

MAINE STATE LEGISLATURE

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L.D. 1712

DATE: 6-4-01

(Filing No. H-672)

REPORT C
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1261, L.D. 1712, Bill, "An Act to Implement the Recommendations of the Task Force on the Maine Learning Technology Endowment"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the implementation of Phase I of the learning technology plan as recommended by the final report of the Task Force on the Maine Learning Technology Endowment requires that the Commissioner of Education in consultation with the Advisory Board of the Maine Learning Technology Endowment take certain actions with respect to the use of the endowment and the fundraising plan; and

Whereas, the implementation of Phase I of the learning technology plan as recommended by the final report of the Task Force on the Maine Learning Technology Endowment Commissioner of Administrative and Financial Services to take certain actions with respect to the management and administration of the endowment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

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2 necessary for the preservation of the public peace, health and safety; now, therefore,

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

6 **Sec. 1. 5 MRSA §12004-I, sub-§18-C** is enacted to read:

8	<u>18-C.</u>	<u>Advisory</u>	<u>Expenses</u>	<u>20-A MRSA</u>
10	<u>Education</u>	<u>Board of the</u>	<u>only</u>	<u>§19109</u>
12		<u>Maine</u>		
14		<u>Learning</u>		
		<u>Technology</u>		
		<u>Endowment</u>		

16 **Sec. 2. 20-A MRSA §19101**, as enacted by PL 1999, c. 731, Pt. FFF, §1, is amended to read:

18 **§19101. Establishment of Maine Learning Technology Endowment;**
20 **source of funds**

22 The Maine Learning Technology Endowment, referred to in this chapter as the "endowment," is established. The endowment consists of certain funds dedicated by the Legislature and by other private and public sources for the advancement of learning technology for kindergarten to grade 12 in Maine.

26 **Sec. 3. 20-A MRSA §19102**, as enacted by PL 1999, c. 731, Pt. FFF, §1, is amended to read:

30 **§19102. Endowment purpose and plan**

32 **1. Purpose.** The endowment must be used to enable the full integration of appropriate learning technologies into teaching and learning for the State's elementary and secondary students. The endowment must be managed and governed in a manner that provides for the financially sustainable support, use and integration of learning technology in Maine schools as determined by the Legislature.

40 **2. Learning technology plan.** The use of the endowment must be based on a state learning technology plan, referred to in this section as the "plan," developed annually beginning for school year 2002-03 by the commissioner with the advice of the advisory board established under section 19109 and adopted by the Legislature. The annual plan must be designed to achieve the goal of preparing students for a future economy that relies on technology and innovation.

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2 The plan developed annually by the commissioner and the advisory
3 board must include, but is not limited to, consideration of the
4 following:

5 A. The appropriate structure, governance and oversight of
6 the endowment;

7 B. The current use of learning technology in classrooms in
8 the State;

9 C. The current readiness of faculty to use technology in
10 teaching;

11 D. The professional development needed to integrate
12 technology into classroom teaching;

13 E. Assessment of the strategy and goals for improving and
14 equalizing access to and the use of learning technology in
15 all schools;

16 F. A plan for implementing the plan in several phases, with
17 Phase I implementing the plan for all schools, students and
18 teachers at the 7th and 8th grade levels;

19 G. Strategies that coordinate the resources and goals of
20 the endowment and the plan with a network of schools and
21 libraries in the State administered by the Public Utilities
22 Commission and the telecommunications education access fund;

23 H. Strategies that coordinate learning technology in
24 kindergarten to grade 12 education with initiatives and
25 resources of the State's postsecondary education
26 institutions; and

27 I. Data tracking and assessment of the progress of
28 implementing the goals of the endowment and the plan.

29 **3. Guiding principles for plan.** The plan must be
30 consistent with the following guiding principles:

31 A. Equity. The plan must promote equal opportunity for and
32 provide meaningful access to learning technology resources
33 for students who are economically disadvantaged or have
34 special needs;

35 B. Integration with the system of learning results
36 established in section 6209. The plan must support student
37 achievement of the system of learning results through the
38 integration of learning technologies that are

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content-focused and that add value to existing instructional methods;

C. Sustainability and avoidance of obsolescence. The plan must provide for the future sustainability of learning technology resources' ability to adapt to future educational needs and to avoid obsolescence. The plan must also support, as appropriate, learning technologies currently deployed by schools in the State and approved as part of an alternative equivalent learning technology plan that meets the policies for the plan;

D. Teacher preparation and professional development. The plan must provide effective preparation, professional development and training programs for teachers and other educators in the use and integration of learning technology tools in curriculum development, instructional methods and student assessment systems; and

E. Economic development. The plan must foster economic development across all regions of the State and the preparation of students for an economy that is dependent upon technology.

