

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1712

H.P. 1261

House of Representatives, March 20, 2001

**An Act to Implement the Recommendations of the Task Force on the
Maine Learning Technology Endowment.**

Reported by Representative MAILHOT for the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 1999, chapter 731, Part FFF, section 2.

Reference to the Joint Standing Committee on Education and Cultural Affairs suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

2
4 **Sec. 1. 5 MRSA §12004-I, sub-§18-C** is enacted to read:

6 18-C. Advisory Expenses 20-A MRSA
Education Board of the only §19109
8 Maine
 Learning
10 Technology
 Endowment

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

16 **§19101. Establishment of Maine Learning Technology Endowment;**
 source of funds

18 The Maine Learning Technology Endowment, referred to in this
20 chapter as the "endowment," is established. The endowment
22 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.

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

28 **§19102. Endowment purpose and plan**

30 **1. Purpose.** The endowment must be used to enable the full
32 integration of appropriate learning technologies into teaching
34 and learning for the State's elementary and secondary students.
36 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.

38 **2. Learning technology plan.** The use of the endowment must
40 be based on a state learning technology plan, referred to in this
42 section as the "plan," developed annually beginning for school
44 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.

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

50 A. The appropriate structure, governance and oversight of
52 the endowment;

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

- 2 C. The current readiness of faculty to use technology in
3 teaching;
- 4
- 5 D. The professional development needed to integrate
6 technology into classroom teaching;
- 7
- 8 E. Assessment of the strategy and goals for improving and
9 equalizing access to and the use of learning technology in
10 all schools;
- 11
- 12 F. A plan for implementing the plan in several phases;
- 13
- 14 G. Strategies that coordinate the resources and goals of
15 the endowment and the plan with a network of schools and
16 libraries in the State administered by the Public Utilities
17 Commission and the telecommunications education access fund;
- 18
- 19 H. Strategies that coordinate learning technology in
20 kindergarten to grade 12 education with initiatives and
21 resources of the State's postsecondary education
22 institutions; and
- 23
- 24 I. Data tracking and assessment of the progress of
25 implementing the goals of the endowment and the plan.
- 26
- 27 3. Guiding principles for plan. The plan must be
28 consistent with the following guiding principles:
- 29
- 30 A. Equity. The plan must promote equal opportunity for and
31 provide meaningful access to learning technology resources
32 for students who are economically disadvantaged or have
33 special needs;
- 34
- 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
39 content-focused and that add value to existing instructional
40 methods;
- 41
- 42 C. Sustainability and avoidance of obsolescence. The plan
43 must provide future sustainability of learning technology
44 resources to adapt to future educational needs and to avoid
45 obsolescence of learning technology resources;
- 46
- 47 D. Teacher preparation and professional development. The
48 plan must provide effective preparation, professional
49 development and training programs for teachers and other

2 educators in the use and integration of learning technology
3 tools in curriculum development, instructional methods and
4 student assessment systems; and

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

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

12 **§19103. Finances of endowment**

13 1. Endowment assets. The endowment includes all assets,
14 funds and holdings held in the name of, on behalf of or for the
15 benefit of the endowment. This is a nonlapsing fund the sources
16 of which include all appropriations and allocations by the
17 Legislature to the endowment; money from any other source,
18 whether public or private, designated for deposit into or
19 credited to the endowment; and interest or other income or assets
20 of the endowment.

21 2. Fundraising plan. The commissioner and the Commissioner
22 of Administrative and Financial Services shall, for the duration
23 of the endowment, identify and submit grant and fundraising
24 proposals in support of the priorities of the learning technology
25 plan to federal, corporate, foundation and other 3rd-party
26 sources as appropriate.

27 In conjunction with the advisory board established under section
28 19109, the commissioner and the Commissioner of Administrative
29 and Financial Services shall develop a plan for fundraising and
30 identifying grant sources that is designed to raise sufficient
31 funds to enable the learning technology plan to expand to the
32 secondary school level. The fundraising plan must identify
33 specific funding sources, timelines and an assessment of the
34 probability of success.

35 All fundraising and grant proposals must be consistent with the
36 goals and terms of the learning technology plan. The
37 commissioner and the Commissioner of Administrative and Financial
38 Services in conjunction with the advisory board established under
39 section 19109 shall develop any necessary guidelines for
40 fundraising and grant proposals in order to carry out this
41 requirement.

