PL 1983,
4 c. 806, §43, is repealed.

5 Sec. 15. 20-A MRSa §4205, as enacted by PL 1981,
6 c. 693, §§5 and 8, is repealed.

7 Sec. 16. 20-A MRSa §4401, as enacted by PL 1981,
8 c. 693, §§5 and 8, is repealed.

9 Sec. 17. 20-A MRSa §4402, as amended by PL 1983,
10 c. 806, §44, is repealed.

11 Sec. 18. 20-A MRSa §§4403 to 4405, as enacted by
12 PL 1981, c. 693, §§5 and 8, are repealed.

13 Sec. 19. 20-A MRSa §4406, as amended by PL 1983,
14 c. 806, §45, is repealed.

15 Sec. 20. 20-A MRSa, c. 206 is enacted to read:

16 CHAPTER 206
17 ELEMENTARY AND SECONDARY SCHOOLS

18 SUBCHAPTER I
19 BASIC SCHOOL APPROVAL

20 §4501. Duty of school units

21 Every school administrative unit shall raise and
22 support annually sufficient funds to maintain or sup-
23 port elementary and secondary schools to provide free
24 education for its resident students at all grade lev-
25 els. These schools shall meet requirements of the ba-
26 sic school approval.

27 §4502. School approval requirements

28 1. General requirements. Elementary and second-
29 ary schools and school administrative units shall
30 meet all requirements of this Title and other statu-
31 tory requirements applicable to the public schools
32 and basic school approval standards.

1 2. Curriculum standards. Schools shall also meet
2 all curriculum standards established in chapters 207
3 and 207-A.

4 3. School year. Schools shall operate for at
5 least 180 days each year, of which at least 175 days
6 shall be used solely for instructional purposes. A
7 maximum of 5 days of a 180-day school year may be
8 used for instruction-related purposes, which may in-
9 clude in-service education for employees, administra-
10 tive meetings, health assessments, student assessment
11 programs, parent-teacher conferences, record keeping
12 and similar activities.

13 A. The commissioner may, in his discretion,
14 waive the minimum number of days required upon
15 application from a school board. The application
16 for waiver shall be supported in writing with a
17 statement of the reasons for the request.

18 B. A school board, with the approval of the com-
19 missioner, may adopt an extended school year for
20 instruction of students or for staff activities.

21 4. Staff qualifications. School boards shall em-
22 ploy only teachers and other educational personnel
23 who are properly certified in accordance with the
24 certification rules and other professional personnel
25 who hold appropriate professional licenses issued by
26 the State.

27 5. Other standards. The state board and the com-
28 missioner shall jointly adopt basic school approval
29 rules governing school units and elementary and sec-
30 ondary schools. These rules shall set minimum stan-
31 dards in the following areas, incorporating such
32 standards as are established by statute:

33 A. Instructional time, including a minimum
34 school day and week;

35 B. Staffing, including student-teacher ratios;

36 C. Physical facilities, incorporating the school
37 construction rules of the state board;

38 D. Standards for equipment and libraries;

- 1 E. Minimum school size, but including recogni-
2 tion of geographically isolated schools;
- 3 F. Grade and program organization;
- 4 G. Assessment and evaluation of student perform-
5 ance;
- 6 H. Student personnel services, including guid-
7 ance and counseling;
- 8 I. Records, record keeping and reporting re-
9 quirements;
- 10 J. Health, sanitation and safety requirements;
- 11 K. School improvement; and
- 12 L. Prepare and implement an on-going school im-
13 provement process and maintain a written school
14 improvement plan, citing progress and trends with
15 respect to school improvement.

16 §4503. Secondary school organizations

17 1. Two years. A secondary school shall include
18 not fewer than 2 consecutive grades from grades 9 to
19 12.

20 2. Junior high school. A junior high school is a
21 school which maintains a diversified program of
22 studies of 2 or more consecutive grades from grades 6
23 to 9, which meets basic school approval and applica-
24 ble curriculum requirements. A junior high school may
25 be maintained in connection with or as part of an ap-
26 proved secondary school.

27 §4504. Implementation and enforcement

28 1. Implementation. The commissioner shall deter-
29 mine which schools and school units are in compliance
30 with the basic school approval standards, in accord-
31 ance with the procedures of the basic school approval
32 rules and the provisions of this Title.

33 2. Comprehensive reviews. The commissioner
34 shall, on a one-year to 5-year cycle, make a compre-

1 hensive review of each public school to determine
2 whether the school is in compliance with basic school
3 approval standards. These reviews shall, insofar as
4 is practicable, be coordinated with reviews of other
5 schools in the school unit, accreditation visits,
6 special education reviews, federal program reviews
7 and other required reviews or inspections, so as to
8 reduce administrative burdens on school personnel.

9 3. Rules. Basic school approval rules shall be
10 adopted and enforced in accordance with section
11 6801-A and the Maine Administrative Procedure Act,
12 Title 5, chapter 375.

13 SUBCHAPTER II
14 ACCREDITATION

15 §4511. Accreditation requirements

16 1. General authorization. The state board and
17 the commissioner shall jointly adopt rules establish-
18 ing accreditation standards for secondary schools of
19 the State and may adopt accreditation standards for
20 elementary schools.

21 2. Intent. Accreditation standards are intended
22 to encourage excellence in school programs. The rules
23 shall include such components as the quality and va-
24 riety of instructional programs, the abilities and
25 performance of instructional personnel and adequacy
26 of school facilities.

27 3. Specific requirements. In addition to stan-
28 dards that are adopted in subsection 1, accreditation
29 standards shall include, but not be limited to, the
30 following.

31 A. The school has a written statement of its ed-
32 ucational goals and a process for evaluating its
33 progress toward meeting the goals.

34 B. The school participates in the state student
35 assessment program, makes the results available
36 to students and parents through regular guidance
37 sessions and integrates the results into a school
38 improvement plan.

1 C. The school regularly evaluates its curriculum
2 using student assessment results, other testing
3 results and teacher participation.

4 D. The school has a plan of strict accountabili-
5 ty for students, teachers and school administra-
6 tors in meeting high standards of performance and
7 achievement.

8 E. The school develops and maintains a decision-
9 making process that involves all members of the
10 education community, including students, teach-
11 ers, administrators, parents and the public.

12 F. The school has an explicit student disciplin-
13 ary code, and homework, attendance and promotion
14 policies.

15 G. The school has a written staff development
16 plan which includes ways to strengthen the re-
17 cruiting, training and retention of teachers. In
18 addition, the school has a written staff evalua-
19 tion plan which includes support mechanisms to
20 assist teachers and administrators.

21 H. The school serves as a resource to the commu-
22 nity.

23 I. The school assesses the educational needs of
24 the community, and develops its own programs to
25 address the needs, identifies readily available
26 resources outside the school as alternatives to
27 direct school involvement and works cooperatively
28 with other schools or organizations to meet the
29 identified needs.

30 §4512. Implementation

31 1. Accreditation optional. Any approved school
32 may, through its school board, apply for accredita-
33 tion.

34 2. Implementation. The commissioner shall deter-
35 mine which schools and school units meet the require-
36 ments of accreditation, in accordance with adopted
37 rules and this Title.

1 3. Comprehensive reviews. The commissioner
2 shall, on a one-year to 5-year cycle, make a compre-
3 hensive review of each accredited school to determine
4 whether the school is continuing to meet the accredi-
5 tation standards.

6 4. Rules. Accreditation rules shall be adopted
7 in accordance with the Maine Administrative Procedure
8 Act, Title 5, chapter 375.

9 §4513. Cooperative effort

10 The rules may also establish alternate procedures
11 for accreditation of secondary schools jointly with
12 the New England Association of Schools and Colleges
13 or its successor.

14 §4514. Costs of accreditation process

15 The commissioner may require that schools apply-
16 ing for state accreditation pay the direct costs of
17 the advisory committee, such as housing and meals of
18 visiting committees, but these costs may not include
19 the actual costs, salaries or general overhead ex-
20 penditures of the department.

21 §4515. Accreditation; evaluation and recommendation

22 The commissioner shall confer accreditation to
23 those schools which meet established accreditation
24 standards in accordance with the procedures estab-
25 lished by rule.

26 A school may not be accredited until it has been
27 evaluated and recommended for accreditation by an ad-
28 visory committee of qualified personnel, including
29 persons from outside the department.

30 §4516. Rules

31 1. Adoption of rules. Accreditation rules shall
32 be adopted in accordance with the Maine Administra-
33 tive Procedure Act, Title 5, chapter 375.

34 2. Advisory committee. The commissioner, with
35 the approval of the state board, shall appoint an ad-
36 visory committee of professional and lay people to

1 advise him in the adoption of accreditation stan-
2 dards.

3 SUBCHAPTER III
4 GUIDANCE AND TECHNICAL ASSISTANCE

5 §4520. Guidance and technical assistance by the de-
6 partment

7 The commissioner shall provide guidance and techni-
8 cal assistance to school personnel, consistent with
9 available resources, to aid them in meeting basic
10 school approval requirements and established accredi-
11 tation standards and to achieve general improvement
12 in such areas as curriculum, school management,
13 teaching and student assessment. This assistance may
14 be given by departmental staff and by school approval
15 specialists employed for limited periods on intergov-
16 ernmental exchange or by special contract.

17 Sec. 21. 20-A MRSA §4801, as enacted by PL 1981,
18 c. 693, §§5 and 8, is repealed.

19 Sec. 22. 20-A MRSA §6151, sub-§1, as enacted by
20 PL 1981, c. 693, §§5 and 8, is amended to read:

21 1. Duty of superintendent. The superintendent
22 under oath shall, on or before August 1st the date
23 established by the commissioner, make an annual re-
24 port to the commissioner ~~under~~ oath. The report
25 shall contain a full and complete return of all edu-
26 cational statistics required to be reported for the
27 year ending June 30th and such other information as
28 the commissioner may require to demonstrate compli-
29 ance with this Title.

30 Sec. 23. 20-A MRSA §6152, as enacted by PL 1981,
31 c. 693, §§5 and 8, is amended to read:

32 §6152. Rules

33 The commissioner shall adopt rules to carry out
34 this section which are consistent with federal and
35 state requirements.

36 Sec. 24. 20-A MRSA §6801, as enacted by PL 1981,
37 c. 693, §§5 and 8, is repealed.

1 Sec. 25. 20-A MRSA §6801-A is enacted to read:

2 §6801-A. Compliance with requirements

3 The commissioner shall enforce the requirements
4 of this Title as follows.

5 1. Authority to withhold state subsidy. If, af-
6 ter giving due notice and an opportunity for a hear-
7 ing, the commissioner finds that a school administra-
8 tive unit is not in compliance with the reporting,
9 program or other requirements of this Title, the com-
10 missioner may withhold state subsidy from that unit.
11 The withholding shall continue only as long as neces-
12 sary to achieve compliance.

13 2. Duty to withhold state subsidy. If a school
14 administrative unit has failed to file any financial
15 report, audit or contract required by this Title, the
16 commissioner shall withhold state subsidy until these
17 documents are received.

18 3. Action by Attorney General. If compliance is
19 not be achieved by withholding subsidy payment, or if
20 withholding would be an inappropriate remedy, or if a
21 school or school unit which is not eligible for state
22 subsidy is out of compliance with this Title, the
23 commissioner may refer the matter to the Attorney
24 General for action.

25 4. Other penalties. Nothing in this section may
26 preclude the commissioner from employing other penal-
27 ties authorized in this Title or required by federal
28 law.

29 5. Complaint process. A complaint, that alleges
30 that a school administrative unit is not in compli-
31 ance with the requirements of this Title or of rules
32 adopted by the department, shall be filed pursuant to
33 the requirements for a petition under section 258.

34 Sec. 26. Effective date. This Part is effective
35 August 1, 1985, except that the commissioner may
36 grant up to an additional 2 years for compliance to
37 those local school districts for which he finds a fi-
38 nancial hardship.

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PART B

Sec. 1. 20-A MRSA §255, sub-§5, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. Obtain information on school ~~systems of~~ system on this State and other states and other countries and the condition and progress of public ~~schee~~ education throughout the world;

Sec. 2. 20-A MRSA §255, sub-§5, ¶D, as amended by PL 1983, c. 806, §2, is further amended to read:

D. Do all in the commissioner's power to awaken and sustain an interest in education among the people and to stimulate school officers, teachers and other educational personnel to well directed efforts in their work.

Sec. 3. 20-A MRSA §256, sub-§1, as amended by PL 1983, c. 806, § 3, is further amended to read:

1. Report to Governor and Legislature. The commissioner annually, shall report prepare and deliver to the Governor and Legislature the result of the commissioner's inquiries and investigations and the facts obtained from the school returns, with an annual report on the status of public education in the State, including any suggestions and recommendations to improve public schools education.

The commissioner shall be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

Sec. 4. Effective date. This Part shall take effect January 8, 1986.

PART C

Sec. 1. 20-A MRSA §1001, sub§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1 6. General courses of study. They shall adopt
2 and direct the general course courses of instruction
3 study in accordance with the requirements of this
4 Title and approve a uniform system of textbooks. A
5 textbook thus approved may not be changed for 3 years
6 unless by vote of the school board.

7 Sec. 2. 20-A MRSA §1001, sub-§10, as enacted by
8 PL 1981, c. 693, §§ 5 and 8, is repealed.

9 Sec. 3. 20-A MRSA §1001, sub-§10-A is enacted to
10 read:

11 10-A. Textbooks. They shall approve a uniform
12 system of textbooks. A textbook thus approved may
13 not be changed for 3 years unless by vote of the
14 school board.

15 Sec. 4. 20-A MRSA c. 207, as amended by PL 1983,
16 c. 806, §§46 and 47, is repealed.

17 Sec. 5. 20-A MRSA c. 207-A is enacted to read:

18 CHAPTER 207-A

19 INSTRUCTION

20 SUBCHAPTER I

21 GENERAL REQUIREMENTS

22 §4701. English as language of instruction

23 The language of instruction in elementary and
24 secondary schools shall meet these requirements.

25 1. Basic language. The basic language of in-
26 struction in all schools shall be the English lan-
27 guage.

28 2. Exceptions. A school may provide instruction
29 in a language other than English in the following
30 circumstances, subject to approval of the Commissioner
31 of Educational and Cultural Services:

32 A. Transitional instruction using bilingual
33 techniques may be provided to students of limited
34 proficiency in English; and

1 SUBCHAPTER III
2 SECONDARY SCHOOLS

3 §4721. General requirement

4 A secondary school shall provide a course of
5 study of at least 2 years in length, which shall meet
6 the requirements of this chapter.

7 §4722. High school diploma standards

8 A secondary school shall provide at least one
9 course of study leading to a high school diploma
10 which shall meet the following standards.

11 1. Minimum instructional requirements. A diplo-
12 ma course of study shall include a minimum 4-year
13 program of instruction which meets the curriculum re-
14 quirements established by this chapter and any other
15 instructional requirements established by the commis-
16 sioner and the school board.

17 2. Required subjects. Courses in the following
18 subjects shall be provided to all students and re-
19 quired for a high school diploma:

20 A. English--4 years;

21 B. Social studies and history, including Ameri-
22 can history and government--3 years;

23 C. Mathematics--2 years;

24 D. Science, including at least one year of labo-
25 ratory study--2 years; and

26 E. Fine arts, which may include art or music,
27 forensics or drama--one year.

28 3. Satisfactory completion. A diploma shall be
29 awarded only to secondary school students who have
30 satisfactorily completed all diploma requirements in
31 accordance with the academic standards of the school.

32 4. Exception. A secondary school student who
33 has satisfactorily completed the freshman year in an
34 accredited degree-granting institution of higher edu-

1 cation shall be eligible to receive a high school di-
2 ploma from the school the student last attended, al-
3 though the student may not meet the graduation re-
4 quirements.of this Title.

5 5. Advanced study. Nothing in this chapter may
6 prevent the award of a diploma to a student who has
7 completed all diploma requirements in fewer than 4
8 years of study.

9 §4723. Health and physical education

10 The secondary course of study shall include in-
11 struction in health, safety and physical education,
12 as prescribed by the commissioner, and physiology and
13 hygiene, with special reference to the effects of al-
14 coholic drinks, stimulants and narcotics upon the hu-
15 man system.

