

MAINE STATE LEGISLATURE

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1 New Draft of H.P. 1879, L.D. 2482

2 THIRD SPECIAL SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2492

7
8 H.P. 1895

House of Representatives, September 10, 1984

9 Reported by Representative Locke from the Committee on Education,
10 and 2,000 ordered printed pursuant to Joint Rule 2.

11 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Vassalboro.

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

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Implement the Recommendations
19 of the Commission on the Status of Education in
20 Maine.
21

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

24 PART A

25 Sec. 1. 20-A MRS §253, sub-§1, as enacted by PL
26 1981, c. 693, §§5 and 8, is amended to read:

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

1 Sec. 2. 20-A MRSA §258, as amended by PL 1983,
2 c. 806, §6, is repealed.

3 Sec. 3. 20-A MRSA §258-A is enacted to read:

4 §258-A. Inspection of schools

5 1. Petition or request. The commissioner shall
6 inspect a school or schools in a school administra-
7 tive unit and report the findings and recommendations
8 to the school board, addressing the concerns of the
9 petition in light of applicable school approval stan-
10 dards, when:

11 A. Petitioned by 60% of the parents of the chil-
12 dren of one school;

13 B. Requested by the school board or superintend-
14 ent of schools; or

15 C. Petitioned by 20% of the registered voters of
16 the unit.

17 2. Periodic reviews. The commissioner shall pe-
18 riodically review all public schools and all private
19 schools which receive public funds, to determine
20 their compliance with the applicable provisions of
21 this Title.

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

25 4. Private schools. The commissioner may, as a
26 condition of approval, inspect any private school
27 which applies for approval status.

28 Sec. 4. 20-A MRSA §1055, sub-§9, as enacted by
29 PL 1983, c. 693, §§5 and 8, is amended to read:

30 9. Report to the commissioner. The superintend-
31 ent shall annually report, under oath, to the commis-
32 sioner before August 1st a date established by the
33 commissioner, concerning the operation of the school
34 unit. The report shall contain:

- 1 A. The amount appropriated and expended on ele-
2 mentary and secondary education in the preceding
3 fiscal year;
- 4 B. The number of weeks schools were open;
- 5 C. The number of students registered;
- 6 D. The average attendance; ~~and~~
- 7 E. The amount received for tuition; and
- 8 F. Other information required by rule adopted by
9 the commissioner to demonstrate compliance with
10 the requirements of this Title.

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

13 2. Other facilities. Notwithstanding this sec-
14 tion, a district may contract with a nearby school
15 administrative unit or with a private school approved
16 for tuition purposes to educate for all or part of
17 its secondary pupils students in accordance with
18 chapter 115. The contract may be for a term of from
19 2 to 10 years.

20 Sec. 6. 20-A MRSA §2703, sub-§1, ~~¶E~~, as enacted
21 by PL 1981, c. 693, §§5 and 8, is amended to read:

22 E. Shall meet any additional requirements set
23 forth in rules established by the commissioner
24 and shall be filed with the commissioner. Con-
25 tracts with private schools shall be approved by
26 the commissioner.

27 Sec. 7. 20-A MRSA §2906 is enacted to read:

28 §2906. Accreditation

29 Any private school which chooses the accredita-
30 tion method of approval shall make available to the
31 commissioner on a timely basis all accreditation re-
32 ports on the school and shall notify the commissioner
33 promptly upon a determination that the school is not
34 accredited or is on probation.

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

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

5 5. Additional requirements. Complies with the
6 reporting and auditing requirements in sections 2952
7 and 2953 and the requirements adopted pursuant to
8 section 2954.

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

11 §2954. Rules of commissioner

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

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

19 §2955. Penalty for noncompliance

20 Private secondary schools approved for tuition
21 purposes which have not complied with ~~sections 2951~~
22 to 2953 before September 1st of each year this
23 chapter may not receive tuition payments from any
24 school administrative unit.

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

28 §3051. Non-Maine students

29 Schools which enroll only students whose parents
30 are not residents of the State shall meet all health
31 and safety requirements of the State applicable to
32 private schools.

33 Sec. 13. 20-A MRSA §§4201 to 4203, as enacted by
34 PL 1981, c. 693, §§5 and 8, are repealed.

1 3. School year. Schools shall comply with sec-
2 tion 4801.

3 4. Staff qualifications. School boards shall em-
4 ploy only teachers and other educational personnel
5 who are properly certified in accordance with certi-
6 fication rules adopted pursuant to chapter 502 and
7 other professional personnel who hold appropriate
8 professional licenses issued by the State.

9 5. Other standards. The state board and the com-
10 missioner shall jointly adopt basic school approval
11 rules governing school administrative units and ele-
12 mentary and secondary schools. These rules shall set
13 minimum standards in the following areas, incorporat-
14 ing such standards as are established by statute:

15 A. Instructional time, including a minimum
16 school day and week;

17 B. Staffing, including student-teacher ratios;

18 C. Physical facilities, incorporating the school
19 construction rules of the state board;

20 D. Standards for equipment and libraries;

21 E. Minimum school size, but including recogni-
22 tion of geographically isolated schools;

23 F. Grade and program organization;

24 G. Assessment and evaluation of student perform-
25 ance;

26 H. Student personnel services, including guid-
27 ance and counseling;

28 I. Records, record keeping and reporting re-
29 quirements;

30 J. Health, sanitation and safety requirements;

31 K. School improvement; and

32 L. Prepare and implement an on-going school im-
33 provement process and annually update a written

1 school improvement plan, including a fully devel-
2 oped staff development plan, citing progress and
3 trends with respect to school improvement.

4 6. Report by school board. The ongoing school
5 improvement process and plan shall be reported annu-
6 ally to the citizens of the unit.

7 §4503. Secondary school organizations

8 1. Two years. A secondary school shall include
9 not fewer than 2 consecutive grades from grades 9 to
10 12.

11 2. Junior high school. A junior high school is a
12 school which maintains a diversified program of
13 studies of 2 or more consecutive grades from grades 6
14 to 9, which meets basic school approval and applica-
15 ble curriculum requirements. A junior high school may
16 be maintained in connection with or as part of an ap-
17 proved secondary school.

18 §4504. Implementation and enforcement

19 1. Implementation. The commissioner shall deter-
20 mine which schools and school units are in compliance
21 with the basic school approval standards, in accord-
22 ance with the procedures of the basic school approval
23 rules and the provisions of this Title.

24 2. Comprehensive reviews. The commissioner
25 shall, on a one-year to 5-year cycle, make a compre-
26 hensive review of each public school to determine
27 whether the school is in compliance with basic school
28 approval standards. These reviews shall, insofar as
29 is practicable, be coordinated with reviews of other
30 schools in the school unit, accreditation visits,
31 special education reviews, federal program reviews
32 and other required reviews or inspections, so as to
33 reduce administrative burdens on school personnel.

34 3. Rules. Basic school approval rules shall be
35 adopted and enforced in accordance with section
36 6801-A and the Maine Administrative Procedure Act,
37 Title 5, chapter 375.

38 SUBCHAPTER II

1 G. The school has a written staff development
2 plan which includes ways to strengthen the re-
3 cruiting, training and retention of teachers. In
4 addition, the school has a written staff evalua-
5 tion and supervision plan which includes support
6 mechanisms to assist teachers and administrators.

7 H. The school serves as a resource to the commu-
8 nity.

9 I. The school assesses the educational needs of
10 the community, and develops its own programs to
11 address the needs, identifies readily available
12 resources outside the school as alternatives to
13 direct school involvement and works cooperatively
14 with other schools or organizations to meet the
15 identified needs.

16 §4512. Implementation

17 1. Accreditation optional. Any approved school
18 may, through its school board, apply for accredita-
19 tion.

20 2. Implementation. The commissioner shall deter-
21 mine which schools and school units meet the require-
22 ments of accreditation, in accordance with adopted
23 rules and this Title.

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

29 4. Rules. Accreditation rules shall be adopted
30 in accordance with the Maine Administrative Procedure
31 Act, Title 5, chapter 375.

32 5. Accreditation process. All school administra-
33 tive units operating a secondary school shall undergo
34 the state accreditation process on a 5-year cycle as
35 established by the commissioner starting in the
36 1989-90 school year.

37 §4513. Cooperative effort

1 school approval requirements and established accredi-
2 tation standards and to achieve general improvement
3 in such areas as curriculum, school management,
4 teaching and student assessment. This assistance may
5 be given by departmental staff and by school approval
6 specialists employed for limited periods.

7 Sec. 21. 20-A MRSA §6151, sub-§1, as enacted by
8 PL 1981, c. 693, §§5 and 8, is amended to read:

9 1. Duty of superintendent. The superintendent
10 under oath shall, on or before August 1st the date
11 established by the commissioner, make an annual re-
12 port to the commissioner under oath. The report
13 shall contain a full and complete return of all edu-
14 cational statistics required to be reported for the
15 year ending June 30th.

16 Sec. 22. 20-A MRSA §6152, as enacted by PL 1981,
17 c. 693, §§5 and 8, is amended to read:

18 §6152. Rules

19 The commissioner shall adopt rules to carry out
20 this ~~section~~ subchapter which are consistent with
21 federal and state requirements.

22 Sec. 23. 20-A MRSA §6801, as enacted by PL 1981,
23 c. 693, §§5 and 8, is repealed.

24 Sec. 24. 20-A MRSA §6801-A is enacted to read:

25 §6801-A. Compliance with requirements

26 The commissioner shall enforce the requirements
27 of this Title as follows.

28 1. Authority to withhold state subsidy. If, af-
29 ter giving due notice and an opportunity for a hear-
30 ing, the commissioner finds that a school administra-
31 tive unit is not in compliance with the reporting,
32 program or other requirements of this Title, the com-
33 missioner may withhold state subsidy from that unit.
34 The withholding shall continue only as long as neces-
35 sary to achieve compliance.

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

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

4 CHAPTER 207-A

5 INSTRUCTION

6 SUBCHAPTER I

7 GENERAL REQUIREMENTS

8 §4701. English as language of instruction

9 The language of instruction in elementary and
10 secondary schools shall meet these requirements.

11 1. Basic language. The basic language of in-
12 struction in all schools shall be the English lan-
13 guage.

14 2. Exceptions. A school may provide instruction
15 in a language other than English in the following
16 circumstances, subject to approval of the commission-
17 er:

18 A. Transitional instruction using bilingual
19 techniques may be provided to students of limited
20 proficiency in English; and

21 B. Schools may also establish bilingual programs
22 for the purpose of providing proficiency in both
23 English and a 2nd language.

24 §4702. Special education

25 Elementary and secondary schools shall provide
26 special education and related services in accordance
27 with chapters 301 and 303.

28 §4703. Instruction for gifted and talented students
29 in accordance with chapter 311.

30 Elementary and secondary schools may provide spe-
31 cial instruction for gifted and talented students.

1 §4704. Courses prescribed by the commissioner

2 The commissioner shall prescribe by rule the basic
3 courses of study for the elementary and secondary
4 schools, consistent with the requirements of this
5 chapter, and may include minimum time requirements
6 and performance standards.

7 §4705. Courses prescribed by local boards

8 The school board of each school administrative
9 unit may prescribe instructional requirements in ad-
10 dition to minimum state requirements, subject to ap-
11 proval by the commissioner.

12 §4706. Instruction in American history and Maine
13 studies

14 The following subjects shall be required.

15 1. American history. American history and civil
16 government, including the Constitution of the United
17 States, the Declaration of Independence, the impor-
18 tance of voting and the privileges and responsibili-
19 ties of citizenship, shall be taught in and required
20 for graduation from all elementary and secondary
21 schools, both public and private.

22 2. Maine studies. A course in the history, in-
23 cluding the Constitution of Maine, Maine geography
24 and the natural, industrial and economic resources of
25 Maine and Maine's cultural and ethnic heritage shall
26 be taught in at least one grade from grade 6 to grade
27 12, in all schools, both public and private.