Sec. 4. 20-A MRSA §19103, as enacted by PL 1999, c. 731, Pt. FFF, §1, is repealed and the following enacted in its place:

§19103. Finances of endowment

1. Endowment assets. The endowment includes all assets, funds and holdings held in the name of, on behalf of or for the benefit of the endowment. This is a nonlapsing fund the sources of which include all appropriations and allocations by the Legislature to the endowment; cash, stocks, cash equivalents or the equivalent value of goods and services that are consistent with the guiding principles established under section 19102, subsection 3 from any other source, whether public or private, designated for deposit into or credited to the endowment; and interest or other income or assets of the endowment.

2. Fundraising plan. The commissioner and the Commissioner of Administrative and Financial Services shall, for the duration of the endowment, identify and submit grant and fundraising proposals in support of the priorities of the learning technology plan established pursuant to section 19102 to federal, corporate, foundation or other 3rd-party sources as appropriate.

In conjunction with the advisory board established under section 19109, the commissioner and the Commissioner of Administrative and Financial Services shall develop a plan for fundraising and

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2 identifying grant sources that is designed to raise sufficient
3 funds to enable the learning technology plan to expand to the
4 secondary school level. The fundraising plan must identify
5 specific funding sources, as appropriate, timelines and an
6 assessment of the probability of success.

7
8 In order to preserve the integrity of the educational purposes of
9 the learning technology plan, all fundraising and grant proposals
10 must be consistent with the goals and terms of the learning
11 technology plan. The commissioner and the Commissioner of
12 Administrative and Financial Services in conjunction with the
13 advisory board established under section 19109 shall develop any
14 necessary guidelines for fundraising and grant proposals in order
15 to carry out this requirement.

16 **Sec. 5. 20-A MRS §19104**, as enacted by PL 1999, c. 731, Pt.
17 FFF, §1, is repealed and the following enacted in its place:

18 **§19104. Fiduciary roles and responsibilities**

19
20 The Commissioner of Administrative and Financial Services,
21 referred to in this section as the "commissioner," shall act as
22 fiduciary and fiscal agent with respect to the management and
23 administration of the endowment. The commissioner may accept
24 donations to the endowment consistent with the guiding principles
25 established under section 19102, subsection 3. The commissioner
26 shall ensure that donations to the endowment are segregated from
27 other state assets, separately accounted for and held in trust on
28 behalf of the State for the purposes specified in this chapter
29 and for no other purpose. The commissioner shall enter into and
30 administer an investment contract for the investment of endowment
31 funds by an appropriate entity, including, but not limited to,
32 the Board of Trustees of the Maine State Retirement System or
33 another entity approved by the commissioner. The Treasurer of
34 State shall review the proposed investment contract to ensure
35 that the proposed investment management fees are reasonable for
36 the investment management services provided.

37
38 **1. Investment of endowment.** If the commissioner determines
39 that the Board of Trustees of the Maine State Retirement System
40 is the appropriate entity to provide for the investment of
41 endowment funds, the following provisions apply.

42
43 **A.** The Board of Trustees of the Maine State Retirement
44 System shall invest the endowment in the same manner and
45 according to the same investment policy and practices by
46 which the board invests the assets of the Maine State
47 Retirement System.

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B. The Board of Trustees of the Maine State Retirement System shall treat the endowment as held in trust on behalf of the State for the purposes specified in this chapter and no other and shall separately account for the endowment as investment assets, attributing to the endowment its proportional share of investment returns and of investment management costs and expenses, including costs and expenses of the retirement system arising because of its investment of the endowment.