16 §4724. Computer competency

17 Instruction in the use of computers shall be pro-
18 vided to all secondary school students and a standard
19 of competency in the use of computers shall be re-
20 quired for a high school diploma.

21 §4725. Vocational instruction

22 Each secondary school shall provide vocational
23 instruction through a vocational center or region in
24 accordance with chapter 313.

25 §4726. Foreign languages

26 Each secondary school shall offer at least one
27 2-year sequence in a foreign language. Schools are
28 encouraged to offer 2 or more foreign languages as
29 part of the secondary course of study.

30 §4727. Practical instruction

31 Secondary schools may provide additional instruc-
32 tion in vocational and practical subjects not in-
33 cluded within the vocational courses of study operat-
34 ing pursuant to chapter 313. These subjects may in-
35 clude industrial arts, homemaking, consumer education
36 and business education.

1 §4728. Driver education

2 Secondary schools may offer driver education as
3 part of the secondary courses of study in accordance
4 with chapter 316.

5 §4729. Alternative programs

6 A school administrative unit may establish one or
7 more programs to meet the needs of excused students,
8 as identified in section 5002, and the needs of
9 truants, dropouts and others, as identified in sec-
10 tion 5104, as alternatives to the regular courses of
11 study.

12 1. Coordination. These programs shall operate
13 as part of the elementary or secondary school pro-
14 gram.

15 2. Alternative schedules. Alternative programs
16 may allow, for students of eligible age, to attend
17 school part-time. Alternative programs may be sched-
18 uled apart from the regular school day.

19 Sec. 6. 20-A MRSA §5204, sub-§6, as enacted by
20 PL 1981, c. 693, §§5 and 8, is amended to read:

21 6. Insufficient courses; time limitations. If
22 the secondary school does not offer 2 approved occu-
23 pational courses of study, a 2 year course in mathe-
24 matics or science or 2 approved foreign language
25 courses, then its students may attend another second-
26 ary school approved for tuition purposes to take the
27 missing language courses of study provided that:

28 A. The receiving school accepts tuition stu-
29 dents;

30 B. The students meet the qualifications for at-
31 tending their own secondary school; and

32 C. The students have notified their own school
33 administrative unit by April 1st, before the
34 start of each academic school year, that they
35 wish to take the course foreign language not be-
36 ing offered by their school administrative unit.
37 Their school administrative unit shall notify

1 them on or before July 15th of that year whether
2 when the language course will be offered in the
3 next academic school year.

4 Sec. 7. 20-A MRSA c. 316 is enacted to read:

5 CHAPTER 316
6 DRIVER EDUCATION

7 §8701. Driver education

8 Schools may offer courses in driver education ei-
9 ther during regular school hours or outside of regu-
10 lar school hours.

11 1. School administrative unit fee. A school ad-
12 ministrative unit may charge a fee, based on the per
13 student cost, for driver education courses conducted
14 after regular school hours during the school year.

15 2. Contract authority. A school administrative
16 unit or private school may contract for driver educa-
17 tion with any certified person or any commercial
18 driver education school, provided that the instructor
19 for the school is certified.

20 3. Temporary certification. If a certified in-
21 structor is not available within a school administra-
22 tive unit and, if that unit requests it, the commis-
23 sioner shall grant temporary driver education teacher
24 certification to a person licensed by the Secretary
25 of State to teach driver education. Requests for
26 temporary certification shall be initiated by the ad-
27 ministrative unit. A certificate may not be for more
28 than one year.

29 4. Rules. The commissioner shall adopt or amend
30 rules to carry out this section.

31 §8702. Course content

32 Driver education courses shall meet curriculum
33 requirements prescribed by the commissioner, shall
34 include both classroom instruction and practice driv-
35 ing and shall be approved by the commissioner.

36 §8703. Instructors

1 Instructors shall be properly certified to teach
2 driver education.

3 1. Regular certification. Only a person certi-
4 fied by the commissioner as a driver education teach-
5 er may be employed by a school or school unit to
6 teach driver education.

7 2. Temporary certification. If a properly cer-
8 tified instructor is not available to teach driver
9 education and the school board requests it, the com-
10 missioner shall grant a temporary certificate to any
11 person who holds a Class A license issued by the
12 Board of Commercial Driver Education pursuant to Ti-
13 tle 32, section 9601, subsection 2, and section 9603.

14 §8704. Fee charged

15 A school unit may provide driver education after
16 the regular school day during the regular school year
17 as part of its secondary course of study and may
18 charge a fee based upon per pupil costs, but may not
19 allow credit toward a high school diploma for this
20 paid instruction.

21 §8705. Departmental personnel

22 The commissioner shall employ necessary person-
23 nel, subject to the terms of the Personnel Law, to
24 implement this chapter.

25 §8706. Rules

26 The commissioner shall adopt rules to implement
27 this chapter.

28 Sec. 8. Effective date. This Part shall take
29 effect August 1, 1988, except that the commissioner
30 may grant up to 2 additional years for compliance to
31 those local school districts for which the commis-
32 sioner finds:

33 1. A financial hardship such that the local cost
34 of compliance would result in a significant in-
35 crease in local funding, and additional state
36 funding to assure compliance is not available;
37 and

1	(9)	Education	Maine Education Council	Not Authorized	20-A MRSA § 651
2					
3	(10)	Education	Educational Leave Advisory Board	Not Authorized	5 MRSA §723
4					
5					
6	(11)	Education	Maine Historic Preservation Commission	Expenses only	27 MRSA §501
7					
8					
9	(12)	Education	Maine Library Commission	Expenses only	27 MRSA §111
10					
11	(13)	Education	Post-secondary Education Commission of Maine	Expenses only	20-A MRSA §10304
12					
13					
14					
15	(14)	Education	Maine State Commission on the Arts and the Humanities	Expenses only	27 MRSA §401
16					
17					
18					
19	<u>(14A)</u>	<u>Education</u>	<u>Advisory Committee on Student Assessment</u>	<u>\$75/day</u>	<u>20-A MRSA § 6203</u>
20					
21					
22	(15)	Energy	Advisory Council on Energy Efficiency Building Performance Standards	Expenses only	10 MRSA §1414
23					
24					
25					
26					
27					
28	(16)	Energy	State Energy Resources Advisory Board	Not Authorized	5 MRSA §5007
29					
30					
31	(17)	Environment	Low-level Waste Siting Commission	Expenses only	38 MRSA §1476
32					
33					
34	(18)	Environment: Natural Resources	Ground Water Protection Commission	Expenses only	P&SL 1979, c. 43
35					
36					

1	(19)	Finance	Advisory Council on Deferred Compensation Plans	Expenses only	5 MRSA	\$884
2						
3						
4						
5	(20)	Finance	Natural Resource Financing and Marketing Board	\$25/day	10 MRSA	\$985
6						
7						
8						
9	(21)	Finance	Standardization Committee	\$25/day; Public Member	5 MRSA	\$1814
10						
11						
12	(22)	Finance	Maine Veterans' Small Business Loan Board	Expenses only	10 MRSA	\$1100-A
13						
14						
15	(23)	Housing	Advisory Board to the Maine State Housing Authority	Expenses only	30 MRSA	\$4602
16						
17						
18						
19	(24)	Housing	Passamaquoddy Indian Housing Authority - Indian Township	Not Authorized ;	22 MRSA	\$4733
20						
21						
22						
23	(25)	Housing	Passamaquoddy Indian Housing Authority - Pleasant Point	Not Authorized	22 MRSA	\$4733
24						
25						
26						
27	(26)	Housing	Penobscot Tribal Reservation Housing Authority	Not Authorized	22 MRSA	\$4733
28						
29						
30						
31	(27)	Human Services	Maine Aid to Families With Dependent Children Coordinating Committee	Not Authorized	22 MRSA	\$3773
32						
33						
34						
35						

1	(28)	Human	Ser-	Advisory Coun-	Not Autho-	22 MRSA \$3774
2		vices		cil to Maine	rized	
3				Aid to Families		
4				With Dependent		
5				Children Coord-		
6				inating Com-		
7				mittee		
8	(29)	Human	Ser-	Certificate of	\$25/day	22 MRSA \$307
9		Services: Health		Need Advisory		
10		Facilities		Committee		
11	(30)	Human	Ser-	Maine Council	Expenses	22 MRSA \$7107
12		vices		on Alcohol and	only	
13				Drug Abuse Pre-		
14				vention and		
15				Treatment		
16	(31)	Human	Ser-	Maine Dental	Expenses	22 MRSA \$2096
17		vices		Health Council	only	
18	(32)	Human	Ser-	Environmental	Expenses	22 MRSA \$1693
19		Services: Public		Health Advisory	only	
20		Health		Committee		
21	(33)	Human	Ser-	Hospital Advis-	Not Autho-	22 MRSA \$396-P
22		Services: Hospi-		ory Committee	rized	
23		tals				
24	(34)	Human	Ser-	Payor Advisory	Not Autho-	22 MRSA \$396-P
25		Services: Health		Committee	rized	
26		Finance				
27	(35)	Human	Ser-	Professional	Not Autho-	22 MRSA \$396-P
28		vices		Advisory Com-	rized	
29				mittee		
30	(36)	Human	Ser-	Radiological	Expenses	37-B MRSA \$954
31		Services: Public		Emergency	only	
32		Health		Preparedness		
33				Committee		
34	(37)	Judiciary		Judicial Coun-	Expenses	4 MRSA \$451
35				cil	only	

1	(38)	Judiciary:	Criminal Law	Expenses	17-A MRSA	\$1351
2		Criminal law	Advisory Com-	only		
3			mission			
4	(39)	Judiciary:	Probate Law Re-	Expenses	P&SL 1975, c. 14,	\$1
5		Law	vision Commis-	only		
6			sion			
7	(40)	Labor	State Advisory	\$25/day	26 MRSA	\$1082
8			Council			
9	(41)	Labor	Displaced	Not Autho-	26 MRSA	\$1604
10			Homemakers Ad-	rized		
11			visory Council			
12	(42)	Local and	County Records	Not Autho-	30 MRSA	\$347
13		County Gov-	Board	rized		
14		ernment				
15	(43)	Local and	Municipal	Not Autho-	30 MRSA	\$2214
16		County Gov-	Records Board	rized		
17		ernment				
18	(44)	Local and	Regional Coun-	Paid by	30 MRSA	\$1981
19		County Gov-	cil of Govern-	member gov-		
20		ernment	ments	ernments		
21	(45)	Marine Re-	Lobster Advis-	Expenses	12 MRSA	\$6462
22		sources: In-	ory Council	only		
23		dustry				
24				(a) Total expenses for the		
25				council shall not exceed		
26				\$2,000 per year		
27	(46)	Marine Re-	Atlantic Sea	Expenses	12 MRSA	\$6251
28		sources	Run Salmon Com-	only		
29			mission			
30	(47)	Marine Re-	Maine Marine	Expenses	Senate Paper 64,	1973
31		sources	Resources Com-	only		
32			mission			
33	(48)	Mental Health	Board of Visi-	Not Autho-	34-B MRSA	\$1403
34		and Retarda-	tors (for each	rized		
35		tion	State institu-			
36			tion under the			
37			department)			

1	(49)	Mental Health	Maine Committee Expenses	34-B MRSA §1210
2		and Retarda-	on the Problems only	
3		tion	of the Mentally	
4			Retarded	
5	(50)	Mental Health	Mental Health Not Autho-	34-B MRSA §1209
6		and Retarda-	Advisory Coun- rized	
7		tion	cil	
8	(51)	Mental Health	State Planning Expenses	34-B MRSA §1211
9		and Retarda-	and Advisory only	
10		tion	Council on De-	
11			velopmental	
12			Disabilities	
13	(52)	Natural Re-	Forest Fire Ad- Expenses	12 MRSA §9621
14		sources: For-	visory Council only	
15		ests		
16	(53)	Natural Re-	Forest Land Expenses	36 MRSA §584
17		sources: For-	Valuation Ad- only	
18		ests	visory Council	
19	(54)	Natural Re-	Keep Maine Sce- Expenses	12 MRSA §633
20		sources: Pro-	nic Committee only	
21		tection and		
22		Promotion		
23	(55)	Natural Re-	Maine Trails Not Autho-	12 MRSA §602
24		sources:	System Advisory rized	
25		Recreation	Committee	
26	(56)	Natural Re-	White Water Ad- \$25/day	12 MRSA §7369-A
27		sources:	visory Commit-	
28		Recreation	tee	
29	(57)	Natural Re-	White Water \$25/day	12MRSA §7367
30		sources:	Safety Commit-	
31		Recreation	tee	
32	(58)	Occupations:	Auctioneers Ad- Expenses	32 MRSA §271
33		Auctioneers	visory Board only	
34	(59)	Occupations:	Emergency Medi- \$20/day	32 MRSA §88
35		Ambulance	cal Services'	
36		Services	Advisory Board	

1	(60)	Occupations:	Computer Ser-	\$25/day	5 MRSA	\$1855
2		Computers	vices Advisory			
3			Board			
4	(61)	Occupations:	General Lines	Expenses	24-A MRSA	\$1525
5		Insurance	Agent Examina-	only		
6			tion Advisory			
7			Board			
8	(62)	Occupations:	Life Agent Ex-	Expenses	24-A MRSA	\$1525
9		Insurance	amination Ad-	only		
10			visory Board			
11	(63)	Occupations:	Continuing Edu-	Not Autho-	32 MRSA	\$4115-B
12		Real Estate	cation Commit-	rized		
13			tee			
14	(64)	Occupations:	Professional	Not Autho-	24 MRSA	\$2802
15		Medicine	Malpractice Ad-	rized		
16			visory Panel			
17	(65)	State Govern-	Capitol Plan-	Expenses	5MRSA	\$298
18		ment	ning Commission	only		
19	(66)	State Govern-	State Compensa-	Expenses	3 MRSA	\$2-A
20		ment	tion Commission	only		
21	(67)	State Govern-	State Govern-	Expenses	5 MRSA	\$293
22		ment	ment Internship	only		
23			Program Advis-			
24			ory Committee			
25	(68)	State Plan-	Maine Critical	Expenses	5 MRSA	\$3313
26		ning	Areas Advisory	only		
27			Board			
28	(69)	Transporta-	Maine Aeronau-	Not Autho-	6 MRSA	\$302
29		tion: Motor	tical Advisory	rized		
30		Vehicles	Board			
31	(70)	Transporta-	Maine State	Not Autho-	23 MRSA	\$4301
32		tion: Ferry	Ferry Advisory	rized		
33		Service	Board			

- 1 (71) Transporta- Maine Highway Not Autho- 25 MRSA §2902
2 tion: Highway Safety Commit- rized
3 tee
- 4 (72) Transporta- Advisory and Expenses 29 MRSA §2246
5 tion: Motor Review Board only
6 Vehicles Driver Licens-
7 ing and Vehicle
8 Registration
- 9 (73) Transporta- Medical Advis- Not Autho- 29 MRSA §547
10 tion: Motor ory Board (Li- rized
11 Vehicles censing of
12 Drivers)
- 13 (74) Transporta- Public Trans- Not Autho- 23 MRSA §4209
14 tion: Public portation Ad- rized
15 Transportation visory Commit-
16 tee
- 17 (75) Tourism Travel Informa- \$25/day 23MRSA §1904
18 tion Advisory
19 Council
- 20 (76) Tourism Maine Vacation Expenses 5MRSA §7005
21 - Travel Com- only
22 mission
- 23 (77) Telecommuni- Advisory Com- Not Autho- 5 MRSA §350
24 cations mittee on State rized
25 Telecommuni- cations
- 26 (78) Telecommuni- Advisory Com- Expenses 20-A MRSA §801
27 cations mittee on Maine only
28 Public Broad-
29 casting

30 Sec. 2. 20-A MRSA §259, as enacted by PL 1981, c.
31 693, §§5 and 8, is repealed.

32 Sec. 3. 20-A MRSA c. 222 is enacted to read:

33 CHAPTER 222

34 STATE ASSESSMENT OF STUDENT PERFORMANCE

35 §6201. Legislative intent

1 The Legislature concurs with the recommendation
2 of the Commission on the Status of Education in Maine
3 that a state-wide educational assessment program be
4 implemented.

