

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

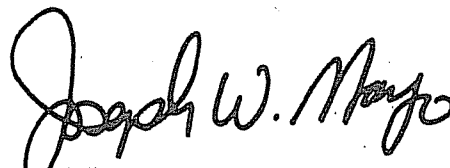
Legislative Document

No. 112

H.P. 82

House of Representatives, January 21, 1993

Reference to the Committee on Education suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative NORTON of Winthrop.

Cosponsored by Senator WEBSTER of Franklin, Representative MITCHELL of Vassalboro and Representative TUFTS of Stockton Springs.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

An Act to Amend the Role of the State Board of Education.

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

2
3 **Sec. 1. 20-A MRSA §3**, as enacted by PL 1981, c. 693, §§5 and
4 8, is amended to read:

6 **§3. Administrative procedures**

8 The adopting of rules, conducting of adjudicatory hearings
9 and issuing of licenses by the ~~state--board~~, department or
10 commissioner shall must be in accordance with the Maine
11 Administrative Procedure Act, Title 5, chapter 375, except as
12 specified in this Title.

14 **Sec. 2. 20-A MRSA §8, sub-§3**, as enacted by PL 1991, c. 407,
15 §1, is amended to read:

16 **3. Waiver of rules for educator preparation programs.** In
17 order to prepare educators to work in restructuring schools, an
18 educator preparation program may request that the ~~state--board~~
19 commissioner waive the application of specific rules governing
20 approval of that program. The ~~state--board~~ commissioner shall
21 grant waiver requests if, in the ~~board's~~ commissioner's opinion,
22 the program has:

24 A. Demonstrated that the rules for which a waiver is
25 requested prevent or seriously handicap the program in its
26 pursuit of a plan to meet the educational needs of its
27 students and the staffing needs of restructuring schools;

30 B. Demonstrated that reasonable steps have been taken to
31 provide the safeguards offered by the rules in question to
32 allow continued educational progress by students and protect
33 the continuity and integrity of the program and employees of
34 that program;

36 C. Provided evidence that the necessary resources and
37 support from the governing body and staff of an institution
38 of higher education are present to ensure that the changes
39 requiring the waiver stand a reasonable chance of succeeding;

40 D. Informed any bargaining agent or agents representing
41 affected program employees of the waiver request; and

42 E. Developed service, research and teaching relationships
43 with one or more restructuring public schools.

44 The request for the waiver must include documentation to
45 substantiate the conditions of this subsection. If the request
46 is denied, the ~~state--board~~ commissioner shall communicate the
47 reasons for denying the request to the petitioning program.
48
49
50

2 **Sec. 3. 20-A MRSA §253, sub-§4, ¶¶C and D**, as enacted by PL
1981, c. 693, §§5 and 8, are amended to read:

4 C. Coordinate the purchase and use of all department
6 equipment; and

8 D. Review the function and operation of the department to
10 ensure that overlapping functions and operations are
eliminated;

12 **Sec. 4. 20-A MRSA §253, sub-§4, ¶¶E to O** are enacted to read:

14 E. Approve the formation of school administrative districts;

16 F. Adopt or amend rules on requirements for approval and
18 accreditation of elementary and secondary schools;

20 G. Establish standards for the certification of teachers;

22 H. Adjust the subsidy to a school administrative unit when
24 the expenditures for education in the unit show evidence of
manipulation to gain an unfair advantage or are adjudged
excessive;

26 I. Act on articles of agreement for creation of an
28 interstate school district;

30 J. Adopt or amend rules on standards for school
32 construction;

34 K. Approve projects for state construction aid;

36 L. Approve the formation of community school districts;

38 M. Approve isolated secondary schools;

40 N. Obtain information regarding applications for granting
42 degrees and make a recommendation to the Legislature; and

44 O. Recommend funds to the Bureau of the Budget for
46 equalization of educational opportunity.

48 **Sec. 5. 20-A MRSA §401-A**, as enacted by PL 1987, c. 395, Pt.
A, §47, is repealed and the following enacted in its place:

§401-A. Responsibilities of the State Board of Education

2 The State Board of Education is intended to act as a body
with advisory functions. The board has the primary
4 responsibility to advise the commissioner in the administration
of all mandated responsibilities of that position and to
6 administer federal funds received in accordance with section 405,
subsection 7.

8 **Sec. 6. 20-A MRSA §402, sub-§2**, as amended by PL 1987, c. 395,
Pt. A, §48, is further amended to read:

10 **2. Meetings.** Meetings of the state board shall must be
12 held at least quarterly every 2 months on call of the chairman
chair or the commissioner on 5 days' written notice to members.
14 If both the chairman chair and commissioner are absent, or refuse
to call a meeting, any 3 members of the state board may call a
16 meeting by similar notices in writing.

18 **Sec. 7. 20-A MRSA §405, sub-§3**, as amended by PL 1989, c. 698,
§§11 and 12 and affected by §76, is repealed.

20 **Sec. 8. 20-A MRSA §405, sub-§3-A** is enacted to read:

22 **3-A. Duties.** The state board shall make recommendations to
24 the commissioner for the efficient conduct of the public schools
and serve as state agency for administering federal funds for
26 vocational education.

28 **Sec. 9. 20-A MRSA §405, sub-§6**, as enacted by PL 1981, c. 693,
§§5 and 8, is amended to read:

30 **6. Recommendations to commissioner.** The state board shall
32 recommend to the Legislature commissioner any new legislation or
amendments to existing legislation for the efficient conduct of
34 the public schools.

36 **Sec. 10. 20-A MRSA §405, sub-§9**, as enacted by PL 1987, c.
851, §7, is repealed.

38 **Sec. 11. 20-A MRSA §406**, as enacted by PL 1981, c. 693, §§5
40 and 8, is repealed.

42 **Sec. 12. 20-A MRSA §1201, sub-§2, ¶¶B and C**, as enacted by PL
1981, c. 693, §§5 and 8, are amended to read:

44 **B.** One hundred or more resident public secondary school
46 students, if the ~~state--board~~ commissioner determines the
formation of a larger district is educationally,
48 economically or geographically not feasible;

2 C. Fifty or more resident public secondary school students
if:

4 (1) The proposed district has on file with the state
board commissioner a duly authorized and executed
6 2-year to 10-year contract offer from a municipality
having 100 or more resident public secondary school
8 students; and

10 (2) If the combined number of resident public
secondary school students in these 2 school
12 administrative units exceeds 300; and

14 **Sec. 13. 20-A MRSA §1202**, as amended by PL 1989, c. 104, Pt.
C, §§8 and 10, is further amended to read:

16 **§1202. Formation of district**

18 The residents of 2 or more municipalities may form a school
20 administrative district, which shall ~~be~~ is a body politic and
corporate, by completing the following steps.

22 **1. Application vote.** At a duly called special or regular
24 meeting or city election the voters of a municipality may
instruct its school board to file an application with the state
26 board commissioner. The article to be inserted in the warrant
for the meeting shall must be in the following form:

28 "To see if the municipality will vote to instruct its school
30 board to file an application with the State--Board
Commissioner of Education for the purpose of forming a
32 school administrative district with the following towns:

34 _____
(naming them)"

36 **2. Initial application.** If the article is approved, the
school board shall file an initial application with the state
38 board commissioner.

40 A. The application shall must include a list of the names
of the municipalities that propose to form the school
42 administrative district, an adequate study outlining the
desirability and the educational feasibility of the proposed
44 district and whatever other information the state--board
commissioner may deem consider necessary and proper.

46 B. In municipalities which that have less than 300, but
48 more than 99 resident pupils, the application shall must
state in detail the educational, economic and geographic

2 reasons for the formation of the proposed school
administrative district.

4 C. An application shall must be filed on a form prepared by
the state-board commissioner.

6
8 **3. Calling of a joint meeting.** If the state--board
commissioner finds the proposed school administrative district
10 eligible and approves its initial application, the state--board
12 commissioner shall notify the municipal officers and the members
of the school boards in the municipalities within the proposed
14 district of a date, time and place of a joint meeting of the
municipal officers and the school board members from each
municipality.

16 A. The notice shall must be in writing and sent by
registered or certified mail, return receipt requested, to
18 the addresses as shown on the application.

20 B. The notice shall must be mailed at least 10 days prior
to the date set for the meeting.

22
24 **4. Joint meeting.** The following shall govern the joint
meeting.

26 A. ~~At-least-1/2~~ One half of the total number of municipal
officers and school committee members eligible to vote at
28 the joint meeting shall ~~be present to constitute~~ constitute
a quorum. If there is no quorum, those present shall report
30 to the state--board commissioner that a quorum was not
present and request the state-board commissioner to issue a
32 new notice.

34 B. The school boards and municipal officers of each
municipality shall each caucus and select 3 of their members
36 to represent their municipality in the joint meeting. Other
members may not vote in the joint meeting.

38 C. Those with voting rights shall, by majority vote:

40 (1) Elect a ~~chairman~~ chair and a secretary;

42 (2) Determine the total number of school directors to
44 represent each municipality and the method of
apportioning voting power among directors consistent
46 with this section and sections 1251 and 1252;

48 (3) Determine the method of sharing costs under
section 1301; and
50

2 (4) Determine the date when all the municipalities in
the proposed district shall vote on the articles of
4 district formation. The date shall must be at least 60
days from the date on which it is determined.

6 D. The ~~chairman~~ chair and secretary shall prepare a report
describing the number of directors and the representation
8 from each municipality. They shall sign and forward that
report to the ~~state-board~~ commissioner.

10 **5. Calling municipal elections.** If the ~~state--board~~
12 commissioner finds the report of the joint meeting to be in
order, the ~~state--board~~ commissioner shall order the municipal
14 officers of the municipalities involved to call town meetings or
city elections on the date established pursuant to subsection 4,
16 paragraph C, subparagraph (4) for the purpose of voting on the
questions required by this subchapter relating to the formation
18 of a school administrative district.

20 A. Municipalities voting on the questions of district
formation under Title 30-A, sections 2528 to 2531, shall
22 open the polls at 10 a.m. and shall close the polls at 7 p.m.

24 B. In other municipalities the municipal officers shall
direct that the town meeting or city election shall open at
26 7:30 p.m.

28 C. All school administrative units shall vote upon the
questions of school district information in the same fashion
30 as the units conduct other business at regular or special
town meetings, except that school administrative units
32 electing municipal officers by secret ballot may use that
method for electing school board directors.

34 **6. Articles to be voted on.** The articles to be voted on
36 shall must be in the following form.

38 A. "Article : To see if the municipality will vote to
join with the municipalities of (naming them) to form a
40 school administrative district."

42 B. "Article : To see if the municipality will vote to
approve the allocation of representation within the district
44 on the Board of School Directors as recommended by the
school committees and municipal officers as follows: The
46 total number of directors shall will be _____."
(number)

48 C. "Article : To choose _____ school
50 (number)"

2 director(s) to represent the municipality (or subdistrict)
3 on the board of school directors of the school
4 administrative district."

5 D. If the state--beard commissioner has authorized an
6 alternative method of sharing costs, the municipality shall
7 vote on the following article.