C. The commissioner and the Board of Trustees of the Maine State Retirement System shall develop jointly a memorandum of understanding, setting out their mutual understanding of the investment of the endowment, the related investment accounting and investment return and expense attribution.

2. Audit of endowment. The commissioner shall ensure adequate audit of the investment management of the endowment and the expenditures of the endowment each state fiscal year. If the investment of the endowment is managed by the Board of Trustees of the Maine State Retirement System, the audit must be conducted within the scope of the annual audit of the Maine State Retirement System or through separate audit as considered appropriate by the Board of Trustees of the Maine State Retirement System. Any separate audit must be reported to the Governor, the Legislature, the commissioner and the State Controller in as timely a manner as possible after the close of each state fiscal year.

3. Use of endowment. In addition to the budgeting guidelines pursuant to section 19105, in accordance with the annual learning technology plan established pursuant to section 19102, the income from the endowment may be used for necessary audit services, legal expenses, investment management fees and services and general administrative expenses related to the management and administration of the endowment. The principal and income of the endowment may not be used to implement the fundraising plan required pursuant to section 19103, subsection 2.

4. Endowment term. The commissioner shall manage the endowment as follows:

A. Prior to January 8, 2003 the commissioner shall take all reasonable and prudent steps to manage the investment, expenditures and cash flow of the endowment to ensure that the initial principal of the endowment, consisting of General Fund money appropriated by the State, is maximized and, to the greatest extent feasible, not diminished; and

B. After January 7, 2003:

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2 (1) If contributions consistent with the guiding
4 principles established under section 19102, subsection
6 3 totaling \$15,000,000 are received or pledged from
8 other sources by January 7, 2003, the commissioner
10 shall operate the endowment in a manner consistent with
12 the learning technology plan in order to maintain in
14 perpetuity any balances remaining at the close of the
 2006-2007 school year. The commissioner shall take all
 reasonable and prudent steps to manage the investment,
 expenditures and cash flow of the endowment to ensure
 that the initial principal of the endowment is
 maximized and, to the greatest extent feasible, not
 diminished; or

16 (2) If the \$15,000,000 goal established in
18 subparagraph (1) is not achieved by January 7, 2003,
20 the endowment ceases to operate as an endowment and the
22 commissioner shall manage the assets of the former
 endowment, including the use of the principal, in a
 manner that implements the learning technology plan
 through at least June 30, 2006.

24 In the annual learning technology plan submitted in the Second
26 Regular Session of the 120th Legislature pursuant to section
28 19102, subsection 2, the commissioner shall provide to the
30 Governor and the Legislature the status of efforts to raise
 necessary contributions and recommendations concerning the
 management of the endowment.

32 For purposes of this subsection, the term "contributions" means,
34 without limitation, cash, stocks, cash equivalents or the
36 equivalent value of goods and services but does not include funds
38 from the General Fund, the Telecommunications Education Access
40 Fund, the Maine Schools and Libraries Network account or the
42 standard federal E-rate program. In the event that the
 \$15,000,000 contribution goal is not achieved by January 7, 2003,
 the balance of any and all contributions to the endowment must be
 dedicated to the learning technology plan unless a contributor
 expressly provides otherwise in a written instrument at the time
 of a contribution.

44 Sec. 6. 20-A MRSA §§19105 to 19110 are enacted to read:

46 §19105. Commissioner's recommendation for annual learning
 technology plan; guidelines and funding level

48 1. Annual plan recommendation. Prior to December 15th of
50 each year, the commissioner, after consultation with the advisory
 board established under section 19109 and the Commissioner of

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Administrative and Financial Services and after receiving the approval of the state board, shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding level for implementing the annual learning technology plan.

2. Budget development. The commissioner, with the assistance of the Commissioner of Administrative and Financial Services, shall prepare an annual budget for the implementation of the annual learning technology plan and exercise budgetary responsibility to carry out the plan. Annually, by January 1st, beginning on January 1, 2002, in addition to complying with the provisions of Title 5, sections 1665 and 1666, the commissioner shall present the operating budget for the endowment to the Governor and the Legislature for review by the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The commissioner may make expenditures only in accordance with an allocation approved by the Legislature, and any liability or obligation may not be incurred under this chapter beyond the amount allocated by the Legislature.