5 There is a need for assessment information at
6 both the state and local level to identify the need
7 for educational changes.

8 The development of a state-wide assessment pro-
9 gram necessitates an immediate effort to develop
10 tests to allow testing to begin during the 1986-87
11 school year. The program shall have the following
12 objectives:

13 1. State-wide assessment. To provide informa-
14 tion on the academic achievement and progress of
15 Maine students;

16 2. State goals. To establish a process for a
17 continuing evaluation of state educational goals and
18 to aid in the development of educational policies,
19 standards and programs;

20 3. Local programs. To provide school officials
21 with information to assess the quality, effectiveness
22 and appropriateness of educational materials, methods
23 and curriculum needs in their schools;

24 4. Individual students. To provide school
25 staffs with information about the individual students
26 which may be used, with other information, to meet
27 individual educational needs;

28 5. Trends. To identify year-to-year trends in
29 student achievement; and

30 6. Parents. To provide parents with information
31 about the achievements and abilities of their chil-
32 dren.

33 §6202. Assessment program established; content

34 The Commissioner of Educational and Cultural Ser-
35 vices shall establish a statewide assessment program
36 to measure and evaluate on a continuing basis the ac-
37 ademic achievements of students at grades 4, 8 and 11

1 in the public elementary and secondary schools and in
2 all schools approved for tuition purposes. The pro-
3 gram shall include the following components.

4 1. Assessment in basic subjects. The program
5 shall provide an annual assessment of student per-
6 formance in the curriculum areas of reading, writing
7 and mathematics.

8 2. Additional subjects. The assessment program
9 shall be extended, consistent with available re-
10 sources, to include assessments in science and social
11 studies on a sampling basis in alternate years.

12 §6203. Implementation

13 To implement this program, the commissioner shall
14 take the following action:

15 1. Staff. To appoint departmental staff to im-
16 plement the assessment program, including test devel-
17 opment and administration, analysis and interpreta-
18 tion of test results, and the provision of technical
19 assistance to local schools on utilization of test
20 information for curriculum development;

21 2. Contracts. To enter into such contracts as
22 may be necessary to carry out the development and im-
23 plementation of the assessment program;

24 3. Rules. To adopt rules to implement the pro-
25 gram; and

26 4. Assessment Development Committee. To select
27 a committee of up to 15 persons in the areas of read-
28 ing, writing and mathematics to develop the instruc-
29 tional objectives to be assessed; review and select
30 questions to be included on the tests; and to inter-
31 pret the assessment results, with specific recommen-
32 dations to the Commissioner of Educational and Cul-
33 tural Services on needed improvements.

34 §6204. Reports

35 1. State profile report. The commissioner shall
36 annually report the results of the state assessment
37 program with regard to the general performance pro-

1 file of the students of the state's elementary and
2 secondary schools.

3 2. School profile reports. The commissioner
4 shall also provide each participating school with a
5 profile of student achievement based upon data from
6 the assessment program.

7 §6205. Assessment data

8 The department shall provide each school with as-
9 essment data on individual students. Such assess-
10 ment data shall become part of the student's educa-
11 tional record and shall be made available to the par-
12 ents of each student or student of majority age in
13 accordance with local school policies. It shall be
14 held confidential from unauthorized persons in ac-
15 cordance with the confidentiality provisions of this
16 Title and federal law.

17 §6206. Educational costs

18 Costs relating to the development of the state
19 assessment program and the analysis and distribution
20 of the results for each school administrative unit
21 shall be paid by the department.

22 §6207. Optional participation

23 Private schools approved for attendance purposes
24 may participate in the assessment program, with the
25 approval of the commissioner and upon payment of a
26 fee established by the commissioner. The fee shall
27 reflect the actual cost of the assessment.

28 Sec. 4. Effective date. This Part shall take
29 effect 90 days after adjournment of the Legislature,
30 and the state assessment of student performance shall
31 be first administered in the school year 1985-86 and
32 shall continue in each succeeding school year.

33 PART E

34 Sec. 1. 20-A MRSa c. 612 is enacted to read:

35 CHAPTER 612

1 INNOVATIVE EDUCATIONAL GRANTS

2 §17101. Intent

3 The intent of this chapter is to promote creative
4 improvement in the schools of the State. The Commis-
5 sioner of Educational and Cultural Services shall
6 promote innovative projects by means of grants to
7 teachers, school administrative units or private
8 schools approved for tuition purposes. It is not the
9 intent of this chapter to provide funds for programs
10 or services normally provided by those school sys-
11 tems.

12 §17102. Classroom-based projects

13 1. Objectives. Innovative educational grants
14 may be awarded to promote classroom-based projects
15 initiated by a teacher or group of teachers. These
16 projects may include, but are not limited to, the
17 following objectives:

18 A. To provide training programs for teachers and
19 administrators to promote effective teaching and
20 management techniques;

21 B. To develop learning environments that encour-
22 age improved student achievement;

23 C. To develop new curricula to teach difficult
24 concepts or new skills, encourage student inter-
25 action and cooperation or improve motivation to
26 learn;

27 D. To develop programs to promote closer
28 school-community relationships and learning op-
29 portunities at home and within the community; and

30 E. To provide opportunities to complement exist-
31 ing school programs which may include, but are
32 not limited to, the following: Reading, writing,
33 oral expression, mathematics and computer litera-
34 cy.

35 2. Competitive awards. Grants shall be awarded
36 on a competitive basis to teams of teachers working
37 in several schools, to teams of teachers working co-

1 operatively within a school and to individual teach-
2 ers.

3 A. The first-year grants shall be up to \$2,000
4 for individual teacher projects and up to \$5,000
5 for 2 or more teachers who develop collaborative
6 projects.

7 B. Second year costs shall not exceed the amount
8 of the grant for the first year. Total funds for
9 2nd year proposals shall not exceed 25% of the
10 total funds available for the grant program.

11 C. Additional state funding may be made availa-
12 ble for dissemination of results of projects
13 identified by the commissioner as having excep-
14 tional merit.

15 §17103. School-based innovative projects

16 1. Objectives. Innovative project matching
17 grants may be awarded to a single school or group of
18 schools for projects which promote improvement on a
19 school-wide basis. These grants require a
20 dollar-for-dollar local-state match. These projects
21 may include, but are not limited to, one or more of
22 the following objectives:

23 A. To develop programs to reduce the number of
24 student dropouts;

25 B. To initiate creative approaches to improve
26 average daily attendance in the schools;

27 C. To prepare curriculum guidelines and strate-
28 gies to improve teaching, raise student
29 expectations and increase the commitment to aca-
30 ademic excellence;

31 D. To develop strategies for the effective use
32 of school volunteers;

33 E. To promote improved guidance and counseling
34 services, particularly within elementary schools;

35 F. To implement methods to increase the amount
36 of time students devote to their academic sub-

1 jects;

2 G. To develop programs to raise academic stan-
3 ards and to provide services for students with
4 special learning needs;

5 H. To develop new and improved programs in the
6 basic academic areas;

7 I. To identify and provide in-service education-
8 al programs to improve the basic course of study
9 in the school or schools; and

10 J. To provide management programs for principals
11 and superintendents.

12 2. Competitive awards. Matching grants shall be
13 awarded on a competitive basis to schools working
14 collaboratively and to single schools. Priority
15 shall be given to proposals that the commissioner be-
16 lieves are most likely to make a lasting contribution
17 to Maine education, that are reasonably
18 cost-effective and that can be replicated elsewhere.
19 Additional priority areas shall be identified by the
20 commissioner, using information from basic school ap-
21 proval, accreditation and statewide student assess-
22 ment programs.

23 A. Single schools may be awarded matching grants
24 up to \$10,000.

25 B. Groups of schools may be awarded matching
26 grants up to \$20,000.

27 C. Second-year awards may not exceed the amount
28 of the award obtained the first year. The total
29 amount of funds for 2nd-year awards may not ex-
30 ceed 33% of the total funds available for
31 school-based innovative projects.

32 D. Awards in subsequent years may be made for
33 projects indentified by the commissioner as hav-
34 ing exceptional merit.

35 §17104. Grant procedures

36 Application for grants, review of proposals and

1 final awards shall meet the requirements of a grant
2 review process established by the commissioner, in
3 accordance with departmental rules on grant awards.

4 Sec. 2. Effective date. This Part shall take ef-
5 fect 90 days after adjournment of the Legislature.

6 PART F

7 Sec. 1. 20-A MRSA c. 428 is enacted to read:

8 CHAPTER 428

9 BLAINE HOUSE SCHOLARS PROGRAM

10 §12501. Blaine House Scholars Program

11 There is established the Blaine House Scholars
12 Program which provides funds to eligible Maine high
13 school graduates on the basis of academic achievement
14 and financial need; funds to eligible individuals for
15 preservice preparation for teaching; and funds for
16 teachers pursuing an advance degree or continued
17 study in underserved subject areas.

18 §12502. Purpose

19 This chapter makes funds available to Maine high
20 school graduates who show evidence of academic
21 achievement and who demonstrate financial need; funds
22 available to eligible students for preservice prepa-
23 ration for teaching; and funds for teachers pursuing
24 an advanced degree or continued study in underserved
25 subject areas. These programs will be administered
26 by the Commissioner of Educational and Cultural Ser-
27 vices.

28 §12503. Allocation

29 Funds available under this chapter shall be allo-
30 cated as follows: Fifty percent of the funds for
31 high school graduates; 40% of the funds for
32 preservice; 10% of the funds for graduate or continu-
33 ing education students. Funds may be utilized to
34 provide a scholarship to an eligible individual in an
35 amount not to exceed \$1,500 per year or \$6,000 total.
36 Half of each scholarship shall be a loan and shall be

1 forgiven upon compliance with the return service pro-
2 vision in section 12507. In the case of funds for
3 graduate and continuing education students, each
4 scholarship shall be matched with an equal contribu-
5 tion of funds by the school administrative district
6 employing the recipient teacher.

7 §12504. Definitions

8 1. Academic achievement. "Academic achievement"
9 means graduation in the top 1/3 of the class.

10 2. Duly enrolled. "Duly enrolled" means the
11 time at which an eligible individual has attended the
12 first class meeting.

13 3. Eligible individuals. "Eligible individu-
14 als" means students who meet eligibility requirements
15 as determined in sections 12505 and 12507.

16 4. Institution of higher education. "Institu-
17 tion of higher education" means an institution of
18 higher education located within this State, another
19 state or a foreign country.

20 5. Preservice. "Preservice" means preparation
21 to become a teacher, either through completion of a
22 4-year teacher training program or through a liberal
23 arts program, and teaching pedagogy leading to certi-
24 fication in the subject area or areas to be taught.

25 6. Return service. "Return service" means
26 teacher service in public elementary and secondary
27 schools in Maine or a Maine private school approved
28 for tuition purposes for a full school year.

29 7. Underserved subject areas. "Underserved sub-
30 ject areas" means those subjects or programs, re-
31 quired or authorized to be taught in the public
32 schools for which there is an insufficient supply of
33 teachers, as may be determined by the commissioner.

34 §12505. Eligibility requirements

35 The scholarships for post-secondary education
36 shall be given only to a high school graduate who is
37 a resident of the State and:

1 1. Blaine House scholar. Has been recognized as
2 a Blaine House scholar;

3 2. Inadequate financial resources. Has demon-
4 strated that the financial resources otherwise avail-
5 able to the applicant are inadequate to pay for the
6 post-secondary educational opportunities available to
7 the applicant; and

8 3. Other eligibility criteria. Has met other
9 eligibility criteria established by rule of the com-
10 missioner.

11 §12506. Payment provisions

12 Payment of scholarships shall be made directly to
13 the institution for credit to the student's account
14 and be made within 60 days following evidence that
15 the student has become duly enrolled at the
16 post-secondary institution.

17 If a recipient of a scholarship withdraws from an
18 institution and if the student is entitled to a re-
19 fund of tuition, fees or other charges, the institu-
20 tion shall pay directly to the State from that refund
21 a sum which represents the portion of the scholarship
22 paid to the student for the portion of the academic
23 year that the student did not complete.

24 §12507. Repayment and return service provisions -
25 loans for preservice teacher preparation

26 Each recipient of a loan may cancel the total
27 amount of the loan and all assessed interest by com-
28 pleting 4 years of return service in the public
29 schools or private schools approved for tuition pur-
30 poses in the State. Return service may also cancel
31 the loan on a proportional basis, reducing the total
32 amount of the debt by 25% for each year of return
33 service. Return service for this purpose shall be
34 performed within 5 years of graduation from the in-
35 stitution of higher education. Failure to fulfill
36 the return service option will necessitate repayment
37 to the State as follows.

38 1. Debt calculation. The debt shall include to-
39 tal amount of the loan and interest assessed, begin-

1 ning at the time of disbursement, at the rate of 9%
2 on a simple annual basis.

3 2. Time for repayment. The total debt shall be
4 repaid to the State within 5 years of graduation from
5 the institution of higher education according to a
6 schedule established by the commissioner. Due dates
7 for repayments shall be set by the commissioner.

8 §12508. Repayment and return service provisions -
9 loans for teachers

10 Each recipient of a loan designated for teachers
11 pursuing an advanced degree or continued study in
12 underserved subject areas may cancel the total amount
13 of the loan and all assessed interest by completing 2
14 years of return service in the public schools or private
15 schools approved for tuition purposes in the
16 State. Return service may also cancel the loan on a
17 proportional basis, reducing the total amount of the
18 debt by 50% for each year of return service. Return
19 service for this purpose shall be performed within 3
20 years of graduation from the institution of higher
21 education or completion of the course or courses for
22 which the funds were given. Failure to fulfill the
23 return service option will necessitate repayment to
24 the State as follows.

25 1. Debt calculation. The debt shall include total
26 amount of the loan and interest assessed, beginning
27 at the time of disbursement, at the rate of 9%
28 on a simple annual basis.

29 2. Time for repayment. The total debt shall be
30 repaid to the State within 3 years of graduation from
31 the institution of higher education or courses for
32 which the funds were given according to a schedule
33 established by the commissioner. Due dates for re-
34 payments shall be set by the commissioner.

35 §12509. Nonlapsing revolving fund

36 A nonlapsing, interest earning, revolving fund,
37 known as the Blaine House Scholars Fund, is created
38 to implement the purposes of this chapter. Any unex-
39 pendent balance of funds may be carried over for con-
40 tinued use in the program and funds returned through

1 loan repayments shall be invested by the Treasurer of
2 State, as provided by law, with the earned income to
3 be added to the fund. The revolving fund may re-
4 ceive, invest and expend moneys from gifts, grants,
5 bequests and donations in addition to moneys appro-
6 propriated by the State.

7 §12510. Rules

8 Rules to implement this chapter shall be adopted
9 by the commissioner.

10 Sec. 2. Effective date. This Part shall take ef-
11 fect 90 days after adjournment of the Legislature.

12 PART G

13 Sec. 1. 20-A MRSA c. 605, as amended, is re-
14 pealed.

15 Sec. 2. 20-A MRSA c. 606 is enacted to read:

16 CHAPTER 606

17 SCHOOL FINANCE ACT OF 1985

18 §15601. Short title

19 This chapter may be cited as the "School Finance
20 Act of 1985."

21 §15602. Intent

22 1. Contributions from General Fund. It is the
23 intent of the Legislature to provide at least 55% of
24 the cost of the total allocation from General Fund
25 revenue sources or a percentage no less than that
26 provided in the year prior to the year of allocation,
27 whichever is greater.

28 2. Amount of actual operating and program
29 costs. It is the intent of the Legislature that the
30 actual operating and program costs, as annually es-
31 tablished by the Legislature, shall be an amount suf-
32 ficient to meet the level of the costs in the year
33 prior to the year of allocation.

1 §15603. Definitions

2 As used in this chapter, unless the context oth-
3 erwise indicates, the following terms have the fol-
4 lowing meanings.

5 1. Actual education costs. "Actual education
6 costs" means the state and local expenditures during
7 the base year for the programs and adjustments speci-
8 fied in sections 15604 and 15612.

