

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2062

H.P. 1446

House of Representatives, December 21, 2007

### An Act Regarding Education Laws

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Submitted by the Department of Education pursuant to Joint Rule 204.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NORTON of Bangor.  
Cosponsored by Senator BOWMAN of York.

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

2 **PART A.**

3 **Sec. A-1. 20-A MRSA §401-A**, as enacted by PL 1987, c. 395, Pt. A, §47, is  
4 amended to read:

5 **§401-A. Responsibilities of the State Board of Education**

6 The State Board of Education is intended to act as a body with certain policy-making,  
7 administrative and advisory functions. In those capacities, the board has the primary  
8 responsibility for the following:

9 **1. Formulating policy.** Formulating policy by which the commissioner shall  
10 administer certain regulatory tasks;

11 **2. Advising commissioner.** Advising the commissioner in the administration of all  
12 the mandated responsibilities of that position; and

13 **3. Enforcing regulatory requirements.** Enforcing regulatory requirements for  
14 school administrative units.

15 The state board may advise the commissioner and the Legislature on matters  
16 concerning state laws relating to public preschool to grade 12 and postsecondary  
17 education.

18 **Sec. A-2. 20-A MRSA §5401, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8,  
19 is amended to read:

20 **1. Municipal school units.** The superintendent of schools in a municipal school unit  
21 shall, with the approval of the school board, provide transportation for elementary school  
22 students and public preschool students a part of or the whole distance to and from the  
23 nearest suitable elementary school. The municipality may provide transportation for  
24 secondary level students.

25 **Sec. A-3. 20-A MRSA §5401, sub-§2, ¶A**, as enacted by PL 1981, c. 693, §§5  
26 and 8, is amended to read:

27 A. Elementary school students and public preschool students a part of or the whole  
28 distance to and from the nearest suitable school; and

29 **Sec. A-4. 20-A MRSA §5401, sub-§3, ¶A**, as enacted by PL 1981, c. 693, §§5  
30 and 8, is amended to read:

31 A. Instruct the superintendent of schools to provide transportation for elementary  
32 and secondary school students and public preschool students all or a part of the way  
33 to and from the nearest suitable school; or

34 **Sec. A-5. 20-A MRSA c. 407**, as amended, is repealed.

1           **Sec. A-6. 20-A MRSA §10701, sub-§2**, as enacted by PL 1981, c. 693, §§5, 8, is  
2 amended to read:

3           **2. Degree.** "Degree" means a document of achievement at the associate level or  
4 higher conferred by a ~~post-secondary~~ postsecondary educational institution authorized to  
5 confer that degree in its home state. It includes educational, academic, literary ~~or~~ and  
6 professional degrees. It also includes associate, baccalaureate, ~~masters or~~ master's and  
7 doctoral degrees and certificates of advanced graduate studies.

8           **Sec. A-7. 20-A MRSA §10701, sub-§3**, as amended by PL 1991, c. 563, §3 and  
9 PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

10           **3. Educational institution.** "Educational institution" means any person, partnership,  
11 board, association, institution or corporation other than the University of Maine System  
12 ~~and~~, the Maine Community College System and the Maine Maritime Academy that offers  
13 academic, educational, literary or professional courses or programs.

14           **Sec. A-8. 20-A MRSA §10702**, as amended by PL 1987, c. 395, Pt. A, §81, is  
15 further amended to read:

16           **§10702. Use of name "community college," "college" or "university"**

17           An educational institution may use the term "~~junior~~ community college," "college" or  
18 "university" in connection with its operation or use any other name, title or descriptive  
19 matter ~~which~~ that might tend to indicate that it is an institution of higher learning with the  
20 authority to confer degrees, only if it:

21           **1. Temporary approval.** Is operating under a license or certificate of temporary  
22 approval from the state board in accordance with section 10703; or

23           **2. Authorization.** Has authorization to confer degrees in accordance with sections  
24 10704 and 10704-A.