28 SUBCHAPTER II
29 ELEMENTARY SCHOOLS

30 §4711. Elementary course of study

31 The basic course of study for the elementary
32 schools shall provide for the instruction of all stu-
33 dents in the English language, including reading,
34 writing, spelling and grammar; library instruction;
35 mathematics; science; music, art and drama; American
36 history and government; social studies; Maine
37 studies, including the history, geography, culture

1 and natural and industrial resources of the State;
2 health, hygiene and safety; physical education; and
3 physiology and hygiene, with special reference to the
4 effects of substance abuse, including alcohol, tobac-
5 co and narcotics upon the human system.

6 SUBCHAPTER III
7 SECONDARY SCHOOLS

8 §4721. General requirement

9 A secondary school shall provide a course of
10 study of at least 2 years in length, which shall meet
11 the requirements of this chapter.

12 §4722. High school diploma standards

13 A secondary school shall provide at least one
14 course of study leading to a high school diploma
15 which shall meet the following standards.

16 1. Minimum instructional requirements. A diplo-
17 ma course of study shall include a minimum 4-year
18 program of instruction which meets the curriculum re-
19 quirements established by this chapter and any other
20 instructional requirements established by the commis-
21 sioner and the school board.

22 2. Required subjects. Courses in the following
23 subjects shall be provided in separate or integrated
24 study programs to all students and required for a
25 high school diploma:

26 A. English--4 years;

27 B. Social studies and history, including Ameri-
28 can history and government--2 years;

29 C. Mathematics--2 years;

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

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

1 3. Satisfactory completion. A diploma shall be
2 awarded only to secondary school students who have
3 satisfactorily completed all diploma requirements in
4 accordance with the academic standards of the school
5 administrative unit. Vocational students may, with
6 the approval of the commissioner, satisfy the
7 2nd-year math and science and the 3rd-year social
8 studies requirements through separate or integrated
9 study within the vocational school curriculum.

10 4. Exception. A secondary school student who
11 has satisfactorily completed the freshman year in an
12 accredited degree-granting institution of higher edu-
13 cation may be eligible to receive a high school di-
14 ploma from the school the student last attended, al-
15 though the student may not meet the graduation re-
16 quirements of this Title.

17 5. Advanced study. Nothing in this chapter may
18 prevent the award of a diploma to a student who has
19 completed all diploma requirements in fewer than 4
20 years of study.

21 §4723. Health and physical education

22 The secondary course of study shall include in-
23 struction in health, safety and physical education,
24 as prescribed by the commissioner, and physiology and
25 hygiene, with special reference to the effects of al-
26 coholic drinks, stimulants and narcotics upon the hu-
27 man system.

28 §4724. Computer instruction

29 Instruction in the use and application of comput-
30 er skills shall be available to secondary school stu-
31 dents. Each school administrative unit shall develop,
32 with the approval of the commissioner, standards for
33 computer literacy, proficiency and performance levels
34 which shall be required for graduation.

35 §4725. Vocational instruction

36 Each school administrative unit operating a sec-
37 ondary school shall provide vocational instruction
38 through a vocational center or region in accordance
39 with chapter 313.

1 §4726. Foreign languages

2 Each school administrative unit operating a sec-
3 ondary school shall offer at least one 2-year se-
4 quence in a foreign language. Schools are encouraged
5 to offer 2 or more foreign languages as part of the
6 secondary course of study.

7 §4727. Additional instruction

8 Secondary schools may provide additional instruc-
9 tion in vocational and other subjects not included
10 within the vocational courses of study operating pur-
11 suant to chapter 313.

12 §4728. Driver education

13 Secondary schools may offer driver education as
14 part of the secondary courses of study in accordance
15 with chapter 316.

16 §4729. Alternative programs

17 A school administrative unit may establish one or
18 more programs to meet the needs of excused students,
19 as identified in section 5002, and the needs of
20 truants, dropouts and others, as identified in sec-
21 tion 5104, as alternatives to the regular courses of
22 study.

23 1. Coordination. These programs shall operate
24 as part of the elementary or secondary school pro-
25 gram.

26 2. Alternative schedules. Alternative programs
27 may allow, for students of eligible age, to attend
28 school part-time. Alternative programs may be sched-
29 uled apart from the regular school day.

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

32 6. Insufficient courses; time limitations. If
33 the secondary school does not offer 2 approved occu-
34 pational courses of study, a 2 year course in mathe-
35 matics or science or 2 approved foreign language
36 courses, then its students may attend another second-

1 ary school approved for tuition purposes to take the
2 ~~missing language~~ courses of study provided that:

3 A. The receiving school accepts tuition stu-
4 dents;

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

7 C. The students have notified their own school
8 administrative unit by April 1st, before the
9 start of each ~~academic~~ school year, that they
10 wish to take the ~~course~~ foreign language not be-
11 ing offered by their school administrative unit.
12 Their school administrative unit shall notify
13 them on or before July 15th of that year ~~whether~~
14 ~~when the language~~ course will be offered in the
15 next ~~academic~~ school year.

16 Sec. 7. Effective date. This Part shall take
17 effect August 1, 1988, except that the commissioner
18 may grant up to 2 additional years for compliance to
19 those local school districts for which the commis-
20 sioner finds:

21 1. A financial hardship such that the local cost
22 of compliance would result in a significant in-
23 crease in local funding, and additional state
24 funding to assure compliance is not available;
25 and

26 2. The local school district has made substan-
27 tial progress toward compliance and has adopted a
28 plan which assures compliance within the exten-
29 sion period.

30 PART D

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

33 A. This classification includes the following:

34 FIELD	NAME OF	RATE OF	STATUTORY
35 ORGANIZATION	COMPENSATION	REFERENCE	

1	(1)	Agriculture	Eastern States	Not Autho-	7 MRSA \$403
2			Exposition Ad-	rized	
3			visory Board		
4	(2)	Civil Emer-	Citizens' Civil	Expenses	37-A MRSA \$56-A
5		gency	Emergency Com-	only	
6			mission		
7	(3)	Community	Community Ser-	Expenses	5 MRSA \$3517
8		Services	vices Advisory	only	
9			Board		
10	(4)	Corrections	Maine Correc-	\$25/day	34-A MRSA \$1204
11			tional Advisory		
12			Commission		
13	(5)	Education	Advisory Com-	Not Autho-	20-A MRSA \$11807
14			mittee on Medi-	rized	
15			cal Education		
16	(6)	Education	Archives Advis-	Expenses	5 MRSA \$96
17			ory Board	only	
18	(7)	Education	Committee for	Expenses	20-A MRSA \$9002
19			the Training of	only	
20			Firemen		
21	(8)	Education	Indian Scholar-	Not Autho-	20-A MRSA \$12403
22			ship Committee	rized	
23	(9)	Education	Maine Education	Not Autho-	20-A MRSA \$ 651
24			Council	rized	
25	(10)	Education	Educational	Not Autho-	5 MRSA \$723
26			Leave Advisory	rized	
27			Board		
28	(11)	Education	Maine Historic	Expenses	27 MRSA \$501
29			Preservation	only	
30			Commission		
31	(12)	Education	Maine Library	Expenses	27 MRSA \$111
32			Commission	only	

1	(13)	Education	Post-secondary	Expenses	20-A MRSA §10304
2			Education Com-	only	
3			mission of		
4			Maine		
5	(14)	Education	Maine State	Expenses	27 MRSA §401
6			Commission on	only	
7			the Arts and		
8			the Humanities		
9	<u>(14A)</u>	<u>Education</u>	<u>Advisory Com-</u>	<u>\$25/day</u>	<u>20-A MRSA § 6203</u>
10			<u>mittee on Stu-</u>		
11			<u>dent Assessment</u>		
12	(15)	Energy	Advisory Coun-	Expenses	10 MRSA §1414
13			cil on Energy	only	
14			Efficiency		
15			Building Per-		
16			formance Stan-		
17			dards		
18	(16)	Energy	State Energy	Not Autho-	5 MRSA §5007
19			Resources Ad-	rized	
20			visory Board		
21	(17)	Environment	Low-level Waste	Expenses	38 MRSA §1476
22			Siting Commis-	only	
23			sion		
24	(18)	Environment:	Ground Water	Expenses	P&SL 1979, c. 43
25		Natural Re-	Protection Com-	only	
26		sources	mission		
27	(19)	Finance	Advisory Coun-	Expenses	5 MRSA §884
28			cil on Deferred	only	
29			Compensation		
30			Plans		
31	(20)	Finance	Natural Re-	\$25/day	10 MRSA §985
32			source Financ-		
33			ing and Market-		
34			ing Board		
35	(21)	Finance	Standardization	\$25/day;	5 MRSA §1814
36			Committee	Public Mem-	
37				ber	

1	(22)	Finance		Maine Veterans' Expenses	10	MRSA \$1100-A
2				Small Business only		
3				Loan Board		
4	(23)	Housing		Advisory Board Expenses	30	MRSA \$4602
5				to the Maine only		
6				State Housing		
7				Authority		
8	(24)	Housing		Passamaquoddy Not Autho-	22	MRSA \$4733
9				Indian Housing rized		
10				Authority - In-		
11				dian Township		
12	(25)	Housing		Passamaquoddy Not Autho-	22	MRSA \$4733
13				Indian Housing rized		
14				Authority -		
15				Pleasant Point		
16	(26)	Housing		Penobscot Trib- Not Autho-	22	MRSA \$4733
17				al Reservation rized		
18				Housing Author-		
19				ity		
20	(27)	Human	Ser-	Maine Aid to Not Autho-	22	MRSA \$3773
21		vices		Families With rized		
22				Dependent Chil-		
23				dren Coordinat-		
24				ing Committee		
25	(28)	Human	Ser-	Advisory Coun- Not Autho-	22	MRSA \$3774
26		vices		cil to Maine rized		
27				Aid to Families		
28				With Dependent		
29				Children Coor-		
30				dinating Com-		
31				mittee		
32	(29)	Human	Ser-	Certificate of \$25/day	22	MRSA \$307
33		Services: Health		Need Advisory		
34		Facilities		Committee		
35	(30)	Human	Ser-	Maine Council Expenses	22	MRSA \$7107
36		vices		on Alcohol and only		
37				Drug Abuse Pre-		
38				vention and		
39				Treatment		

1	(31)	Human	Ser-	Maine	Dental	Expenses	22 MRSA §2096
2		services		Health	Council	only	
3	(32)	Human	Ser-	Environmental		Expenses	22 MRSA §1693
4		services:	Public	Health	Advisory	only	
5		Health		Committee			
6	(33)	Human	Ser-	Hospital	Advis-	Not	22 MRSA §396-P
7		services:	Hospi-	ory	Committee	Autho-	
8		tals				rized	
9	(34)	Human	Ser-	Payor	Advisory	Not	22 MRSA §396-P
10		services:	Health	Committee		rized	
11		Finance					
12	(35)	Human	Ser-	Professional		Not	22 MRSA §396-P
13		services		Advisory	Com-	rized	
14				mittee			
15	(36)	Human	Ser-	Radiological		Expenses	37-B MRSA §954
16		services:	Public	Emergency		only	
17		Health		Preparedness			
18				Committee			
19	(37)	Judiciary		Judicial	Coun-	Expenses	4 MRSA §451
20				cil		only	
21	(38)	Judiciary:		Criminal	Law	Expenses	17-A MRSA §1351
22		Criminal	law	Advisory	Com-	only	
23				mission			
24	(39)	Judiciary:		Probate	Law	Expenses	P&SL 1975,
25		Law		revision	Commis-	only	c. 14, §1
26				sion			
27	(40)	Labor		State	Advisory	\$25/day	26 MRSA §1082
28				Council			
29	(41)	Labor		Displaced		Not	26 MRSA §1604
30				Homemakers	Ad-	Autho-	
31				visory	Council	rized	
32	(42)	Local and		County	Records	Not	30 MRSA §347
33		County	Gov-	Board		rized	
34		ernment					

