

MAINE STATE LEGISLATURE

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No. 1619

S.P. 563

March 21, 2007

An Act To Amend the Laws Regarding Adult Education

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Senator BOWMAN of York and Representatives: EDGECOMB of Caribou,
NORTON of Bangor.

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

2 **Sec. 1. 20-A MRSA §8601**, as enacted by PL 1981, c. 693, §§5 and 8, is amended
3 to read:

4 **§8601. Purpose**

5 Since education is a lifelong process, it is declared to be the policy of the State to
6 provide and encourage the growth of educational opportunities and, where applicable, to
7 ensure career, citizenship and college readiness for all adults.

8 **Sec. 2. 20-A MRSA §8601-A**, as amended by PL 2005, c. 519, Pt. I, §3, is further
9 amended to read:

10 **§8601-A. Definitions**

11 As used in this chapter, unless the context otherwise indicates, the following terms
12 have the following meanings.

13 **1. Adult education.** "Adult education" has the same meaning as in section 1,
14 subsection 1 and also means courses of instruction approved in accordance with this
15 chapter in the following categories: ~~general adult enrichment~~ courses; adult career and
16 technical education courses; ~~handicapped adult workforce training and retraining~~ courses;
17 courses for students with disabilities and adult learners with disabilities; high school
18 completion courses, which include courses that are aligned with the system of learning
19 results established in accordance with section 6209 and general educational development
20 preparation courses for the Maine high school equivalency diploma; college transition
21 courses; and basic literacy ~~courses~~ instruction, including English as a Second Language.

22 **2. Adult education program costs.** "Adult education program costs" means those
23 costs identified in section 8607-A.

24 **2-A. Career and technical education.** "Career and technical education" has the
25 same meaning as in section 8301-A, subsection 2-A, applicable to career and technical
26 education for secondary students.

27 **3. Center.** "Center" has the same meaning as in section 8301-A, subsection 3,
28 applicable to career and technical education for secondary students.

29 ~~**4. Foundation year.** "Foundation year" means the fiscal year 2 years prior to the~~
30 ~~fiscal year in which funds are allocated.~~

31 **5. Maximum allowable expenditures.** "Maximum allowable expenditures" means,
32 for state subsidy purposes, an amount not to exceed the sum of funds appropriated
33 through taxation and expended in accordance with section 8607-A in the ~~foundation~~ base
34 year, plus the amount of subsidy paid by the State during the ~~foundation~~ base year.

35 **6. Municipality.** "Municipality" has the same meaning as in section 15672,
36 subsection 21.

1 **7. Parent.** "Parent" means a parent, as defined in section 1, subsection 20, with legal
2 custody of a minor child, except that "parent" of a child with disabilities means a parent
3 as defined in the federal Individuals with Disabilities Act, 20 United States Code, Section
4 1401(23).

5 **8. Region.** "Region" has the same meaning as in section 8301-A, subsection 6,
6 applicable to career and technical education for secondary students.

7 **9. Residence.** "Residence" means, with reference to a person's eligibility to receive
8 adult education, the school administrative unit in which is located the legal residence of
9 the person's parent if the person has not reached 18 years of age, the legal residence of the
10 person after the person reaches 18 years of age, or the legal residence of the person after
11 the person becomes an emancipated minor. A federal reservation or installation is
12 considered part of the school administrative unit in which it is located.

13 **10. Unit.** "Unit" means a school administrative unit.

14 **12. Adult career and technical education.** "Adult career and technical education"
15 means organized educational activities, eligible for federal or state funding, that:

16 A. Offer a sequence of courses that provide individuals with the academic and
17 technical knowledge and skills the individuals need to prepare for further education
18 and for careers, other than careers requiring a baccalaureate, master's or doctoral
19 degree, in current or emerging employment sectors; and

20 B. Include competency-based applied learning that contributes to the academic
21 knowledge, higher-order reasoning and problem-solving skills, work attitudes,
22 general employability skills, technical skills and occupation-specific skills of an
23 individual.

24 "Adult career and technical education" includes career and technical education as defined
25 in subsection 2-A, and similar educational activities for postsecondary students.