8 "Article : To see if the costs of operating "School
9 Administrative District _____ " shall will be shared
10 (number)
11 among the towns of _____
12 (naming them)
13 in accordance with (per pupil, state valuation, a
14 combination thereof or any other formula authorized by
15 the Legislature)."

16 E. If coterminous school districts exist or there is
17 outstanding indebtedness for school construction or other
18 school property in any of the municipalities concerned, the
19 following additional article must also be acted on.

20 "Article : To see if the municipality will vote
21 to authorize the district to assume full responsibility
22 for amortizing the following listed indebtedness now
23 outstanding in the school administrative units planning
24 to form the school administrative district."
25 (The list must include the name of the obligated school
26 administrative unit, type of obligation, amount unpaid,
27 interest rate and the payment schedule for all
28 outstanding school indebtedness of all the school
29 administrative units comprising the school
30 administrative district under consideration.)

31 F. If a school administrative district is to be formed
32 under this section, or if the proposed school administrative
33 district plans to contract with a designated private school
34 for the education of its students in grades 9 through 12,
35 voters shall act on the following article.

36 "Article : To see if the municipality will vote
37 to join with the municipalities
38 of _____ to form a school administrative
39 (naming them)
40 district, which district is hereby authorized and
41 directed to accept the contract offer
42 of _____ for the schooling of
43 pupils in grades 9 through 12."

44
45
46
47
48
49
50

2 7. **Majority vote.** Approval of each article shall must be
by a majority vote of those voting in each municipality on each
4 article.

6 8. **Special provision for community school districts.** A
community school district may be changed to a school
8 administrative district if each municipality within the district
acts affirmatively on the following articles.

10 A. Existing community school districts may become school
administrative districts on approval of the state--beard
12 commissioner and may suspend operation as a community school
district if each of the participating municipalities acts
14 affirmatively on an article similar in form to the
following, prior to accepting the other articles required in
16 this section.

18 "Article : To see if the municipality will vote
to authorize the _____ Community School
20 (name)

22 District, of which this municipality is a part, to
suspend operation as a community school district and
24 organize and operate as a school administrative
district in accordance with action on the following
26 article."

28 B. Municipalities, including all of those participating in
an existing community school district, may form a school
administrative district on approval of the state--beard
30 commissioner and suspend the operation of the community
school district if each of the participating municipalities
32 acts affirmatively on an article similar in form to the
following, and acts affirmatively on each of the other
34 articles required in this section.

36 "Article : To see if the municipality will vote
to authorize the suspension of
38 the _____
(name)

40 Community School District in order to organize and
operate as a part of a larger school administrative
42 district."

44 C. In approving one of these articles, all acts of a
community school district in contracting their indebtedness
46 shall must be ratified and confirmed.

48 D. The board of directors of the school administrative
district shall pay to the trustees of the former community
50 school district within their jurisdiction sufficient funds

2 each year to amortize all outstanding capital indebtedness
3 existing at the time the community school district was
4 suspended.

5 **Sec. 14. 20-A MRSA §1203**, as enacted by PL 1981, c. 693, §§5
6 and 8, is amended to read:

7 **§1203. Issuance of a certificate of organization**

8 Certificates of organization shall must be issued as follows.

9 **1. Report of vote.** The clerks of the municipalities which
10 that have voted on the questions regarding the formation of the
11 school administrative district shall report to the ~~state-beard~~
12 commissioner the results of the vote in a manner determined by
13 the ~~state-beard~~ commissioner.

14 **2. Finding recorded.** If the ~~state-beard~~ commissioner finds
15 that a majority of voters in each school administrative unit
16 forming the school administrative district have voted in favor of
17 each of the articles of formation, elected the necessary school
18 directors and taken all other necessary steps in the formation of
19 the proposed school administrative district in conformity with
20 law, the ~~state-beard~~ commissioner shall make and record ~~its~~ a
21 finding that the school administrative district is in compliance.

22 **3. School administrative district number assigned.** The
23 ~~state-beard~~ commissioner, having made ~~its~~ a finding, shall assign
24 a number to each school administrative district in the order of
25 their formation. The official title of the school administrative
26 district shall ~~be~~ is "School Administrative District No. ."

27 **4. Certificate of organization.** The ~~state---~~ beard
28 commissioner shall, immediately after making ~~its~~ a finding, issue
29 a certificate of organization.

30 **5. Certificate issued, filed and recorded.** The original
31 certificate shall must be delivered to the school directors on
32 the day that they organize and a copy, attested by the ~~secretary~~
33 ~~of-the-state-beard~~ commissioner, shall must be filed and recorded
34 in the office of the Secretary of State.

35 **6. Issuance of certificate evidence of organization.** The
36 issuance of the certificate shall ~~be~~ is conclusive evidence of
37 the lawful organization of the school administrative district.

38 **Sec. 15. 20-A MRSA §1204, sub-§4, ¶C**, as enacted by PL 1981,
39 c. 693, §§5 and 8, is amended to read:

2 C. A municipality, within a proposed school administrative
3 district that has applied to the ~~state-beard~~ commissioner,
4 may, by vote of its voters, raise and appropriate money for
5 school construction purposes to be transferred to the
6 proposed school administrative district, if and when the
7 district takes over the operation of the public school
8 within its jurisdiction.

9
10 The municipality may only withdraw this appropriation:

11 (1) If the formation of the district fails to be
12 approved by the municipalities within the district or
13 by the ~~state-beard~~ commissioner; or

14 (2) If 9 months or more after the original vote, the
15 electorate of the town vote to withdraw the
16 appropriation.

17
18 **Sec. 16. 20-A MRSA §1205, sub-§1**, as enacted by PL 1981, c.
19 693, §§5 and 8, is amended to read:

20
21 **1. Operational date.** A school administrative district
22 ~~shall-beecome~~ becomes operative on the date set by the ~~state-beard~~
23 commissioner as provided in section 1253.

24
25 **Sec. 17. 20-A MRSA §1253, sub-§1**, as amended by PL 1983, c.
26 480, Pt. A, §17, is further amended to read:

27
28 **1. Initial meeting on district formation.** On the election
29 of the school directors, the clerk of each municipality within
30 the school administrative district shall forward the names of the
31 directors elected for that municipality to the ~~state--beard~~
32 commissioner with other data with regard to their election as the
33 ~~state-beard~~ commissioner may require. On receipt of the names of
34 all of the directors, the ~~state-beard~~ commissioner shall set a
35 time, place and date for the first meeting of the directors and
36 give notice to the directors in the manner set forth in section
37 1202, subsection 3, paragraph A.

38
39 **Sec. 18. 20-A MRSA §1255, sub-§7, ¶C**, as enacted by PL 1981,
40 c. 693, §§5 and 8, is amended to read:

41
42 C. Within 90 days of the first meeting, send a report of
43 their its plan to the ~~state--beard~~ commissioner for
44 approval. ~~It~~ The committee may, within the 90-day limit,
45 submit alternative plans for apportionment.

46
47 **Sec. 19. 20-A MRSA §1301, sub-§3, ¶F**, as enacted by PL 1981,
48 c. 693, §§5 and 8, is amended to read:

2 F. The secretary of the district shall notify the state
3 board commissioner that the district has voted to change its
4 method of sharing costs. The ~~state-board~~ commissioner shall
5 issue an amended certificate of organization showing this
6 new method of sharing costs.

7 **Sec. 20. 20-A MRSA §1311, sub-§6,** as enacted by PL 1981, c.
8 693, §§5 and 8, is amended to read:

9 **6. Debt limit.** The aggregate principal amount of
10 outstanding bonds or notes issued by a district for school
11 construction purposes shall ~~may~~ not exceed, at any one time, 10%
12 of the total of the last preceding state valuation of all the
13 municipalities within the district, plus an amount not to exceed
14 4% of that total district valuation set by the ~~state--board~~
15 commissioner at the time of the initial approval of the school
16 construction project.

17 A. Indebtedness in excess of 10% incurred under the law as
18 it existed prior to April 1, 1974, is validated.

19 B. Outstanding school indebtedness assumed by the district
20 shall ~~shall~~ must be included in its limit of indebtedness,
21 excluding contracts, leases or agreements with the Maine
22 School Building Authority and notes in anticipation of state
23 aid issued pursuant to subsection 3.

24 C. The percentage limit of the indebtedness for bonds or
25 notes for school construction purposes authorized after
26 April 27, 1967 shall ~~shall~~ must be fixed as of the time of
27 authorization by the voters or, if no district meeting is
28 held to authorize those bonds or notes, upon the expiration
29 of 35 days following passage of a resolution of the board of
30 directors as described in subsection 7.

31 D. If the issuance of bonds or notes together with all
32 outstanding indebtedness included within the district's
33 limit of indebtedness would cause the district's
34 indebtedness to exceed 10% of the total of the last
35 preceding state valuation of all the municipalities within
36 the district, the board of directors shall ~~shall~~ may not issue
37 those bonds or notes until they--have it has received a
38 certificate of approval pursuant to Title 20, section 3458.

39 E. If a certificate of approval indicates that the state
40 board commissioner has authorized state aid to be paid in
41 accordance with the alternate method prescribed by Title 20,
42 section 3460, the total estimated amount of state aid
43 payable on account of the school construction project
44 described in the certificate of approval shall ~~shall~~ must be

2 treated as outstanding school indebtedness for the purpose
of computing the borrowing capacity of the district to
4 finance that project by issuing its bonds or notes. State
aid shall must be determined by applying the applicable
6 percentage of state aid to the total estimated cost of the
project, as set forth in the certificate of approval.

8 **Sec. 21. 20-A MRSA §1353, sub-§3, ¶F,** as enacted by PL 1981,
c. 693, §§5 and 8, is amended to read:

10 F. If the district votes on the question of merging with
12 another district, the secretary shall immediately file a
return with the state-beard commissioner of the results of
14 the vote on the question of merger.

16 **Sec. 22. 20-A MRSA §§1408 and 1409,** as enacted by PL 1987, c.
395, Pt. A, §65, are repealed.

18 **Sec. 23. 20-A MRSA §1602, sub-§§2 to 4,** as enacted by PL 1981,
20 c. 693, §§5 and 8, are amended to read:

22 2. **Commissioner declaration.** Each municipal clerk shall
file a return of the votes cast at the meeting with the state
24 beard commissioner. If the state-beard commissioner determines
that a majority of those voting in each of the municipalities
26 favored the articles in subsection 1, paragraphs A and B, then
the state--beard commissioner shall so declare. With the
28 declaration, the commissioner shall issue to the community school
district a certificate of organization, which shall--be is
30 conclusive evidence of its lawful organization. The community
school district shall-bear bears the name voted on.

32 3. **Petition to reorganize to rename.** The district school
committee may petition the state-beard commissioner to change the
34 name of the community school district or to change the number of
grades which that the community school district is responsible
36 for operating.

38 A. The state-beard commissioner shall authorize the change
40 if it-finds the change to-be is in the best interest of the
community school district.

42 B. If the State-Board-of-Education commissioner authorizes
44 the change, then the governing body of the community school
district shall notify the municipal officers in each of the
46 member towns who shall call a meeting of the inhabitants of
their respective towns in the manner provided by law for
48 calling of town meetings and those meetings shall vote to
favor or oppose articles in substantially the following
50 forms.