9 2. Actual local operating costs. "Actual local
10 operating costs" include all costs except the follow-
11 ing:

12 A. Program costs for special education costs in
13 subsection 22, vocational education costs in sub-
14 section 30, transportation operating costs in
15 subsection 29 and bus purchase costs in subsec-
16 tion 7;

17 B. Debt service costs;

18 C. Community service costs;

19 D. Major capital costs; and

20 E. Expenditures from all federal revenue
21 sources, except for amounts received under United
22 States Public Law 81-874.

23 3. Actual local operating costs ad-
24 justed. "Actual local operating costs adjusted"
25 means actual operating costs in subsection 2 adjusted
26 to meet the level of the costs in the year prior to
27 the year of allocation.

28 4. Actual local program costs. "Actual local
29 program costs" include all costs for the following:

30 A. Special education costs in subsection 22;

31 B. Vocational education costs in subsection 30;

32 C. Transportation operating costs in subsection
33 29;

- 1 D. Bus purchase costs in subsection 7; and
- 2 E. Early childhood educational program costs in
3 subsection 10.
- 4 5. Actual local program costs adjusted. "Actual
5 local program costs adjusted" means actual program
6 costs in subsection 4, adjusted to meet the level of
7 the costs in the year prior to the year of alloca-
8 tion.
- 9 6. Base year. "Base year" means the 2nd year
10 prior to the year of allocation of funds.
- 11 7. Bus purchase costs. "Bus purchase costs" in-
12 cludes:
- 13 A. Expenditures for bus purchases approved by
14 the commissioner and made during the year prior
15 to the year of allocation.
- 16 8. Debt service costs. "Debt service costs,"
17 for subsidy purposes, includes:
- 18 A. Principal and interest costs for approved ma-
19 ajor capital projects in the year of allocation;
- 20 B. Lease costs for school buildings when the
21 leases have been approved by the commissioner for
22 the year prior to the year of allocation;
- 23 C. The portion of the tuition costs applicable
24 to the insured value factor computed under Title
25 20-A, section 5806, for the base year; and
- 26 D. Funds allocated by the state board to admin-
27 istrative units to cover the costs of new school
28 construction projects funded in the current fis-
29 cal year.
- 30 9. Debt service millage limit. "Debt service
31 millage limit" means the equivalent of a mill rate
32 which, if applied to the state valuation of an admin-
33 istrative unit, limits the local share of debt ser-
34 vice required under section 15611, subsection 1, par-
35 agraph A.

1 10. Early childhood educational programs. "Early
2 childhood educational programs" means the excess cost
3 of approved plans implemented under chapter 203, sub-
4 chapter II.

5 11. Elementary grades. "Elementary grades" in-
6 cludes a childhood educational program, as defined by
7 section 5201, through grade 8.

8 12. Foundation allocation. "Foundation alloca-
9 tion" means the total of actual local operating costs
10 and actual local program costs adjusted to the equiv-
11 alent of the year prior to the year of allocation.

12 13. Foundation per pupil operating
13 rate. "Foundation per pupil operating rate" means
14 the rate established by the Legislature in section
15 15607, subsection 1.

16 14. Institutional resident. "Institutional res-
17 ident" means a person between the ages of 5 years and
18 20 years who is attending a public school of the
19 school administrative unit and who is committed or
20 otherwise legally admitted to, and residing at, a
21 state-operated institution. It does not include stu-
22 dents attending private facilities, regardless of the
23 means of placement.

24 15. Local share of the foundation alloca-
25 tion. "Local share of the foundation allocation"
26 means a school administrative unit's share of the
27 foundation allocation.

28 16. Local share percentage. "Local share per-
29 centage" means the rate computed by dividing the lo-
30 cal share of the operating cost allocation by the
31 maximum operating cost allocation, expressed as a
32 percentage under section 15609, subsection 1, para-
33 graph A.

34 17. Major capital costs. "Major capital costs"
35 means costs relating to school construction projects,
36 as defined in section 15901.

37 18. Minor capital costs. "Minor capital costs"
38 means costs relating to maintenance of plant and mi-
39 nor remodeling and site development not in conjunc-

- 1 tion with a construction project.
- 2 A. Minor capital costs shall not include con-
3 struction of new buildings or the purchase of
4 land.
- 5 B. Expenditures to repay funds borrowed for
6 maintenance of plant and minor remodeling shall
7 be considered minor capital costs in the year in
8 which these funds are repaid.
- 9 19. Municipality. "Municipality" includes
10 cities, towns and organized plantations.
- 11 20. Program millage limit. "Program millage
12 limit" means the equivalent of a mill rate which, if
13 applied to the state valuation of an administrative
14 unit, shall limit the local share of the program al-
15 location required under section 15609, subsection 1,
16 paragraph B.
- 17 21. Secondary grades. "Secondary grades" means
18 grades 9 to 12.
- 19 22. Special education costs. "Special education
20 costs" for subsidy purposes includes:
- 21 A. The salary and benefit costs of certified
22 professionals, assistants and aides or persons
23 contracted to perform a special education ser-
24 vice;
- 25 B. The costs of tuition and board to other
26 schools for programs which have been approved by
27 the commissioner. Medical costs shall not be al-
28 lowable as part of a tuition charge; and
- 29 C. The cost of programs for gifted and talented
30 students which have been approved by the commis-
31 sioner.
- 32 23. State-operated institution. "State-operated
33 institution" means any residential facility or insti-
34 tution which is operated by the Department of Mental
35 Health and Mental Retardation.
- 36 24. State share of the foundation alloca-

1 tion. "State share of the foundation allocation"
2 means the state's share of the foundation allocation.

3 25. State share percentage. "State share per-
4 centage" means the rate computed by dividing the
5 state share of the operating costs allocation by the
6 maximum operating cost allocation, expressed as a
7 percentage, under section 15609, subsection 1, para-
8 graph A.

9 26. State subsidy. "State subsidy" means the
10 total of the state share of the foundation alloca-
11 tion, the state share of the debt service allocation,
12 if any, and the state share of the bus purchase allo-
13 cation, if any.

14 27. Subsidy indices. "Subsidy indices" means
15 the equivalent of mill rates which, if applied to the
16 state valuation of all municipalities, would raise
17 not more than 45% of the total allocation and would
18 establish the operating cost millage, the program
19 millage limit and the debt service millage limit.

20 These indices may not be levied, but shall be used
21 for the purpose of computing allocations.

22 28. Total allocation. "Total allocation" means
23 the total of the foundation allocation and the debt
24 service allocation.

25 29. Transportation operating costs. "Transpor-
26 tation operating costs," for subsidy purposes, means
27 all costs incurred in the transportation of pupils in
28 kindergarten to grade 12, excluding the costs of bus
29 purchases.

30 30. Vocational education costs. "Vocational ed-
31 ucation costs" for subsidy purposes means all costs
32 incurred by the vocational regions, centers or
33 satellites in providing approved secondary school vo-
34 ccational education programs, excluding transporta-
35 tion, capital costs and debt service.

36 31. Year. "Year" means a fiscal year starting
37 July 1st and ending June 30th of the succeeding year.

38 §15604. Notification of actual educational costs;

1 other information; mandatory reports; audit
2 adjustments

3 1. Notification; items. Prior to December 1st
4 of each year, the commissioner shall notify the Leg-
5 islature and the Bureau of the Budget of actual edu-
6 cation costs. This notification includes the follow-
7 ing items:

8 A. Operating costs;

9 B. Special education costs for programs operated
10 by school administrative units;

11 C. Special education tuition and board, exclud-
12 ing medical costs, defined as follows:

13 (1) Tuition and board for pupils placed by
14 school administrative units;

15 (2) Tuition and board for pupils placed di-
16 rectly by the State in accordance with rules
17 adopted or amended by the commissioner;

18 (3) Special education tuition and other tu-
19 ition for institutional residents of
20 state-operated institutions attending pro-
21 grams in school administrative units in ac-
22 cordance with rules adopted or amended by
23 the commissioner; and

24 (4) Adjustments under section 15612, sub-
25 section 6;

26 D. Vocational education costs;

27 E. Transportation operating costs;

28 F. Bus purchase costs;

29 G. Debt service costs;

30 H. Cost of reimbursement for private school ser-
31 vices;

32 I. Cost of state expenditures for teachers' re-
33 irement benefits; and

1 J. Early childhood educational programs.

2 2. Additional information. The commissioner
3 shall provide additional information requested by the
4 Legislature.

5 3. Required reports; subsidy payments with-
6 held. A school administrative unit shall provide the
7 commissioner with information which the commissioner
8 requests to carry out the purposes of this chapter,
9 according to time schedules which the commissioner
10 shall establish.

11 The commissioner may withhold monthly subsidy pay-
12 ments from a school administrative unit when informa-
13 tion is not filed in specified format and content and
14 within specified time schedules.

15 4. Audit adjustments. The commissioner may cor-
16 rect errors revealed by audit.

17 §15605. Commissioner's recommendation for funding
18 levels; computations; guidelines

19 1. Annual certification. Prior to December 15th
20 of each year, the commissioner, with the approval of
21 the state board, shall certify to the Governor and
22 the Bureau of the Budget the funding levels which the
23 commissioner recommends for sections 15604 and 15613.

24 2. Funding level computations. The following
25 are the funding level computations that support the
26 commissioner's funding level recommendations.

27 A. The foundation per pupil operating rate shall
28 be the summary of actual local operating costs of
29 all school administrative units of the base year
30 adjusted to the year prior to the year of alloca-
31 tion divided by the average total resident pupils
32 in sections 5104 and 6004 educated at public ex-
33 penditure in kindergarten to grade 12 on April 1st
34 and October 1st of the calendar year prior to the
35 year of allocation.

36 (1) The elementary foundation per pupil op-
37 erating rate shall be the summary of actual
38 local operating costs of all school adminis-

1 trative units of the base year adjusted to
2 the year prior to the year of allocation di-
3 vided by the average total resident pupils
4 in sections 5104 and 6004 educated at public
5 expense in kindergarten to grade 8 on April
6 1st and October 1st of the calendar year
7 prior to the year of allocation.

8 (2) The secondary foundation per pupil oper-
9 ating rate shall be the summary of actual
10 local operating costs of all school adminis-
11 trative units of the base year adjusted to
12 the year prior to the year of allocation di-
13 vided by the average total resident pupils
14 in sections 5104 and 6004 educated at public
15 expense in grades 9 to 12 on April 1st and
16 October 1st of the calendar year prior to
17 the year of allocation.

18 B. The requested funding levels for operating
19 costs under section 15604, subsection 1, para-
20 graph A, shall be the actual local operating
21 costs for the base year adjusted to the equiva-
22 lent of the year prior to the year of allocation.

23 C. The requested funding levels for program
24 costs under section 15604, subsection 1, para-
25 graph B; section 15604, subsection 1, paragraph
26 C, subparagraph (1); section 15604, subsection 1,
27 paragraphs D, E and J, shall be the actual local
28 program costs for the base year adjusted to the
29 equivalent of the year prior to the year of allo-
30 cation; and under section 15604, subsection 1,
31 paragraph F, for the year prior to the year of
32 allocation.

33 D. The requested funding levels for debt service
34 under section 15604, subsection 1, paragraph G,
35 shall be as follows:

36 (1) The known obligations and estimates of
37 anticipated principal and interest costs for
38 the year of allocation;

39 (2) The expenditures for the insured value
40 factor for the base year;

1 (3) The level of leases approved by the
2 commissioner for the year prior to the year
3 of allocation; and

4 (4) Funds allocated by the state board for
5 new school construction projects funded in
6 the current fiscal year.

7 E. The requested funding levels for special edu-
8 cation under section 15604, subsection 1, para-
9 graph C, subparagraphs (2) and (3), shall be com-
10 puted by estimating costs for the year of alloca-
11 tion.

12 F. The requested funding levels for adjustments
13 under section 15612 shall be computed by estimat-
14 ing costs for the year of allocation.

15 G. The requested funding levels for reimburse-
16 ment for private school services under section
17 15604, subsection 1, paragraph H, shall be the
18 actual costs for the base year.

19 3. Guidelines for actual local operating and
20 program costs. The commissioner's recommendation for
21 actual local operating and program costs adjusted
22 shall reflect changes in pupil enrollment, economic
23 factors, actual changes in educational costs and any
24 other considerations which effect a change in the
25 costs of education. The commissioner shall be con-
26 scious of the need for prudent restraint in educa-
27 tional financing.

28 §15606. Governor's recommendation for funding levels

29 The Bureau of the Budget shall annually certify
30 to the Legislature the funding levels which the Gov-
31 ernor recommends for sections 15604 and 15612.

32 The Governor's recommendations shall be trans-
33 mitted to the Legislature within the time schedules
34 set forth by Title 5, section 1666.

35 §15607. Actions by the Legislature

36 The Legislature shall annually, prior to April
37 1st, enact legislation which shall:

- 1 1. Foundation per pupil operating rate. Estab-
2 lish the foundation per pupil operating rate and the
3 elementary and secondary foundation per pupil operat-
4 ing rates;
- 5 2. Subsidy indices. Establish an operating cost
6 millage, a program millage limit and a debt service
7 millage limit;
- 8 3. Appropriation for the state share of the
9 foundation. Appropriate the necessary funds to meet
10 the maximum state obligation for the state's share of
11 the foundation allocation under section 15610;
- 12 4. Appropriation for state share of debt ser-
13 vice. Appropriate the necessary funds for the
14 state's share of debt service under section 15611;
- 15 5. Appropriation for geographic isola-
16 tion. Appropriate the required funds for adjustments
17 due to geographic isolation under section 15612, sub-
18 section 2;
- 19 6. Appropriation for unusual enrollment in-
20 crease. Appropriate the required funds for adjust-
21 ments for unusual enrollment increases under section
22 15612, subsection 3;
- 23 7. Appropriation for small administrative
24 units. Appropriate the necessary funds for adjust-
25 ments to small school administrative units which
26 qualify under section 15612, subsection 4;
- 27 8. Appropriation for quality pro-
28 grams. Appropriate the necessary funds for quality
29 incentive adjustment for school administrative units
30 which qualify under section 15612, subsection 1;
- 31 9. Appropriation for special education pupils
32 placed directly by the State. Appropriate the neces-
33 sary funds for:
- 34 A. Tuition and board for pupils placed directly
35 by the State in accordance with rules adopted or
36 amended by the commissioner; and
- 37 B. Special educational tuition and other tuition

1 for residents of state-operated institutions at-
2 tending programs in school administrative units
3 in accordance with rules adopted or amended by
4 the commissioner;

5 10. Appropriation for audit adjust-
6 ments. Appropriate the necessary funds for audit ad-
7 justments; and

8 11. Appropriation for nonpublic school ser-
9 vices. Appropriate the necessary funds for reim-
10 bursement for nonpublic school services under section
11 15613, subsection 4.

12 §15608. Computation of the maximum state-local allo-
13 cation prior to adjustments

14 The commissioner shall compute the maximum foun-
15 dation allocation for each school administrative unit
16 as follows.

17 1. Operating cost allocation. The maximum oper-
18 ating cost allocation shall be the total of:

19 A. The product determined by multiplying the av-
20 erage number of resident pupils in kindergarten
21 and grades one to 8 in the unit on April 1st and
22 October 1st of the calendar year immediately pri-
23 or to the year of allocation, excluding special
24 education tuition pupils, by the elementary foun-
25 dation per pupil operating rate as established in
26 section 15607; and

27 B. The product determined by multiplying the av-
28 erage number of resident pupils in grades 9 to 12
29 in the unit on April 1st and October 1st of the
30 calendar year immediately prior to the year of
31 allocation, excluding special education tuition
32 pupils, by the secondary foundation per pupil op-
33 erating rate as established in section 15607.

34 2. Program costs allocation. The program costs
35 allocation shall be the total of the following pro-
36 gram costs.

37 A. The special education portion of the program
38 cost allocation shall be the special education

1 costs in section 15603, subsection 22, as ad-
2 justed.

3 B. The vocational education portion of the pro-
4 gram costs allocation shall be the actual expend-
5 itures for vocational education programs in sec-
6 tion 15603, subsection 30, as adjusted.

7 C. The transportation operating portion of the
8 program costs allocation shall be the actual ex-
9 penditures for transportation operating costs for
10 the unit as adjusted.

11 D. The bus purchases portion of the program
12 costs allocation shall be the actual expenditures
13 for bus purchases in section 15603, subsection 7.