3. Guidelines. The recommended funding level for the annual learning technology plan must include the known obligations and estimates of the following:

A. The level of expenditure for purchases of portable computing devices or the anticipated principal and interest costs for the year of allocation for leases and other appropriate financing arrangements, including leases under which the learning technology plan may apply the lease payments to the purchase of those devices;

B. The level of expenditures for software and services such as technical support and education intranet services;

C. Funds designated by the commissioner for professional development programs and services;

D. Funds designated by the commissioner for the expenditures for the alternative equivalent value factor. For purposes of this paragraph, "alternative equivalent value factor" means the ratio of funding provided to school administrative units that choose to provide an alternative equivalent learning technology plan that meets the guiding principles described in section 19102, subsection 3. The commissioner shall designate funds for alternative learning technologies as part of the funds designated for the alternative equivalent value factor;

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2 E. Funds designated by the commissioner for the purchase of
4 kindergarten to grade 12 educational materials, including
 library databases; and

6 F. Funds designated by the commissioner for the purpose of
8 making adjustments to the cash flow of revenues generated
 from the endowment.

10 4. Funding level. The Governor shall include in the
12 Governor's biennial or supplemental budget submission, as
14 applicable, an allocation from the endowment necessary to
 implement the learning technology plan.

16 **§19106. Governor's funding level recommendation**

18 The Department of Administrative and Financial Services,
20 Bureau of the Budget shall annually certify to the Legislature
22 the funding level that the Governor recommends for the annual
 learning technology plan. The Governor's recommendations must be
 transmitted to the Legislature within the time schedules set
 forth by Title 5, section 1666.

24 **§19107. Actions by Legislature**

26 The Legislature annually, prior to March 15th, shall enact
28 legislation to allocate the funding level necessary to implement
30 the annual learning technology plan. The Legislature may
32 allocate for expenditure by the commissioner for eligible
 kindergarten to grade 12 schools and eligible programs under the
 commissioner's jurisdiction all the resources available for the
 programs involved in the annual learning technology plan.

34 **§19108. Actions by department**

36 Within the annual allocation, the department shall follow
38 the procedures established under this section.

40 1. Cash flow. For the purpose of cash flow, the
42 commissioner may pay the full payment amounts due on leases under
44 which the learning technology plan may apply the lease payments
 to the purchase of portable computing devices, and the required
 amount to offset the payments may be transferred to the debt
 service portion of the account from other operating accounts.

46 2. Report by commissioner. The commissioner annually shall
48 provide the advisory board with evaluation and outcome data
 relative to the implementation of the learning technology plan.

50 **§19109. Advisory board**

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2 The Advisory Board of the Maine Learning Technology
4 Endowment, referred to in this chapter as the "advisory board,"
6 is established to advise the commissioner and the Legislature on
8 matters related to the development of policies for the learning
10 technology plan and the deployment of endowment proceeds to
12 implement the learning technology plan.

14 **1. Membership.** In appointing the initial public members to
16 the advisory board, the Governor, the President of the Senate and
18 the Speaker of the House shall give proper consideration to the
20 appointment of members of the Task Force on the Maine Learning
22 Technology Endowment so that there may be continuity of policy
24 development. In the appointment of public members to the
26 advisory board the Governor, the President of the Senate and the
28 Speaker of the House shall give proper consideration to members
30 with experience or special knowledge in one or more of the
32 following areas: education, business or economic development,
34 technology, finance, library services and postsecondary
36 education. Proper consideration also must be given to achieving
38 statewide geographical representation, cultural equity and gender
40 equity. The advisory board consists of 13 voting members as
42 follows:

44 A. Eight public members, 4 of whom must be appointed by the
46 Governor, 2 of whom must be appointed by the President of
48 the Senate and 2 of whom must be appointed by the Speaker of
50 the House;

B. One member who is a member of the state board, appointed
 by the chair of the state board;

C. One member representing public postsecondary education
 institutions who is employed by a public postsecondary
 education institution, appointed by the Governor;

D. One member representing the Maine State Library,
 appointed by the Director of the Maine State Library;

E. One member representing the Public Utilities Commission,
 appointed by the chair of the Public Utilities Commission;
 and

F. The Commissioner of Economic and Community Development
 or the commissioner's designee.

2. Chair. The advisory board shall choose annually one of
 its members to serve as chair. The chair may be elected to no
 more than 3 consecutive terms.