2 (1) "Article : To see if the town will vote to
authorize the Community School District
4 to change its name to Community School
District."

6
8 (2) "Article : To see if the town will vote to
authorize the Community School District to
be responsible for the operation of grades
10 ."

12 C. The clerk in each of the member towns shall file a
return of the votes cast in the town meeting with the state
14 board commissioner. If the ~~state-board~~ commissioner finds
that a majority of those voting in each of the towns favor
16 the articles, then the community school district shall must
be reorganized accordingly.

18
20 4. **Board to file return.** Whenever the community school
district is reorganized in the manner authorized in subsection 3
or under section 1751, the board of trustees shall file a return
22 to that effect with the ~~state-board~~ commissioner. A copy,
certified by the commissioner, of the return shall--be is
24 conclusive evidence of the reorganization of the community school
district.

26 **Sec. 24. 20-A MRSA §1651, sub-§3**, as enacted by PL 1981, c.
28 693, §§5 and 8, is amended to read:

30 3. **Commissioner return.** When the trustees have fulfilled
the requirements of subsection 2 they shall file a return to that
32 effect with the ~~state-board~~ commissioner.

34 **Sec. 25. 20-A MRSA §2902, sub-§7**, as amended by PL 1985, c.
797, §24, is further amended to read:

36
38 7. **Approval rules.** Meet the requirements applicable to the
approval of private schools for attendance purposes adopted
jointly by the ~~state-board-and-the~~ commissioner.

40
42 **Sec. 26. 20-A MRSA §2904, sub-§3**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

44 3. **Hearing.** The hearing on removal of basic approval
shall must be in accordance with the applicable provisions of the
46 Maine Administrative Procedure Act, Title 5, chapter 375 and
~~rules--of--the--state--board--adopted--pursuant--to--section--405,~~
48 ~~subsection-3,--paragraph-E.~~

2 **Sec. 27. 20-A MRSA §2905**, as enacted by PL 1981, c. 693, §§5
and 8, is amended to read:

4 **§2905. Nonrenewal of basic approval**

6 The decision of the commissioner on nonrenewal of basic
approval of any school applying for renewal shall must be in
8 accordance with the Maine Administrative Procedure Act, Title 5,
chapter 375 and ~~rules adopted by the State Board of Education~~
10 ~~under section 405, subsection 3, paragraph E.~~

12 **Sec. 28. 20-A MRSA §3602**, as enacted by PL 1981, c. 693, §§5
and 8, is amended to read:

14 **§3602. Statement of policy**

16 It is the purpose of this compact to increase the
18 educational opportunities within the states of Maine and New
Hampshire by encouraging the formation of interstate school
20 districts which will each be a natural social and economic region
with adequate financial resources and a number of pupils
22 sufficient to permit the efficient use of school facilities
within the interstate district and to provide improved
24 instruction. ~~The state boards of education of Maine and New~~
Hampshire board and the commissioner may formulate and adopt
26 additional standards consistent with this purpose and with these
standards; and the formation of any interstate school district
28 and the adoption of its articles of agreement shall must be
subject to the approval of ~~both state boards~~ the New Hampshire
30 board and the commissioner as set forth.

32 **Sec. 29. 20-A MRSA §3604, sub-§5**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

34 **5. Joint action.** "Joint action" where joint action by both
36 ~~state boards~~ the New Hampshire board and the commissioner is
required, each ~~state board~~ shall ~~deliberate and vote by its own~~
38 ~~majority, but shall~~ separately reach the same result or take the
same action as ~~the other state board~~.

40 **Sec. 30. 20-A MRSA §3604, sub-§6**, as enacted by PL 1981, c.
42 693, §§5 and 8, is repealed.

44 **Sec. 31. 20-A MRSA §3608, sub-§10**, as enacted by PL 1981, c.
46 693, §§5 and 8, is amended to read:

48 **10. Amendments.** The method by which the articles of
agreement may be amended, which amendments may include the
annexation of territory, or an increase or decrease in the number
50 of grades for which the interstate district shall ~~be~~ is

2 responsible, provided that ~~no~~ an amendment shall may not be
effective until approved by ~~both state boards~~ the New Hampshire
4 board and the commissioner in the same manner as required for
approval of the original articles of agreement.

6 **Sec. 32. 20-A MRSA §§3609 to 3612**, as enacted by PL 1981, c.
693, §§5 and 8, are amended to read:

8
10 **§3609. Hearings**

12 If the planning committee recommends the formation of an
interstate school district, it shall hold at least one public
14 hearing on its report and the proposed articles of agreement
within the proposed interstate school district in Maine, and at
16 least one public hearing ~~thereon~~ on its report and the proposed
articles of agreement within the proposed interstate school
district in New Hampshire. The planning committee shall give
18 such notice ~~thereof~~ of the hearings as it may determine to be
reasonable, provided that such ~~the~~ notice shall must include at
20 least one publication in a newspaper of general circulation
within the proposed interstate school district not less than 15
22 days, not counting the date of publication and not counting the
date of the hearing, before the date of the first hearing. ~~Such~~
24 The hearings may be adjourned from time to time and from place to
place. The planning committee may revise the proposed articles
26 of agreement after the date of the hearings. It shall is not be
required to hold further hearings on the revised articles of
28 agreement but may hold one or more further hearings after notice
similar to that required for the first hearings if the planning
30 committee in its sole discretion determines that the revisions
are so substantial in nature as to require further presentation
32 to the public before submission to the ~~state boards of education~~
New Hampshire board and the commissioner.

34
36 **§3610. Approval by the New Hampshire board and the commissioner**

38 After the hearings a copy of the proposed articles of
agreement, as revised, signed by a majority of the planning
committee, shall must be submitted by it to each ~~state board~~ the
40 New Hampshire board and the commissioner. The ~~state boards~~ New
Hampshire board and the commissioner may, if they find that the
42 articles of agreement are in accord with the standards set forth
in this compact and in accordance with sound educational policy,
44 approve the same as submitted, or refer them back to the planning
committee for further study. The planning committee may make
46 additional revisions to the proposed articles of agreement to
conform to the recommendations of the ~~state boards~~ New Hampshire
48 board and the commissioner. Further hearings on the proposed
articles of agreement shall are not be required unless ordered by
50 the ~~state boards~~ New Hampshire board and the commissioner in

2 their discretion. In exercising such discretion, the state
4 boards New Hampshire board and the commissioner shall take into
6 account whether or not the additional revisions are so
8 substantial in nature as to require further presentation to the
10 public. If ~~both-state-boards~~ the New Hampshire board and the
12 commissioner find that the articles of agreement as further
14 revised are in accord with the standards set forth in this
16 compact and in accordance with sound educational policy, they
18 shall approve the same. After approval by ~~both-state-boards~~ the
20 New Hampshire board and the commissioner, each state-board shall
22 cause the articles of agreement to be submitted to the school
24 boards of the several member districts in each state for
26 acceptance by the member districts as provided in section 3611.
28 At the same time, ~~each-state-board~~ the New Hampshire board and
30 the commissioner shall designate the form of warrant, date, time,
32 place, and period of voting for the special meeting of the member
34 district to be held in accordance with the section 3611.

18 **§3611. Adoption by member districts**

20 Upon receipt by a New Hampshire school board of written
22 notice from the ~~state-board-in-its-state~~ New Hampshire board or
24 by a Maine school board from the commissioner of the approval of
26 the articles of agreement by ~~both-state-boards~~ the New Hampshire
28 board and the commissioner, the school board of each member
30 district shall cause the articles of agreement to be filed with
32 the member district clerk. Within 10 days after receipt of such
34 the notice, the school board shall issue its warrant for a
36 special meeting of the member district, the warrant to be in the
38 form, and the meeting to be held at the time and place and in the
40 manner prescribed by the ~~state-board~~ New Hampshire board or the
42 commissioner. No approval of the Superior Court shall ~~be~~ is
44 required for such special school district meeting in New
46 Hampshire. Voting shall must be with the use of the checklist by
48 a ballot substantially in the following form:

"Shall the school district accept the provisions of the Maine and
New Hampshire Interstate School Compact providing for the
establishment of an interstate school district, together with the
school districts of..... and....., etc., in
accordance with the proposed articles of agreement filed with the
school district (town, city or incorporated school district)
clerk?"

Yes () No ()

If the articles of agreement included the nomination of
individual school directors, those nominated from each member
district shall must be included in the ballot and voted upon,

2 such election to become effective upon the formation of an
interstate school district.

4 If a majority of the voters present and voting in a member
district vote in the affirmative, the clerk for such that member
6 district shall forthwith send to the state New Hampshire board in
its-state if the member district resides in New Hampshire or the
8 commissioner if the member district resides in Maine a certified
copy of the warrant, certificate of posting, and minutes of the
10 meeting of the district. If the ~~state boards of both states~~ New
Hampshire board and the commissioner find that a majority of the
12 voters present and voting in each member district have voted in
favor of the establishment of the interstate school district,
14 they shall issue a joint certificate to that effect; and such
that certificate shall-be is conclusive evidence of the lawful
16 organization and formation of the interstate school district as
of its date of issuance.

18 **§3612. Resubmission**

20 If the proposed articles of agreement are adopted by one or
22 more of the member districts but rejected by one or more of the
member districts, the ~~state boards~~ New Hampshire board and the
24 commissioner may resubmit them, in the same form as previously
submitted, to the rejecting member districts, in which case the
26 school boards thereof shall resubmit them to the voters in
accordance with section 3611. An affirmative vote in accordance
28 therewith shall-have has the same effect as though the articles
of agreement had been adopted in the first instance. In the
30 alternative, the ~~state--boards~~ New Hampshire board and the
commissioner may either discharge the planning committee, or
32 refer the articles of agreement back for further consideration to
the same or a reconstituted planning committee, which shall-have
34 has all of the powers and duties as the planning committee as
originally constituted.

36 **Sec. 33. 20-A MRSA §3619, first ¶,** as amended by PL 1983, c.
38 806, §32, is further amended to read:

40 The commissioners, acting jointly, shall fix a time and
place for a special meeting of the qualified voters within the
42 interstate school district for the purpose of organization, and
shall prepare and issue the warrant for the meeting after
44 consultation with the interstate school district planning board
and the members-elect, if any, of the interstate school board of
46 directors. Such That meeting shall must be held within 60 days
after the date of issuance of the certificate of formation,
48 unless the time is further extended by the joint action of the
~~state-boards~~ New Hampshire board and the commissioner. At the
50 organization meeting the commissioner of education of the state

2 where the meeting is held, or ~~his--or--her~~ the commissioner's
designate, shall preside in the first instance, and the following
business shall must be transacted:

4
6 **Sec. 34. 20-A MRSA §3622**, as enacted by PL 1981, c. 693, §§5
and 8, is amended to read:

8 **§3622. Certification of records**

10 The clerk of an interstate school district ~~shall--have~~ has
12 the power to certify the record of the votes adopted at an
interstate school district meeting to the respective
14 commissioners and ~~state-boards~~ the New Hampshire board and, where
required, for filing with a secretary of state.