14 §15609. Computation of maximum local share of the
15 foundation allocation

16 1. Maximum local share of the foundation alloca-
17 tion computation. The commissioner shall compute the
18 local share of the foundation allocation by adding
19 the following.

20 A. The local share of the allocation for operat-
21 ing costs shall be the product of the operating
22 cost millage established under section 15607 and
23 the state valuation of the municipalities in the
24 administrative units. The commissioner's computa-
25 tion of the local share of the allocation for op-
26 erating costs for each unit or member municipali-
27 ty within a school administrative district or
28 community school district shall not exceed the
29 total operating allocation of each municipality.

30 (1) The local share percentage shall be the
31 proportion that the local share of the allo-
32 cation for operating cost is to the maximum
33 operating cost allocation. The state share
34 percentage shall be the proportion that the
35 state share of the allocation for operating
36 cost is to the maximum operating cost allo-
37 cation.

38 B. The local share of the allocation for program
39 costs shall be the actual local program costs in

1 the base year adjusted and bus purchase costs in
2 the year prior to the year of allocation multi-
3 plied by the local share percentage determined in
4 paragraph A or the program millage limit estab-
5 lished in section 15607 times the state valuation
6 of the municipalities in the administrative unit,
7 whichever is less.

8 (1) The program millage limit shall be the
9 mills derived by dividing 40% of the program
10 costs adjusted as defined in section 15603,
11 subsection 5, by the state valuation of all
12 municipalities.

13 §15610. Computation of state share of the foundation
14 allocation

15 1. State share of the foundation allocation com-
16 putation; limitation. The commissioner shall compute
17 the state share of the foundation allocation for each
18 unit as follows.

19 A. The state share of the allocation for operat-
20 ing costs shall be the difference between the lo-
21 cal share of the allocation and the maximum oper-
22 ating cost allocation.

23 B. The state share of the allocation for program
24 costs shall be the difference between the local
25 share of the allocation and the total program
26 cost allocation.

27 C. The state share of the foundation allocation
28 for each administrative unit shall be limited to
29 the same proportion of the maximum allocation as
30 the local administrative unit raises of its maxi-
31 imum local share of the foundation allocation.

32 D. The commissioner shall reduce the state share
33 of the foundation allocation to an administrative
34 unit in the current year or following year by an
35 amount that represents the state share of expend-
36 itures for salaries and benefits paid to uncerti-
37 fied personnel.

38 §15611. Computation of local and state shares for
39 debt service

1 1. Local share. The commissioner shall compute
2 the local share of allocation for debt service for
3 each unit as follows.

4 A. The local share of allocation for debt ser-
5 vice shall be the product of the debt service al-
6 location multiplied by the percentage local share
7 determined in section 15609 or the debt service
8 millage limit established in section 15607 times
9 the state valuation of the municipalities in the
10 administrative units, whichever is less.

11 (1) The debt service millage limit shall be
12 the mills derived by dividing 45% of the
13 debt service costs as defined in section
14 15603, subsection 8, by the state valuation
15 of all municipalities.

16 2. State share. The state share of allocation
17 for debt service shall be the difference between the
18 local share of allocation for debt service and the
19 debt service costs in section 15603, subsection 8.

20 §15612. Adjustments to the state share of the foun-
21 dation allocation

22 Adjustments to the state share of the foundation
23 allocation shall be made as allowed in subsections 1
24 to 4 for each school administrative unit that has
25 raised the maximum amount of its local share of the
26 foundation allocation for operating costs.

27 1. Quality incentive adjustments; computation of
28 adjustment. The following provisions apply to incen-
29 tives for quality programs.

30 A. A school administrative unit qualifies for a
31 quality incentive adjustment if its per pupil op-
32 erating costs in the base year exceed the founda-
33 tion per pupil operating rate in the year of al-
34 location by 20% or less.

35 B. The adjustment shall be 1/2 of the difference
36 between the unit's operating costs in the base
37 year and the operating allocation in the year of
38 allocation multiplied by the state share percent-
39 age as determined in section 15609.

1 2. Geographic isolation; determination; adjust-
2 ment limitation. The following provisions apply to
3 geographic isolation, determination and adjustment
4 limitation.

5 A. The commissioner, with the approval of the
6 State Board of Education, shall determine geo-
7 graphic isolation if a school administrative unit
8 operates a school which is located an unreason-
9 ably long distance from another school facility
10 in another unit or is situated in a location
11 which has unique problems in transporting stu-
12 dents to another school administrative unit.

13 B. If the school administrative unit is declared
14 to be geographically isolated, the commissioner
15 shall adjust the operating allocation to meet the
16 educational needs of that unit.

17 C. The geographic isolation adjustment shall not
18 exceed the amounts expended by the school admin-
19 istrative unit in the base year which were in ex-
20 cess of the operating allocation in the year of
21 allocation.

22 3. Unusual enrollment increase, computation of
23 adjustment; local authorization. The following pro-
24 visions apply to unusual enrollment increase, compu-
25 tation of adjustment, proration, local authorization
26 and contingent accounts.

27 A. A school administrative unit may qualify for
28 an unusual enrollment adjustment when the in-
29 crease in pupils between October 1st of the year
30 of allocation of funds and October 1st of the
31 year prior to the year of allocation of funds is
32 3% or more. The number of pupils in excess of a
33 3% increase shall be multiplied by the foundation
34 per pupil operating rate as established in sec-
35 tion 15603 to determine the allowable adjustment.

36 B. A school administrative unit may expend any
37 funds received through this adjustment without
38 calling for a special meeting of the local legis-
39 lative body.

40 4. Small administrative unit subsidy adjust-

1 ments; legislative intent. A school administrative
2 unit may qualify for one of the following small unit
3 subsidy adjustments.

4 A. If a school administrative unit is operating
5 an elementary school with 25 pupils or less in
6 kindergarten and grade one to grade 8 during the
7 school year immediately prior to the year of al-
8 location, it shall receive a minimum allocation
9 for operating costs equal to 5/3 of the state av-
10 erage elementary teachers salary in the school
11 year immediately prior to the year of allocation
12 as determined by the commissioner.

13 B. If a school administrative unit is not oper-
14 ating an elementary school or a secondary school
15 and has 25 pupils or less in kindergarten and
16 grade one to grade 8 during the school year imme-
17 diately prior to the year of allocation, it shall
18 receive a minimum allocation computed by multi-
19 plying the elementary or secondary pupil enroll-
20 ment on October 1st in the year of allocation by
21 the foundation per pupil operating rate or the
22 actual cost of tuition payment in the year of al-
23 location, whichever is less.

24 C. The small unit subsidy adjustment shall guar-
25 antee a minimum subsidy payment for operating
26 costs to those school administrative units which
27 qualify and it shall be made only after the ad-
28 justments in subsections 1 to 3 have been made.

29 5. Pupils on federal land; adjustment; limita-
30 tion. The following provisions apply to pupils on
31 federal land, adjustment and limitation.

32 A. A school administrative unit which enrolls
33 eligible pupils under the United States laws of
34 September 30, 1950, chapter 1124, United States
35 Code, Section 236, et seq., Public Law 81-874,
36 shall count those pupils as resident pupils for
37 purposes of this chapter.

38 B. The state share of the foundation allocation
39 to that school administrative unit shall be ad-
40 justed by subtracting the receipts under the
41 United States laws of September 30, 1950, Chapter

1 1124, United States Code, Section 236, et seq.,
2 Public Law 81-874, in the same proportion that
3 total local revenues under the state equalization
4 program are to total local revenues for education
5 in that unit.

6 C. The amount subtracted under paragraph B may
7 not exceed 90% of the school administrative
8 unit's entitlement for the year prior to the year
9 of allocation or the year of allocation, whichever
10 is less. In adjusting the allocation, the
11 amounts subtracted for pupils residing on land
12 under control of the Federal Government or a fed-
13 eral agency, or on a federal military reservation
14 shall not exceed 1/2 of the national average ex-
15 penditure per pupil, as computed by the Federal
16 Government, multiplied by the number of students
17 in the school administrative unit.

18 6. Special educational adjustment; guidelines;
19 limits; local authorization. The following provi-
20 sions apply to special educational adjustment, guide-
21 lines, limits and location authorization.

22 A. If a school administrative unit petitions the
23 commissioner and demonstrates that the unexpected
24 costs of placement for educational purposes of a
25 student in a special educational program will
26 cause a budgetary hardship, the commissioner may
27 adjust the unit's state share of state subsidy to
28 include an amount not to exceed the educational
29 cost of the placement under rules adopted or
30 amended by the commissioner.

31 B. The funds for the adjustment shall be limited
32 to the amount appropriated by the Legislature for
33 that purpose.

34 C. School boards may expend the funds allocated
35 without seeking approval from their legislative
36 bodies.

37 7. Audit adjustments. The following provisions
38 apply to audit adjustments.

39 A. If errors are revealed by audit and by the
40 commissioner, the school administrative unit's

1 foundation allocation shall be adjusted to in-
2 clude corrections.

3 §15613. Authorization and schedules of payment of
4 state subsidy; appeals; limitations

5 1. Schedules of payment of unit allocation. The
6 commissioner shall authorize state subsidy payments
7 to the school administrative units to be made in ac-
8 cordance with time schedules set forth in section
9 15005, sections 15901 to 15910 and Title 20, sections
10 3457 to 3460.

11 2. Notification of allocation; commissioner's
12 duty; superintendent's duty. The following provi-
13 sions apply to notification of allocation, commis-
14 sioner's duty and superintendent's duty.

15 A. The commissioner shall annually, prior to
16 April 21st, notify each school board of the
17 amount allocated to the school administrative
18 unit.

19 B. Each superintendent shall report to the mu-
20 nicipal officers whenever the school administra-
21 tive unit is notified of the allocation or a
22 change is made in the allocation resulting from
23 an adjustment.

24 3. Payments of state subsidy to unit's treasur-
25 er; basis. State subsidy payments shall be made di-
26 rectly to the treasurer of each school administrative
27 unit. They shall be based on audited financial re-
28 ports submitted by school administrative units.

29 4. Nonpublic school service reimbursements. The
30 following provisions apply to nonpublic school ser-
31 vice reimbursements.

32 A. Notwithstanding any other provision of this
33 chapter, if students attend nonpublic schools
34 that are not operated for profit in whole or in
35 part, the commissioner shall reimburse 50% of the
36 expenditures of the base year for providing ser-
37 vices to these nonpublic school students as au-
38 thorized by Title 30, section 5104, subsections 5
39 to 8. Municipal officers shall report these ex-

1 penditures to the commissioner on forms provided
2 by the commissioner.

3 B. The total amount reimbursed under this sub-
4 section shall not exceed the level of funds ap-
5 propriated for this item under section 15607,
6 subsection 12.

7 C. Municipal officers shall submit documentation
8 demonstrating the amount of money appropriated
9 for nonpublic school student services for the
10 base year.

11 D. The commissioner may adopt or amend rules to
12 assure that:

13 (1) All sums reimbursed were utilized and
14 actually expended for programs authorized
15 pursuant to Title 30, section 5104, subsec-
16 tions 5 to 8;

17 (2) No municipality receives reimbursement
18 for a student who attends school at public
19 expense; and

20 (3) All services provided to nonpublic
21 school students that require professional
22 personnel are provided by public employees.

23 5. Direct special educational payments. The
24 commissioner may make tuition and board payments di-
25 rectly to private special educational boarding
26 schools which receive state wards or other pupils
27 placed directly by the State.

28 6. Education of institutional residents. The
29 commissioner may pay tuition to school administrative
30 units for institutional residents within the limits
31 of the appropriation made under section 15607, sub-
32 section 12.

33 7. Appeals. A school board may appeal the com-
34 putation of state subsidy for the school administra-
35 tive unit to the state board in writing within 30
36 days of the date of notification of the computed
37 amount. The state board shall review the appeal and
38 make an adjustment if, in its judgment, an adjustment

1 is justified. The state board's decision shall be fi-
2 nal as to facts supported by the record of the ap-
3 peal.

4 8. School purpose expense require-
5 ment. Notwithstanding any other public or private
6 statute, money allocated for school purposes shall be
7 expended only for school purposes.

8 9. Balance of allocations. Notwithstanding any
9 other public or private statute, balances of alloca-
10 tions at the end of a school administrative unit's
11 fiscal year shall be carried forward to meet the next
12 year's school needs.

13 10. Payment of previous year's state share of
14 local leeway. For the 1985-86 fiscal year only, the
15 commissioner may pay to eligible local administrative
16 units the state share of local leeway for the period
17 January 1984 to June 1984.

18 11. Guarantee of state subsidy for 1985-86. For
19 the 1985-86 year only, the commissioner may pay local
20 educational units the 1984-85 state subsidy or the
21 1985-86 state allocation, whichever is greater.

22 §15614. Local appropriations

23 The following provisions shall apply to local ap-
24 propriations for school purposes.

25 1. Foundation allocation. The legislative body
26 of each school administrative unit may vote to raise
27 and appropriate an amount up to the local share of
28 the foundation allocation.

29 A. An article in substantially the following
30 form shall be used when a school administrative
31 unit is considering the appropriation of the
32 foundation allocation.

33 (1) "Article : To see what sum the mu-
34 nicipality/district will appropriate from
35 the foundation allocation for school pur-
36 poses (Recommend \$) and to see what
37 sum the municipality/district will raise as
38 the local share of the foundation allocation

1 (Recommend \$ _____)."

2 2. Debt service allocation. The legislative
3 body of each school administrative unit may vote to
4 raise and appropriate an amount up to the local share
5 of the debt service allocation.

6 A. An article in substantially the following
7 form shall be used when a school administrative
8 unit is considering the appropriation for debt
9 service allocation.

10 (1) "Article _____ : To see what sum the mu-
11 nicipality/district will raise as the local
12 share of debt service (Recommend \$ _____)."

13 3. Additional local appropriation. A school ad-
14 ministrative unit may raise and expend funds for edu-
15 cational purposes in addition to the funds under sub-
16 sections 1 and 2.

17 4. Actions in subsections 1 to 3 shall be taken
18 by a recorded vote.

19 5. Exception. The provisions of subsections 1
20 to 3 shall not apply to a school administrative unit
21 in which the local share of the foundation allocation
22 is equal to or greater than its foundation alloca-
23 tion, but that unit shall report to the commissioner
24 the amount of the appropriation for foundation allo-
25 cation, debt service allocation and additional local
26 appropriation.

27 6. Administrative costs for units with no pu-
28 pils. If a school administrative unit is required to
29 pay administrative costs and has no allocation of
30 state or local funds, that unit may raise and expend
31 funds for administrative costs.

32 §15615. Municipal assessment paid to district

33 1. Presentation of assessment schedule. The as-
34 essment schedule based on the budget approved at a
35 community school district or school administrative
36 district budget meeting shall be presented to the
37 treasurer of each municipality which is a member of
38 the district.

1 The assessment schedule shall include each member
2 municipality's share of the district's local alloca-
3 tion, local share of debt service and additional lo-
4 cal appropriations.

5 2. Municipal treasurer's payment schedule. The
6 treasurer of the member municipality, after being
7 presented with the assessment schedule, shall forward
8 1/12 of that member municipality's share to the trea-
9 surer of the district on or before the 20th day of
10 each month of the fiscal year beginning in July.

11 §15616. Special school districts

12 1. School administrative unit. For the purposes
13 of section 15619 and Title 20, sections 3457 to 3460,
14 a special school district shall be deemed to be a
15 school administrative unit.

16 2. Debt service. Debt service on bonds or notes
17 issued by a special school district shall be included
18 in the school budget of the school administrative
19 unit which operates the schools constructed by that
20 district. The school board for the school administra-
21 tive unit which operates the special district's
22 schools shall pay to the special school district all
23 sums necessary to met the payments of principal and
24 interest on bonds or notes when due and to cover
25 maintenance or other costs for which the special
26 school district is responsible.

27 §15617. School budget; budget formats

28 1. Content. A school administrative unit shall
29 include in its school budget document:

30 A. Its foundation allocation, its debt service
31 allocation, if any, any additional expenditures
32 authorized by statute; and

33 B. A summary of anticipated revenues and esti-
34 mated school expenditures for the fiscal year.

35 2. Budget deadlines. The following time limita-
36 tions shall apply to adoption of a budget.