1	(43)	Local and	Municipal	Not Autho-	30 MRSA §2214
2		County Gov-	Records Board	rized	
3		ernment			
4	(44)	Local and	Regional Coun-	Paid by	30 MRSA §1981
5		County Gov-	cil of Govern-	member gov-	
6		ernment	ments	ernments	
7	(45)	Marine Re-	Lobster Advis-	Expenses	12 MRSA §6462
8		sources: In-	ory Council	only	
9		dustry			
10				(a) Total expenses for the	
11				council shall not exceed	
12				\$2,000 per year	
13	(46)	Marine Re-	Atlantic Sea	Expenses	12 MRSA §6251
14		sources	Run Salmon Com-	only	
15			mission		
16	(47)	Marine Re-	Maine Marine	Expenses	Senate Paper 64,
17		sources	Resources Com-	only	1973
18			mission		
19	(48)	Mental Health	Board of Visi-	Not Autho-	34-B MRSA §1403
20		and Retarda-	tors (for each	rized	
21		tion	State institu-		
22			tion under the		
23			department)		
24	(49)	Mental Health	Maine Committee	Expenses	34-B MRSA §1210
25		and Retarda-	on the Problems	only	
26		tion	of the Mentally		
27			Retarded		
28	(50)	Mental Health	Mental Health	Not Autho-	34-B MRSA §1209
29		and Retarda-	Advisory Coun-	rized	
30		tion	cil		
31	(51)	Mental Health	State Planning	Expenses	34-B MRSA §1211
32		and Retarda-	and Advisory	only	
33		tion	Councilon De-		
34			velopmental		
35			Disabilities		
36	(52)	Natural Re-	Forest Fire Ad-	Expenses	12 MRSA §9621
37		sources: For-	visory Council	only	
38		ests			

1	(53)	Natural Re-	Forest Land	Expenses	36 MRSA \$584
2		sources: For-	Valuation Ad-	only	
3		ests	visory Council		
4	(54)	Natural Re-	Keep Maine Sce-	Expenses	12 MRSA \$633
5		sources: Pro-	nic Committee	only	
6		tection and			
7		Promotion			
8	(55)	Natural Re-	Maine Trails	Not Autho-	12 MRSA \$602
9		sources:	System Advisory	rized	
10		Recreation	Committee		
11	(56)	Natural Re-	White Water Ad-	\$25/day	12 MRSA \$7369-A
12		sources:	visory Commit-		
13		Recreation	tee		
14	(57)	Natural Re-	White Water	\$25/day	12MRSA \$7367
15		sources:	Safety Commit-		
16		Recreation	tee		
17	(58)	Occupations:	Auctioneers Ad-	Expenses	32 MRSA \$271
18		Auctioneers	visory Board	only	
19	(59)	Occupations:	Emergency Medi-	\$20/day	32 MRSA \$88
20		Ambulance	cal Services'		
21		Services	Advisory Board		
22	(60)	Occupations:	Computer Ser-	\$25/day	5 MRSA \$1855
23		Computers	vices Advisory		
24			Board		
25	(61)	Occupations:	General Lines	Expenses	24-A MRSA \$1525
26		Insurance	Agent Examina-	only	
27			tion Advisory		
28			Board		
29	(62)	Occupations:	Life Agent Ex-	Expenses	24-A MRSA \$1525
30		Insurance	amination Ad-	only	
31			visory Board		
32	(63)	Occupations:	Continuing Edu-	Not Autho-	32 MRSA \$4115-B
33		Real Estate	cation Commit-	rized	
34			tee		

1	(64)	Occupations:	Professional	Not	Autho-	24	MRSA	\$2802
2		Medicine	Malpractice Ad-	rized				
3			visory Panel					
4	(65)	State Govern-	Capitol Plan-	Expenses		5	MRSA	\$298
5		ment	ning Commission	only				
6	(66)	State Govern-	State Compensa-	Expenses		3	MRSA	\$2-A
7		ment	tion Commission	only				
8	(67)	State Govern-	State Govern-	Expenses		5	MRSA	\$293
9		ment	ment Internship	only				
10			Program Advis-					
11			ory Committee					
12	(68)	State Plan-	Maine Critical	Expenses		5	MRSA	\$3313
13		ning	Areas Advisory	only				
14			Board					
15	(69)	Transporta-	Maine Aeronau-	Not	Autho-	6	MRSA	\$302
16		tion: Motor	tical Advisory	rized				
17		Vehicles	Board					
18	(70)	Transporta-	Maine State	Not	Autho-	23	MRSA	\$4301
19		tion: Ferry	Ferry Advisory	rized				
20		Service	Board					
21	(71)	Transporta-	Maine Highway	Not	Autho-	25	MRSA	\$2902
22		tion: Highway	Safety Commit-	rized				
23			tee					
24	(72)	Transporta-	Advisory and	Expenses		29	MRSA	\$2246
25		tion: Motor	Review Boardon	only				
26		Vehicles	Driver Licens-					
27			ing and Vehicle					
28			Registration					
29	(73)	Transporta-	Medical Advis-	Not	Autho-	29	MRSA	\$547
30		tion: Motor	ory Board (Li-	rized				
31		Vehicles	censing of					
32			Drivers)					
33	(74)	Transporta-	Public Trans-	Not	Autho-	23	MRSA	\$4209
34		tion: Public	portation Ad-	rized				
35		Transportation	visory Commit-					
36			tee					

- 1 (75) Tourism Travel Informa- \$25/day 23M RSA §1904
 2 tion Advisory
 3 Council
- 4 (76) Tourism Maine Vacation Expenses 5M RSA §7005
 5 - Travel Com- only
 6 mission
- 7 (77) Telecommuni- Advisory Com- Not Autho- 5 M RSA §350
 8 cations mittee on State rized
 9 Telecommuni-cations
- 10 (78) Telecommuni- Advisory Com- Expenses 20-A M RSA §801
 11 cations mittee on Maine only
 12 Public Broad-
 13 casting

14 Sec. 2. 20-A M RSA §259, as enacted by PL 1981,c.
 15 693, §§5 and 8, is repealed.

16 Sec. 3. 20-A M RSA c. 222 is enacted to read:

17 CHAPTER 222

18 STATE ASSESSMENT OF STUDENT PERFORMANCE

19 §6201. Legislative intent

20 The Legislature concurs with the recommendation
 21 of the 1984 report of the Commission on the Status of
 22 Education in Maine that a state-wide educational as-
 23 essment program be implemented.

24 There is a need for assessment information at
 25 both the state and local level to identify the need
 26 for educational changes.

27 The development of a state-wide assessment pro-
 28 gram necessitates an immediate effort to develop
 29 tests to allow testing to begin during the 1985-86
 30 school year. The program shall have the following
 31 objectives:

32 1. State-wide assessment. To provide informa-
 33 tion on the academic achievement and progress of
 34 Maine students;

1 2. State goals. To establish a process for a
2 continuing evaluation of state educational goals and
3 to aid in the development of educational policies,
4 standards and programs;

5 3. Local programs. To provide school officials
6 with information to assess the quality, effectiveness
7 and appropriateness of educational materials, methods
8 and curriculum needs, including remediation and en-
9 richment in their schools;

10 4. Individual students. To provide school
11 staffs with information about the individual students
12 which may be used, with other information, to meet
13 individual and educational needs of the student. The
14 assessment program shall not be the only criteria for
15 judging student performance;

16 5. Trends. To identify year-to-year trends in
17 student achievement; and

18 6. Parents. To provide parents with information
19 about the achievements of their children on the as-
20 essment program.

21 §6202. Assessment program established; content

22 The commissioner shall establish a statewide as-
23 essment program to measure and evaluate on a contin-
24 uing basis the academic achievements of students at
25 grades 4, 8 and 11 in the public elementary and sec-
26 ondary schools and in all schools approved for tui-
27 tion purposes. The assessment program shall be adapt-
28 ed to meet the needs of exceptional students as de-
29 fin ed in section 7001, subsection 2 or other students
30 as defined under rules by the commissioner. The pro-
31 gram shall include the following components.

32 1. Assessment in basic subjects. The program
33 shall provide an annual assessment of student per-
34 formance in the curriculum areas of reading, writing
35 and mathematics.

36 2. Additional subjects. The assessment program
37 may be extended, consistent with available resources,
38 to include assessments in science and social studies
39 on a sampling basis in alternate years.

1 §6203. Implementation

2 To implement this program, the commissioner shall
3 take the following action:

4 1. Staff. To appoint departmental staff to im-
5 plement the assessment program, including test devel-
6 opment and administration, analysis and interpreta-
7 tion of test results, and the provision of technical
8 assistance to local schools on utilization of test
9 information for curriculum development;

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

13 3. Rules. To adopt rules to implement the pro-
14 gram; and

15 4. Advisory Committee on Student Assessment. To
16 select a committee, including teachers, curriculum
17 supervisors and content specialists from higher edu-
18 cation, in the areas of reading, writing, mathemat-
19 ics, science and social studies to develop the in-
20 structional objectives to be assessed; review and se-
21 lect questions to be included on the tests; and to
22 interpret the assessment results, with specific rec-
23 ommendations to the commissioner on needed improve-
24 ments.

25 §6204. Reports

26 1. State profile report. The commissioner shall
27 annually report the results of the state assessment
28 program with regard to the general performance pro-
29 file of the students of the state's elementary and
30 secondary schools.

31 2. School profile reports. The commissioner
32 shall also provide each participating school with a
33 profile of student achievement based upon data from
34 the assessment program.

35 3. Teacher evaluation. The student assessment
36 program is separate from local practices and proce-
37 dures regarding supervision and evaluation of a
38 teacher for retention by a school administrative

1 unit.

2 §6205. Assessment data

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

12 §6206. Educational costs

13 Costs relating to the development of the state
14 assessment program, printing, distribution, analysis
15 and dissemination of results for each school adminis-
16 trative unit shall be paid by the department.

17 §6207. Optional participation

18 Private schools approved for attendance purposes
19 may participate in the assessment program, with the
20 approval of the commissioner and upon payment of a
21 fee established by the commissioner. The fee shall
22 reflect the actual cost of the assessment.

23 Sec. 4. Effective date. This Part shall take
24 effect 90 days after adjournment of the Legislature,
25 and the state assessment of student performance shall
26 be first administered in the school year 1985-86 and
27 shall continue in each succeeding school year.

28 **PART E**

29 **Sec. 1. 20-A MRS c. 612 is enacted to read:**

30 CHAPTER 612

31 INNOVATIVE EDUCATIONAL GRANTS

32 §17101. Intent

33 The intent of this chapter is to promote creative
34 improvement in the schools of the State. The Commis-

1 sioner of Educational and Cultural Services shall
2 promote innovative projects by means of grants to
3 teachers, school administrative units or private
4 schools approved for tuition purposes. It is not the
5 intent of this chapter to provide funds for programs
6 or services normally provided by those school sys-
7 tems. Project dissemination will be accomplished
8 through the department through instructional support
9 group staff. The use of state, regional and national
10 diffusion networks will be encouraged.

11 §17102. Classroom-based projects

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

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

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

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

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

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

34 2. Competitive awards. Grants shall be awarded
35 on a competitive basis to teams of teachers working
36 in several schools, to teams of teachers working co-
37 operatively within a school and to individual teach-
38 ers.

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

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

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

13 §17103. School-based innovative projects

14 1. Objectives. Innovative project matching
15 grants may be awarded to a single school, group of
16 schools or groups of school administrative units for
17 projects which promote improvement on a school-wide
18 basis. These grants will be on the same matching ba-
19 sis as set forth in section 4254. These projects may
20 include, but are not limited to, one or more of the
21 following objectives:

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

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

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

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

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

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

- 1 G. To develop programs to raise academic stan-
2 ards and to provide services for students with
3 special learning needs;
- 4 H. To develop new and improved programs in the
5 basic academic areas;
- 6 I. To identify and provide in-service education-
7 al programs to improve the basic course of study
8 in the school or schools;
- 9 J. To provide management and leadership programs
10 for principals, superintendents and other super-
11 visory personnel;
- 12 K. To develop a teachers' academy; and
- 13 L. To develop foreign language programs in ele-
14 mentary schools.
- 15 2. Competitive awards. Matching grants shall be
16 awarded on a competitive basis to schools working
17 collaboratively and to single schools. Priority
18 shall be given to proposals that the commissioner be-
19 lieves are most likely to make a lasting contribution
20 to Maine education, that are reasonably
21 cost-effective and that can be replicated elsewhere.
22 Additional priority areas shall be identified by the
23 commissioner, using information from basic school ap-
24 proval, accreditation and statewide student assess-
25 ment programs. In exceptional circumstances, the
26 commissioner may waive the local-state matching fund
27 requirement.
- 28 A. Single schools may be awarded matching grants
29 up to \$10,000.
- 30 B. Groups of schools may be awarded matching
31 grants up to \$20,000.
- 32 C. Second-year awards may not exceed the amount
33 of the award obtained the first year. The total
34 amount of funds for 2nd-year awards may not ex-
35 ceed 33% of the total funds available for
36 school-based innovative projects.
- 37 D. Awards in subsequent years may be made for

1 projects identified by the commissioner as hav-
2 ing exceptional merit.