16 **Sec. 35. 20-A MRSA §4102, sub-§1**, as enacted by PL 1983, c.
422, §17, is amended to read:

18
20 **1. Replaced by new building.** The school building has been
replaced by other school buildings as part of a school
22 construction project which that has been approved by the State
~~Board-of-Education~~ commissioner in accordance with chapter 609.

24 **Sec. 36. 20-A MRSA §4502, sub-§5**, as amended by PL 1991, c.
622, Pt. X, §§1 and 2, is further amended to read:

26
28 **5. Other standards.** The ~~state-board--and--the~~ commissioner
shall jointly adopt basic school approval rules governing school
30 administrative units and elementary and secondary schools. These
rules must set minimum standards in the following areas,
32 incorporating such standards as are established by statute:

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

36 B. Staffing, including student-teacher ratios, except that
38 the approval rules in effect for the school years beginning
in the fall of 1991, 1992, 1993, 1994 and 1995 must permit
40 maximum student-teacher ratios of 25:1 school-wide for
kindergarten to grade 8 and maximum student-teacher ratios
42 of 30:1 school-wide for grades 9 to 12;

44 C. Physical facilities, incorporating the school
construction rules of the ~~state-board~~ commissioner;

46 D. Standards for equipment and libraries;

48 E. Minimum school size, but including recognition of
50 geographically isolated schools;

- 2 F. Grade and program organization;
- 4 G. Assessment and evaluation of student performance;
- 6 H. Student personnel services, including guidance and
8 counseling and, notwithstanding any rules adopted by the
10 department, comprehensive guidance plans to be approved by
12 the commissioner for implementation in the 1995-96 school
14 year;
- 16 I. Records, record keeping and reporting requirements;
- 18 J. Health, sanitation and safety requirements, including
20 compliance with section 6302;
- 22 K. School improvement; and
- 24 L. Prepare and implement an on-going school improvement
26 process and annually update a written school improvement
28 plan, including a fully developed staff development plan for
30 identifying at-risk students in kindergarten through grade
32 12 including, but not limited to, truants and dropouts, and
34 the development of appropriate alternative programs to meet
36 their needs.

26 **Sec. 37. 20-A MRSA §4511, sub-§1**, as enacted by PL 1983, c.
28 859, Pt. A, §§20 and 25, is amended to read:

30 **1. General authorization.** ~~The state--board--and--the~~
32 commissioner shall jointly adopt rules establishing accreditation
34 standards for secondary and elementary schools of the State.

36 **Sec. 38. 20-A MRSA §4516, sub-§2**, as enacted by PL 1983, c.
38 859, Pt. A, §§20 and 25, is amended to read:

40 **2. Advisory committee.** ~~The commissioner,--with--the--approval~~
42 ~~of--the--state--board,~~ shall appoint an advisory committee of
44 professional and lay people to advise ~~him~~ the commissioner in the
46 adoption of accreditation standards.

48 **Sec. 39. 20-A MRSA §5052-A, sub-§2**, as enacted by PL 1989, c.
415, §21, is amended to read:

44 **2. Qualifications.** An attendance coordinator shall must be
46 a professionally certified or registered person in the mental
48 health, social welfare or educational system who is qualified to
carry out the duties in accordance with rules to be established
by the ~~State-Board-of-Education~~ commissioner.

2 **Sec. 40. 20-A MRSA §6403-A, sub-§3**, as enacted by PL 1985, c.
258, §4, is amended to read:

4 **3. Appointment.** To fulfill the role of school nurse, the
school board shall appoint a registered professional nurse who
6 meets any additional certification requirements established by
the state-board commissioner.

8 **Sec. 41. 20-A MRSA §6501, sub-§4**, as enacted by PL 1981, c.
10 693, §§5 and 8, is amended to read:

12 **4. Rules.** The state-board commissioner may adopt or amend
rules to implement this section.

14 **Sec. 42. 20-A MRSA §6602, sub-§5**, as enacted by PL 1981, c.
16 693, §§5 and 8, is amended to read:

18 **5. Rules.** The commissioner shall adopt or amend, ~~with the~~
~~state-board's approval,~~ rules under this subchapter, including
20 rules about the qualifications of food service ~~programs'~~ program
personnel.

22 **Sec. 43. 20-A MRSA §6602, sub-§6**, as enacted by PL 1981, c.
24 693, §§5 and 8, is repealed.

26 **Sec. 44. 20-A MRSA §6602, sub-§8-A**, as enacted by PL 1987, c.
395, Pt. A, §69, is repealed.

28 **Sec. 45. 20-A MRSA §6809**, as enacted by PL 1981, c. 693, §§5
30 and 8, is amended to read:

32 **§6809. Excessive expenditures**

34 After providing an opportunity for a hearing, the
commissioner may adjust the state subsidy to an administrative
36 unit when the expenditures for education in such that unit show
evidence of manipulation to gain an unfair advantage or are
38 adjudged excessive. ~~Any interested party aggrieved by a decision~~
~~of the commissioner may appeal to the state board pursuant to~~
40 ~~section 3.~~

42 **Sec. 46. 20-A MRSA §8306**, as amended by PL 1991, c. 518, §5,
is further amended to read:

44 **§8306. Powers and duties of State Board and the Commissioner of**
46 **Education**

48 **1. State plan.** The state board shall approve and update as
it determines necessary a state plan for vocational education, in
50 compliance with the requirements of applicable state and federal

2 laws, rules and regulations. The state plan must be prepared by
the commissioner.

4 **2. Center and region plans.** The state--beard commissioner
shall approve a plan for the provision of vocational education by
6 each center or region. The plans must be prepared by each center
or region at the time of its organization or reorganization,
8 approved by the school board or cooperative board governing each
center or region respectively, and include:

10 A. A survey of the vocational education needs nationally,
12 statewide and in the geographic area served by the center or
region;

14 B. A survey of employment opportunities nationally,
16 statewide and in the geographic area served by the center or
region;

18 C. A description of the programs to be offered by the
20 center or region;

22 C-1. A description of the manner in which academic courses
will be used to augment trade-oriented skill courses for
24 vocational education students at the center or region;

26 D. A description of each geographic area served by the
center or region and the location of each vocational
28 education program to serve those areas; and

30 E. A description of the manner in which the vocational
education programs offered by the center or region address
32 the vocational education needs in the geographic area served
by the center or region and employment opportunities
34 nationally, statewide and in the geographic area served by
the center or region.

36 **5. Reorganizing centers and regions.** The state--beard
38 commissioner may, in compliance with section 8307 8307-A:

40 A. Change existing boundaries of centers and regions;

42 B. Change the status of a center to a region or a region to
a center;

44 C. Dissolve existing regions or centers;

46 D. Create new regions or centers; or

48 E. Create alternative organizational methods of delivering
50 vocational education.

2 **Sec. 47. 20-A MRSA §8307-A**, as amended by PL 1991, c. 716,
3 §7, is further amended to read:

4 **§8307-A. Reorganization procedures**

5 The governing body of one or more units, or the
6 commissioner, may prepare a plan for reorganizing the provision
7 of vocational education in or among existing regions or
8 geographic areas served by existing centers and present the
9 reorganization plan to the ~~state-beard~~ commissioner for its
10 approval. A unit may prepare a reorganization plan only for a
11 region or center that serves or is proposed to serve the unit.

12 **1. Contents of reorganization plan.** The reorganization plan
13 must:

14 A. Describe the deficiencies in the current method of
15 providing vocational education in a region or geographic
16 area served by a center that require reorganizing the
17 provision of vocational education in that region or
18 geographic area;

19 B. Present an alternative organizational method of
20 providing vocational education in a region or geographic
21 area served by a center;

22 C. Present a method for assigning title to and obligations
23 for property and indebtedness respectively of any region or
24 center affected by a reorganization plan; and

25 D. Contain the applicable plan required by section 8306,
26 and.

27 ~~E. Present any other information requested by the state~~
28 ~~board.~~

29 **2. Assessment by the commissioner.** The commissioner shall:

30 A. Assess the impact of the reorganization plan on the
31 provision of vocational education in any region or
32 geographic area served by a center that is affected by the
33 reorganization plan;

34 B. Assess the fiscal impact of the reorganization plan on
35 the State; and

36 C. Submit a written report of findings to the ~~state-beard~~
37 unit or units that prepared the reorganization plan. In the
38 report, the commissioner may suggest revisions to the
39

2 reorganization plan as submitted or the commissioner may
propose an alternative reorganization plan. ~~In the report,~~
3 ~~the commissioner shall specifically recommend approval or~~
4 ~~disapproval by the state board of the reorganization plan as~~
5 ~~submitted, as revised or in alternative form.~~

6
7 **3. Affected entities.** For purposes of this section, the
8 following entities are deemed affected by a reorganization plan:

9
10 A. A unit that is served, or is proposed to be served, by a
region or center that is reorganized under a reorganization
11 plan; and

12
13 B. A region or center that is reorganized under a
reorganization plan.

14
15 For purposes of this subsection a "region or center that is
16 reorganized under a reorganization plan" means a region or center
17 that, as a result of a reorganization plan, undergoes a change in
18 the units served by it or a change in the organizational
19 structure by which it serves those units.

20
21 **4. Additional information requested by commissioner.** As
22 part of the commissioner's assessment of a reorganization plan,
23 or as part of its own consideration of such a plan, the state
24 board commissioner may request additional information from any
25 region, center, unit or affiliated unit affected by such a plan.

26
27 **5. Commissioner approval.** The state-board commissioner may
28 approve or disapprove the reorganization plan, based on the
29 reorganization plan submitted to the state-board commissioner,
30 the assessment undertaken by the commissioner, any additional
31 information requested by the state-board commissioner and any
32 public comments received by the state-board commissioner in
33 connection with that reorganization plan.

34
35 **6. Local public hearings.** If the reorganization plan is
36 approved by the state-board commissioner, the unit or units that
37 prepared the reorganization plan shall hold at least one public
38 hearing in each such unit or units and at least one public
39 hearing in another unit affected by the reorganization plan and
40 selected by the governing body of each center or region affected
41 by the reorganization plan to present the plan to the voters
42 residing in those units affected by the plan. If the
43 reorganization plan is prepared and approved by the commissioner
44 ~~and approved by the state-board~~, the commissioner shall hold at
45 least one public hearing in a unit affected by the reorganization
46 plan and selected by the commissioner and at least one public
47 hearing in another unit affected by the reorganization plan and
48 selected by the governing body of each center or region affected
49
50

2 by the reorganization plan to present the plan to the voters
3 residing in units affected by the plan. The applied technology
4 director and the cooperative board of any region affected by a
5 reorganization plan, and the applied technology director,
6 advisory committee and governing body of any center affected by a
7 reorganization plan, must be invited to participate at the public
8 hearings.

10 **7. Local referendum.** After the public hearings required by
11 subsection 6, the school board of the unit or units that prepared
12 the reorganization plan, or the commissioner if the commissioner
13 prepared the reorganization plan, shall submit the proposal
14 contained in that plan to the voters of each unit affected by the
15 reorganization plan in accordance with the provisions for holding
16 referendum elections under sections 1351 to 1354 and in Title
17 21-A and Title 30-A. The state-beard commissioner must approve
18 the form of the question to be presented to the voters prior to
19 its submission.