37 A. At least 7 days before the initial meeting of

1 the legislative body responsible for adopting a
2 budget, a detailed budget document shall be
3 available to that legislative body and to any
4 person residing within the geographic area served
5 by the school administrative unit.

6 B. Notwithstanding a provision of statute or
7 charter to the contrary, school administrative
8 units may adopt an annual budget prior to June
9 30th, except that the school budgets for voca-
10 tional regions shall be adopted on or before Au-
11 gust 1st.

12 3. Budget format. The following provisions
13 shall apply to a budget format.

14 A. Except as provided in subsection 4, the bud-
15 get format shall be that prescribed by a majority
16 of the school board until an article prescribing
17 the school budget format is approved by a majori-
18 ty of voters in an election in which the total
19 vote is at least 20% of the number of votes cast
20 in the municipality in the last gubernatorial
21 election, or 200, whichever is less.

22 B. The format of the school budget may be deter-
23 mined in accordance with section 1306.

24 C. It is the intent of the Legislature that a
25 school board shall attempt to obtain public par-
26 ticipation in the development of the school bud-
27 get.

28 4. Budget format; town or city charter. In a
29 municipality where the responsibility for final adop-
30 tion of the school budget is vested by municipal
31 charter in a council, the school budget format may be
32 changed through amendment of the charter under the
33 home rule procedures of Title 30, sections 1911 to
34 1920, except that the amendment shall be approved by
35 a majority of voters in an election in which the to-
36 tal vote is at least 20% of the number of votes cast
37 in the municipality in the last gubernatorial elec-
38 tion.

39 5. Budget format; town meeting. When the final
40 budget authority is vested in a town meeting operat-

1 ing under the general enabling procedures of Title
2 30, the format of the school budget may be determined
3 by the town meeting or under the procedures of Title
4 30, section 2053 or 2061.

5 6. Budget format; community school dis-
6 trict. The following provisions shall apply to the
7 budget format of a community school district.

8 A. An article containing the district's proposed
9 budget format shall be placed on the next warrant
10 issued or ballot printed if:

11 (1) A majority of the district school com-
12 mittee votes to place it on the warrant or
13 ballot; or

14 (2) A written petition of at least 10% of
15 the number of voters voting in the last gu-
16 bernatorial election in each municipality
17 within the community school district request
18 it to be on the warrant or ballot.

19 B. The article containing the budget format may
20 be voted on by secret ballot at an election con-
21 ducted in accordance with Title 30, sections 2061
22 to 2065.

23 C. The district school committee shall:

24 (1) Issue a warrant specifying that the mu-
25 nicipal officers of the municipalities with-
26 in the community school district place the
27 budget format article on the secret ballot;
28 and

29 (2) Prepare and furnish the required number
30 of ballots for carrying out the election,
31 including absentee ballots.

32 7. Budget format; articles. The articles pre-
33 scribed in this chapter shall be included in the bud-
34 get format and voted on in the adoption of the budget
35 in order to determine state and local cost sharing.

36 8. Change in budget format. Any change in the
37 budget format shall be voted on at least 90 days pri-

1 or to the budget year for which that change is to be
2 effective.

3 §15618. Actions on budget

4 The following provisions shall apply to approving
5 a budget.

6 1. Checklist required. Prior to the articles
7 dealing with school appropriations being voted on,
8 the moderator of a regular or special school budget
9 meeting shall require the clerk or secretary to make
10 a checklist of the registered voters present. The
11 number of voters listed on the checklist shall be
12 conclusive evidence of the number present at the
13 meeting.

14 2. Reconsideration. Notwithstanding another
15 statute to the contrary, in school administrative
16 units where the school budget is finally approved by
17 the voters, a special budget meeting to reconsider
18 action taken on the budget may only be called as fol-
19 lows.

20 A. It shall be held within 30 days of the regu-
21 lar budget meeting.

22 B. In a school administrative district or commu-
23 nity school district, it shall be called by the
24 school board, or as follows.

25 (1) At least 10% of the number of voters
26 voting in the last gubernatorial election in
27 member municipalities of the school adminis-
28 trative unit, or 100 voters, whichever is
29 less, shall present a signed petition within
30 15 days of the regular budget meeting to the
31 school board, specifying the article or ar-
32 ticles to be reconsidered.

33 (2) On receiving the petition, the school
34 board shall call the special reconsideration
35 budget meeting to be held within 15 days of
36 the date the petition was received.

37 C. In a municipality, the meeting shall be
38 called by the municipal officers:

1 (1) Within 15 days after receipt of a re-
2 quest from the school board, if the request
3 is received within 15 days of the budget
4 meeting and it specifies the article or ar-
5 cles to be reconsidered; or

6 (2) Within 15 days after receipt of a peti-
7 tion presented in accordance with Title 30,
8 section 2065, if the petition is received
9 within 15 days of the budget meeting and it
10 specifies the article or articles to be re-
11 considered.

12 3. Invalidation of action of a special reconsid-
13 eration budget meeting. If a special budget meeting
14 is called to reconsider action taken at a regular
15 budget meeting, the actions of the meeting shall be
16 invalid if the number of voters at the special budget
17 meeting is less than the number of voters present at
18 the regular budget meeting.

19 4. Line item transfers. Meetings requested by a
20 school board for the purpose of transferring funds
21 from one category or line item to another shall be
22 posted for voter or council action within 15 days of
23 the date of the request.

24 §15619. Bonds; notes; other

25 All bonds, notes or other evidences of indebted-
26 ness issued for school purposes by a school adminis-
27 trative unit, as defined in section 15603, for major
28 capital expenses, bus purchases or for current oper-
29 ating expenses, including tax or other revenue antic-
30 ipation notes, shall be general obligations of the
31 unit.

32 1. Tax assessments. The municipal officers or
33 school board shall require the sums which may be nec-
34 essary to meet in full the principal of and interest
35 on these bonds, notes or other evidences of indebted-
36 ness payable in each year to be assessed and col-
37 lected in the manner provided by law for the assess-
38 ment and collection of taxes.

39 2. Reduction. The sums to be assessed and col-
40 lected shall be reduced by the amount of an alloca-

1 tion of funds appropriated by the Legislature to pay
2 the principal and interest owed by the unit in a
3 given year as certified to the school administrative
4 unit by the commissioner. The commissioner shall cer-
5 tify the amount due to the unit within 30 days of its
6 appropriation by the Legislature.

7 3. Collection. After assessment and reduction,
8 the remaining sum shall be payable from ad valorem
9 taxes which may be levied without limit as to rate or
10 amount upon all the taxable property within the unit.

11 Sec. 3. Effective date. This Part shall take
12 effect July 1, 1986.

13 PART H

14 Sec. 1. Consolidation of certain programs. Ef-
15 fective on October 1, 1984, the Certification and
16 Placement of Teachers function and the Teacher Educa-
17 tion function shall be combined and operated as a
18 single unit with the Department of Educational and
19 Cultural Services.

20 For the remainder of the fiscal year ending June
21 30, 1985, this new function shall be funded through
22 the 2 existing appropriations. Effective in the fis-
23 cal year ending June 30, 1986, the 2 appropriations
24 will be combined for funding purposes.

25 The combined functions shall be known as "Certi-
26 fication, Placement and Teacher Education."

27 Sec. 2. Effective date. This Part shall take
28 effect 90 days after adjournment of the Legislature.

29 PART I

30 Sec. 1. 20-A MRSA §13012, sub-§5 is enacted to
31 read:

32 5. Qualifying examinations. The provisional
33 teacher certificate shall only be issued to those ap-
34 plicants who have taken the teacher qualifying exami-
35 nations set forth in chapter 502-A.

36 Sec. 2. 20-A MRSA c. 502-A is enacted to read:

1 CHAPTER 502-A

2 QUALIFYING EXAMINATIONS FOR INITIAL TEACHERS

3 §13031. Purpose

4 The Legislature declares that the purpose of this
5 chapter is to establish a standardized qualifying ex-
6 amination for those persons seeking provisional
7 teacher certificates to teach in the State.

8 §13032. Qualifying examination

9 The provisional teacher certificate shall only be
10 issued to those applicants who have taken the teacher
11 qualifying examinations. The examination shall test
12 the applicant in the following areas:

13 1. Communication skills. Communication skills,
14 which include listening, reading and writing;

15 2. General knowledge. General knowledge, which
16 includes concepts from a variety of disciplines, in-
17 cluding literature and fine arts, mathematics, sci-
18 ence and social studies; and

19 3. Professional knowledge. Professional knowl-
20 edge, which focuses on the knowledge and cognitive
21 processes the teacher uses in decision-making, with
22 emphasis on how those processes will be applied in
23 the classroom. The applicant shall be responsible
24 for the costs associated with taking the teacher
25 qualifying examination.

26 §13033. Transitional period and study

27 The Department of Educational and Cultural Ser-
28 vices shall conduct a study during the first 3 years
29 of the program in order to validate the use of a na-
30 tionally accepted teacher examination or a state cre-
31 ated teacher examination to be authorized by the
32 State Board of Education and the commissioner in ac-
33 cordance with the procedures required under the Maine
34 Administrative Procedure Act, Title 5, chapter 375.
35 The study shall be used to establish the minimum
36 score requirements which an applicant shall attain to
37 qualify for a provisional teacher certificate and

1 shall also provide statewide information on the qual-
2 ifications of applicants for provisional certifi-
3 icates.

4 §13034. Certification records

5 The score on the teacher qualifying examination
6 shall become part of a teacher's certification
7 records. These records shall be confidential to the
8 extent authorized under section 13004.

9 §13035. Qualifying scores

10 An applicant will not be eligible to receive a
11 provisional teacher certificate after June 30, 1988,
12 unless he has received a minimum qualifying score on
13 the teacher qualifying examination. The minimum
14 qualifying score shall be determined by the State
15 Board of Education and the commissioner by December
16 1, 1987, to be based on their study of the data de-
17 veloped during the first 3 years the tests are admin-
18 istered.

19 Sec. 3. Effective date. This Part shall take ef-
20 fect 90 days after adjournment of the Legislature.

21 PART J

22 Sec. 1. 5 MRSA §1001, sub-§9, as amended by PL
23 1983, c. 82, is further amended to read:

24 9. Earnable compensation. "Earnable compensa-
25 tion" means actual compensation, including workers'
26 compensation benefits and maintenance if any, but
27 shall not include payment for more than 30 days of
28 accumulated or accrued sick leave or unused vacation
29 leave or a combination of both, nor include any other
30 payment which is not compensation for actual services
31 rendered or which is not paid at the time these ser-
32 vices are rendered. Any money paid by an employer
33 under an annuity contract for the future benefit of
34 an employee shall be considered part of the
35 employee's earnable compensation. The earnable com-
36 penensation of a member retired with a disability re-
37 tirement allowance under section 1122 shall be as-
38 sumed, for the purposes of determining benefits under
39 this chapter, to be continued after his date of ter-

1 mination of service at the same rate as received im-
2 mediately prior thereto, subject to the same percent-
3 age adjustments, if any, that may apply to the amount
4 of retirement allowance of the beneficiary under sec-
5 tion 1128. The term "earnable compensation" does not
6 include Teacher Recognition Grants paid pursuant to
7 Title 20-A, section 13503..

8 Sec. 2. 20-A MRSA §13402, sub-§1, as enacted by
9 PL 1981, c. 693, §§5 and 8, is repealed and the fol-
10 lowing enacted in its place:

11 1. Minimum salary schedule for teachers. A
12 school administrative unit shall pay entry level,
13 certified teachers, except substitute teachers as de-
14 defined by the commissioner, the minimum yearly salary
15 of \$10,500.

16 Sec. 3. 20-A MRSA c. 506 is enacted to read:

17 CHAPTER 506

18 TEACHER RECOGNITION GRANTS

19 §13501. Purpose

20 This chapter establishes the Teacher Recognition
21 Grants Program, a state-funded program to recognize
22 the importance of teachers in our state's schools.

23 It is the purpose of this program to retain and
24 attract intelligent people within the teaching pro-
25 fession by providing state funded recognition grants
26 in addition to, and not in lieu of, locally estab-
27 lished salary schedules. The program will be admin-
28 istered by the commissioner.

29 §13502. Definitions

30 As used in this chapter, unless the context oth-
31 erwise indicates, the following terms have the fol-
32 lowing meanings.

33 1. Qualifying schools. "Qualifying schools"
34 means the following:

35 A. Public schools that are governed by a school

1 board of a school administrative unit;

2 B. Private secondary schools whose school
3 enrollments are at least 2/3 publicly-funded pu-
4 pils as determined by the previous school year's
5 October to April average enrollment; and

6 C. Schools operated by an agency of State Gov-
7 ernment, including the following:

8 (1) Baxter School for the Deaf;

9 (2) Arthur R. Gould School;

10 (3) Pineland State (Berman School); and

11 (4) Education of children in unorganized
12 territories.

13 2. Teacher. "Teacher" means a person certified
14 by the Department of Educational and Cultural Ser-
15 vices who is an employee of a public school, an eli-
16 gible private school or a state operated school in-
17 cluding elementary and secondary teacher, specialized
18 subject teacher, vocational-industrial teacher as de-
19 finied in the certification rules of the State Board
20 of Education. "Teacher" includes, by position title,
21 only the following:

22 A. Classroom teacher;

23 B. Itinerant teacher;

24 C. Guidance counselor;

25 D. Librarian-media specialist;

26 E. Special education teacher;

27 F. Special teacher of reading; and

28 G. Speech clinician-teacher.

29 §13503. Teacher recognition grants

30 Teacher recognition grants of \$1,000 shall be
31 awarded twice during the school year to only those

1 teachers who have been employed full time in qualify-
2 ing schools since the first day of each corresponding
3 semester. Teachers employed less than full time or
4 less than a full semester, as determined by the qual-
5 ifying school, shall not receive a prorated grant
6 amount.

7 §13504. Schedule of payment

8 Grants will be issued by the Treasurer of State
9 on December 1st and July 15th of each year.

10 §13505. Local filing; certification

11 Qualifying schools shall file with the commis-
12 sioner a certified list of teachers eligible to re-
13 ceive grants under this chapter, including their
14 names, mailing addresses, social security numbers,
15 income tax withholding status and current salary.
16 Filing information shall be submitted on or before
17 October 15th for the December 1st schedule of pay-
18 ment; the filing for the July 15th schedule of pay-
19 ment shall be submitted on or before May 30th.

20 §13506. Responsibility of the commissioner

21 The responsibilities of the commissioner to im-
22 plement this program are as follows.

23 1. Notification of filing deadlines. The com-
24 missioner shall notify all qualifying schools at
25 least 45 days in advance of the filing deadline.

26 2. Transmittal of information. The commissioner
27 shall transmit the necessary filing data to the De-
28 partment of Finance and Administration in sufficient
29 time to allow the issuance of payments on December
30 1st and July 1st of each year.

31 3. Financial records. The commissioner shall
32 design and maintain financial and filing records.

33 4. Rulemaking. The commissioner may adopt rules
34 pursuant to the Maine Administrative Procedure Act,
35 Title 5, chapter 375, to implement this chapter.

36 §13507. Local collective bargaining

1 The state-funding recognition grants shall not be
2 considered during local collective bargaining for the
3 purposes of setting teachers' salaries.

4 **Sec. 4. Study of career ladder.** The Commission-
5 er of Educational and Cultural Services and the State
6 Board of Education shall study integrating the Teach-
7 er Recognition Grant Program with the establishment
8 of a career ladder. The results will be presented as
9 part of the study required by Public Law 1984, chap-
10 ter 845, AN ACT to Revise the Laws Governing Certifi-
11 cation of Educational Personnel.

12 **Sec. 5. Effective date.** This Part shall take
13 effect 90 days after adjournment of the Legislature,
14 except that section 3 becomes effective on August 1,
15 1985, for the school year 1985-86. The first payment
16 to teachers will be made on December 1, 1985.