26 **13. Adult learners with disabilities.** "Adult learners with disabilities" means
27 adults who cannot benefit from a regularly scheduled adult education course because of a
28 disability and are found by the unit, region or center to be capable of benefiting from a
29 course for adult learners with disabilities designed to help adults learn basic life skills
30 through practical instruction related to their needs and goals. Adult learners with
31 disabilities are those students who are not eligible, due to age, for services under the
32 federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400,
33 et seq.

34 **14. Adult workforce training and retraining.** "Adult workforce training and
35 retraining" means courses or activities eligible for state funding that serve any of the
36 following adult learners:

37 A. Preparatory learners, who are adults learning new skills in preparation for
38 employment in a job or occupation that is new to them;

1 B. Supplemental learners, who are adults pursuing courses or activities that are
2 related, in a clear and applicable manner, to current full-time or part-time
3 employment or wage-earning activities; or

4 C. Certificate learners, who are adults participating in a sequence of courses that
5 provide individuals with the academic and technical knowledge and skills that
6 individuals need to prepare for further education and careers in current or emerging
7 employment sectors.

8 **15. Base year.** "Base year" has the same meaning as in section 15672, subsection 1-
9 B.

10 **16. Basic literacy instruction.** "Basic literacy instruction" means instruction, based
11 on individual needs and goals, for adults whose skills in reading, writing, numeracy,
12 speaking or listening are below the grade 12 level. It includes adult basic education and
13 English as a Second Language instruction described in the State's plan for the
14 implementation of the federal adult education program and adult literacy and English as a
15 Second Language instruction provided with state and local funding.

16 **17. College transition course.** "College transition course" means a course to
17 support adults with high school diplomas who are not academically prepared to take
18 college courses.

19 **18. Enrichment course.** "Enrichment course" means a noncredit course provided
20 under the supervision of an instructor and in accordance with a course outline identifying
21 instructional goals for its participants. "Enrichment course" does not include offerings for
22 the sole purpose of recreation.

23 **19. High school completion course.** "High school completion course" means a
24 course that is aligned with the system of learning results established in accordance with
25 section 6209 and includes general educational development preparation courses for the
26 Maine high school equivalency diploma.

27 **20. Instructional supplies.** "Instructional supplies" means those supplies that fulfill
28 the purpose of a specific instructional program and, during the teaching process, are
29 actually consumed or worn out through use, or lose their identity through fabrication or
30 incorporation into different or more complete units or substances. Instructional supplies
31 do not include those items that result in a product or service for the student for which lab
32 or materials fees may be assessed, or those items that result in a product or service for the
33 unit, region or center.

34 **21. Student with disabilities.** "Student with disabilities" has the same meaning as
35 "child with a disability" as defined in section 7001, and any such students are included
36 under the federal Individuals with Disabilities Education Act, 20 United States Code,
37 Section 1400, et seq.

38 **Sec. 3. 20-A MRSA §8603-A is enacted to read:**

1 **§8603-A. Warrant to raise, appropriate, receive and expend money**

2 **1. Warrant language.** In order to fund adult education and educational activities
3 and tuition costs under section 8603, a unit must use the following warrant language at a
4 duly called special or regular meeting or city election:

5 “Article: To see if (the school administrative unit) will appropriate \$..... for
6 adult education and raise \$..... as the local share; with authorization to expend any
7 additional, incidental, or miscellaneous receipts in the interest and for the well-being of
8 the adult education program.”

9 **2. Approval.** Approval of the warrant must be by majority vote of those voting and,
10 if in more than one municipality, by a majority of those voting in each municipality.

11 **3. Effect on multiple municipalities.** If individual municipalities in a unit are
12 approving the budget, the appropriation line must still be the total amount of the adult
13 education budget, but the amount raised must be the amount of that specific
14 municipality's local share.

15 **Sec. 4. 20-A MRSA §8604,** as amended by PL 1991, c. 518, §36, is further
16 amended to read:

17 **§8604. Authority to operate programs not receiving state subsidy**

18 A unit, region or center may make available facilities for adults for day and evening
19 educational and recreational activities not reimbursable by the State. These courses and
20 activities may be financed by tuition fees, by funds made available by the unit, by funds
21 from other sources or by a combination of these.