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2 3. Meetings. The advisory board shall meet at least 3
times each year.

4 4. Quorum. Each member of the advisory board is entitled
to one vote. A majority of voting members of the advisory board
6 constitutes a quorum for the transaction of any official business.

8 5. Terms of members. Except as provided by the terms of
initial appointments in this section, the terms of the members of
10 the advisory board are for 3 years. Members may be appointed for
consecutive terms. New members must be appointed consistent with
12 subsection 1, paragraphs A to E. Members representing the state
board, public postsecondary education institutions, the Maine
14 State Library and the Public Utilities Commission may serve on
the advisory board only as long as they hold office in the
16 respective entity. Terms of the initial appointments must be
staggered as follows:

18 A. Terms expiring January 1, 2004 include one member
20 appointed by the Speaker of the House, one member appointed
by the President of the Senate, one member appointed by the
22 Governor and the member representing the Maine State Library;

24 B. Terms expiring January 1, 2005 include one member
appointed by the Speaker of the House, one member appointed
26 by the President of the Senate, one member appointed by the
Governor and the member representing public postsecondary
28 education institutions; and

30 C. Terms expiring January 1, 2006 include 2 members
appointed by the Governor, the member representing the state
32 board and the member representing the Public Utilities
Commission.

34 6. Expenses. Members of the advisory board must be
36 compensated according to the provisions of Title 5, chapter 379.

38 7. Appointment. When a member leaves the advisory board,
the appropriate appointing authority shall appoint a new member
40 to serve out the remainder of the term.

42 8. Staffing assistance. The commissioner and the
Commissioner of Administrative and Financial Services shall
44 provide appropriate staff support to the advisory board.

46 **§19110. Powers and duties of advisory board**

48 The powers and duties of the advisory board include the
following.

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2 1. Annual learning technology plan. The advisory board
shall advise the commissioner in developing an annual learning
4 technology plan as described in section 19102, which must provide
the basis for the annual allocation of funds by the Legislature
6 from the endowment.

8 2. Learning technology standards and measurements. To
measure the effectiveness of the learning technology plan, the
10 advisory board may establish standards and methods of measuring
progress in the levels of academic achievement for students who
12 participate in the learning technology plan. The advisory board
may also establish standards and methods of measuring progress in
14 the professional development of teachers who participate in the
learning technology programs funded by the learning technology
16 plan, as well as the impact of the learning technology plan on
parents and lifelong learners and the economic impact on
18 communities across the State. The advisory board may assess the
impacts of the learning technology plan according to these
20 standards and measurements.

22 3. Scope of assessment role. As part of its assessment
role, the advisory board also may consider relevant strategic
24 issues necessary to develop, maintain and support the achievement
of the goals of the learning technology plan. These issues may
include, but are not limited to, collaboration with the state
26 board regarding the implications of the learning technology plan
for pre-service teacher preparation and for standards-based
28 teacher certification in the State as well as collaboration with
the department, the Public Utilities Commission and other state
30 agencies and state policymakers related to the coordination,
utilization and expansion of existing learning technology
32 initiatives, including a statewide school and library network and
a statewide interactive distance learning network, to enable and
34 complement the technology components that are supported by the
endowment, and related to any other strategic issues necessary to
36 ensure the most cohesive system possible for planning, action and
service in providing kindergarten to grade 12 educational
38 opportunities.

40 4. Annual report. The advisory board shall report annually
to the joint standing committee of the Legislature having
42 jurisdiction over education matters and the joint standing
committee of the Legislature having jurisdiction over
44 appropriations and financial affairs on the general status of the
finances and operations of the endowment and the learning
46 technology plan, including the results of the assessments
pursuant to subsections 2 and 3.