3 §17104. Grant procedures

4 Application for grants, review of proposals and
5 final awards shall meet the requirements of a grant
6 review process established by the commissioner, in
7 accordance with departmental rules on grant awards.

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

10 Sec. 3. Appropriation. The following funds are
11 appropriated from the General Fund to carry out the
12 purposes of this Part.

13 1984-85

14 EDUCATIONAL AND CULTURAL SERVICES,
15 DEPARTMENT OF

16	Personal Services	\$35,500
17	All Other	8,000
18	Capital Expenditures	<u>1,000</u>

19 Provides funds and
20 the authority to hire
21 a Foreign Language
22 Educational Special-
23 ist and a half-time
24 clerical assistant.

25 Total \$44,500

26 PART F

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

28 CHAPTER 428

29 BLAINE HOUSE SCHOLARS PROGRAM

30 §12501. Definitions

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

1 lowing meanings.

2 1. Academic achievement. "Academic achievement"
3 means graduation in the top 1/2 of the class.

4 2. Duly enrolled. "Duly enrolled" means the
5 time at which an eligible individual has attended the
6 first class meeting.

7 3. Eligible individuals. "Eligible individu-
8 als" means students who meet eligibility requirements
9 as determined in sections 12505 and 12507.

10 4. Institution of higher education. "Institu-
11 tion of higher education" means an institution of
12 higher education located within this State, another
13 state or a foreign country.

14 5. Preservice. "Preservice" means preparation
15 to become a teacher, either through completion of a
16 4-year teacher training program or through a liberal
17 arts program, and teaching pedagogy leading to certi-
18 fication in the subject area or areas to be taught.

19 6. Return service. "Return service" means
20 teacher service in public elementary and secondary
21 schools in Maine or a Maine private school approved
22 for tuition purposes for a full school year.

23 7. Underserved subject areas. "Underserved sub-
24 ject areas" means those subjects or programs, re-
25 quired or authorized to be taught in the public
26 schools for which there is an insufficient supply of
27 teachers, as may be determined by the commissioner,
28 including but not limited to, special education, com-
29 puter studies, science and math.

30 §12502. Blaine House Scholars and Financial Assist-
31 ance Program

32 There is established the Blaine House Scholars
33 and Financial Assistance Program to recognize Maine
34 high school graduates who attain high academic
35 achievement, and to provide financial assistance for
36 post-secondary education of high school students and
37 advanced degree or continued study by teachers. The
38 program shall recognize outstanding high school stu-

1 dents as described in section 12503 and disburse in-
2 terest free loans as described in section 12504. The
3 program shall be administered by the commissioner.

4 §12503. Blaine House scholars

5 Each year graduating high school seniors who show
6 evidence of academic achievement shall be considered
7 for recognition as Blaine House scholars. Nomina-
8 tions and applications shall be submitted to the com-
9 missioner at a time and in a format to be determined
10 by rule of the commissioner.

11 The Governor, after consultation with the commis-
12 sioner, shall announce the names of those individuals
13 who are recognized as Blaine House scholars.

14 §12504. Allocation of funds

15 Funds available under this chapter shall be allo-
16 cated as follows: Fifty percent for Blaine House
17 scholars entering preservice; 25% teachers engaged in
18 graduate continuing education and 25% to Blaine House
19 scholars not entering preservice.

20 Loans of up to \$1,500 per academic year or \$6,000
21 total may be made to eligible individuals. Loans
22 shall be for one academic year and shall be automati-
23 cally renewed if the recipient maintains a grade
24 point average of 2.5 based on a 4.0 grade point sys-
25 tem.

26 §12505. Eligibility requirements

27 1. Eligibility for post-secondary education
28 loans. Post-secondary education loans shall be given
29 only to a high school graduate who is a resident of
30 the State, who has been recognized as a Blaine House
31 scholar and who has met other eligibility criteria
32 established by rule of the commissioner. Preference
33 shall be given to students enrolled in a program
34 which has been determined to be an underserved sub-
35 ject area.

36 2. Eligibility for graduate study or continuing
37 education loans. Graduate study or continuing educa-
38 tion loans shall be given only to a teacher in a

1 Maine school. Preference shall be given to teachers
2 of subjects which have been determined to be
3 underserved.

4 §12506. Payment provisions

5 Payment of loans shall be made directly to the
6 institution for credit to the student's account and
7 be made within 60 days following evidence that the
8 student has become duly enrolled at the
9 post-secondary institution.

10 If a recipient of a loan withdraws from an insti-
11 tution and if the student is entitled to a refund of
12 tuition, fees or other charges, the institution shall
13 pay directly to the State from that refund a sum
14 which represents the portion of the loan paid to the
15 student for the portion of the academic year that the
16 student did not complete.

17 §12507. Repayment and return service provisions -
18 loans for general post-secondary education
19 and preservice teacher preparation

20 Each recipient of a loan may cancel the total
21 amount of the loan by completing 4 years of return
22 service in the public schools or private schools ap-
23 proved for tuition purposes in the State. The repay-
24 ment period shall be 2 years if return service is
25 performed in underserved subject areas or in geo-
26 graphically isolated areas as determined by the com-
27 missioner. Return service may also cancel the loan
28 on a proportional basis, reducing the total amount of
29 the debt by 25% for each year of return service. Re-
30 turn service for this purpose shall be performed
31 within 5 years of graduation from the institution of
32 higher education. Failure to fulfill the return ser-
33 vice option will necessitate repayment to the State
34 as follows.

35 1. Debt calculation. The debt shall include to-
36 tal amount of the loan less the amount, if any, which
37 has been cancelled by return service.

38 2. Time for repayment. The total debt shall be
39 repaid to the State within 5 years of graduation from
40 the institution of higher education according to a

1 schedule established by the commissioner. Due dates
2 for repayments shall be set by the commissioner.

3 §12508. Repayment and return service provisions -
4 loans for teachers

5 Each recipient of a loan designated for teachers
6 pursuing an advanced degree or continued study may
7 cancel the total amount of the loan by completing 2
8 years of return service in the public schools or private
9 schools approved for tuition purposes in the
10 State. The repayment period shall be one year if re-
11 turn service is performed in underserved subject ar-
12 reas or in geographically isolated areas as determined
13 by the commissioner. Return service may also cancel
14 the loan on a proportional basis, reducing the total
15 amount of the debt by 50% for each year of return
16 service. Return service for this purpose shall be
17 performed within 3 years of graduation from the in-
18 stitution of higher education or completion of the
19 course or courses for which the funds were given.
20 Failure to fulfill the return service option will ne-
21 cessitate repayment to the State as follows.

22 1. Debt calculation. The debt shall include to-
23 tal amount of the loan less the amount, if any, which
24 has been canceled by return service.

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

31 §12509. Nonlapsing revolving fund

32 A nonlapsing, interest earning, revolving fund,
33 known as the Blaine House Scholars Fund, is created
34 to implement the purposes of this chapter. Any unex-
35 pected balance of funds may be carried over for con-
36 tinued use in the program and funds returned through
37 loan repayments shall be invested by the Treasurer of
38 State, as provided by law, with the earned income to
39 be added to the fund. The revolving fund may re-
40 ceive, invest and expend moneys from gifts, grants,
41 bequests and donations in addition to moneys appro-

1 priated by the State.

2 §12510. Rules

3 Rules to implement this chapter shall be adopted
4 by the commissioner.

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

7 PART G

8 Sec. 1. 20-A MRSA c. 605, as amended, is re-
9 pealed.

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

11 CHAPTER 606

12 SCHOOL FINANCE ACT OF 1985

13 §15601. Short title

14 This chapter may be cited as the "School Finance
15 Act of 1985."

16 §15602. Intent

17 1. Contributions from General Fund. It is the
18 intent of the Legislature to provide at least 55% of
19 the cost of the total allocation from General Fund
20 revenue sources or a percentage no less than that
21 provided in the year prior to the year of allocation,
22 whichever is greater.

23 2. Amount of actual operating and program
24 costs. It is the intent of the Legislature that the
25 actual operating and program costs, as annually es-
26 tablished by the Legislature, shall be an amount suf-
27 ficient to meet the level of the costs in the year
28 prior to the year of allocation.

29 §15603. Definitions

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

1 1. Actual education costs. "Actual education
2 costs" means the state and local expenditures during
3 the base year for the programs and adjustments speci-
4 fied in sections 15604 and 15612.

5 2. Actual local operating costs. "Actual local
6 operating costs" include all costs except the follow-
7 ing:

8 A. Program costs for special education costs in
9 subsection 22, vocational education costs in sub-
10 section 30, transportation operating costs in
11 subsection 29 and bus purchase costs in subsec-
12 tion 7;

13 B. Debt service costs;

14 C. Community service costs;

15 D. Major capital costs; and

16 E. Expenditures from all federal revenue
17 sources, except for amounts received under United
18 States Public Law 81-874.

19 3. Actual local operating costs ad-
20 justed. "Actual local operating costs adjusted"
21 means actual operating costs in subsection 2 adjusted
22 to meet the level of the costs in the year prior to
23 the year of allocation.

24 4. Actual local program costs. "Actual local
25 program costs" include all costs for the following:

26 A. Special education costs in subsection 22;

27 B. Vocational education costs in subsection 30;

28 C. Transportation operating costs in subsection
29 29;

30 D. Bus purchase costs in subsection 7; and

31 E. Early childhood educational program costs in
32 subsection 10.

1 5. Actual local program costs adjusted. "Actual
2 local program costs adjusted" means actual program
3 costs in subsection 4, adjusted to meet the level of
4 the costs in the year prior to the year of alloca-
5 tion.

6 6. Base year. "Base year" means the 2nd year
7 prior to the year of allocation of funds.

8 7. Bus purchase costs. "Bus purchase costs" in-
9 cludes:

10 A. Expenditures for bus purchases approved by
11 the commissioner and made during the year prior
12 to the year of allocation.

13 8. Debt service costs. "Debt service costs,"
14 for subsidy purposes, includes:

15 A. Principal and interest costs for approved ma-
16 ajor capital projects in the year of allocation;

17 B. Lease costs for school buildings when the
18 leases have been approved by the commissioner for
19 the year prior to the year of allocation;

20 C. The portion of the tuition costs applicable
21 to the insured value factor computed under Title
22 20-A, section 5806, for the base year; and

23 D. Funds allocated by the state board to admin-
24 istrative units to cover the costs of new school
25 construction projects funded in the current fis-
26 cal year.

27 9. Debt service millage limit. "Debt service
28 millage limit" means the equivalent of a mill rate
29 which, if applied to the state valuation of an admin-
30 istrative unit, limits the local share of debt ser-
31 vice required under section 15611, subsection 1, par-
32 agraph A.

33 10. Early childhood educational programs. "Early
34 childhood educational programs" means the excess cost
35 of approved plans implemented under chapter 203, sub-
36 chapter II.

1 11. Elementary grades. "Elementary grades" in-
2 cludes a childhood educational program, as defined by
3 section 5201, through grade 8.

4 12. Foundation allocation. "Foundation alloca-
5 tion" means the total of actual local operating costs
6 and actual local program costs adjusted to the equiv-
7 alent of the year prior to the year of allocation.

8 13. Foundation per pupil operating
9 rate. "Foundation per pupil operating rate" means
10 the rate established by the Legislature in section
11 15607, subsection 1.