22 **Sec. 5. 20-A MRSA §8606-A,** as amended by PL 2005, c. 12, Pt. D, §1 and
23 affected by Pt. WW, §18, is further amended to read:

24 **§8606-A. Reimbursement procedures**

25 **2. Budget recommendation.** Prior to December 15th of each year, the
26 commissioner shall certify to the Governor and to the Bureau of the Budget the funding
27 levels for the various program categories in adult education for payment in the next fiscal
28 year. The commissioner shall include these funding levels in the department's request to
29 the Legislature for appropriations from the General Fund to carry out the purposes of this
30 chapter.

31 A. The recommended funding level must ~~be for the authorized~~ include funds in an
32 amount that is sufficient to provide for state administration of adult education
33 programs including funds for the cost of general educational development tests and
34 administration; supporting a statewide volunteer program of literacy outreach; state-
35 sponsored professional development; state-level data collection, including the
36 required software for units, regions or centers providing adult education programs;
37 and reimbursement of the costs listed in section 8607-A at the rates established in that
38 section 8607-A and. The recommended funding level may not exceed the maximum
39 allowable expenditures in the ~~foundation~~ base year, adjusted pursuant to paragraph C.

1 B. A unit, region or center shall provide the commissioner with information
2 requested by the commissioner to carry out the purpose of this chapter. The
3 commissioner may withhold state subsidy payment or a portion of the state subsidy
4 payment from a unit, region or center if the unit, region or center does not provide
5 requested information to the commissioner in compliance with the specified format,
6 content and time schedule established by the commissioner.

7 C. The recommendation in the commissioner's funding level certification must
8 include local adult education program cost adjustment to the equivalent of the year
9 prior to the year of allocation. This adjustment is calculated according to the same
10 guidelines established, for purposes of chapter 606-B, by section 15689-C, subsection
11 3.

12 **3. State reimbursement.** State reimbursement for expenditures on adult education
13 programs must be based on each unit's, region's or center's actual adult education program
14 costs in the foundation base year, except that in fiscal years 1991-92 and 1992-93
15 available state funding is limited to the fiscal year 1990-91 level, and in fiscal years 1995-
16 96 and 1996-97 available state funding is limited to the fiscal year 1994-95 level.

17 A. The state reimbursement must be based on the unit's, region's or center's
18 expenditures for the foundation base year in accordance with the maximum allowable
19 expenditures and the local program cost adjustment to the equivalent of the year prior
20 to the year of the allocation.

21 B. State reimbursement **must** be paid to each eligible unit, region or center during
22 the 2nd quarter of the State's fiscal year.

23 **4. Action by Legislature.** The Legislature shall appropriate the necessary funds to
24 meet the State's obligation for reimbursement of adult education program costs as
25 provided in this section.

26 ~~**6. State administration.** The commissioner shall add to the funding level~~
27 ~~certification an amount sufficient to provide for the administration of this section.~~

28 **Sec. 6. 20-A MRSA §8607-A**, as amended by PL 2005, c. 519, Pt. I, §4, is further
29 amended to read:

30 **§8607-A. Reimbursement rates**

31 Reimbursement for the following costs are made in the year following the incurring
32 of those costs, and the rates are as follows.

33 **1. Administrative costs.** ~~Units are reimbursed 70% of the administrative~~
34 Administrative costs for all adult education courses and educational activities for adults in
35 the year following the expenditure for those listed in section 8601-A, subsection 1 are
36 reimbursed at the rate of 70% of the costs, so long as at least one basic literacy, high
37 school completion or college transition course is offered. Administrative costs include
38 administrative, supervisory and clerical salaries; and fringe benefits as required for
39 salaried positions; the costs of maintaining and operating citizens' advisory committees;
40 ~~administrative fringe benefits as required for salaried positions and;~~ administrative travel
41 to state meetings related to administering adult education courses and educational

1 activities; the costs of operating and maintaining a state-approved data collection system;
2 and the costs of administering state-approved assessments other than the general
3 educational development tests.