20 **8. Local voter approval; issuance of certificate of**
21 **approval by commissioner.** If the referendum required by
22 subsection 7 is approved by 2/3 or greater of the votes cast in a
23 majority of the units affected by the reorganization plan, the
24 state-beard commissioner shall issue a certificate of approval
25 making effective the provisions of the reorganization plan. A
26 reorganization plan that proposes creation of a new center or
27 region must also comply with the requirements of subchapters III
28 and IV respectively prior to receiving a certificate of approval
29 from the state-beard commissioner.

30 **Sec. 48. 20-A MRSA §8352, sub-§1,** as amended by PL 1991, c.
31 518, §9, is further amended to read:

34 **1. Budget recommendation.** Prior to December 15th of each
35 year, the commissioner, ~~with the approval of the state-beard,~~
36 shall certify to the Governor and to the Bureau of the Budget the
37 funding levels the commissioner recommends to carry out the
38 purposes of this subchapter and subchapters III and IV. The
39 commissioner shall include these funding levels in the
40 department's request to the Legislature for appropriations from
41 the General Fund to carry out the purposes of this chapter.

42 **Sec. 49. 20-A MRSA §8405, sub-§1,** as amended by PL 1991, c.
43 518, §16, is further amended to read:

46 **1. Qualifications.** The vocational director must meet the
47 qualifications prescribed by the state-beard commissioner.

48 **Sec. 50. 20-A MRSA §8452, sub-§§4, 7 and 8,** as amended by PL
49 1991, c. 518, §19, are further amended to read:

2 **4. Process of appeal.** Within 30 days of the date of the
3 joint meeting, a school board may appeal to the ~~state--board~~
4 commissioner any decision reached at the joint meeting on an
5 issue identified in subsection 1. The ~~state-board~~ commissioner's
6 decision is final and binding on the school administrative units
7 within the region.

8 **7. Filing return with commissioner.** The secretary of the
9 cooperative board shall immediately file a return with the ~~state~~
10 ~~board~~ commissioner identifying the names of the members and
11 officers of the cooperative board and certifying that the
12 cooperative board has been properly organized.

13 **8. Issuance of certificate of approval.** In response to a
14 return filed pursuant to subsection 7, the ~~state--board~~
15 commissioner shall issue a certificate of approval for the
16 organization of the region. The issuance of the certificate is
17 conclusive evidence of the lawful organization of the region. The
18 original certificate must be kept on file with the secretary of
19 the region, and copies must be placed on file in the office of
20 the commissioner.

21 **Sec. 51. 20-A MRSA §8464, sub-§1,** as amended by PL 1991, c.
22 518, §29, is further amended to read:

23 **1. Submission of a contingency plan.** If a budget failure
24 exists after August 1st of any fiscal year, the cooperative board
25 shall submit to the ~~state--board~~ commissioner a financial
26 statement with an operational plan indicating how the cooperative
27 board intends to reorganize or terminate the region's vocational
28 education programs.

29 **Sec. 52. 20-A MRSA §8467, sub-§1,** as amended by PL 1991, c.
30 518, §31, is further amended to read:

31 **1. Sale of capital assets.** A region may sell any of its
32 buildings, equipment or other capital assets if the sale is in
33 compliance with the conditions of any indebtedness issued to
34 finance such assets and if the sale is approved by the ~~state~~
35 ~~board~~ commissioner.

36 **Sec. 53. 20-A MRSA §8801, sub-§1,** as amended by PL 1985, c.
37 797, §46, is further amended to read:

38 **1. Standards.** The ~~state-board and the~~ commissioner shall
39 ~~jointly~~ adopt rules to establish standards consistent with basic
40 school approval requirements for summer schools offering credit
41 toward graduation from a Maine elementary or secondary school.

2 **Sec. 54. 20-A MRSA §9702**, as enacted by PL 1987, c. 827, §1,
is amended to read:

4 **§9702. Program responsibility**

6 A school administrative unit in which a licensed drug
7 treatment center is located or a nearby school administrative
8 unit shall provide an educational program, as prescribed by the
9 commissioner, for each eligible student residing in the center,
10 notwithstanding the student's legal residence within the State.
11 The selection of the school administrative unit to provide that
12 program shall must be made by the commissioner pursuant to rules
13 adopted in accordance with the Maine Administrative Procedure
14 Act, Title 5, chapter 375. The rules shall must take into
15 account the educational needs of students, the ability of a
16 school administrative unit to meet those needs, the proximity of
17 school administrative units to the facility, the expressed wishes
18 of officials representing school administrative units and other
19 appropriate considerations. ~~The decision of the commissioner may~~
20 ~~be appealed to the State Board of Education. The decision of the~~
21 ~~board shall be final.~~

22 **Sec. 55. 20-A MRSA §10001, sub-§1**, as amended by PL 1983, c.
23 806, §74, is further amended to read:

24 **1. Participation in physical activity.** A post-secondary
25 institution may not require a hemophiliac to participate in
26 physical activity hazardous to ~~his or her~~ that person's physical
27 health, as a condition or requirement for a degree, unless the
28 physical activity is approved by the ~~state board~~ commissioner as
29 an essential prerequisite to that degree.

30 **Sec. 56. 20-A MRSA §10702, sub-§1**, as enacted by PL 1981, c.
31 693, §§5 and 8, is amended to read:

32 **1. Temporary approval.** Is operating under a license or
33 certificate of temporary approval from the ~~state board~~
34 commissioner in accordance with section 10703; or

35 **Sec. 57. 20-A MRSA §10703**, as enacted by PL 1981, c. 693, §§5
36 and 8, is amended to read:

37 **§10703. Temporary approval to use the name "junior college,"**
38 **"college" or "university"**

39 **1. Power.** The ~~state board~~ commissioner may grant an
40 applicant a certificate of temporary approval, permitting use of
41 the term "junior college," "college" or "university" in its name
42 until the earlier of:

2 A. The expiration of the academic year; or

4 B. The applicant is authorized by the Legislature to grant degrees in accordance with section 10704.

6 2. **Extensions and renewals.** The state-beard commissioner may extend or renew a certificate of temporary approval for not
8 more than 2 years.

10 **Sec. 58. 20-A MRSA §10704-A**, as enacted by PL 1987, c. 395, Pt. A, §83, is amended to read:

12 **§10704-A. Authority to confer additional degrees**

14 An educational institution initially authorized by the
16 Legislature to offer certain degrees under section 10704 may offer additional degrees with the approval of the state-beard
18 commissioner.

20 **Sec. 59. 20-A MRSA §10705, sub-§§2 and 3**, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

22 2. **Commissioner authority.** It has been given temporary
24 authority by the state-beard commissioner to use the name "junior college," "college" or "university+"; or

26 3. **Out-of-state institution.** It is:

28 A. Located in another state; and

30 B. Authorized by the state--beard commissioner to offer
32 courses for academic credit.

34 **Sec. 60. 20-A MRSA §10706**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

36 **§10706. Coordinated courses**

38 An educational institution may offer courses or programs for
40 academic credit which that are coordinated with a Maine degree-granting educational institution and which that have been
42 approved by the state-beard commissioner.

44 **Sec. 61. 20-A MRSA §10707**, as amended by PL 1987, c. 395, Pt. A, §85, is further amended to read:

46 **§10707. Applications**

2 1. **Degree-granting authority.** Applications for authority
3 to grant degrees shall must be made on application to the state
4 beard commissioner on forms provided by the commissioner.

6 2. **Temporary use of name.** Applications for temporary state
7 beard authority from the commissioner to use the name "junior
8 college," "college" or "university" shall must be made to the
state-beard commissioner on forms provided by the commissioner.

10 3. **Courses for academic credit.** Applications by
11 out-of-state educational institutions to offer courses for
12 academic credit shall must be made to the state--beard
13 commissioner on forms provided by the commissioner.

14 4. **Coordinated programs.** Applications to offer coordinated
15 programs shall must be made to the state-beard commissioner on
16 forms provided by the commissioner.

18 5. **Exempt status.** Applications for exempt status under
19 section 10708, subsection 2, shall must be made to the
20 commissioner.

22 **Sec. 62. 20-A MRSA §10710**, as enacted by PL 1981, c. 693, §§5
23 and 8, is amended to read:

26 **§10710. Rules**

28 The state--beard commissioner shall, in accordance with
29 section 3, adopt rules necessary to carry out the purposes of
30 this chapter.

32 **Sec. 63. 20-A MRSA §10712, first ¶**, as enacted by PL 1991, c.
33 563, §4, is amended to read:

34 The authority of an educational institution to confer
35 degrees terminates upon determination by the state--beard
36 commissioner that any of the following has occurred:

38 **Sec. 64. 20-A MRSA §10712, last ¶**, as enacted by PL 1991, c.
39 563, §4, is amended to read:

42 Upon termination of its degree-granting authority pursuant
43 to this section, an educational institution may apply to the
44 state--beard commissioner pursuant to section 10703 for a
45 certificate of temporary approval to use the term "junior
46 college," "college" or "university" in its name.

48 **Sec. 65. 20-A MRSA §10713**, as enacted by PL 1991, c. 563, §4,
49 is amended to read:

2 **§10713. Investigations; hearings**

4 **1. Investigations.** Whenever the ~~state-board~~ commissioner
6 believes that an event, transaction or condition within the scope
8 of section 10712 may have occurred or may exist, ~~at the~~ the
10 commissioner may conduct an investigation which may include, but
12 is not limited to, an examination of the educational institution
14 by a visiting committee convened by the ~~state-board~~ commissioner
16 for that purpose. As part of an investigation conducted under
18 this subsection, the ~~state-board~~ commissioner has the power to
20 subpoena and examine under oath educational institutions, their
22 trustees, directors, officers and employees, lenders, creditors
and investors, together with their records, books and accounts.
Any--member--of--the--state--board The commissioner may sign
investigative subpoenas and administer oaths to witnesses. The
state--board commissioner may also require the educational
institution to provide other written information relevant to the
subject matter of the investigation in the format prescribed by
the state---board commissioner. The Superior Court has
jurisdiction upon complaint filed by the state-board commissioner
to enforce any subpoena or request for other written information
issued under this subsection.

24 **2. Hearings.** Before making any of the determinations
26 authorized by section 10712, the ~~state-board~~ commissioner shall
28 give the educational institution an opportunity for a hearing
pursuant to Title 5, chapter 375, subchapter IV.

30 **Sec. 66. 20-A MRSA §12709, sub-§6,** as enacted by PL 1985, c.
695, §11, is amended to read:

32 **6. Perkins allocations.** As the representative of the board
34 of trustees, to meet and confer with ~~representatives-of-the-State~~
~~Board-of-Education~~ the commissioner regarding the distribution or
36 allocation of federal money for vocational education in the State
under the United States Carl D. Perkins Vocational Education Act,
38 Public Law 98-524, or its successor, and report the results to
the board of trustees;

40 **Sec. 67. 20-A MRSA §13003, sub-§4,** as enacted by PL 1981, c.
42 693, §§5 and 8, is amended to read:

44 **4. Rules.** The ~~state-board~~ commissioner may adopt rules to
carry out this section.