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

20 15. Local share of the foundation alloca-
21 tion. "Local share of the foundation allocation"
22 means a school administrative unit's share of the
23 foundation allocation.

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

30 17. Major capital costs. "Major capital costs"
31 means costs relating to school construction projects,
32 as defined in section 15901.

33 18. Minor capital costs. "Minor capital costs"
34 means costs relating to maintenance of plant and mi-
35 nor remodeling and site development not in conjunc-
36 tion with a construction project.

37 A. Minor capital costs shall not include con-
38 struction of new buildings or the purchase of
39 land.

1 B. Expenditures to repay funds borrowed for
2 maintenance of plant and minor remodeling shall
3 be considered minor capital costs in the year in
4 which these funds are repaid.

5 19. Municipality. "Municipality" includes
6 cities, towns and organized plantations.

7 20. Program millage limit. "Program millage
8 limit" means the equivalent of a mill rate which, if
9 applied to the state valuation of an administrative
10 unit, shall limit the local share of the program al-
11 location required under section 15609, subsection 1,
12 paragraph B.

13 21. Secondary grades. "Secondary grades" means
14 grades 9 to 12.

15 22. Special education costs. "Special education
16 costs" for subsidy purposes includes:

17 A. The salary and benefit costs of certified
18 professionals, assistants and aides or persons
19 contracted to perform a special education ser-
20 vice;

21 B. The costs of tuition and board to other
22 schools for programs which have been approved by
23 the commissioner. Medical costs shall not be al-
24 lowable as part of a tuition charge; and

25 C. The cost of programs for gifted and talented
26 students which have been approved by the commis-
27 sioner.

28 23. State-operated institution. "State-operated
29 institution" means any residential facility or insti-
30 tution which is operated by the Department of Mental
31 Health and Mental Retardation.

32 24. State share of the foundation alloca-
33 tion. "State share of the foundation allocation"
34 means the state's share of the foundation allocation.

35 25. State share percentage. "State share per-
36 centage" means the rate computed by dividing the
37 state share of the operating costs allocation by the

1 maximum operating cost allocation, expressed as a
2 percentage, under section 15609, subsection 1, para-
3 graph A.

4 26. State subsidy. "State subsidy" means the
5 total of the state share of the foundation alloca-
6 tion, the state share of the debt service allocation,
7 if any, and the state share of the bus purchase allo-
8 cation, if any.

9 27. Subsidy indices. "Subsidy indices" means
10 the equivalent of mill rates which, if applied to the
11 state valuation of all municipalities, would raise
12 not more than 45% of the total allocation and would
13 establish the operating cost millage, the program
14 millage limit and the debt service millage limit.

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

17 28. Total allocation. "Total allocation" means
18 the total of the foundation allocation and the debt
19 service allocation.

20 29. Transportation operating costs. "Transporta-
21 tion operating costs," for subsidy purposes, means
22 all costs incurred in the transportation of pupils in
23 kindergarten to grade 12, excluding the costs of bus
24 purchases.

25 30. Vocational education costs. "Vocational ed-
26 ucation costs" for subsidy purposes means all costs
27 incurred by the vocational regions, centers or
28 satellites in providing approved secondary school vo-
29 cational education programs, excluding transporta-
30 tion, capital costs and debt service.

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

33 §15604. Notification of actual educational costs;
34 other information; mandatory reports; audit
35 adjustments

36 1. Notification; items. Prior to December 1st
37 of each year, the commissioner shall notify the Leg-
38 islature and the Bureau of the Budget of actual edu-

1 cation costs. This notification includes the follow-
2 ing items:

3 A. Operating costs;

4 B. Special education costs for programs operated
5 by school administrative units;

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

8 (1) Tuition and board for pupils placed by
9 school administrative units;

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

13 (3) Special education tuition and other tu-
14 ition for institutional residents of
15 state-operated institutions attending pro-
16 grams in school administrative units in ac-
17 cordance with rules adopted or amended by
18 the commissioner; and

19 (4) Adjustments under section 15612, sub-
20 section 6;

21 D. Vocational education costs;

22 E. Transportation operating costs;

23 F. Bus purchase costs;

24 G. Debt service costs;

25 H. Cost of reimbursement for private school ser-
26 vices;

27 I. Cost of state expenditures for teachers' re-
28 irement benefits; and

29 J. Early childhood educational programs.

30 2. Additional information. The commissioner
31 shall provide additional information requested by the
32 Legislature.

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

7 The commissioner may withhold monthly subsidy pay-
8 ments from a school administrative unit when informa-
9 tion is not filed in specified format and content and
10 within specified time schedules.

11 4. Audit adjustments. The commissioner may cor-
12 rect errors revealed by audit.

13 §15605. Commissioner's recommendation for funding
14 levels; computations; guidelines

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

20 2. Funding level computations. The following
21 are the funding level computations that support the
22 commissioner's funding level recommendations.

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

32 (1) The elementary foundation per pupil op-
33 erating rate shall be the summary of actual
34 local operating costs of all school adminis-
35 trative units of the base year adjusted to
36 the year prior to the year of allocation di-
37 vided by the average total resident pupils
38 in sections 5104 and 6004 educated at public
39 expense in kindergarten to grade 8 on April
40 1st and October 1st of the calendar year

1 prior to the year of allocation.

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

12 B. The requested funding levels for operating
13 costs under section 15604, subsection 1, para-
14 graph A, shall be the actual local operating
15 costs for the base year adjusted to the equiva-
16 lent of the year prior to the year of allocation.

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

27 D. The requested funding levels for debt service
28 under section 15604, subsection 1, paragraph G,
29 shall be as follows:

30 (1) The known obligations and estimates of
31 anticipated principal and interest costs for
32 the year of allocation;

33 (2) The expenditures for the insured value
34 factor for the base year;

35 (3) The level of leases approved by the
36 commissioner for the year prior to the year
37 of allocation; and

38 (4) Funds allocated by the state board for
39 new school construction projects funded in

1 the current fiscal year.

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

7 F. The requested funding levels for adjustments
8 under section 15612 shall be computed by estimat-
9 ing costs for the year of allocation.

10 G. The requested funding levels for reimburse-
11 ment for private school services under section
12 15604, subsection 1, paragraph H, shall be the
13 actual costs for the base year.

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

23 §15606. Governor's recommendation for funding levels

24 The Bureau of the Budget shall annually certify
25 to the Legislature the funding levels which the Gov-
26 ernor recommends for sections 15604 and 15612.

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

30 §15607. Actions by the Legislature

31 The Legislature shall annually, prior to April
32 1st, enact legislation which shall:

33 1. Foundation per pupil operating rate. Estab-
34 lish the foundation per pupil operating rate and the
35 elementary and secondary foundation per pupil operat-
36 ing rates;

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

1 10. Appropriation for audit adjust-
2 ments. Appropriate the necessary funds for audit ad-
3 justments; and

4 11. Appropriation for nonpublic school ser-
5 vices. Appropriate the necessary funds for reim-
6 bursement for nonpublic school services under section
7 15613, subsection 4.

8 §15608. Computation of the maximum state-local allo-
9 cation prior to adjustments

10 The commissioner shall compute the maximum foun-
11 dition allocation for each school administrative unit
12 as follows.

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

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

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

30 2. Program costs allocation. The program costs
31 allocation shall be the total of the following pro-
32 gram costs.

33 A. The special education portion of the program
34 cost allocation shall be the special education
35 costs in section 15603, subsection 22, as ad-
36 justed.

37 B. The vocational education portion of the pro-
38 gram costs allocation shall be the actual expend-

1 itures for vocational education programs in sec-
2 tion 15603, subsection 30, as adjusted.

3 C. The transportation operating portion of the
4 program costs allocation shall be the actual ex-
5 penditures for transportation operating costs for
6 the unit as adjusted.

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

10 §15609. Computation of maximum local share of the
11 foundation allocation

12 1. Maximum local share of the foundation alloca-
13 tion computation. The commissioner shall compute the
14 local share of the foundation allocation by adding
15 the following.

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

26 (1) The local share percentage shall be the
27 proportion that the local share of the allo-
28 cation for operating cost is to the maximum
29 operating cost allocation. The state share
30 percentage shall be the proportion that the
31 state share of the allocation for operating
32 cost is to the maximum operating cost allo-
33 cation.

34 B. The local share of the allocation for program
35 costs shall be the actual local program costs in
36 the base year adjusted and bus purchase costs in
37 the year prior to the year of allocation multi-
38 plied by the local share percentage determined in
39 paragraph A or the program millage limit estab-
40 lished in section 15607 times the state valuation

1 of the municipalities in the administrative unit,
2 whichever is less.

3 (1) The program millage limit shall be the
4 mills derived by dividing 40% of the program
5 costs adjusted as defined in section 15603,
6 subsection 5, by the state valuation of all
7 municipalities.

8 §15610. Computation of state share of the foundation
9 allocation

10 1. State share of the foundation allocation com-
11 putation; limitation. The commissioner shall compute
12 the state share of the foundation allocation for each
13 unit as follows.

14 A. The state share of the allocation for operat-
15 ing costs shall be the difference between the lo-
16 cal share of the allocation and the maximum oper-
17 ating cost allocation.

18 B. The state share of the allocation for program
19 costs shall be the difference between the local
20 share of the allocation and the total program
21 cost allocation.

22 C. The state share of the foundation allocation
23 for each administrative unit shall be limited to
24 the same proportion of the maximum allocation as
25 the local administrative unit raises of its maxi-
26 mum local share of the foundation allocation.

27 D. The commissioner shall reduce the state share
28 of the foundation allocation to an administrative
29 unit in the current year or following year by an
30 amount that represents the state share of expend-
31 itures for salaries and benefits paid to uncerti-
32 fied personnel.

33 §15611. Computation of local and state shares for
34 debt service

35 1. Local share. The commissioner shall compute
36 the local share of allocation for debt service for
37 each unit as follows.

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

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

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

17 §15612. Adjustments to the state share of the foun-
18 ation allocation

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

24 1. Quality incentive adjustments; computation of
25 adjustment. The following provisions apply to incen-
26 tives for quality programs.

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

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

37 2. Geographic isolation; determination; adjust-
38 ment limitation. The following provisions apply to
39 geographic isolation, determination and adjustment

1 limitation.

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

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

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

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

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

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

37 4. Small administrative unit subsidy adjust-
38 ments; legislative intent. A school administrative
39 unit may qualify for one of the following small unit
40 subsidy adjustments.

- 1 A. If a school administrative unit is operating
2 an elementary school with 25 pupils or less in
3 kindergarten and grade one to grade 8 during the
4 school year immediately prior to the year of al-
5 location, it shall receive a minimum allocation
6 for operating costs equal to 5/3 of the state av-
7 erage elementary teachers salary in the school
8 year immediately prior to the year of allocation
9 as determined by the commissioner.
- 10 B. If a school administrative unit is not oper-
11 ating an elementary school or a secondary school
12 and has 25 pupils or less in kindergarten and
13 grade one to grade 8 during the school year imme-
14 diately prior to the year of allocation, it shall
15 receive a minimum allocation computed by multi-
16 plying the elementary or secondary pupil enroll-
17 ment on October 1st in the year of allocation by
18 the foundation per pupil operating rate or the
19 actual cost of tuition payment in the year of al-
20 location, whichever is less.
- 21 C. The small unit subsidy adjustment shall guar-
22 antee a minimum subsidy payment for operating
23 costs to those school administrative units which
24 qualify and it shall be made only after the ad-
25 justments in subsections 1 to 3 have been made.
- 26 5. Pupils on federal land; adjustment; limita-
27 tion. The following provisions apply to pupils on
28 federal land, adjustment and limitation.
- 29 A. A school administrative unit which enrolls
30 eligible pupils under the United States laws of
31 September 30, 1950, chapter 1124, United States
32 Code, Section 236, et seq., Public Law 81-874,
33 shall count those pupils as resident pupils for
34 purposes of this chapter.
- 35 B. The state share of the foundation allocation
36 to that school administrative unit shall be ad-
37 justed by subtracting the receipts under the
38 United States laws of September 30, 1950, Chapter
39 1124, United States Code, Section 236, et seq.,
40 Public Law 81-874, in the same proportion that
41 total local revenues under the state equalization
42 program are to total local revenues for education

1 in that unit.