17 PART K

18 **Sec. 1. 5 MRSA §12004, sub-§10, ¶A, as enacted**
19 **by PL 1983, c.812, §39, is amended to read:**

20 **A. This classification includes the following:**

21	FIELD	NAME OF	RATE OF	STATUTORY
22		ORGANIZATION	COMPENSATION	REFERENCE
23	(1) Agriculture	Eastern States	Not Autho-	7 MRSA §403
24		Exposition Ad-	rized	
25		visory Board		
26	(2) Civil Emer-	Citizens' Civil	Expenses	37-A MRSA §56-A
27	gency	Emergency Com-	only	
28		mission		
29	(3) Community	Community Ser-	Expenses	5 MRSA §3517
30	Services	vices Advisory	only	
31		Board		
32	(4) Corrections	Maine Correc-	\$25/day	34-A MRSA §1204
33		tional Advisory		
34		Commission		
35	(5) Education	Advisory Com-	Not Autho-	20-A MRSA §11807
36		mittee on Medi-	rized	

1		cal Education		
2	(6)	Education	Archives Advis- Expenses	5 MRSA \$96
3			ory Board only	
4	(7)	Education	Committee for Expenses	20-A MRSA \$9002
5			the Training of only	
6			Firemen	
7	(8)	Education	Indian Scholar- Not Autho-	20-A MRSA \$12403
8			ship Committee rized	
9	(9)	Education	Maine Education Not Autho-	20-A MRSA \$ 651
10			Council rized	
11	(10)	Education	Educational Not Autho-	5 MRSA \$723
12			Leave Advisory rized	
13			Board	
14	(11)	Education	Maine Historic Expenses	27 MRSA \$501
15			Preservation only	
16			Commission	
17	(12)	Education	Maine Library Expenses	27 MRSA \$111
18			Commission only	
19	(13)	Education	Post-secondary Expenses	20-A MRSA \$10304
20			Education Com- only	
21			mission of	
22			Maine	
23	(14)	Education	Maine State Expenses	27 MRSA \$401
24			Commission on only	
25			the Arts and	
26			the Humanities	
27	<u>(14B)</u>	<u>Education</u>	<u>Advisory Com- \$75/day</u>	<u>20-A MRSA \$260</u>
28			<u>mittee on Early</u>	
29			<u>Elementary</u>	
30			<u>Education</u>	
31	(15)	Energy	Advisory Coun- Expenses	10 MRSA \$1414
32			cil on Energy only	
33			Efficiency	
34			Building Per-	
35			formance Stan-	
36			dards	

1	(16) Energy	State Energy	Not Autho-	5 MRSA \$5007
2		Resources Ad-	rized	
3		visory Board		
4	(17) Environment	Low-level Waste	Expenses	38 MRSA \$1476
5		Siting Commis-	only	
6		sion		
7	(18) Environment:	Ground Water	Expenses	P&SL 1979, c. 43
8	Natural Re-	Protection Com-	only	
9	sources	mission		
10	(19) Finance	Advisory Coun-	Expenses	5 MRSA \$884
11		cil on Deferred	only	
12		Compensation		
13		Plans		
14	(20) Finance	Natural Re-	\$25/day	10 MRSA \$985
15		source Financ-		
16		ing and Market-		
17		ing Board		
18	(21) Finance	Standardization	\$25/day;	5 MRSA \$1814
19		Committee	Public Mem-	
20			ber	
21	(22) Finance	Maine Veterans'	Expenses	10 MRSA \$1100-A
22		Small Business	only	
23		Loan Board		
24	(23) Housing	Advisory Board	Expenses	30 MRSA \$4602
25		to the Maine	only	
26		State Housing		
27		Authority		
28	(24) Housing	Passamaquoddy	Not Autho-	22 MRSA \$4733
29		Indian Housing	rized	
30		Authority - In-		
31		dian Township		
32	(25) Housing	Passamaquoddy	Not Autho-	22 MRSA \$4733
33		Indian Housing	rized	
34		Authority -		
35		Pleasant Point		
36	(26) Housing	Penobscot Trib-	Not Autho-	22 MRSA \$4733

1			al Reservation	rized		
2			Housing Author-			
3			ity			
4	(27)	Human	Ser-	Maine Aid to	Not Autho-	22 MRSA \$3773
5		vices		Families With	rized	
6				Dependent Chil-		
7				dren Coordinat-		
8				ing Committee		
9	(28)	Human	Ser-	Advisory Coun-	Not Autho-	22 MRSA \$3774
10		vices		cil to Maine	rized	
11				Aid to Families		
12				With Dependent		
13				Children Coor-		
14				dinating Com-		
15				mittee		
16	(29)	Human	Ser-	Certificate of	\$25/day	22 MRSA \$307
17		vices: Health		Need Advisory		
18		Facilities		Committee		
19	(30)	Human	Ser-	Maine Council	Expenses	22 MRSA \$7107
20		vices		on Alcohol and	only	
21				Drug Abuse Pre-		
22				vention and		
23				Treatment		
24	(31)	Human	Ser-	Maine Dental	Expenses	22 MRSA \$2096
25		vices		Health Council	only	
26	(32)	Human	Ser-	Environmental	Expenses	22 MRSA \$1693
27		vices: Public		Health Advisory	only	
28		Health		Committee		
29	(33)	Human	Ser-	Hospital Advis-	Not Autho-	22 MRSA \$396-P
30		vices: Hospi-		ory Committee	rized	
31		tals				
32	(34)	Human	Ser-	Payor Advisory	Not Autho-	22 MRSA \$396-P
33		vices: Health		Committee	rized	
34		Finance				
35	(35)	Human	Ser-	Professional	Not Autho-	22 MRSA \$396-P
36		vices		Advisory Com-	rized	
37				mittee		

1	(36) Human Services: Public Health	Radiological Emergency Preparedness Committee	Expenses only	37-B MRSA \$954
2				
3				
4				
5	(37) Judiciary	Judicial Council	Expenses only	4 MRSA \$451
6				
7	(38) Judiciary: Criminal law	Criminal Law Advisory Commission	Expenses only	17-A MRSA \$1351
8				
9				
10	(39) Judiciary: Law	Probate Law Revision Commission	Expenses only	P&SL 1975, c.14, \$1
11				
12				
13	(40) Labor	State Advisory Council	\$25/day	26 MRSA \$1082
14				
15	(41) Labor	Displaced Homemakers Advisory Council	Not Authorized	26 MRSA \$1604
16				
17				
18	(42) Local and County Government	County Records Board	Not Authorized	30 MRSA \$347
19				
20				
21	(43) Local and County Government	Municipal Records Board	Not Authorized	30 MRSA \$2214
22				
23				
24	(44) Local and County Government	Regional Council of Governments	Paid by member governments	30 MRSA \$1981
25				
26				
27	(45) Marine Resources: Industry	Lobster Advisory Council	Expenses only	12 MRSA \$6462
28				
29				
30				(a) Total expenses for the
31				council shall not exceed
32				\$2,000 per year
33	(46) Marine Resources	Atlantic Sea Run Salmon Commission	Expenses only	12 MRSA \$6251
34				
35				
36	(47) Marine Resources	Maine Marine	Expenses	Senate Paper 64, 1973

1	sources	Resources Commission	only	
2				
3	(48) Mental Health	Board of Visitors	Not Authorized	34-B MRSA §1403
4	and Retardation	(for each State institution under the department)		
5				
6				
7				
8	(49) Mental Health	Maine Committee on the Problems of the Mentally Retarded	Expenses only	34-B MRSA §1210
9	and Retardation			
10				
11				
12	(50) Mental Health	Mental Health Advisory Council	Not Authorized	34-B MRSA §1209
13	and Retardation			
14				
15	(51) Mental Health	State Planning and Advisory Council on Developmental Disabilities	Expenses only	34-B MRSA §1211
16	and Retardation			
17				
18				
19				
20	(52) Natural Resources: Forests	Forest Fire Advisory Council	Expenses only	12 MRSA §9621
21				
22				
23	(53) Natural Resources: Forests	Forest Land Valuation Advisory Council	Expenses only	36 MRSA §584
24				
25				
26	(54) Natural Resources: Protection and Promotion	Keep Maine Scenic Committee	Expenses only	12 MRSA §633
27				
28				
29				
30	(55) Natural Resources: Recreation	Maine Trails System Advisory Committee	Not Authorized	12 MRSA §602
31				
32				
33	(56) Natural Resources: Recreation	White Water Advisory Committee	\$25/day	12 MRSA §7369-A
34				
35				
36	(57) Natural Resources:	White Water Safety Committee	\$25/day	12 MRSA §7367
37				

1		Recreation	tee		
2	(58)	Occupations:	Auctioneers Ad-	Expenses	32 MRSA \$271
3		Auctioneers	visory Board	only	
4	(59)	Occupations:	Emergency Medi-	\$20/day	32 MRSA \$88
5		Ambulance	cal Services'		
6		Services	Advisory Board		
7	(60)	Occupations:	Computer Ser-	\$25/day	5 MRSA \$1855
8		Computers	vices Advisory		
9			Board		
10	(61)	Occupations:	General Lines	Expenses	24-A MRSA \$1525
11		Insurance	Agent Examina-	only	
12			tion Advisory		
13			Board		
14	(62)	Occupations:	Life Agent Ex-	Expenses	24-A MRSA \$1525
15		Insurance	amination Ad-	only	
16			visory Board		
17	(63)	Occupations:	Continuing Edu-	Not Autho-	32 MRSA \$4115-B
18		Real Estate	cation Commit-	rized	
19			tee		
20	(64)	Occupations:	Professional	Not Autho-	24 MRSA \$2802
21		Medicine	Malpractice Ad-	rized	
22			visory Panel		
23	(65)	State Govern-	Capitol Plan-	Expenses	5 MRSA \$298
24		ment	ning Commission	only	
25	(66)	State Govern-	State Compensa-	Expenses	3 MRSA \$2-A
26		ment	tion Commission	only	
27	(67)	State Govern-	State Govern-	Expenses	5 MRSA \$293
28		ment	ment Internship	only	
29			Program Advis-		
30			ory Committee		
31	(68)	State Plan-	Maine Critical	Expenses	5 MRSA \$3313
32		ning	Areas Advisory	only	
33			Board		
34	(69)	Transporta-	Maine Aeronau-	Not Autho-	6 MRSA \$302
35		tion: Motor	tical Advisory	rized	

1	Vehicles	Board			
2	(70) Transporta-	Maine State	Not Autho-	23 MRSA	\$4301
3	tion: Ferry	Ferry Advisory	rized		
4	Service	Board			
5	(71) Transporta-	Maine Highway	Not Autho-	25 MRSA	\$2902
6	tion: Highway	Safety Commit-	rized		
7		tee			
8	(72) Transporta-	Advisory and	Expenses	29 MRSA	\$2246
9	tion: Motor	Review Board on	only		
10	Vehicles	Driver Licens-			
11		ing and Vehicle			
12		Registration			
13	(73) Transporta-	Medical Advis-	Not Autho-	29 MRSA	\$547
14	tion: Motor	ory Board (Li-	rized		
15	Vehicles	censing of			
16		Drivers)			
17	(74) Transporta-	Public Trans-	Not Autho-	23 MRSA	\$4209
18	tion: Public	portation Ad-	rized		
19	Transportation	visory Commit-			
20		tee			
21	(75) Tourism	Travel Informa-	\$25/day	23 MRSA	\$1904
22		tion Advisory			
23		Council			
24	(76) Tourism	Maine Vacation	Expenses	5 MRSA	\$7005
25		- Travel Com-	only		
26		mission			
27	(77) Telecommuni-	Advisory Com-	Not Autho-	5 MRSA	\$350
28	ications	mittee on State	rized		
29		Telecommuni-			
30		ications			
31	(78) Telecommuni-	Advisory Com-	Expenses	20-A MRSA	\$801
32	ications	mittee on Maine	only		
33		Public Broad-			
34		casting			

35 Sec. 2. 20-A MRSA §260 is enacted to read:

36 §260. Early elementary, kindergarten to grade 3,

1 school assistance program

2 1. Program established. The commissioner shall
3 establish a state early elementary, kindergarten to
4 grade 3, school assistance program which shall in-
5 clude the following.

6 A. There shall be a statewide kindergarten
7 screening and assessment program as part of the
8 statewide assessment program.

9 B. The commissioner shall direct the research,
10 development and distribution of an integrated,
11 standardized kindergarten to grade 3 screening
12 and assessment program to assist schools and
13 teachers in assessing performance and progress in
14 kindergarten to grade 3.

15 C. The commissioner shall require the research
16 and development of kindergarten to grade 3 cur-
17 riculum guide for distribution to schools.

18 2. Implementation. To implement this program,
19 the commissioner shall take the following action:

20 A. Appoint departmental staff to implement the
21 assistance program;

22 B. Enter into such contracts as may be necessary
23 to carry out the development and implementation
24 of the assistance program;

25 C. Adopt rules to implement the program; and

26 D. Appoint the Advisory Committee on Early Ele-
27 mentary Education of not more than 8 persons
28 qualified and experienced in early elementary ed-
29 ucation to advise and assist the department in
30 designing and implementing the program.

31 Sec.3. 20-A MRSA §1001, sub-§8, as enacted by PL
32 1981, c. 693, §§5 and 8, is amended to read:

33 8. Operate kindergarten and grades 1 to 12.
34 They shall either operate programs in kindergarten
35 and grades 1 to 12 or otherwise provide for students
36 to participate in those grades as authorized else-

1 where in this Title. They shall determine which stu-
2 dents shall attend each school, classify them and
3 transfer them from school to school where more than
4 one school is maintained at the same time.

5 Sec. 4. 20-A MRSA §15509, first ¶, as enacted by
6 PL 1981, c. 693, §§5 and 8, is amended to read:

7 Adjustments to the state-local allocation shall
8 be made as allowed in subsections 1 to 8 9. A school
9 administrative unit may not be eligible for the ad-
10 justments identified in subsections 2, 4, 5, 6 and 8
11 unless it has raised the maximum amount of its local
12 allocation.

13 Sec. 5. 20-A MRSA §15509, sub-§9 is enacted to
14 read:

15 9. Kindergarten adjustment. Administrative
16 units, which operate a kindergarten program for 5
17 year olds starting in the school year 1985-86 but did
18 not operate one in the 1984-85 school year, will have
19 their operating costs adjusted by the commissioner in
20 the fiscal years ending on June 30, 1986, and June
21 30, 1987, to cover the allowable costs of operating a
22 kindergarten program in those years. This adjustment
23 may not extend beyond the fiscal year ending in June
24 30, 1987. The costs of operating the kindergarten
25 program for the base years ending on June 30, 1986,
26 and June 30, 1987, may be reported for future subsidy
27 allocations.

28 Sec. 6. Effective date. This Part shall take
29 effect 90 days after adjournment of the Legislature.

30 FISCAL NOTE

31 The cost of this program will be addressed in the
32 Governor's budget bill.

33 STATEMENT OF FACT - PART A

34 This Part is intended to revise and improve the
35 statutes relating to public and publicly-funded edu-
36 cation in the State. It amends current statutes, re-
37 organizes and clarifies some laws and repeals and re-
38 places other sections to achieve a clear statement of

1 the duty of school units to provide public education
2 which meets basic approval standards.

3 Section 1 on the commissioner's general duties is
4 amended to make clear that his authority to take ac-
5 tion to enforce this Title consistent with section
6 6801-A and other sections in Title 20-A.

7 Section 2 readopts an educational duty of the
8 commissioner, first enacted in 1916, which was omit-
9 ted in the recodification of Title 20.

10 Sections 3 and 4 clarify the commissioner's role
11 to review and inspect schools by incorporating sever-
12 al references to this duty in one section. The change
13 restores the commissioner's duty to inspect all
14 schools which receive state aid, an omission in the
15 recodification.

16 Section 5 is intended for consistency with other
17 statutes and regulations requiring annual reports to
18 the commissioner.

19 Section 6 shortens the time for a contract be-
20 tween a school administrative district and another
21 school or school unit, to be more consistent with the
22 contracting privileges for other school units and for
23 more accountability. It also adopts, by reference,
24 the correct components of a contract required for
25 other types of school units and it requires the com-
26 missioner's approval for contracts with private
27 schools. Under current law, these contracts must be
28 filed annually with the commissioner, but the commis-
29 sioner lacks explicit authority to determine that
30 these contracts are in compliance with the law. It
31 replaces a provision omitted in recodification that
32 all contracts be filed with the commissioner.