46 **Sec. 68. 20-A MRSA §13004, sub-§4,** as enacted by PL 1981, c.
48 693, §§5 and 8, is amended to read:

50 **4. Rules.** The ~~state-board~~ commissioner may adopt rules to
carry out this section.

2 **Sec. 69. 20-A MRSA §13011**, as amended by PL 1989, c. 889, §8,
is further amended to read:

4 **§13011. General authorization of commissioner**

6 **1. Certification and revocation rules.** All certificates
8 issued or revoked after June 30, 1988, shall must be in
accordance with this chapter. The state board shall adopt rules
10 prior to April 1, 1988 to carry out the purposes of this chapter
under which the commissioner shall:

12 A. Certify teachers and other professional personnel for
14 service in a public school or in an approved private school;

16 B. Certify adult education teachers and other teaching and
18 professional personnel in publicly-supported educational
programs other than post high school institutions, colleges
and universities;

20 C. Approve the employment of teacher aides, teacher
22 assistants and other semiprofessional personnel for service
in schools; and

24 D. Seek a revocation of a certificate in the Administrative
26 Court.

28 **2. Health and moral character.** Rules adopted by the state
board ~~commissioner~~ under this chapter shall must require that an
30 applicant for certification furnish evidence of:

32 A. Good moral character; and

34 B. Knowledge of physiology and hygiene, with special
36 reference to the effects of alcohol, stimulants and
narcotics upon the human system.

38 **3. Teacher certificates.** The state--board rules shall
40 established by the commissioner must recognize at least 3
categories of teacher certificates as identified in sections
13012 to 13014.

42 **4. Appeal.** An applicant who has been denied the issuance or
44 renewal of a certificate by the commissioner under this chapter
may appeal that denial in accordance with rules established by
46 the state-board ~~commissioner~~ and consistent with the provisions
of the Maine Administrative Procedure Act, Title 5, chapter 375.

48 **5. Administrator certificates.** The state-board rules shall
50 must establish qualifications for certifying superintendents of

2 schools, principals and directors of vocational education and
3 shall must also establish qualifications for such other
4 certificates for administrators as may be determined to be
5 necessary and beneficial for the efficient operation of the
6 schools.

7 **6. Alternative certification.** The ~~state--board--and--the~~
8 commissioner shall promote existing alternative certification
9 requirements and procedures for administrator certifications and
10 make changes necessary to facilitate this process. The state
11 ~~board--and--the~~ commissioner shall test and evaluate this
12 alternative certification process and other alternative methods
13 of certification and report their findings to the joint standing
14 committee of the Legislature having jurisdiction over educational
15 matters on or before January 1, 1992.

16 **Sec. 70. 20-A MRSA §13012, sub-§2,** as amended by PL 1985, c.
17 287, §§2 and 8, is further amended to read:

18 **2. Qualifications.** ~~State-board-rules~~ Rules established by
19 the commissioner governing the qualifications for a provisional
20 teacher certificate shall must require that a certificate may
21 only be issued to an applicant who, at a minimum:

22 A. For elementary school, has graduated from an accredited,
23 degree-granting institution upon completion of:

24 (1) A 4-year program in liberal arts and sciences; or

25 (2) An approved 4-year teacher preparation program and
26 has majored in the subject area to be taught or an
27 interdisciplinary program in liberal arts; and

28 Has met other academic and preprofessional requirements
29 established by the ~~state-board~~ commissioner for teaching at
30 the elementary school level;

31 B. For secondary school, has graduated from an accredited,
32 degree-granting, educational institution upon completion of:

33 (1) A 4-year program in liberal arts and sciences; or

34 (2) An approved 4-year teacher preparation program and
35 has majored in the subject area to be taught; and

36 Has met other academic and preprofessional requirements
37 established by the ~~state-board~~ commissioner for teaching at
38 the secondary school level; or

2 C. Is otherwise qualified by having met separate
3 educational criteria for specialized teaching areas
4 including, but not limited to, special education, home
5 economics, agriculture, vocational education, art, music,
6 business education, physical education and industrial arts,
7 as established by the ~~state-board~~ commissioner for teaching
8 in these specialized areas.

9 **Sec. 71. 20-A MRSA §13012, sub-§3**, as enacted by PL 1983, c.
10 845, §4, is amended to read:

11 **3. Endorsements.** The provisional teacher certificate shall
12 must be issued with an endorsement which that specifies the
13 grades and subject area which that the teacher is deemed
14 determined qualified to teach. The ~~state-board~~ commissioner shall
15 by rule establish the criteria for assessing teacher proficiency
16 and subject matter competency for the provisional certificate. A
17 holder of a provisional teacher certificate may not teach outside
18 ~~his-or-her~~ the area of endorsement ~~unless-he-or-she-has-received~~
19 without a waiver from the commissioner in accordance with ~~state~~
20 ~~board~~ rules established by the commissioner. These endorsements
21 shall do not apply to teachers in private schools approved for
22 attendance purposes only.

23 **Sec. 72. 20-A MRSA §13013, sub-§2-A**, as enacted by PL 1991, c.
24 682, §4, is amended to read:

25 **2-A. Qualifications.** ~~State-board-rules~~ Rules established
26 by the commissioner governing the qualifications for a
27 professional teacher certificate must require that the
28 certificate may only be issued to an applicant who, at a minimum,
29 either:
30

31 **A.** Holds a provisional teacher certificate or has held a
32 professional teacher certificate that has lapsed within the
33 last 5 years and has taught in a classroom for 2 academic
34 years. In this case an applicant must receive a
35 recommendation to the commissioner by an approved support
36 system pursuant to section 13015; or
37

38 **B.** Is a teacher with 2 or more years of experience teaching
39 under a valid certificate in another state and who has
40 graduated from a preparation program approved by a national
41 association of state directors of teacher education and
42 certification or a national council for accreditation of
43 teacher education.
44

45 **Sec. 73. 20-A MRSA §13013, sub-§3**, as enacted by PL 1983, c.
46 845, §4, is amended to read:
47

48
49
50

3. **Endorsements.** The professional teacher certificate shall must be issued with an endorsement which that specifies the grades and subject area which that the teacher is deemed determined qualified to teach. A holder of a professional teacher certificate may not teach outside ~~his--or--her~~ the area of endorsement ~~unless-he-or-she-has-received~~ without a waiver from the commissioner in accordance with ~~state-beard~~ rules established by the commissioner.

Sec. 74. 20-A MRSA §13014, sub-§2, as enacted by PL 1983, c. 845, §4, is amended to read:

2. **Qualifications.** ~~State-board-rules~~ Rules established by the commissioner governing the qualifications for a master teacher certificate shall must require that the certificate may only be issued to an applicant who, at a minimum:

A. Possesses a professional teacher certificate;

B. Has demonstrated exemplary professional skills in classroom instruction and who may have additionally contributed to the profession in such areas as:

(1) Curriculum development;

(2) Teacher in-service training and effective staff development; or

(3) Student-teacher supervision; and

C. Has obtained the support system's positive recommendation based on the contents of a teacher action plan pursuant to section 13015.

Sec. 75. 20-A MRSA §13015, sub-§1, as enacted by PL 1983, c. 845, §4, is amended to read:

1. **Employment.** No A public school or private school approved for tuition purposes under section 2901, subsection 2, paragraph B may not employ a provisional teacher unless it has an approved, locally designed, support system or has received specific authorization from the commissioner in accordance with ~~state-beard~~ rules established by the commissioner.

Sec. 76. 20-A MRSA §13015, sub-§3, as amended by PL 1991, c. 622, Pt. X, §7, is further amended to read:

3. **Approval.** Each administrative unit's support system is subject to approval by the commissioner in accordance with ~~state beard~~ rules established by the commissioner, which shall must

2 require, at a minimum, that an approved support system contains
the following:

4 A. A majority of classroom teachers, including a master
6 teacher, if available, and other personnel such as
8 administrators, personnel from the Department of Education
10 or institutions of higher education and other outside
12 consultants as the commissioner may approve. The approved
support system may consist of as few as 2 teachers and one
administrator. For the purposes of this paragraph, the
state--beard commissioner shall establish by rule the
definition of classroom teacher;

14 B. A description of the duties and responsibilities of the
16 support system in the preparation of a teacher action plan
for both provisional teachers and applicants for master
18 teacher certification;

20 C. A description of the duties of the master teacher
responsible for the design and coordination of a teacher
22 action plan; and

24 D. A description of any current or planned linkages the
support system has or will have with institutions of higher
26 education, department personnel and members of the public in
the operation of its support system.

28 **Sec. 77. 20-A MRSA §13016, first ¶,** as enacted by PL 1983, c.
845, §4, is amended to read:

30
32 Teacher certificates issued in accordance with this chapter
may be renewed pursuant to state--beard rules established by the
34 commissioner, which shall must include, but not be limited to,
the following.

36 **Sec. 78. 20-A MRSA §13016, sub-§1, ¶D,** as enacted by PL 1983,
38 c. 845, §4, is amended to read:

40 D. Notwithstanding paragraphs A, B and C on a case-by-case
basis to be determined by the commissioner on the basis of
42 documented hardship or other extraordinary circumstances as
set forth in state--beard rules established by the
44 commissioner.

46 **Sec. 79. 20-A MRSA §13016, sub-§2,** as amended by PL 1991, c.
622, Pt. X, §8, is further amended to read:

48 **2. Professional teacher certificates.** A professional
teacher certificate may be renewed for 5-year periods in
50 accordance with state---beard rules established by the

2 commissioner, which must require, at a minimum, that the teacher
4 complete at least 6 hours of professional or academic study, or
6 in-service training designed to improve the performance of the
8 teacher in the field for which the teacher holds an endorsement,
or in a related subject area. Teachers who desire to qualify for
a master teacher certificate must coordinate their continuing
professional education with the requirements of an applicable
teacher action plan.

10 **Sec. 80. 20-A MRSAs §13016, sub-§3**, as enacted by PL 1983, c.
12 845, §4, is amended to read:

14 **3. Master teacher certificate.** A master teacher certificate
16 may be renewed for 5-year periods in accordance with state-board
18 rules established by the commissioner, which shall must require,
20 at a minimum, that the master teacher has obtained a
22 recommendation of the support system that the master teacher has
24 maintained a high level of professional teacher skills. If the
holder of a master teacher certificate fails to maintain master
teacher skills or chooses not to seek a renewal of the master
teacher certificate, the teacher will be deemed to hold a
professional teacher certificate and shall meet the requirements
for its renewal.

26 **Sec. 81. 20-A MRSAs §13019, sub-§2**, as enacted by PL 1983, c.
28 845, §4, is amended to read:

30 **2. Qualifications.** A visiting teacher permit shall must be
issued for a limited period in accordance with state-board rules
32 established by the commissioner.