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

14 6. Special educational adjustment; guidelines;
15 limits; local authorization. The following provi-
16 sions apply to special educational adjustment, guide-
17 lines, limits and location authorization.

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

27 B. The funds for the adjustment shall be limited
28 to the amount appropriated by the Legislature for
29 that purpose.

30 C. School boards may expend the funds allocated
31 without seeking approval from their legislative
32 bodies.

33 7. Audit adjustments. The following provisions
34 apply to audit adjustments.

35 A. If errors are revealed by audit and by the
36 commissioner, the school administrative unit's
37 foundation allocation shall be adjusted to in-
38 clude corrections.

39 §15613. Authorization and schedules of payment of

1 state subsidy; appeals; limitations

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

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

12 A. The commissioner shall annually, prior to
13 April 21st, notify each school board of the
14 amount allocated to the school administrative
15 unit.

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

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

26 4. Nonpublic school service reimbursements. The
27 following provisions apply to nonpublic school ser-
28 vice reimbursements.

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

39 B. The total amount reimbursed under this sub-

1 section shall not exceed the level of funds ap-
2 propriated for this item under section 15607,
3 subsection 12.

4 C. Municipal officers shall submit documentation
5 demonstrating the amount of money appropriated
6 for nonpublic school student services for the
7 base year.

8 D. The commissioner may adopt or amend rules to
9 assure that:

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

14 (2) No municipality receives reimbursement
15 for a student who attends school at public
16 expense; and

17 (3) All services provided to nonpublic
18 school students that require professional
19 personnel are provided by public employees.

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

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

30 7. Appeals. A school board may appeal the com-
31 putation of state subsidy for the school administra-
32 tive unit to the state board in writing within 30
33 days of the date of notification of the computed
34 amount. The state board shall review the appeal and
35 make an adjustment if, in its judgment, an adjustment
36 is justified. The state board's decision shall be fi-
37 nal as to facts supported by the record of the ap-
38 peal.

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

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

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

15 11. Guarantee of state subsidy for 1985-86 and
16 1986-87. For the 1985-86 and 1986-87 years only, the
17 commissioner may pay local educational units the
18 1984-85 state subsidy or the 1985-86 or 1986-87 state
19 allocation respectively, whichever is greater.

20 §15614. Local appropriations

21 The following provisions shall apply to local ap-
22 propriations for school purposes.

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

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

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

38 2. Debt service allocation. The legislative

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

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

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

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

15 4. Actions in subsections 1 to 3 shall be taken
16 by a recorded vote.

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

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

30 §15615. Municipal assessment paid to district

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

37 The assessment schedule shall include each member
38 municipality's share of the district's local alloca-

1 tion, local share of debt service and additional lo-
2 cal appropriations.

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

9 §15616. Special school districts

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

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

25 §15617. School budget; budget formats

26 1. Content. A school administrative unit shall
27 include in its school budget document:

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

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

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

35 A. At least 7 days before the initial meeting of
36 the legislative body responsible for adopting a
37 budget, a detailed budget document shall be

1 available to that legislative body and to any
2 person residing within the geographic area served
3 by the school administrative unit.

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

10 3. Budget format. The following provisions
11 shall apply to a budget format.

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

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

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

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

37 5. Budget format; town meeting. When the final
38 budget authority is vested in a town meeting operat-
39 ing under the general enabling procedures of Title
40 30, the format of the school budget may be determined

1 by the town meeting or under the procedures of Title
2 30, section 2053 or 2061.

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

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

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

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

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

21 C. The district school committee shall:

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

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

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

34 8. Change in budget format. Any change in the
35 budget format shall be voted on at least 90 days pri-
36 or to the budget year for which that change is to be
37 effective.

1 §15618. Actions on budget

2 The following provisions shall apply to approving
3 a budget.

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

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

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

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

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

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

35 C. In a municipality, the meeting shall be
36 called by the municipal officers:

37 (1) Within 15 days after receipt of a re-
38 quest from the school board, if the request

1 is received within 15 days of the budget
2 meeting and it specifies the article or ar-
3 ticles to be reconsidered; or

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

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

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

22 §15619. Bonds; notes; other

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

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

37 2. Reduction. The sums to be assessed and col-
38 lected shall be reduced by the amount of an alloca-
39 tion of funds appropriated by the Legislature to pay
40 the principal and interest owed by the unit in a

1 given year as certified to the school administrative
2 unit by the commissioner. The commissioner shall cer-
3 tify the amount due to the unit within 30 days of its
4 appropriation by the Legislature.

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

9 **Sec. 3 Unallocated balances to be carried for-**
10 **ward. Any unallocated balances in the School Finance**
11 **Act shall be carried forward to the next fiscal year.**

12 **Sec. 4. Effective date. This Part shall take**
13 **effect July 1, 1985.**

14 PART H

15 **Sec. 1. Consolidation of certain programs. The**
16 **Certification and Placement of Teachers function and**
17 **the Teacher Education function shall be combined and**
18 **operated as a single unit with the Department of Edu-**
19 **cational and 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.

1 of the program in order to validate the use of a na-
2 tionally accepted teacher examination or a state cre-
3 ated teacher examination to be authorized by the
4 State Board of Education and the commissioner in ac-
5 cordance with the procedures required under the Maine
6 Administrative Procedure Act, Title 5, chapter 375.
7 The study shall be used to establish the minimum
8 score requirements which an applicant shall attain to
9 qualify for a provisional teacher certificate and
10 shall also provide statewide information on the qual-
11 ifications of applicants for provisional certifi-
12 cates.

13 §13034. Certification records

14 The score on the teacher qualifying examinations
15 shall become part of a teacher's certification
16 records. These records shall be confidential to the
17 extent authorized under section 13004.

18 §13035. Qualifying scores

19 An applicant will not be eligible to receive a
20 provisional teacher certificate after June 30, 1988,
21 unless he has received a minimum qualifying score on
22 the teacher qualifying examinations. The minimum
23 qualifying score shall be determined by the State
24 Board of Education and the commissioner by December
25 1, 1987, to be based on their study of the data de-
26 veloped during the first 3 years the tests are admin-
27 istered.

28 §13036. Applicant rights

29 An applicant shall be informed of the results of
30 the qualifying examinations and have the right to re-
31 take the qualifying examinations, in whole or in
32 part.

33 **Sec. 3. Effective date.** This Part shall take ef-
34 fect 90 days after adjournment of the Legislature.

35 PART J

36 **Sec. 1.** 5 MRSA §1001, sub-§9, as amended by PL
37 1983, c. 82, is further amended to read:

1 lowing meanings.

2 1. Qualifying schools. "Qualifying schools"
3 means the following:

4 A. Public schools that are governed by a school
5 board of a school administrative unit;

6 B. Private secondary schools approved for tui-
7 tion whose school enrollments are at least 60%
8 publicly-funded students as determined by the
9 previous school year's October to April average
10 enrollment; and

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

13 (1) Baxter School for the Deaf;

14 (2) Arthur R. Gould School;

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

16 (4) Education of children in unorganized
17 territories.

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

27 A. Classroom teacher;

28 B. Itinerant teacher;

29 C. Guidance counselor;

30 D. Librarian-media specialist;

31 E. Special education teacher;

32 F. Special teacher of reading; and

1 G. Speech clinician-teacher.

2 §13503. Teacher recognition grants

3 Teacher recognition grants of \$1,000 shall be
4 awarded twice during the school year to only those
5 teachers who have been employed full time in qualify-
6 ing schools since the first day of each corresponding
7 semester. Teachers employed less than full time or
8 less than a full semester, as determined by the qual-
9 ifying school, shall not receive a prorated grant
10 amount.

11 §13504. Schedule of payment

12 Grants will be issued by the Treasurer of State
13 on February 15th and August 15th of 1986.

14 §13505. Local filing; certification

15 Qualifying schools shall file with the commis-
16 sioner a certified list of teachers eligible to re-
17 ceive grants under this chapter, including their
18 names, mailing addresses, social security numbers,
19 income tax withholding status and current salary.
20 Filing information shall be submitted on or before
21 January 15th for the February 15th schedule of pay-
22 ment; the filing for the August 15th schedule of pay-
23 ment shall be submitted on or before July 15th.

24 §13506. Responsibility of the commissioner

25 The responsibilities of the commissioner to im-
26 plement this program are as follows.

27 1. Notification of filing deadlines. The com-
28 missioner shall notify all qualifying schools at
29 least 45 days in advance of the filing deadline.

30 2. Transmittal of information. The commissioner
31 shall transmit the necessary filing data to the De-
32 partment of Finance and Administration in sufficient
33 time to allow the issuance of payments on February
34 15th and August 15th of each year.

35 3. Financial records. The commissioner shall
36 design and maintain financial and filing records.

1	(3)	Community	Community Ser-	Expenses	5 MRSA §3517
2		Services	vices Advisory	only	
3			Board		
4	(4)	Corrections	Maine Correc-	\$25/day	34-A MRSA §1204
5			tional Advisory		
6			Commission		
7	(5)	Education	Advisory Com-	Not Autho-	20-A MRSA §11807
8			mittee on Medi-	rized	
9			cal Education		
10	(6)	Education	Archives Advis-	Expenses	5 MRSA §96
11			ory Board	only	
12	(7)	Education	Committee for	Expenses	20-A MRSA §9002
13			the Training of	only	
14			Firemen		
15	(8)	Education	Indian Scholar-	Not Autho-	20-A MRSA §12403
16			ship Committee	rized	
17	(9)	Education	Maine Education	Not Autho-	20-A MRSA § 651
18			Council	rized	
19	(10)	Education	Educational	Not Autho-	5 MRSA §723
20			Leave Advisory	rized	
21			Board		
22	(11)	Education	Maine Historic	Expenses	27 MRSA §501
23			Preservation	only	
24			Commission		
25	(12)	Education	Maine Library	Expenses	27 MRSA §111
26			Commission	only	
27	(13)	Education	Post-secondary	Expenses	20-A MRSA §10304
28			Education Com-	only	
29			mission of		
30			Maine		
31	(14)	Education	Maine State	Expenses	27 MRSA §401
32			Commission on	only	
33			the Arts and		
34			the Humanities		
35	<u>(14B)</u>	<u>Education</u>	<u>Advisory Com-</u>	<u>\$25/day</u>	<u>20-A MRSA §260</u>

1		<u>mittee on Early</u>			
2		<u>Elementary</u>			
3		<u>Education</u>			
4	(15) Energy	Advisory Council on Energy Efficiency Building Performance Standards	Expenses only	10 MRSA	\$1414
5					
6					
7					
8					
9					
10	(16) Energy	State Energy Resources Advisory Board	Not Authorized	5 MRSA	\$5007
11					
12					
13	(17) Environment	Low-level Waste Siting Commission	Expenses only	38 MRSA	\$1476
14					
15					
16	(18) Environment:	Ground Water Protection Commission	Expenses only	P&SL 1979, c. 43	
17	Natural Resources				
18					
19	(19) Finance	Advisory Council on Deferred Compensation Plans	Expenses only	5 MRSA	\$884
20					
21					
22					
23	(20) Finance	Natural Resource Financing and Marketing Board	\$25/day	10 MRSA	\$985
24					
25					
26					
27	(21) Finance	Standardization Committee	\$25/day; Public Member	5 MRSA	\$1814
28					
29					
30	(22) Finance	Maine Veterans' Small Business Loan Board	Expenses only	10 MRSA	\$1100-A
31					
32					
33	(23) Housing	Advisory Board to the Maine State Housing Authority	Expenses only	30 MRSA	\$4602
34					
35					
36					
37	(24) Housing	Passamaquoddy	Not Authorized	22 MRSA	\$4733