42 **Sec. 5. 20-A MRS §19104**, as enacted by PL 1999, c. 731, Pt.
43 FFF, §1, is amended to read:

2 **§19104. Fiduciary roles and responsibilities**

4 The Commissioner of Administrative and Financial Services,
6 referred to in this section as the "commissioner," shall act as
8 fiduciary and fiscal agent with respect to the management and
10 administration of the endowment. The commissioner shall ensure
12 that deposits into the endowment are segregated and separately
14 accounted for as funds held in trust on behalf of the State for
the purposes specified in this chapter and for no other purpose.
The commissioner shall enter into and administer an investment
contract for the investment of endowment funds by an appropriate
entity, including, but not limited to, the Board of Trustees of
the Maine State Retirement System.

16 **1. Investment of endowment.** The If the commissioner
18 determines that the Board of Trustees of the Maine State
20 Retirement System is the appropriate entity to provide for the
22 investment of endowment funds, the board shall invest the
24 endowment in the same manner and according to the same investment
26 policy and practices by which the board invests the assets of the
28 Maine State Retirement System. The board shall treat the
30 endowment as held in trust on behalf of the State for the
32 purposes specified in this chapter and no other and shall
34 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. The commissioner and
the board 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.

36 **2. Audit of endowment.** The commissioner shall ensure
38 adequate audit of the investment management of the endowment and
40 the expenditures of the endowment each state fiscal year within
42 the scope of the annual audit of the Maine State Retirement
44 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.

46 **3. Use of endowment.** ~~Until otherwise provided by the~~
48 Legislature, The endowment must be managed and invested to ensure
50 the perpetual maintenance of the principal amount of General Fund
money appropriated by the State. In addition to the budgeting
guidelines pursuant to section 19105, in accordance with a-state
the learning technology plan, the proceeds of the endowment may

2 be used for necessary audit services, legal expenses, investment
management fees and services and general administrative expenses
4 related to the management and administration of the endowment.

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

8 **§19105. Commissioner's recommendation for annual learning
technology plan; guidelines and funding level**

10 **1. Annual plan recommendation.** Prior to December 15th of
12 each year, the commissioner, after consultation with the advisory
board established under section 19109 and the Commissioner of
14 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
16 of the Budget the funding level for implementing the annual
learning technology plan.

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

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

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

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

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

2 D. Funds designated by the commissioner for the
3 expenditures for the alternative equivalent value factor.
4 For purposes of this paragraph, "alternative equivalent
5 value factor" means the ratio of funding provided to school
6 administrative units that choose to provide an alternative
7 equivalent learning technology plan that meets the guiding
8 principles described in section 19102, subsection 3;

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

14 F. Funds designated by the commissioner for the purpose of
15 making adjustments to the cash flow of revenues generated
16 from the endowment.

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

22 **§19106. Governor's funding level recommendation**

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

32 **§19107. Actions by Legislature**

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

42 **§19108. Actions by department**

44 Within the annual allocation, the department shall follow
45 the procedures established under this section.

46 1. Cash flow. For the purpose of cash flow, the
47 commissioner may pay the full payment amounts due on leases under
48 which the learning technology plan may apply the lease payments
49 to the purchase of portable computing devices, and the required
50 to the purchase of portable computing devices, and the required

2 amount to offset the payments may be transferred to the debt
3 service portion of the account from other operating accounts.

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

8 **§19109. Advisory board**

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

16 1. Membership. In appointing the initial public members to
17 the advisory board, the Governor, the President of the Senate and
18 the Speaker of the House shall give proper consideration to the
19 appointment of members of the Task Force on the Maine Learning
20 Technology Endowment so that there may be continuity of policy
21 development. In the appointment of public members to the
22 advisory board the Governor, the President of the Senate and the
23 Speaker of the House shall give proper consideration to members
24 with experience or special knowledge in one or more of the
25 following areas: education, business or economic development,
26 technology, finance, library services and postsecondary
27 education. Proper consideration also must be given to achieving
28 statewide geographical representation, cultural equity and gender
29 equity. The advisory board consists of 12 voting members as
30 follows:

31 A. Eight public members, 4 of whom must be appointed by the
32 Governor, 2 of whom must be appointed by the President of
33 the Senate and 2 of whom must be appointed by the Speaker of
34 the House;

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

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

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

42 E. One member representing the Public Utilities Commission,
43 appointed by the chair of the Public Utilities Commission.