34 **Sec. 82. 20-A MRSAs §13019-A**, as amended by PL 1989, c. 889,
36 §9, is further amended to read:

38 **§13019-A. Superintendent certificate**

40 **1. Initial certification.** A superintendent's certificate
42 is the certificate required for employment as a superintendent of
44 a school administrative unit in the State. State-board-rules
shall Rules established by the commissioner must require that
46 qualifications for such a certificate include the following:

48 A. Evidence of at least 3 years of satisfactory teaching
50 experience or an equivalent experience;

B. Evidence of previous administrative experience in
schools or equivalent experience;

C. Academic and professional knowledge as demonstrated
through the completion of required graduate or undergraduate

2 courses or programs, performance in examinations or
completion of specialized programs approved for this purpose;

4 D. A basic level of knowledge in the following areas:

6 (1) Community relations;

8 (2) School finance and budget;

10 (3) Supervision and evaluation of personnel;

12 (4) Federal and state civil rights and education laws;

14 (5) Organizational theory and planning;

16 (6) Educational leadership;

18 (7) Educational philosophy and theory;

20 (8) Effective instruction;

22 (9) Curriculum development;

24 (10) Staff development;

26 (11) Cultural differences and discriminatory and
nondiscriminatory hiring practices; and

28 (12) Other competency areas as determined by state
30 ~~board-rule~~ rules established by the commissioner; and

32 E. Satisfactory completion of an approved internship or
34 practicum relating to the duties of a superintendent.

36 **2. Certificate renewal.** A superintendent's certificate is
limited to 5 years in duration and may be renewed based on
38 further approved study or demonstrated professional growth and
improvement through an approved administrator action plan in
accordance with state-board rules established by the commissioner.

40 **Sec. 83. 20-A MRSA §13019-B**, as amended by PL 1989, c. 889,
42 §10, is further amended to read:

44 **§13019-B. Principal certificate**

46 **1. Initial certificate.** A principal's certificate is the
certificate required for employment as principal of a public
48 school and as chief administrator of a private school approved
for attendance purposes pursuant to section 2901, subsection 2,
50 paragraph B. ~~State-board-rules-shall~~ Rules established by the

2 commissioner must require that qualifications for such a
certificate include the following:

4 A. Three years of satisfactory teaching experience or an
equivalent relevant experience;

6 B. Academic and professional knowledge as demonstrated
8 through the completion of graduate or undergraduate courses
or programs, performance in examinations or completion of
10 specialized programs approved for this purpose;

12 C. A basic level of knowledge in the following areas:

14 (1) Community relations;

16 (2) School finance and budget;

18 (3) Supervision and evaluation of personnel;

20 (4) Federal and state civil rights and education laws;

22 (5) Organizational theory and planning;

24 (6) Educational leadership;

26 (7) Educational philosophy and theory;

28 (8) Effective instruction;

30 (9) Curriculum development;

32 (10) Staff development;

34 (11) Cultural differences and discriminatory and
nondiscriminatory hiring practices; and

36 (12) Other competency areas as determined by state
38 ~~board-rule~~ rules established by the commissioner; and

40 D. Satisfactory completion of an approved internship or
42 practicum in the duties of a principal.

44 **2. Certificate renewal.** A principal's certificate is
46 limited to 5 years in duration and may be renewed based on
further approved study or demonstrated professional growth and
improvement through an approved administrator action plan in
accordance with ~~state-board~~ rules established by the commissioner.

48 **Sec. 84. 20-A MRSA §13019-C**, as repealed and replaced by PL
50 1989, c. 878, Pt. B, §18, is amended to read:

2 **§13019-C. Director of vocational education certificate**

4 **1. Initial certificate.** A director of vocational education
6 certificate shall-be is required of each director of a vocational
8 ~~shall~~ Rules established by the commissioner must require that
10 qualifications for such a certificate include the following:

12 A. Three years of satisfactory experience in teaching or
14 vocational training or equivalent experience;

16 B. Academic and professional knowledge as demonstrated
18 through completion of graduate or undergraduate courses or
20 programs, performance in examinations or completion of
22 specialized programs approved for this purpose;

24 C. A basic level of knowledge in the following areas:

- 26 (1) Community relations;
- 28 (2) School finance and budget;
- 30 (3) Supervision and evaluation of personnel;
- 32 (4) Federal and state civil rights and education laws;
- 34 (5) Organizational theory and planning;
- 36 (6) Educational leadership;
- 38 (7) Educational philosophy and theory;
- 40 (8) Effective instruction;
- 42 (9) Curriculum development;
- 44 (10) Staff development; and
- 46 (11) Other competency areas as determined by state
48 ~~board-rule~~ rules established by the commissioner; and

50 D. Satisfactory completion of an approved internship or
practicum relating to the duties of a director of vocational
education.

2. Certificate renewal. A certificate issued under this
section is limited to 5 years in duration and may be renewed
based on further graduate study or demonstrated professional

2 growth and improvement through an approved administrator action
3 plan in accordance with ~~state-board~~ rules established by the
4 commissioner.

5 **Sec. 85. 20-A MRSA §13019-E**, as enacted by PL 1985, c. 287,
6 §5, is amended to read:

7 **§13019-E. Recertification of other professional personnel**

8 Professional personnel other than teachers and
9 administrators who hold certificates issued pursuant to chapter
10 501 ~~of this Title~~ shall continue to hold those certificates until
11 their termination dates. All certificates issued after June 30,
12 1988, shall must be issued and renewed in accordance with rules
13 ~~of the state-board~~ established by the commissioner adopted
14 pursuant to this chapter.
15

16 **Sec. 86. 20-A MRSA §13020**, as enacted by PL 1983, c. 845, §4,
17 is amended to read:

18 **§13020. Revocation or suspension of a certificate**

19 **1. General.** ~~The state-board's rules~~ Rules adopted by the
20 commissioner under this chapter shall must specify the procedure
21 to be followed by the commissioner in seeking the revocation or
22 suspension of a certificate in the Administrative Court and shall
23 must authorize the commissioner to enter into a consent agreement
24 with any certificated person in lieu of initiating or completing
25 a proceeding in the Administrative Court.
26

27 **2. Grounds for revocation or suspension of a certificate.**
28 The following are grounds for revocation or suspension of a
29 certificate issued under this Title:
30

31 A. Evidence that a person has injured the health or welfare
32 of a child through physical or sexual abuse or exploitation
33 shall ~~be~~ is grounds for revocation or suspension of a
34 certificate. Notwithstanding Title 5, chapter 341, a
35 certified court record that a person certificated under this
36 Title was convicted in any state or federal court of a
37 criminal offense involving the physical or sexual abuse or
38 exploitation of a child within the previous 5 years shall ~~be~~
39 is sufficient grounds for revocation or suspension of that
40 person's certificate; and
41

42 B. Other grounds as may be established by the ~~state-board~~
43 commissioner in ~~its~~ department rules relating to criminal
44 offenses not inconsistent with Title 5, chapter 341, fraud
45 or gross incompetence.
46

3. Denial of certificate for prior immoral conduct.

2 Evidence that an applicant for initial certification or renewal
3 has injured the health or welfare of a child through physical or
4 sexual abuse or exploitation is grounds for a denial of a
5 certificate. Notwithstanding Title 5, chapter 341, every person,
6 who, within 5 years of the application for initial certification
7 or renewal, has been convicted in any state or federal court of a
8 criminal offense involving the physical or sexual abuse or
9 exploitation of a child, may be presumed by the commissioner to
10 lack good moral character for the purposes of this chapter. This
11 presumption shall-be is a rebuttable presumption. Notwithstanding
12 Title 5, chapter 341, the commissioner shall-be is entitled to
13 consider all records of prior criminal convictions involving
14 child abuse or exploitation in determining an applicant's
15 eligibility for a certificate.

16
17 4. Reinstatement of certificate. Revoked certificates may
18 only be reinstated in accordance with state--beard rules
19 established by the commissioner. The following provisions govern
20 the reinstatement of any certificate revoked for reasons of child
21 abuse or exploitation.

22
23 A. Notwithstanding Title 5, chapter 341, no certificate
24 revoked for reasons of child abuse or exploitation may be
25 reinstated within 5 years of the revocation and in no case
26 less than 3 years from the expiration of probation or parole
27 or discharge from imprisonment for a criminal conviction
28 involving child abuse or exploitation.

29
30 B. In determining whether a certificate may be reinstated,
31 the commissioner shall determine whether the applicant has
32 been sufficiently rehabilitated to warrant the public trust.
33 The applicant shall-be is required to demonstrate sufficient
34 evidence of rehabilitation, notwithstanding Title 5, chapter
35 341, and the commissioner shall state in writing the basis
36 for any decision which denies reinstatement of a certificate.

37
38 C. Denial of reinstatement pursuant to paragraph B may be
39 appealed to the Superior Court.

40
41 **Sec. 87. 20-A MRSA §13021**, as amended by PL 1985, c. 287, §6,
42 is further amended to read:

43
44 **§13021. Periodic review**

45
46 The state--beard commissioner shall review teacher and
47 administrator certificate standards every 6 years and report the
48 results of its review to the Legislature, along with any proposed
49 legislation. The first report to the Legislature shall-be is due
50 starting with the legislative session beginning in December 1990.

2 **Sec. 88. 20-A MRSA §13502, sub-§2**, as amended by PL 1989, c.
4 700, Pt. A, §71, is further amended to read:

6 **2. Teacher.** "Teacher" means a person certified by the
8 Department of Education who is an employee of a public school, an
10 eligible private school or a state operated school including
12 elementary and secondary teacher, specialized subject teacher,
14 vocational-industrial teacher as defined in the certification
16 rules of the ~~State-Board-of-Education~~ commissioner. "Teacher"
18 includes, by position title, only the following:

- 20 A. Classroom teacher;
- 22 B. Itinerant teacher;
- 24 C. Guidance counselor;
- 26 D. Librarian-media specialist;
- 28 E. Special education teacher;
- 30 F. Special teacher of reading; and
- 32 G. Speech clinician-teacher.

34 **Sec. 89. 20-A MRSA §13951**, as enacted by PL 1981, c. 693, §§5
36 and 8, is amended to read:

38 **§13951. Designated state official**

40 The commissioner ~~shall-be~~ is the "designated state official"
42 for this State and may enter into contracts pursuant to Article
44 III of the agreement ~~only-with-the-approval-of-the-specific-text~~
46 ~~thereof-by-the-state-board.~~

48 **Sec. 90. 20-A MRSA §15603, sub-§8, ¶D**, as amended by PL 1989,
50 c. 466, §1, is further amended to read:

- 52 D. Funds allocated by the ~~state--board~~ commissioner to
54 administrative units to cover the costs of new school
56 construction projects funded in the current fiscal year; and

58 **Sec. 91. 20-A MRSA §15605, sub-§1**, as amended by PL 1985, c.
60 797, §58, is further amended to read:

62 **1. Annual certification.** Prior to December 15th of each
64 year, the commissioner, ~~with-the-approval-of~~ after consultation
66 with the state board, shall certify to the Governor and the

2 Bureau of the Budget the funding levels which that the
3 commissioner recommends for sections 15604 and 15612.

4 **Sec. 92. 20-A MRS §15605, sub-§2, ¶D**, as amended by PL 1989,
5 c. 466, §4, is further amended to read:

6
7 D. The requested funding levels for debt service under
8 section 15604, subsection 1, paragraph G, ~~shall-be~~ are as
9 follows:

10 (1) The known obligations and estimates of anticipated
11 principal and interest costs for the year of allocation;

12 (2) The expenditures for the insured value factor for
13 the base year;

14 (3) The level of leases, including leases under which
15 the school administrative unit may apply the lease
16 payments to the purchase of portable, temporary
17 classroom space beginning January 1, 1988, approved by
18 the commissioner for the year prior to the year of
19 allocation;

20 (4) Funds allocated by the ~~state-board~~ commissioner
21 for new school construction projects funded in the
22 current fiscal year; and

23 (5) Funds approved by the commissioner for purchase of
24 portable, temporary classroom space for the year of
25 allocation, beginning January 1, 1988.