1			Indian Housing	rized	
2			Authority - In-		
3			dian Township		
4	(25)	Housing	Passamaquoddy	Not Autho-	22 MRSA \$4733
5			Indian Housing	rized	
6			Authority -		
7			Pleasant Point		
8	(26)	Housing	Penobscot Trib-	Not Autho-	22 MRSA \$4733
9			al Reservation	rized	
10			Housing Author-		
11			ity		
12	(27)	Human	Ser-	Maine Aid to	Not Autho-
13		vices		Families With	rized
14				Dependent Chil-	
15				dren Coordinat-	
16				ing Committee	22 MRSA \$3773
17	(28)	Human	Ser-	Advisory Coun-	Not Autho-
18		vices		cil to Maine	rized
19				Aid to Families	
20				With Dependent	
21				Children Coord-	
22				inating Com-	
23				mittee	22 MRSA \$3774
24	(29)	Human	Ser-	Certificate of	\$25/day
25		services: Health		Need Advisory	
26		Facilities		Committee	22 MRSA \$307
27	(30)	Human	Ser-	Maine Council	Expenses
28		vices		on Alcohol and	only
29				Drug Abuse Pre-	
30				vention and	
31				Treatment	22 MRSA \$7107
32	(31)	Human	Ser-	Maine Dental	Expenses
33		vices		Health Council	only
34	(32)	Human	Ser-	Environmental	Expenses
35		services: Public		Health Advisory	only
36		Health		Committee	22 MRSA \$1693
37	(33)	Human	Ser-	Hospital Advis-	Not Autho-
38		services: Hospi-		ory Committee	rized

1	tals				
2	(34) Human Ser-	Payor Advisory	Not Autho-	22 MRSA §396-P	
3	vices: Health	Committee	rized		
4	Finance				
5	(35) Human Ser-	Professional	Not Autho-	22 MRSA §396-P	
6	vices	Advisory Com-	rized		
7		mittee			
8	(36) Human Ser-	Radiological	Expenses	37-B MRSA §954	
9	vices: Public	Emergency	only		
10	Health	Preparedness			
11		Committee			
12	(37) Judiciary	Judicial Coun-	Expenses	4 MRSA §451	
13		cil	only		
14	(38) Judiciary:	Criminal Law	Expenses	17-A MRSA §1351	
15	Criminal law	Advisory Com-	only		
16		mission			
17	(39) Judiciary:	Probate Law Re-	Expenses P&SL	1975, c. 14, §1	
18	Law	vision Commis-	only		
19		sion			
20	(40) Labor	State Advisory	\$25/day	26 MRSA §1082	
21		Council			
22	(41) Labor	Displaced	Not Autho-	26 MRSA §1604	
23		Homemakers Ad-	rized		
24		visory Council			
25	(42) Local and	County Records	Not Autho-	30 MRSA §347	
26	County Gov-	Board	rized		
27	ernment				
28	(43) Local and	Municipal	Not Autho-	30 MRSA §2214	
29	County Gov-	Records Board	rized		
30	ernment				
31	(44) Local and	Regional Coun-	Paid by	30 MRSA §1981	
32	County Gov-	cil of Govern-	member gov-		
33	ernment	ments	ernments		
34	(45) Marine Re-	Lobster Advis-	Expenses	12 MRSA §6462	
35	sources: In-	ory Council	only		

1		dustry				
2					(a) Total expenses for the	
3					council shall not exceed	
4					\$2,000 per year	
5	(46)	Marine Re-	Atlantic Sea	Expenses	12 MRSA	\$6251
6		sources	Run Salmon Com-	only		
7			mission			
8	(47)	Marine Re-	Maine Marine	Expenses	Senate Paper 64,	
9		sources	Resources Com-	only	1973	
10			mission			
11	(48)	Mental Health	Board of Visi-	Not Autho-	34-B MRSA	\$1403
12		and Retarda-	tors (for each	rized		
13		tion	State institu-			
14			tion under the			
15			department)			
16	(49)	Mental Health	Maine Committee	Expenses	34-B MRSA	\$1210
17		and Retarda-	on the Problems	only		
18		tion	of the Mentally			
19			Retarded			
20	(50)	Mental Health	Mental Health	Not Autho-	34-B MRSA	\$1209
21		and Retarda-	Advisory Coun-	rized		
22		tion	cil			
23	(51)	Mental Health	State Planning	Expenses	34-B MRSA	\$1211
24		and Retarda-	and Advisory	only		
25		tion	Council on De-			
26			velopmental			
27			Disabilities			
28	(52)	Natural Re-	Forest Fire Ad-	Expenses	12 MRSA	\$9621
29		sources: For-	visory Council	only		
30		ests				
31	(53)	Natural Re-	Forest Land	Expenses	36 MRSA	\$584
32		sources: For-	Valuation Ad-	only		
33		ests	visory Council			
34	(54)	Natural Re-	Keep Maine Sce-	Expenses	12 MRSA	\$633
35		sources: Pro-	nic Committee	only		
36		tection and				
37		Promotion				

1	(55)	Natural Re-	Maine Trails	Not Autho-	12 MRSA §602
2		sources:	System Advisory	rized	
3		Recreation	Committee		
4	(56)	Natural Re-	White Water Ad-	\$25/day	12 MRSA §7369-A
5		sources:	visory Commit-		
6		Recreation	tee		
7	(57)	Natural Re-	White Water	\$25/day	12 MRSA §7367
8		sources:	Safety Commit-		
9		Recreation	tee		
10	(58)	Occupations:	Auctioneers Ad-	Expenses	32 MRSA §271
11		Auctioneers	visory Board	only	
12	(59)	Occupations:	Emergency Medi-	\$20/day	32 MRSA §88
13		Ambulance	cal Services'		
14		Services	Advisory Board		
15	(60)	Occupations:	Computer Ser-	\$25/day	5 MRSA §1855
16		Computers	vices Advisory		
17			Board		
18	(61)	Occupations:	General Lines	Expenses	24-A MRSA §1525
19		Insurance	Agent Examina-	only	
20			tion Advisory		
21			Board		
22	(62)	Occupations:	Life Agent Ex-	Expenses	24-A MRSA §1525
23		Insurance	amination Ad-	only	
24			visory Board		
25	(63)	Occupations:	Continuing Edu-	Not Autho-	32 MRSA §4115-B
26		Real Estate	cation Commit-	rized	
27			tee		
28	(64)	Occupations:	Professional	Not Autho-	24 MRSA §2602
29		Medicine	Malpractice Ad-	rized	
30			visory Panel		
31	(65)	State Govern-	Capitol Plan-	Expenses	5 MRSA §298
32		ment	ning Commission	only	
33	(66)	State Govern-	State Compensa-	Expenses	3 MRSA §2-A
34		ment	tion Commission	only	
35	(67)	State Govern-	State Govern-	Expenses	5 MRSA §293

1	ment	ment Internship	only		
2		Program Advis-			
3		ory Committee			
4	(68) State Plan-	Maine Critical	Expenses	5 MRSA	§3313
5	ning	Areas Advisory	only		
6		Board			
7	(69) Transporta-	Maine Aeronau-	Not Autho-	6 MRSA	§302
8	tion: Motor	tical Advisory	rized		
9	Vehicles	Board			
10	(70) Transporta-	Maine State	Not Autho-	23 MRSA	§4301
11	tion: Ferry	Ferry Advisory	rized		
12	Service	Board			
13	(71) Transporta-	Maine Highway	Not Autho-	25 MRSA	§2902
14	tion: Highway	Safety Commit-	rized		
15		tee			
16	(72) Transporta-	Advisory and	Expenses	29 MRSA	§2246
17	tion: Motor	Review Board on	only		
18	Vehicles	Driver Licens-			
19		ing and Vehicle			
20		Registration			
21	(73) Transporta-	Medical Advis-	Not Autho-	29 MRSA	§547
22	tion: Motor	ory Board (Li-	rized		
23	Vehicles	censing of			
24		Drivers)			
25	(74) Transporta-	Public Trans-	Not Autho-	23 MRSA	§4209
26	tion: Public	portation Ad-	rized		
27	Transportation	visory Commit-			
28		tee			
29	(75) Tourism	Travel Informa-	\$25/day	23 MRSA	§1904
30		tion Advisory			
31		Council			
32	(76) Tourism	Maine Vacation	Expenses	5 MRSA	§7005
33		- Travel Com-	only		
34		mission			
35	(77) Telecommuni-	Advisory Com-	Not Autho-	5 MRSA	§350
36	cations	mittee on State	rized		
37		Telecommuni-			

1 cations

2 (78) Telecommuni- Advisory Com- Expenses 20-A MRSA §801
3 cations mittee on Maine only
4 Public Broad-
5 casting

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

7 §260. Early elementary, kindergarten to grade 3,
8 school assistance program

9 1. Program established. The commissioner shall
10 establish a state early elementary, kindergarten to
11 grade 3, school assistance program which shall in-
12 clude the following.

13 A. There shall be a statewide kindergarten
14 screening and assessment program as part of the
15 statewide assessment program.

16 B. The commissioner shall direct the research,
17 development and distribution of an integrated,
18 standardized kindergarten to grade 3 screening
19 and assessment program to assist schools and
20 teachers in assessing performance and progress in
21 kindergarten to grade 3.

22 C. The commissioner shall require the research
23 and development of kindergarten to grade 3 cur-
24 riculum guide for distribution to schools.

25 2. Implementation. To implement this program,
26 the commissioner shall take the following action:

27 A. Employ departmental staff to implement the
28 assistance program;

29 B. Enter into such contracts as may be necessary
30 to carry out the development and implementation
31 of the assistance program;

32 C. Adopt rules to implement the program; and

33 D. Appoint the Advisory Committee on Early Ele-
34 mentary Education of not more than 8 persons
35 qualified and experienced in early elementary ed-

1 ucation to advise and assist the department in
2 designing and implementing the program.

3 Sec.3. 20-A MRSA §1001, sub-§8, as enacted by PL
4 1981, c. 693, §§5 and 8, is amended to read:

5 8. Operate kindergarten and grades 1 to 12.
6 They shall either operate programs in kindergarten
7 and grades 1 to 12 or otherwise provide for students
8 to participate in those grades as authorized else-
9 where in this Title. They shall determine which stu-
10 dents shall attend each school, classify them and
11 transfer them from school to school where more than
12 one school is maintained at the same time.

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

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

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

23 9. Kindergarten adjustment. Administrative
24 units, which operate a one-year kindergarten program
25 starting in the school year 1985-86 but did not oper-
26 ate one in the 1984-85 school year, will have their
27 cost paid directly by the commissioner in the fiscal
28 years ending on June 30, 1986, and June 30, 1987, to
29 cover the allowable costs of operating a kindergarten
30 program in those years. This direct payment may not
31 extend beyond the fiscal year ending in June 30,
32 1987. The costs of operating the kindergarten pro-
33 gram for the base years ending on June 30, 1986, and
34 June 30, 1987, may be reported for future subsidy al-
35 locations.

36 Sec. 6. 20-A MRSA §15612, sub-§8 is enacted to
37 read:

38 8. Kindergarten adjustment. Administrative
39 units, which operate a one-year kindergarten program

1 organizes and clarifies some laws and repeals and re-
2 places other sections to achieve a clear statement of
3 the duty of school units to provide public education
4 which meets basic approval standards.

5 Section 1 on the commissioner's general duties is
6 amended to make clear that his authority to take ac-
7 tion to enforce this Title consistent with section
8 6801-A and other sections in Title 20-A.

9 Sections 2 and 3 clarify the commissioner's role
10 to review and inspect schools by incorporating sever-
11 al references to this duty in one section. The change
12 restores the commissioner's duty to inspect all
13 schools which receive state aid, an omission in the
14 recodification.

15 Section 4 is intended for consistency with other
16 statutes and regulations requiring annual reports to
17 the commissioner.

18 Section 5 shortens the time for a contract be-
19 tween a school administrative district and another
20 school or school unit, to be more consistent with the
21 contracting privileges for other school units and for
22 more accountability. It also adopts, by reference,
23 the correct components of a contract required for
24 other types of school units and it requires the com-
25 missioner's approval for contracts with private
26 schools. Under current law, these contracts must be
27 filed annually with the commissioner, but the commis-
28 sioner lacks explicit authority to determine that
29 these contracts are in compliance with the law.