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

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

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

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

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

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

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

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

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

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

2 **§19110. Powers and duties of advisory board**

4 The powers and duties of the advisory board include the
6 following.

8 **1. Annual learning technology plan.** The advisory board
10 shall advise the commissioner in developing an annual learning
12 technology plan as described in section 19102, which must provide
14 the basis for the annual allocation of funds by the Legislature
16 from the endowment.

18 **2. Learning technology standards and measurements.** To
20 measure the effectiveness of the learning technology plan, the
22 advisory board may establish standards and methods of measuring
24 progress in the levels of academic achievement for students who
26 participate in the learning technology plan. The advisory board
28 may also establish standards and methods of measuring progress in
30 the professional development of teachers who participate in the
32 learning technology programs funded by the learning technology
34 plan, as well as the impact of the learning technology plan on
36 parents and lifelong learners and the economic impact on
38 communities across the State. The advisory board may assess the
40 impacts of the learning technology plan according to these
42 standards and measurements.

44 **3. Scope of assessment role.** As part of its assessment
46 role, the advisory board also may consider relevant strategic
48 issues necessary to develop, maintain and support the achievement
50 of the goals of the learning technology plan. These issues may
include, but are not limited to, collaboration with the state
board regarding the implications of the learning technology plan
for pre-service teacher preparation and for standards-based
teacher certification in the State as well as collaboration with
other state agencies and state policymakers related to other
strategic issues necessary to ensure the most cohesive system
possible for planning, action and service in providing
kindergarten to grade 12 educational opportunities.

4. Annual report. The advisory board shall report annually
to 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 on the general status of the
finances and operations of the endowment and the learning
technology plan, including the results of the assessments
pursuant to subsections 2 and 3.

Sec. 7. Annual learning technology plan. For the 2002-03 school
year, notwithstanding the Maine Revised Statutes, Title

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 may 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 2002-03 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 technology, 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 2002-03 with a phase-in approach that begins with 7th and 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 must 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.

4. Coordination, utilization and expansion of existing technology infrastructure. The learning technology plan requires the utilization of the Maine School and Library Network, 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. 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

2 Utilities Commission shall enter appropriate orders or take
appropriate actions to ensure that capacity is developed and
4 expanded to provide external and internal network connections,
technical support and toll-free home network access as
6 recommended in the Final Report of the Task Force on the Maine
Learning Technology Endowment.

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

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

12 B. Obtaining basic research information and databases;

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

18 D. Teacher technology and professional development;

20 E. External and internal networks and technical support;

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

26 G. An evaluation component.

28 **Sec. 8. Fundraising plan.** The fundraising plan required by the
Maine Revised Statutes, Title 20-A, section 19103 must be part of
30 the learning technology plan submitted to the Second Regular
Session of the 120th Legislature in accordance with Title 20-A,
32 section 19102.

34 **SUMMARY**

36 This bill is introduced by the Joint Standing Committee on
38 Education and Cultural Affairs to implement the recommendations
of the Task Force on the Maine Learning Technology Endowment as
40 authorized pursuant to Public Law 1999, chapter 731, Part FFF,
section 2. The bill amends the governance and investment
42 provisions of current law related to the Maine Learning
Technology Endowment by providing for the establishment of the
44 Advisory Board of the Maine Learning Technology Endowment and by
clarifying the roles and responsibilities of the Commissioner of
46 Education and the Commissioner of Administrative and Financial
Services with respect to the Maine Learning Technology
48 Endowment. The bill also provides a set of guiding principles
for the Maine Learning Technology Endowment and provides that the
50 components of the learning technology plan that were recommended

2 by the task force may be recommended by the Commissioner of
Education and the Advisory Board of the Maine Learning Technology
4 Endowment to the Legislature, as appropriate, for implementation
of the learning technology plan using proceeds from the endowment
beginning in the 2002-03 school year.