48
50 **Sec. 7. Annual learning technology plan.** For the 2002-2003
school year, notwithstanding the Maine Revised Statutes, Title

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20-A, chapter 801, and for the purposes of presenting the learning technology plan to be developed annually by the Commissioner of Education in consultation with the Advisory Board of the Maine Learning Technology Endowment pursuant to Title 20-A, chapter 801, the following components of the learning technology plan that were recommended by the Task Force on the Maine Learning Technology Endowment must be recommended by the Commissioner of Education and the Advisory Board of the Maine Learning Technology Endowment to be adopted, as appropriate, for implementation in the 2002-2003 school year. This annual learning technology plan must include the following elements as described in the Final Report of the Task Force on the Maine Learning Technology Endowment.

1. Goal. The goal of the Maine Learning Technology Endowment is to ensure a necessary level of access to appropriate learning technology, including alternative learning technologies, the Internet and training and learning opportunities for all public school students in the 7th and 8th grades and their teachers.

2. Local participation. All school administrative units may participate in the learning technology plan by submitting a letter of intent indicating their willingness to participate. All students educated at public expense are eligible to participate in the program.

3. Phase-in approach. The learning technology plan must begin in school year 2002-2003 with a phase-in approach that begins with 7th grade students and extends in school year 2003-2004 to 8th grade students in public schools and then, dependent on the availability of funds, encompasses a high school expansion. The initial phase of the recommended program over the first 2 years must target all schools, students and teachers at the 7th and 8th grade levels. Phase I must encompass approximately 242 schools with grade 7 or grade 8, 32,500 students and 2330 teachers. As soon as practicable, based on 3rd-party fundraising or improved revenue and cost projections, the program may expand to all schools, students and teachers in grades 9 to 12. The Commissioner of Education and the advisory board annually shall assess the feasibility and recommended strategy for the expansion of the program to the high school level. The task force plan must serve as the learning technology plan in school year 2002-2003. The Commissioner of Education is authorized to take all steps reasonably necessary to implement Phase I of the plan for school year 2002-2003 and, for that school year only, to make expenditures and incur liabilities or obligations without prior approval under the Maine Revised Statutes, Title 20-A, section 19105, subsection 2. Notwithstanding the Maine Revised Statutes, Title 20-A, section

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19104, subsection 4 and section 19105, subsection 2, the commissioner may use a portion of the initial principal of the Maine Learning Technology Endowment to ensure the timely start-up and implementation of Phase I of the learning technology plan.

4. Coordination, utilization and expansion of existing technology infrastructure. The learning technology plan requires the utilization of the Maine School and Library Network account, the telecommunications education access fund and the federal E-rate program to enable and complement the technology components that are supported by the Maine Learning Technology Endowment. To the extent feasible and practical, the plan and the fund must support the use of alternative learning technologies that are consistent with policies developed by the Commissioner of Education and the Advisory Board on the Maine Learning Technology Endowment regarding the alternative equivalent value factor as described in the Maine Revised Statutes, Title 20-A, section 19105, subsection 3, paragraph D. Appropriate policymaking entities shall collaborate to ensure that the overall learning technology infrastructure of the State functions and expands in a coordinated fashion. The Public Utilities Commission shall enter appropriate orders or take appropriate actions to ensure that capacity is developed and expanded to provide external and internal network connections, technical support and toll-free home network access as recommended in the final report of the Task Force on the Maine Learning Technology Endowment.

5. Plan. The learning technology plan must provide for:

A. Portable computing devices for every student and teacher with functional software appropriate to grade level;

B. Obtaining basic research information and databases;

C. An alternative equivalent value factor option to school administrative units if they meet the standards of the learning technology plan;

D. Teacher technology and professional development;

E. External and internal networks and technical support;

F. Costs for replacement of portable computing devices, servers and other equipment; and

G. An evaluation component.

Sec. 8. Fundraising plan. The fundraising plan required by the Maine Revised Statutes, Title 20-A, section 19103 must be part of the learning technology plan submitted to the Second

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2 Regular Session of the 120th Legislature in accordance with Title
20-A, section 19102.

4 **Sec. 9. Transfer of funds.** Notwithstanding the Maine Revised
6 Statutes, Title 20-A, Part 9, the Commissioner of Administrative
and Financial Services shall transfer \$20,000,000 from the Maine
8 Learning Technology Endowment to the unappropriated surplus of
the General Fund no later than August 1, 2001.