25           **Sec. A-9. 20-A MRSA §10703**, as enacted by PL 1981, c. 693, §§5 and 8, is  
26 amended to read:

27           **§10703. Temporary approval to use the name "community college," "college" or**  
28 **"university"**

29           **1. Power.** The state board may grant an applicant a certificate of temporary  
30 approval, permitting use of the term "~~junior~~ community college," "college" or  
31 "university" in its name until the earlier of:

32           A. The expiration of the academic year; or

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

35           **2. Extensions and renewals.** The state board may extend or renew a certificate of  
36 temporary approval for not more than 2 years.

1       **Sec. A-10. 20-A MRSA §10705**, as amended by PL 1987, c. 395, Pt. A, §84, is  
2 further amended to read:

3       **§10705. Courses for credit**

4       An educational institution may offer courses or programs for academic credit leading  
5 to degree-completion requirements only if:

6       **1. Authority.** It has been authorized under sections 10704 and 10704-A to grant  
7 degrees;

8       **2. State board authority.** It has been given temporary authority by the state board  
9 to use the name "junior community college," "college" or "~~university~~," "university"; or

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

11       A. Located ~~in another state~~ outside the State; and

12       B. Authorized by the state board to offer courses for academic credit leading to  
13 degree-completion requirements.

14       ~~An educational institution may offer courses or programs for academic credit if it~~  
15 ~~offers coordinated courses or programs in conformity with section 10706.~~

16       **Sec. A-11. 20-A MRSA §10706**, as enacted by PL 1981, c. 693, §§5 and 8, is  
17 amended to read:

18       **§10706. Coordinated programs**

19       An educational institution may offer ~~courses or~~ programs for academic credit ~~which~~  
20 that are coordinated with a Maine degree-granting educational institution and ~~which~~ that  
21 have been approved by the state board.

22       **Sec. A-12. 20-A MRSA §10707, sub-§2**, as enacted by PL 1981, c. 693, §§5 and  
23 8, is amended to read:

24       **2. Temporary use of name.** Applications for temporary state board authority to use  
25 the name "junior community college," "college" or "university" ~~shall~~ must be made to the  
26 state board on forms provided by the commissioner.

27       **Sec. A-13. 20-A MRSA §10712, last ¶**, as enacted by PL 1991, c. 563, §4, is  
28 amended to read:

29       Upon termination of its degree-granting authority pursuant to this section, an  
30 educational institution may apply to the state board pursuant to section 10703 for a  
31 certificate of temporary approval to use the term "junior community college," "college" or  
32 "university" in its name.

33       **Sec. A-14. 20-A MRSA §10713, sub-§1**, as enacted by PL 1991, c. 563, §4, is  
34 amended to read:



1           pursuant to subsection 3, the department is authorized to determine and approve  
2           an appropriate, final annual entitlement plan and a budget for the intermediate  
3           educational unit that is in compliance with the statewide standards established  
4           pursuant to subsection 3.

5           ~~This paragraph is repealed June 30, 2008.~~

6           **Sec. B-2. 20-A MRSA §7209, sub-§2**, as amended by PL 2007, c. 307, §2, is  
7           further amended to read:

8           **2. State-level advisory committee.** The state-level advisory committee is  
9           established ~~for the period from July 1, 2006 to June 30, 2008~~ to advise on the provisions  
10          of this section. Members of the state-level advisory committee are appointed by the  
11          commissioner and must include representatives from each board of directors of a regional  
12          site described in subsection 5, the early childhood education consultant and the director of  
13          early childhood special education within the department. ~~This subsection is repealed~~  
14          ~~June 30, 2008.~~

15          **Sec. B-3. 20-A MRSA §7209, sub-§3**, as amended by PL 2007, c. 307, §3, is  
16          further amended to read:

17          **3. State intermediate educational unit.** The commissioner shall establish and  
18          supervise the state intermediate educational unit. The state intermediate educational unit  
19          is established as a body corporate and politic and as a public instrumentality of the State  
20          for the purpose of conducting child find activities as provided in 20 United States Code,  
21          Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the  
22          provision of early intervention services for eligible children from birth to under 3 years of  
23          age and ensuring a free, appropriate public education for eligible children at least 3 years  
24          of age and under 6 years of age. ~~For the period from July 1, 2006 to June 30, 2008, the~~  
25          The state intermediate educational unit shall perform the following statewide  
26          coordination and administration functions:

27           A. Establish standard policies and procedures for a statewide salary and benefits  
28           administration system, including personnel classifications, position descriptions and  
29           salary ranges, and a standard package of health, retirement and other fringe benefits  
30           for Child Development Services System personnel, which must be included in the  
31           annual entitlement plan described in subsection 1 beginning in fiscal year 2006-07;

32           B. Develop a statewide salary and benefits administration system and perform the  
33           payroll functions for Child Development Services System personnel;

34           B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the  
35           regional sites choose to be represented by an agent for purposes of collective  
36           bargaining. In such circumstances, the state intermediate educational unit must be  
37           considered the public employer for purposes of collective bargaining;

38           C. Establish a centralized system for statewide fiscal administration to be  
39           implemented by September 1, 2006. The state intermediate educational unit shall  
40           establish internal controls and implement accounting policies and procedures in  
41           accordance with standards set forth by the State Controller;

1 D. Develop and implement a centralized data management system to be fully  
2 operational beginning July 1, 2007;

3 E. Establish a standard, statewide template for regional site contracts with  
4 therapeutic service providers, including policies and procedures for the review of  
5 contracts, that must be included in the annual entitlement plan described in subsection  
6 1, beginning in fiscal year 2006-07;

7 F. Refine program accountability standards for compliance with federal mandates  
8 that must be included in the annual entitlement plan described in subsection 1,  
9 including the development of a performance review system to monitor and improve  
10 regional site performance through the use of efficiency ratings aligned with the  
11 accountability standards and through a compliance plan that requires the regional site  
12 to address the unmet needs of eligible children in accordance with specific targets and  
13 time frames;

14 G. Design and implement a statewide plan to provide professional development and  
15 training to Child Development Services System personnel;

16 H. Employ professional and other personnel, including those necessary to ensure  
17 the implementation of the centralized fiscal and data management systems. All state  
18 intermediate educational unit employees are employees for the purposes of the Maine  
19 Tort Claims Act;

20 I. Enter into contracts, leases and agreements and any other instruments and  
21 arrangements that are necessary, incidental or convenient to the performance of its  
22 duties and the execution of its powers under this chapter.

23 **Sec. B-4. 20-A MRSA §7209, sub-§7, ¶C**, as amended by PL 2007, c. 307, §6,  
24 is further amended to read:

25 C. Ensure data entry and reporting ~~through June 30, 2008~~; and

## 26 SUMMARY

27 Part A of this bill accomplishes the following.

28 It amends the school transportation statutes to clarify that public preschool students  
29 are included in the group of elementary students for whom school administrative units are  
30 required to provide transportation.

31 It makes several changes in the postsecondary educational institution statutes,  
32 including adding the certification of advanced studies to the list of degrees that may be  
33 conferred by postsecondary educational institutions, updating references to "junior  
34 college" to "community college," adding the Maine Maritime Academy to the list of  
35 public institutions not included in the definition of "educational institution" and clarifying  
36 the postsecondary degree-granting approval process and the State Board of Education's  
37 role in that process.



1       It specifically authorizes the State Board of Education to advise the Commissioner of  
2 Education and the Legislature on matters pertaining to education in elementary and  
3 secondary schools and post-secondary educational institutions.

4       It repeals the statutory provisions relating to the Maine State Commission for Higher  
5 Education Facilities, whose duties were assumed by the Maine Health and Higher  
6 Educational Facilities Authority.

7       It clarifies that the school nurse consultant within the Department of Education is  
8 jointly supervised by the Director of the Maine Center for Disease Control and  
9 Prevention within the Department of Health and Human Services and the Policy Director  
10 of Special Services within the Department of Education.

11       Part B of this bill eliminates the sunsets on the transition periods and makes the  
12 centralization of the fiscal, data and human resources of the Child Development Services  
13 System permanent to achieve a more efficient and effective Child Development Services  
14 System delivery and governance system.