30 Section 6 requires the commissioner to review and
31 approve contracts between school administrative units
32 and private schools, to determine compliance with the
33 statutory requirements for contracts. This is con-
34 sistent with the procedure in special education. It
35 also replaces the requirement in the Revised Stat-
36 utes, Title 20, that all contracts be filed with the
37 commissioner.

38 Sections 7, 8, 9, 10 and 11 clarify, correct and
39 improve the laws relating to private schools approved
40 for receipt of public tuition. The bill requires all
41 private tuition-approved secondary schools to send

1 timely accreditation reports to the commissioner.
2 These reports may now be kept confidential. The bill
3 removes an inconsistency in the current law and makes
4 clear that tuition-approved schools must comply with
5 financial, audit and all other requirements which the
6 commissioner has authority to adopt.

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

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

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

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

38 The section on accreditation also allows the de-
39 partment to require schools to meet the actual ex-
40 penditures of a visiting review team, an appropriate
41 provision because the process is voluntary. These ex-
42 penditures include room, board and travel expenses of

1 nondepartmental personnel.

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

8 Section 21 amends the duty of superintendents to
9 reflect current practice, to be consistent with other
10 sections of current law and reinforce the importance
11 of the school approval process. Superintendents must
12 submit statistical information necessary to determine
13 whether the school unit is in compliance with school
14 approval standards.

15 Section 22 adds the requirement that rules on au-
16 dits be consistent with state, as well as federal,
17 requirements.

18 Sections 23 and 24 amend a section on enforcement
19 procedures which originally enacted in diverse sec-
20 tions piecemeal over many decades resulting in lan-
21 guage which is internally inconsistent, confusing and
22 cumbersome. It deletes references to action by the
23 Governor which were originally enacted decades ago
24 when the Governor and Council awarded appropriations
25 for school aid. It adopts the most recent compliance
26 statute, under which the commissioner would refer in-
27 stances of noncompliance to the Attorney General for
28 court action. It requires the commissioner generally
29 to give notice and an opportunity for a hearing be-
30 fore taking action to withhold subsidies, consistent
31 with the Maine Administrative Procedure Act, Title 5,
32 chapter 375, but it requires the withholding of state
33 subsidy where schools fail to make timely financial
34 reports related to state subsidy.

35 STATEMENT OF FACT - PART B

36 This Part requires an annual report to the Legis-
37 lature on the status of education in the State.

38 STATEMENT OF FACT - PART C

39 This Part accomplishes several important objec-

1 tives. It creates by statute the minimum require-
2 ments for a high school diploma in the State. It al-
3 so reorganizes and coordinates many different stat-
4 utes addressing curriculum requirements and instruc-
5 tional programs now in the law with the intent of
6 making the laws clear, concise and consistent. This
7 Part attempts to meet the suggestions of the Gover-
8 nor's Commission on the Status of Education in Maine,
9 while also correcting and clarifying all existing
10 statutes relating to curriculum or instructional re-
11 quirements.

12 Sections 1, 2 and 3. Under the list of school
13 board duties in the Revised Statutes, in Title 20-A,
14 section 1001, is the duty to provide instruction in
15 health and hygiene. This reference to a single sub-
16 ject has an explanation in history, but is now con-
17 fusing because it omits all the other curriculum re-
18 quirements in other sections of the law. This sec-
19 tion restates the school board's duty to direct the
20 instructional program and references the state re-
21 quirements now outlined in section 4.

22 Section 4. This repeals the existing chapter on
23 curriculum.

24 Section 5. The recodification of Title 20 to Ti-
25 tle 20-A replaced a mish-mash of old statutes on cur-
26 riculum in Title 20-A, without regard for the legis-
27 lative history, for omissions and for lack of refer-
28 ences in the law. This re-write of the curriculum
29 chapter places in one place all the curriculum re-
30 quirements and authority scattered or implied
31 throughout Title 20-A. It also establishes the sub-
32 jects for elementary school, an omission in our law
33 which is in contrast to almost all other states.
34 This section includes new statutory requirements for
35 a high school diploma. It also clarifies confusing
36 language on bilingual instruction, transfers the re-
37 quirement for physiology and hygiene instruction from
38 the section 1001 (on local school boards) and adopts
39 appropriate references to programs in special educa-
40 tion and gifted and talented, and alternative pro-
41 grams now authorized by law. It readopts language on
42 the relative roles of the commissioner and local
43 school boards with respect to curriculum. Finally,
44 the chapter readopts statutory references to American

1 history and government, Maine studies, health and hy-
2 giene and English language.

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

13 Section 7. Driver education is now placed under
14 the part of Title 20-A which addresses special pur-
15 pose programs because driver education is a special-
16 ized program authorized by Title 29.

17 STATEMENT OF FACT - PART D

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

22 The Voluntary Maine Assessment of Educational
23 Progress, in effect since 1971, has been a useful
24 tool in assessing the condition of academic achieve-
25 ment on a statewide basis, but is limited to repre-
26 sentative samples of students and does not provide
27 results for schools or individual students. More-
28 over, the assessment tests a subject area only once
29 every 3 years.

30 This Part provides for a standard statewide edu-
31 cational assessment program in which all public and
32 publicly-supported elementary and secondary schools
33 will participate. Student academic performance and
34 progress will be measured in reading, written and
35 oral communications and mathematics at grades 4, 8
36 and 11 with supplemental assessment on a sampling ba-
37 sis in science, social studies and the humanities in
38 alternate years. The appropriation will fund devel-
39 opment and administration of the foundation skills
40 assessment tests and a sampling assessment of science
41 or social studies. Specifically, each student in

1 grades 4, 8 and 11 will be given tests in reading,
2 writing and mathematics that will measure a broad
3 range of knowledge and skills in relation to defined
4 instructional objectives. Reports will be prepared
5 for each student, each school, each district and a
6 state summary of the test results.

7 STATEMENT OF FACT - PART E

8 This Part establishes for the first time a state
9 program of incentive grants to promote innovations in
10 classroom instruction, school management and other
11 educationally related projects. Two classes of
12 projects will be eligible for grants: Projects which
13 are teacher initiated and classroom based; and
14 projects which are school-based, including both sin-
15 gle school and collaborative projects. The
16 school-based projects will require a local match.

17 STATEMENT OF FACT - PART F

18 This Part establishes the Blaine House Scholars
19 Program which recognizes academic excellence, encour-
20 ages individuals to enter the teaching profession and
21 addresses the need for advanced educational training.
22 The program will provide a funding source for Maine
23 citizens seeking post-secondary education according
24 to the following allocation formula: 25% for eligi-
25 ble Maine high school graduates on the basis of aca-
26 demic achievement and financial need; 50% for eligi-
27 ble individuals for preservice preparation for teach-
28 ing; and 25% for teachers pursuing an advanced degree
29 or continued study in underserved subject areas.

30 STATEMENT OF FACT - PART G

31 1. Presently, the State average per pupil oper-
32 ating rates which are the ceilings for state partici-
33 pation are reduced by \$72 per elementary pupil and
34 \$103 per secondary pupil for 1984-85. The new formu-
35 la eliminates the deduction by using the actual state
36 average.

37 2. Allocations for units spending below the
38 state average in operating costs are calculated at
39 the individual, lower expenditure level. To increase
40 the per pupil expenditure, the local unit must raise

1 upfront money for 2 years before state share money
2 will follow. At the same time, the lower spending
3 unit must raise the same local share to which all
4 units are committed, represented by the subsidy index
5 millage.

6 The new financing plan will allow all units the
7 same rates per pupil for allocation in the formula.
8 Below average units will have access to current year
9 money for upgrading. To earn the additional amount,
10 the unit would need to raise all of its local share;
11 a reduction in local effort will result in a propor-
12 tionate reduction of the state share.

13 3. The present ceiling for per pupil operating
14 cost allocation is the state average amount. Those
15 units that have per pupil costs beyond the state av-
16 erage receive no help with the higher costs.

17 The proposed formula contains a "quality incen-
18 tive adjustment" which recognizes above average per
19 pupil cost factors. The adjustment would be half
20 subsidization of the excess cost above the foundation
21 amount, up to a maximum of 20% above average.

22 4. The categorical programs - special education,
23 vocational education and transportation - are funded
24 now via a 2-year-old cost allocation. All new pro-
25 gram and inflationary cost factors are absorbed sole-
26 ly by the local units.

27 In the proposed formula, the 2-year-old categori-
28 cal program costs are updated to a one-year-old
29 equivalent for allocation. The percentage used for
30 updating is set by the Legislature and based on en-
31 rollment, actual cost and cost indices factors relat-
32 ed to the pertinent years.

33 5. Local leeway in the present formula is an op-
34 tional, supplemental funding pattern designed for
35 state aid help in funding new programs or inflation-
36 ary effects. The state share percentage in local
37 leeway has varied between 30% and 40%; for 1984-85,
38 the percentage is 36.41%. Past reductions in state
39 averages, changes to more accountable 2-year-old
40 costs and inflation have resulted in a local leeway
41 program that is far more necessary to fund local bud-

1 gets and its original purpose. In 1983-84, over 90%
2 of the local units had to use optional local leeway
3 plus raise an additional \$30,000,000 completely on
4 their own.

5 The proposed School Finance Act eliminates the
6 local leeway provision. Leeway is absorbed in the
7 total foundation program. The intent of local leeway
8 will be extended to below average units by giving ac-
9 cess to the same foundation amount and to above aver-
10 age units through the quality incentive adjustment.

11 6. The present calculation for subsidy requires
12 the local share of costs to be a flat rate based on
13 state valuation. A subsidy index, 8.57 mills for
14 1984-85, is applied for all units. The state share
15 is the amount above that equal local effort.

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

27 The new formula restructures the same distribu-
28 tion factors. The total allocations are broken into
29 3 major components: Operating costs; program costs,
30 the categoricals; and debt service costs. Each com-
31 ponent part is plotted by state and local shares de-
32 termined by the percentage calculated on a per pup-
33 il/valuation equalization base. This should result
34 in a simpler set of concepts, more understanding of
35 the funding process, less confusion about 50% or 100%
36 funding, more local responsibility to set program
37 priorities on bases other than favorable influence in
38 the formula, and more trust among officials and citi-
39 zens.

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

1

STATEMENT OF FACT - PART H

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

18

STATEMENT OF FACT - PART I

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

34 The cost to the State for conducting its valida-
35 tion study of the use of these tests is estimated to
36 be \$64,000.

37 Teachers currently holding certificates in the
38 State will not be required to take the qualifying ex-
39 aminations.

40

STATEMENT OF FACT - PART J

1 This Part establishes a state-funded Teacher Recognition Grants Program to recognize the importance
2 of teachers in our schools. The purpose of the program is to retain and attract intelligent people into
3 teaching by providing \$2,000 recognition grants to
4 full-time teachers. Recognition grants will be made
5 in 1986 in 2 payments of \$1,000 to teachers employed
6 full time in public schools, private secondary
7 schools whose enrollments are at least 60%
8 publicly-funded pupils and schools operated by state
9 agencies.
10
11

12 This Part requires the Commissioner of Educational and Cultural Services and the State Board of Education
13 to study the effects of integrating the Teacher Recognition Grants Program with a career ladder.
14
15

16 This Part requires that state-funded teacher recognition grants are not to be considered during local
17 collective bargaining and are not "earnable compensation" as defined for purposes of the Maine State Retirement System.
18
19
20

21 The minimum salary schedule is repealed.

22 STATEMENT OF FACT - PART K

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

26 Section 1 establishes the rate of compensation
27 for the Advisory Committee on Early Elementary Education.
28

29 Section 2 establishes the state early elementary
30 (K-3) school assistance program, including a kindergarten screening and assessment program, an integrated
31 screening and assessment program for kindergarten to grade 3, and a comprehensive kindergarten
32 to grade 3 curriculum guide. In addition, it establishes an Advisory Committee on Early Elementary Education
33 to assist in the design and implementation of the program.
34
35
36
37

38 Section 3 mandates kindergarten programs in all
39 school units.