4 **2. Adult career and technical education courses.** Adult career and technical
5 education courses ~~offered~~ provided in compliance with ~~section 8610 this chapter, if state-~~
6 funded, are reimbursed at the rate of 75% of the cost of required instructional salaries and
7 fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional supplies
8 and textbooks used in those courses.

9 **3. Courses for students with disabilities and adult learners with disabilities.**
10 ~~Handicapped~~ Courses for students with disabilities and adult learners with
11 disabilities are reimbursed at the rate of 75% of the cost of required instructional salaries
12 and fringe benefits for those courses and 50% of the cost of ~~consumable~~ instructional
13 supplies and textbooks used in those courses.

14 **4. High school completion courses that are aligned with the system of learning**
15 **results.** High school completion courses that are aligned with the system of learning
16 results established in accordance with section 6209 are reimbursed at the rate of 75% of
17 the cost of required instructional salaries and fringe benefits for those courses and 50% of
18 the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

19 **5. Basic literacy instruction.** Basic literacy ~~courses are~~ instruction is reimbursed at
20 the rate of 75% of the cost of required instructional salaries and fringe benefits for those
21 courses and 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in
22 those courses.

23 **7. Other administrative costs.** Other administrative costs, including program
24 promotion and related publicity, mailing and postage and telephone expenses for courses
25 and programs described in subsections 2 to 6, are reimbursed at the rate of 50% of these
26 costs. The cost of interpreters for deaf students and deaf adult learners and the cost of
27 translators for students and adult learners with limited English proficiency are reimbursed
28 at the rate of 75% of these costs but only as a payment of last resort after the otherwise
29 valid obligations of insurers or other 3rd parties to provide or pay for these services have
30 been exhausted.

31 **8. College transition courses.** College transition courses are reimbursed at a rate of
32 75% of the cost of required instructional salaries and fringe benefits for those courses and
33 50% of the cost of ~~consumable~~ instructional supplies and textbooks used in those courses.

34 **9. Adult workforce training and retraining courses.** Adult workforce training and
35 retraining courses are reimbursed at the rate of 75% of the costs of required instructional
36 salaries and fringe benefits for those courses and 50% of the cost of instructional supplies
37 and textbooks used in those courses.

38 **Sec. 7. 20-A MRSA §8608**, as amended by PL 1991, c. 518, §40, is repealed.

39 **Sec. 8. 20-A MRSA §8609**, as amended by PL 1991, c. 518, §41, is further
40 amended to read:

1 **§8609. Fees for adult education**

2 Fees for adult education are as follows.

3 **1. Registration fee.** A unit, region or center shall establish a registration fee
4 schedule for adult education courses and determine the use of those registration fees.

5 **2. Laboratory and materials fees.** A unit, region or center may charge a person
6 attending an adult education course a fee to cover the cost of laboratory supplies and
7 materials used in such a course.

8 **Sec. 9. 20-A MRSA §8611**, as amended by PL 1991, c. 518, §43, is further
9 amended to read:

10 **§8611. Transportation**

11 A unit, region or center may provide transportation for adults to and from adult
12 education courses.

13 **Sec. 10. 20-A MRSA §8612** is enacted to read:

14 **§8612. Other supports**

15 A unit, region or center that provides adult education shall ensure that adult education
16 students are provided, when applicable, information regarding and referral to other state
17 departments and agencies that provide support to adult education students, including, but
18 not limited to, the Department of Health and Human Services and the Department of
19 Labor.

20 Nothing in this section relieves a school administrative unit of its legal responsibility
21 for the education of students with disabilities.

22 **SUMMARY**

23 This bill updates the provisions governing adult education to ensure that the
24 definitions used, the programs described, the eligibility and funding requirements and the
25 reimbursement rates reflect current practice and other changes in both education law and
26 related policy objectives that have occurred since the statute was last amended.

27 The bill also includes warrant language for raising, appropriating, receiving and
28 expending money for adult education and educational activities. The bill provides an
29 enhanced description of the funding to be requested annually for the State's
30 administration of the adult education program.

31 Finally, the bill adds a provision to ensure that adult education students are provided,
32 when applicable, information regarding and referral to other state departments and
33 agencies.