10 **Sec. 10. Transfer of interest earned.** All income interest earned
12 from the investment of endowment funds before August 1, 2001 must
be transferred from the Maine Learning Technology Endowment fund
14 account held by the Board of Trustees of the Maine State
Retirement System to the undedicated General Fund account in the
16 Department of Administrative and Financial Services by September
1, 2001.

18 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.'

20 Further amend the bill by inserting at the end before the
22 summary the following:

24 **FISCAL NOTE**

26 **2001-02**

28 **REVENUES**

30 General Fund \$23,000,000

32 The amendment contains very similar language as that
34 contained in Part II of Legislative Document 300 (House Paper
256) that was recently enacted in the current Legislative session
and as of June 1, 2001 is awaiting the Governor's signature.

36 The amendment would transfer \$20,000,000 of the current
38 balance of the Maine Learning Technology Endowment plus
\$3,000,000 in accrued interest to the unappropriated surplus of
40 the General Fund. The remaining balance in the Maine Learning
Technology Endowment of approximately \$30,000,000 would be
42 available for its original intended purpose. The amendment adds
a fundraising provision that requires that goods and services
44 valued at \$15,000,000 or more be raised or pledged on or before
January 7, 2003 for the endowment to operate in a certain
46 manner. If the fundraising goal is not achieved on or before
January 7, 2003, the endowment ceases to operate as an endowment
48 and the assets are managed to implement the learning technology
plan through at least June 30, 2006.

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2 The additional costs associated with various activities
4 regarding the Maine Learning Technology Endowment can be absorbed
6 by the Department of Administrative and Financial Services, the
8 Board of Trustees of the Maine Retirement System, the Maine State
Library, the Public Utilities Commission and the Department of
Economic and Community Development utilizing existing budgeted
resources.'

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SUMMARY

12

This amendment is the minority report of the Joint Standing
Committee on Education and Cultural Affairs. The amendment adds
an emergency preamble and emergency clause to the bill and
accomplishes the following.

16

1. It clarifies references to the Board of Trustees of the
Maine State Retirement System, which may be the entity selected
by the Commissioner of Administrative and Financial Services to
manage the investment of the endowment fund.

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2. It transfers \$20,000,000 of the original amount
appropriated to the Maine Learning Technology Endowment fund,
plus the interest income earned from the investment of the
\$50,000,000 in the endowment fund on August 1, 2001, to the
unexpended General Fund appropriations account.

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3. It requires the State to raise a minimum of \$15,000,000
in contributions from nonstate sources by January 8, 2003.
Failure of the State to raise these contributions from nonstate
sources by this date will result in the removal of the limitation
on the use of the endowment principal in implementing the
learning technology plan in fiscal year 2002-03 through fiscal
year 2005-06.

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4. It stipulates that the principal and income of the
endowment may not be used to implement the fundraising plan. It
allows limited use of the initial principal to ensure timely
start-up and implementation of Phase I of the task force plan for
grades 7 and 8.

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5. It establishes a mechanism to allow donors to redirect
their contributions to the endowment if the State fails to raise
sufficient contributions by January 8, 2003.

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6. It adds the Commissioner of Economic and Community
Development or the commissioner's designee to the Advisory Board
of the Maine Learning Technology Endowment.

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7. It amends the guiding principles and the alternative

R.O.S.

COMMITTEE AMENDMENT "B" to H.P. 1261, L.D. 1712

2 equivalent value factor to permit endowment funds to be
3 designated for use by school administrative units that submit an
4 alternative learning technology plan consistent with the revised
5 set of guiding principles and policies established by the
6 Commissioner of Education and the Advisory Board of the Maine
7 Learning Technology Endowment.

8 8. It permits the use of endowment funds for alternative
9 learning technologies that are currently deployed by school
10 administrative units so long as those alternative learning
11 technologies are allowed by policies established by the
12 Commissioner of Education and the Advisory Board of the Maine
13 Learning Technology Endowment and are consistent with the guiding
14 principles established for the endowment.

16 9. It also adds a fiscal note to the bill.