26
27 **Sec. 93. 20-A MRS §15612, sub-§2, ¶A**, as repealed and
28 replaced by PL 1989, c. 697, §2 and affected by §5, is amended to
29 read:

30
31 A. ~~The commissioner, with the approval of the State Board~~
32 ~~of Education and~~ under rules promulgated by the department,
33 shall determine whether a school within a school
34 administrative unit is geographically isolated. The
35 following factors must be considered in making the
36 determination:

37 (1) Per pupil expenditures;

38 (2) Distance of the school from other school
39 facilities;

40 (3) Unique transportation problems;

41 (4) Size of the school;

2 (5) Mills raised for education in the school
administrative unit; and

4

6 (6) Any other relevant factors.

8

8 **Sec. 94. 20-A MRSA §15612, sub-§7, ¶B,** as enacted by PL 1989,
c. 910, §2, is amended to read:

10 B. If audit adjustments are discovered after the funding
level is certified by the commissioner ~~and the state board~~
12 on December 15th pursuant to section 15605, the department
may request the necessary additional funds, if any, to pay
14 for these adjustments. These amounts, if any, shall ~~be~~ are
in addition to the audit adjustment amount certified by the
16 commissioner ~~and state board~~ on the prior December 15th.

18 **Sec. 95. 20-A MRSA §15613, sub-§7,** as enacted by PL 1983, c.
859, Pt. G, §§2 and 4, is amended to read:

20

22 **7. Appeals.** A school board may appeal the computation of
state subsidy for the school administrative unit to the state
board commissioner in writing within 30 days of the date of
24 notification of the computed amount. The ~~state board~~ commissioner
shall review the appeal and make an adjustment if, in ~~its~~ the
26 commissioner's judgment, an adjustment is justified. The state
board's commissioner's decision shall ~~be~~ is final as to facts
28 supported by the record of the appeal.

30 **Sec. 96. 20-A MRSA §15704, sub-§2,** as amended by PL 1987, c.
403, §3, is further amended to read:

32

34 **2. Membership.** The authority shall ~~consist~~ consists of:

36

A. ~~Nine members of the state board;~~

38

B. The Treasurer of State, ex officio; and

40

C. The commissioner; and

42

D. Nine public members.

44

Sec. 97. 20-A MRSA §15704, sub-§2-A is enacted to read:

46

2-A. Appointment of public members. The Governor shall
46 appoint 9 public members to the authority, subject to review by
the joint standing committee of the Legislature having
48 jurisdiction over education matters and to confirmation by the
Legislature. The public members must be broadly representative
50 of the public. A person whose income is derived in substantial

2 portion from income as a teacher or as an administrator in an
3 educational institution, other than as a college president, is
4 not eligible for appointment to or service on the authority.

6 **Sec. 98. 20-A MRSA §15705, sub-§5, ¶¶B and C,** as enacted by PL
1981, c. 693, §§5 and 8, are amended to read:

8 B. The school board of a municipal school administrative
9 unit has certified the need for the facilities to the
10 municipal officers of the unit, together with their
11 recommendations for school construction and these
12 recommendations have been approved by the municipal officers
13 and ~~state-board~~ the commissioner; or

14 C. The district school committee of a community school
15 district has certified the need for these facilities to the
16 board of trustees of the community school district, together
17 with the recommendations for school construction and these
18 recommendations have been approved by the district board of
19 trustees and the ~~state-board~~ commissioner;

22 **Sec. 99. 20-A MRSA §15901, sub-§1,** as enacted by PL 1981, c.
23 693, §§5 and 8, is amended to read:

24 1. **Concept approval.** "Concept approval" means the initial
25 approval of a school construction project by the ~~state-board~~
26 which commissioner that indicates:

- 27 A. Acknowledgment of the local need;
28 B. Approval of the preliminary design;
29 C. Approval of estimated costs; and
30 D. The ~~state-board's~~ commissioner's intent to issue final
31 approval subject to a favorable local vote and approval of
32 final cost estimates.

33 **Sec. 100. 20-A MRSA §15904, first ¶,** as amended by PL 1985, c.
34 248, §3, is further amended to read:

35 Prior to final approval by the ~~state-board~~ commissioner, a
36 school construction project, except a ~~small--seale~~ small-scale
37 school construction project as defined in section 15901,
38 subsection 4-A, must receive a favorable vote conducted in
39 accordance with the following.

40 **Sec. 101. 20-A MRSA §15905,** as amended by PL 1991, c. 875, is
41 further amended to read:

2 §15905. Commissioner

4 1. **Approval authority.** The state-beard commissioner must
6 approve each school construction project, unless it is a small
8 seale small-scale school construction project as defined in
10 section 15901, subsection 4-A, or a nonstate funded project as
12 defined in section 15905-A.

14 A. The state-beard commissioner may approve projects as
16 long as no project approval will cause debt service costs,
18 as defined in section 15603, subsection 8, paragraphs A and
20 D, to exceed the maximum limits specified in Table 1 in
22 subsequent fiscal years.

24 Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$48,000,000
1991	\$57,000,000
1992	\$65,000,000
1993	\$67,000,000
1994	\$67,000,000
1995	\$67,000,000
1996	\$67,000,000

26 A-1. Beginning with the second regular session of the
28 Legislature in fiscal year 1990 and every other year
30 thereafter, on or before March 1st, the commissioner shall
32 recommend to the Legislature and the Legislature shall
establish maximum debt service limits for the next biennium
for which debt service limits have not been set.

34 B. Nonstate funded projects, such as school construction
36 projects or portions of projects financed by proceeds from
insured losses, money from federal sources, other
38 noneducational funds or local funds which that are not
eligible for inclusion in an administrative unit's
40 state-local allocation, shall-be are outside the total cost
limitations set by the Legislature.

42 2. **Secondary school construction project limitations.** The
44 state--beard commissioner may approve a secondary school
construction project designed to accommodate fewer than 300
46 pupils only if the state-beard commissioner has determined that
the school will have an adequate educational program. The beard
48 commissioner may not approve a secondary school construction
project if fewer than 10 full-time teachers will be employed at
50 the school, unless the location of the school would be
geographically isolated.

2 **3. Certificate of approval.** A certificate of approval
3 shall must be issued for each project approved by the state-beard
4 commissioner. The certificate shall must bear the amount of
5 state aid and other stipulations or conditions. The certificate
6 shall must be signed by the commissioner and shall--be is
7 conclusive evidence of the facts stated on it.

8
9 **4. Rules.** The state-beard commissioner may adopt or amend
10 rules relating to the approval of school construction projects.

11
12 The state--beard commissioner is encouraged to review school
13 construction rules regarding costs per square foot, consider
14 other measures for containing building costs and report on these
15 efforts to the joint standing committee of the Legislature having
16 jurisdiction over education matters during the First Regular
17 Session of the 115th Legislature.

18
19 **Sec. 102. 20-A MRS §15908, sub-§§1 and 2,** as enacted by PL
20 1981, c. 693, §§5 and 8, are amended to read:

21
22 **1. Technical assistance.** In order to provide the technical
23 assistance required by the state-beard commissioner in assessing
24 proposed school construction projects, the Bureau of Public
25 Improvements may contract for the services of a professional
26 engineer whenever the bureau is not employing qualified personnel
27 on a full-time basis.

28
29 **2. Energy conservation standards.** The state--beard
30 commissioner shall approve only those projects which that have
31 been designed in accordance with rigorous standards for the
32 conservation of energy.

33
34 **Sec. 103. 20-A MRS §15909, sub-§1, ¶A,** as enacted by PL 1981,
35 c. 693, §§5 and 8, is amended to read:

36
37 A. The one mill shall must be calculated on the state
38 valuation in effect at the time the project is first
39 approved by the state-beard commissioner.

40
41 **Sec. 104. 20-A MRS §15909, sub-§2,** as amended by PL 1987, c.
42 803, §§3 and 5, is further amended to read:

43
44 **2. Bonds.** A school administrative unit shall sell bonds in
45 its name for the total cost of the project minus the amounts
46 listed in paragraph A. Bond sales shall must be consistent with
47 rules adopted or amended by the state-beard commissioner.

2 A. The amount to be bonded shall--be is determined as
follows. The total cost of the project shall must be
reduced by:

4 (2) Proceeds from insured losses;

6 (3) Money from federal sources; and

8 (4) Other noneducational funds, except gifts and money
10 from federal revenue sharing sources.

12 **Sec. 105. 20-A MRSA §15910, sub-§1**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

14 **1. Applications.** An application for approval of a project
16 shall must include the information required by the state--board
commissioner.

18 **Sec. 106. 20-A MRSA §15911, first ¶**, as enacted by PL 1981, c.
20 693, §§5 and 8, is amended to read:

22 The state--board commissioner may approve construction of
school buildings without obligating the State to pay a share of
24 the costs of those buildings, if those portions are to be
constructed to fulfill a community service need.

26 **Sec. 107. 20-A MRSA §15911, sub-§3**, as enacted by PL 1981, c.
28 693, §§5 and 8, is amended to read:

30 **3. Findings.** The state--board's commissioner's finding
shall--become becomes a part of the certificate of approval and
32 shall--be is the basis on which all costs shall--be are apportioned
between the municipality and the school administrative unit for
34 as long as that portion of the project shall:

36 A. Continue Continues to serve that community need; and

38 B. Remain Remains under the control of persons other than
the school board.

40 **Sec. 108. 20-A MRSA §15916**, as enacted by PL 1987, c. 402,
42 Pt. A, §135, is amended to read:

44 **§15916. Federal construction aid**

46 The state--board--shall--be Department of Education is the
designated agency to administer any federal funds made available
48 to assist in the construction of facilities for schools,
educational programs or institutions of higher education.

50

2 **Sec. 109. Transition clause.** Rules of the State Board of
Education in force on the effective date of this Act remain in
effect until adopted, amended or rescinded by the Commissioner of
4 Education.

6

STATEMENT OF FACT

8

10 The State Board of Education currently plays advisory,
policy-making or regulatory roles in such areas as school
construction, teacher certification, school approval, interstate
12 school district formation and approval of formation of school
administrative districts. This bill limits the functions of the
14 State Board of Education to advising the Commissioner of
Education and acting as the state agency responsible for
16 administering federal vocational education funds.