33 Section 7 requires the commissioner to review and
34 approve contracts between school administrative units
35 and private schools, to determine compliance with the
36 statutory requirements for contracts. This is con-
37 sistent with the procedure in special education. It
38 also replaces the requirement in the Revised Stat-
39 utes, Title 20, that all contracts be filed with the
40 commissioner.

1 Sections 8, 9, 10 and 11 clarify, correct and im-
2 prove the laws relating to private schools approved
3 for receipt of public tuition. The bill requires all
4 private tuition-approved secondary schools to send
5 timely accreditation reports to the commissioner.
6 These reports may now be kept confidential. The bill
7 removes an inconsistency in the current law and makes
8 clear that tuition-approved schools must comply with
9 financial, audit and all other requirements which the
10 commissioner has authority to adopt.

11 Section 12 deletes requirements that schools
12 which enroll only non-Maine students meet basic
13 school approval requirements. These schools may
14 choose to meet requirements, but, because they do not
15 operate for purposes of the state compulsory educa-
16 tional law, need to meet only health and safety re-
17 quirements.

18 Sections 13 to 19 on school approval are repealed
19 and replaced by section 13.

20 Section 20 enacts a new chapter designed to in-
21 corporate recommendations of the Governor's Commis-
22 sion on the Status of Education for basic school ap-
23 proval. It reestablishes certain statutory require-
24 ments for secondary schools and sets out standards
25 for more extensive standards to be adopted through
26 formal rulemaking for both elementary and secondary
27 schools. The authority of the state board to adopt
28 school approval standards is clarified and broadened,
29 to be exercised jointly with the commissioner. School
30 approval standards would also incorporate the state
31 board rules on certification and the commissioner's
32 rule on curriculum, both existing statutory authori-
33 zations.

34 This new chapter also readopts provisions which
35 require the adoption of accreditation standards for
36 secondary schools. It authorizes similar standards
37 pertaining to elementary schools, but does not re-
38 quire such a program. This depends on resources
39 available to the department. Both elementary and sec-
40 ondary schools may receive technical assistance from
41 the department to improve educational programs.

42 The section on accreditation also allows the de-

1 department to require schools to meet the actual ex-
2 penditures of a visiting review team, an appropriate
3 provision because the process is voluntary. These ex-
4 penditures include room, board and travel expenses of
5 nondepartmental personnel.

6 The section includes a simple, direct statement
7 of the requirement that all school units raise and
8 appropriate money to maintain or support schools to
9 provide education at all grade levels, a requirement
10 once in the law and inadvertently omitted in piece
11 meal amendments.

12 Section 21 repeals a provision on the minimum
13 school year, which is placed more logically under the
14 school approval requirements in Title 20-A, chapter
15 206.

16 Section 22 amends the duty of superintendents to
17 reflect current practice, to be consistent with other
18 sections of current law and reinforce the importance
19 of the school approval process. Superintendents must
20 submit not only statistical information, but also the
21 information necessary to determine whether the school
22 unit is in compliance with school approval standards.

23 Section 23 adds the requirement that rules on au-
24 dits be consistent with state, as well as federal,
25 requirements.

26 Sections 24 and 25 amend a section on enforcement
27 procedures which originally enacted in diverse sec-
28 tions piecemeal over many decades resulting in lan-
29 guage which is internally inconsistent, confusing and
30 cumbersome. It deletes references to action by the
31 Governor which were originally enacted decades ago
32 when the Governor and Council awarded appropriations
33 for school aid. It adopts the most recent compliance
34 statute, under which the commissioner would refer in-
35 stances of noncompliance to the Attorney General for
36 court action. It requires the commissioner generally
37 to give notice and an opportunity for a hearing be-
38 fore taking action to withhold subsidies, consistent
39 with the Maine Administrative Procedure Act, Title 5,
40 chapter 375, but it requires the withholding of state
41 subsidy where schools fail to make timely financial
42 reports related to state subsidy.

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STATEMENT OF FACT - PART B

This Part requires an annual report to the Legislature on the status of education in the State.

STATEMENT OF FACT - PART C

This Part accomplishes several important objectives. It creates by statute the minimum requirements for a high school diploma in the State. It also reorganizes and coordinates many different statutes addressing curriculum requirements and instructional programs now in the law with the intent of making the laws clear, concise and consistent. This Part attempts to meet the suggestions of the Governor's Commission on the Status of Education in Maine, while also correcting and clarifying all existing statutes relating to curriculum or instructional requirements.

Sections 1, 2 and 3. Under the list of school board duties in the Revised Statutes, in Title 20-A, section 1001, is the duty to provide instruction in health and hygiene. This reference to a single subject has an explanation in history, but is now confusing because it omits all the other curriculum requirements in other sections of the law. This section restates the school board's duty to direct the instructional program and references the state requirements now outlined in section 4.

Section 4. This repeals the existing chapter on curriculum.

Section 5. The recodification of Title 20 to Title 20-A replaced a mish-mash of old statutes on curriculum in Title 20-A, without regard for the legislative history, for omissions and for lack of references in the law. This re-write of the curriculum chapter places in one place all the curriculum requirements and authority scattered or implied throughout Title 20-A. It also establishes the subjects for elementary school, an omission in our law which is in contrast to almost all other states. This section includes new statutory requirements for a high school diploma. It also clarifies confusing language on bilingual instruction, transfers the re-

1 quirement for physiology and hygiene instruction from
2 the section 1001 (on local school boards) and adopts
3 appropriate references to programs in special educa-
4 tion and gifted and talented, and alternative pro-
5 grams now authorized by law. It readopts language on
6 the relative roles of the commissioner and local
7 school boards with respect to curriculum. Finally,
8 the chapter readopts statutory references to American
9 history and government, Maine studies, health and hy-
10 giene and English language.

11 Section 6. This section deletes language which
12 is inconsistent with the current requirement that
13 public secondary schools provide vocational courses
14 and the new requirements of this Part. With the re-
15 quirement that secondary schools provide 2 years each
16 of mathematics and science, the eligibility to trans-
17 fer should be deleted. As proposed, a student may
18 transfer only when a school does not offer 2 differ-
19 ent 2-year courses in foreign languages and only un-
20 der the procedural conditions specified.

21 Section 7. Driver education is now placed under
22 the part of Title 20-A which addresses special pur-
23 pose programs because driver education is a special-
24 ized program authorized by Title 29.

25 STATEMENT OF FACT - PART D

26 While most public schools in Maine use standard-
27 ized tests to measure student academic achievement,
28 these tests do not provide an adequate assessment of
29 student performance in the State as a whole.

30 The Voluntary Maine Assessment of Educational
31 Progress, in effect since 1971, has been a useful
32 tool in assessing the condition of academic achieve-
33 ment on a statewide basis, but is limited to repre-
34 sentative samples of students and does not provide
35 results for schools or individual students. More-
36 over, the assessment tests a subject area only once
37 every 3 years.

38 This Part provides for a standard statewide edu-
39 cational assessment program in which all public and
40 publicly-supported elementary and secondary schools
41 will participate. Student academic performance and

1 progress will be measured in reading, written and
2 oral communications and mathematics at grades 4, 8
3 and 11 with supplemental assessment on a sampling ba-
4 sis in science, social studies and the humanities in
5 alternate years. The appropriation will fund devel-
6 opment and administration of the foundation skills
7 assessment tests and a sampling assessment of science
8 or social studies. Specifically, each student in
9 grades 4, 8 and 11 will be given tests in reading,
10 writing and mathematics that will measure a broad
11 range of knowledge and skills in relation to defined
12 instructional objectives. Reports will be prepared
13 for each student, each school, each district and a
14 state summary of the test results.

15 STATEMENT OF FACT - PART E

16 This Part establishes for the first time a state
17 program of incentive grants to promote innovations in
18 classroom instruction, school management and other
19 educationally related projects. Two classes of
20 projects will be eligible for grants: Projects which
21 are teacher initiated and classroom based; and
22 projects which are school-based, including both sin-
23 gle school and collaborative projects. The
24 school-based projects will require a local match.

25 STATEMENT OF FACT - PART F

26 This Part establishes the Blaine House Scholars
27 Program which recognizes academic excellence, encour-
28 ages individuals to enter the teaching profession and
29 addresses the need for advanced educational training.
30 The program will provide a funding source for Maine
31 citizens seeking post-secondary education according
32 to the following allocation formula: 50% for eligi-
33 ble Maine high school graduates on the basis of aca-
34 demic achievement and financial need; 40% for eligi-
35 ble individuals for preservice preparation for teach-
36 ing; and 10% for teachers pursuing an advanced degree
37 or continued study in underserved subject areas.

38 STATEMENT OF FACT - PART G

39 1. Presently, the State average per pupil oper-
40 ating rates which are the ceilings for state partici-
41 pation are reduced by \$72 per elementary pupil and

1 \$103 per secondary pupil for 1984-85. The new formula
2 eliminates the deduction by using the actual state
3 average.

4 2. Allocations for units spending below the
5 state average in operating costs are calculated at
6 the individual, lower expenditure level. To increase
7 the per pupil expenditure, the local unit must raise
8 upfront money for 2 years before state share money
9 will follow. At the same time, the lower spending
10 unit must raise the same local share to which all
11 units are committed, represented by the subsidy index
12 millage.

13 The new financing plan will allow all units the
14 same rates per pupil for allocation in the formula.
15 Below average units will have access to current year
16 money for upgrading. To earn the additional amount,
17 the unit would need to raise all of its local share;
18 a reduction in local effort will result in a proportionate
19 reduction of the state share.

20 3. The present ceiling for per pupil operating
21 cost allocation is the state average amount. Those
22 units that have per pupil costs beyond the state average
23 receive no help with the higher costs.

24 The proposed formula contains a "quality incentive
25 adjustment" which recognizes above average per
26 pupil cost factors. The adjustment would be half
27 subsidization of the excess cost above the foundation
28 amount, up to a maximum of 20% above average.

29 4. The categorical programs - special education,
30 vocational education and transportation - are funded
31 now via a 2-year-old cost allocation. All new program
32 and inflationary cost factors are absorbed solely
33 by the local units.

34 In the proposed formula, the 2-year-old categorical
35 program costs are updated to a one-year-old
36 equivalent for allocation. The percentage used for
37 updating is set by the Legislature and based on enrollment,
38 actual cost and cost indices factors related to the
39 pertinent years.

40 5. Local leeway in the present formula is an op-

1 tional, supplemental funding pattern designed for
2 state aid help in funding new programs or inflationary
3 effects. The state share percentage in local
4 leeway has varied between 30% and 40%; for 1984-85,
5 the percentage is 36.41%. Past reductions in state
6 averages, changes to more accountable 2-year-old
7 costs and inflation have resulted in a local leeway
8 program that is far more necessary to fund local bud-
9 gets and its original purpose. In 1983-84, over 90%
10 of the local units had to use optional local leeway
11 plus raise an additional \$30,000,000 completely on
12 their own.

13 The proposed School Finance Act eliminates the
14 local leeway provision. Leeway is absorbed in the
15 total foundation program. The intent of local leeway
16 will be extended to below average units by giving ac-
17 cess to the same foundation amount and to above aver-
18 age units through the quality incentive adjustment.

19 6. The present calculation for subsidy requires
20 the local share of costs to be a flat rate based on
21 state valuation. A subsidy index, 8.57 mills for
22 1984-85, is applied for all units. The state share
23 is the amount above that equal local effort.

24 Since all allocations for operating costs, cate-
25 gorical programs and debt service are considered in
26 total, the local shares for each of these parts are
27 often confused or ignored. The net result is misun-
28 derstanding by the citizens and officials of the
29 state/local partnership in school funding. To fur-
30 ther confuse, or misuse, the principles involved, the
31 structure of the formula creates a mathematical di-
32 chotomy: A "kick-out" effect allows representation
33 of 100% funding for some programs when the fact is
34 that the State is funding 54% of the allocation.

35 The new formula restructures the same distribu-
36 tion factors. The total allocations are broken into
37 3 major components: Operating costs; program costs,
38 the categoricals; and debt service costs. Each com-
39 ponent part is plotted by state and local shares de-
40 termined by the percentage calculated on a per pu-
41 pil/valuation equalization base. This should result
42 in a simpler set of concepts, more understanding of
43 the funding process, less confusion about 50% or 100%

1 funding, more local responsibility to set program
2 priorities on bases other than favorable influence in
3 the formula, and more trust among officials and citi-
4 zens.

5 This Part increases the statewide percentage of
6 state subsidy from 54% to 55%. This shall be imple-
7 mented in fiscal year 1985-86.

8 STATEMENT OF FACT - PART H

9 Under the provisions of this Part, the Director
10 of Certification, Placement and Teacher Education
11 will replace both the Director of Certification and
12 Placement and the Director of Teacher Education and
13 will direct the staffs formerly reporting to the 2
14 separate directors. This consolidates in one divi-
15 sion the staff and activities related to the certifi-
16 cation process and should be a more efficient admin-
17 istrative arrangement. The new director-level posi-
18 tion will be at Range 29; the current Director of
19 Certification and Placement is at Range 27; and the
20 Director of Teacher Education, filled now on an act-
21 ing basis only, is at Range 28. The latter position
22 will be kept as a Range 26, Education Specialist III.
23 No increase in funding will be necessary in the fis-
24 cal year ending June 30, 1985.

25 STATEMENT OF FACT - PART I

26 Over 50% of the states currently require prospec-
27 tive teachers to take some form of qualifying exami-
28 nations prior to certification. Since the new teach-
29 er certification laws establish the qualifications
30 for teacher certificates after June 30, 1988, it is
31 essential that sufficient lead time be allowed for
32 the gathering of data and other necessary information
33 regarding the use of teacher qualifying tests. Over
34 the next 3 years, all applicants will be required to
35 take the tests, but there will be no passing or fail-
36 ing of the test during this period. The data gath-
37 ered over the next 3 years will be used by the State
38 Board of Education and the Commissioner of Education-
39 al and Cultural Services to determine what the appro-
40 priate pass-fail point should be on the examination.

41 The cost to the State for conducting its valida-

1 tion study of the use of these tests is estimated to
2 be \$64,000.

3 Teachers currently holding certificates in the
4 State will not be required to take the qualifying ex-
5 aminations.

6 STATEMENT OF FACT - PART J

7 This Part establishes a state-funded Teacher Rec-
8 ognition Grants Program to recognize the importance
9 of teachers in our schools. The purpose of the pro-
10 gram is to retain and attract intelligent people into
11 teaching by providing \$2,000 recognition grants to
12 full-time teachers. Recognition grants will be made
13 each year in 2 payments of \$1,000 to teachers em-
14 ployed full time in public schools, private secondary
15 schools whose enrollments are at least 2/3
16 publicly-funded pupils and schools operated by state
17 agencies.

18 This Part requires the Commissioner of Education-
19 al and Cultural Services and the State Board of Edu-
20 cation to study the effects of integrating the Teach-
21 er Recognition Grants Program with a career ladder.

22 This Part requires that state-funded teacher rec-
23 ognition grants are not to be considered during local
24 collective bargaining and are not "earnable compensa-
25 tion" as defined for purposes of the Maine State Re-
26 tirement System.

27 The minimum salary schedule is repealed and re-
28 placed by a minimum entry level salary of \$10,500.

29 STATEMENT OF FACT - PART K

30 This Part requires all local educational agencies
31 to provide for kindergarten programs and establishes
32 an Early Elementary (K-3) School Assistance Program.

33 Section 1 establishes the rate of compensation
34 for the Advisory Committee on Early Elementary Educa-
35 tion.

36 Section 2 establishes the state early elementary
37 (K-3) school assistance program, including a kinder-

1 garten screening and assessment program, an inte-
2 grated screening and assessment program for kinder-
3 garten to grade 3, and a comprehensive kindergarten
4 to grade 3 curriculum guide. In addition, it estab-
5 lishes an Advisory Committee on Early Elementary Edu-
6 cation to assist in the design and implementation of
7 the program.

8 Section 3 mandates kindergarten programs in all
9 school units.

10 Sections 4 and 5 provide for the State to cover
11 the initial costs of operating those kindergartens
12 and, following fiscal year 1987, allow the costs of
13 operating the kindergarten programs to be reported in
14 the normal way.

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