

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2303

H.P. 1661

House of Representatives, April 4, 2008

An Act To Implement the Recommendations of the Alternative Education Programs Committee

Reported by Representative NORTON of Bangor for the Joint Standing Committee on
Education and Cultural Affairs pursuant to Resolve 2007, chapter 124, section 8.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 20-A MRSA §1, sub-§1-B** is enacted to read:

3 **1-B. Alternative education program.** "Alternative education program" means a
4 program in which the primary purpose is to provide at-risk students with curricula and
5 assessment in a setting designed to effectively meet the student's academic, social and
6 relational needs.

7 **Sec. 2. 20-A MRSA §1, sub-§1-C** is enacted to read:

8 **1-C. Alternative learning.** "Alternative learning" means an educational option that
9 a public school or publicly supported program offers at-risk students by offering some
10 combination of the following: alternative education programs; small class size; flexible
11 scheduling; relevant alternative curricula and assessment; mentoring adults; skilled
12 teachers; a focus on social, emotional and relationship skills; collaboration among home,
13 school and social service agencies; and any other measures designed to accommodate the
14 needs of at-risk students.

15 **Sec. 3. 20-A MRSA §1, sub-§2-A** is enacted to read:

16 **2-A. At-risk student.** "At-risk student" means a student who:

17 A. Is not meeting the requirements for promotion to the next grade level or
18 graduation from high school;

19 B. Is at risk for dropping out of school;

20 C. Is habitually truant; or

21 D. Is economically disadvantaged as signified by qualification for the National
22 School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007).

23 **Sec. 4. 20-A MRSA §3271, sub-§2, ¶B,** as enacted by PL 1985, c. 490, §8, is
24 amended to read:

25 B. The person obtains equivalent instruction through alternative learning or in any
26 other manner arranged or approved by the commissioner.

27 **Sec. 5. 20-A MRSA §3271, sub-§3** as enacted by PL 1985, c. 490, §8, is
28 amended to read:

29 **3. Exceptions.** Attendance at school or an alternative education program ~~shall~~ is not
30 be required of the following:

31 A. A person who has graduated from high school before ~~his~~ the person's 17th
32 birthday;

33 B. A person who is at least 15 years old, has completed the 9th grade and has
34 permission to leave school to participate in a suitable program of training or
35 combined work and study from a parent and the commissioner; and

1 C. A person who has been adjudged an habitual truant and has been excused from
2 attendance pursuant to procedures established by the commissioner.

3 **Sec. 6. 20-A MRSA §4729**, as amended by PL 2001, c. 454, §25, is further
4 amended to read:

5 **§4729. Alternative education programs**

6 A school administrative unit may establish one or more alternative education
7 programs that are in alignment with the system of learning results established in section
8 6209 as alternatives to the regular course of study, including options allowed in sections
9 5104-A and 8605, to meet the needs of at-risk students.

10 **1. Coordination.** These programs shall operate as part of the elementary or
11 secondary school program.

12 **2. Alternative schedules.** Alternative education programs may allow students to
13 attend school part-time. Alternative education programs may be scheduled apart from the
14 regular school day.

15 **Sec. 7. 20-A MRSA §5103, sub-§5**, as corrected by RR 2001, c. 1, §24, is
16 amended to read:

17 **5. Responsibilities.** The following provisions apply to responsibilities of the
18 dropout prevention committee.

19 A. The dropout prevention committee shall:

20 (1) Study the problem of dropouts, and habitual truancy and the need for
21 alternative education programs, kindergarten to grade 12;

22 (2) Make recommendations for addressing the problems; and

23 (3) Submit a plan of action to the school board, in accordance with section 4502,
24 subsection 5, paragraph L-1.

25 B. The dropout prevention committee shall consider the following when developing
26 its plan:

27 (1) Reasons why students drop out of school;

28 (2) Maintenance of continuing contacts with recent dropouts in order to extend
29 opportunities for ~~alternate educational~~ alternative education programs, counseling
30 and referral;

31 (3) Education of teachers and administrators about the dropout problem;

32 (4) Use of human services programs to help dropouts;

33 (5) The school administrative unit's policies on suspension, expulsion and other
34 disciplinary action; and

35 (6) Discriminatory practices and attitudes within the school administrative unit.

1 **Sec. 8. 20-A MRSA §5104-A**, as enacted by PL 1989, c. 415, §31, is further
2 amended to read:

3 **§5104-A. Alternative education programs outside the school administrative unit**

4 **1. Alternative education programs.** If the superintendents approve, a school
5 administrative unit may enroll a student in an alternative education program in another
6 school administrative unit or in an approved private alternative education program.

7 **2. Student count.** A student properly approved for enrollment under subsection 1
8 shall must be counted as a 1.0 student on school administrative unit counts for each
9 semester, or its equivalent, of alternative education program.

10 **3. Rules.** The commissioner shall adopt rules in accordance with the Maine
11 Administrative Procedure Act, Title 5, chapter 375, to administer this section.

12 **Sec. 9. 20-A MRSA §5151**, as amended by PL 2001, c. 452, §12, is further
13 amended to read:

14 **§5151. Technical assistance for truants, dropout prevention and reintegration and**
15 **alternative education**

16 The commissioner shall provide technical assistance regarding truancy, dropouts and
17 reintegration and alternative ~~educational~~ education programs. To do this, the
18 commissioner shall employ at least one consultant whose sole responsibility is to cover
19 the area of truancy, dropouts and alternative education.

20 **1. Qualifications.** Any consultant must be knowledgeable in the problems of
21 truancy, dropouts and reintegration and policies and programs pertaining to the problems
22 and have this as the consultant's sole responsibility.

23 **2. Duties.** The consultant shall:

24 A. Provide technical assistance to school administrative units and private schools
25 approved for tuition purposes to establish alternative education programs;

26 B. Develop screening tools for early identification of potential dropouts;

27 C. Act as a clearinghouse for information on alternative education programs in the
28 State, on exemplary programs in other states and on research pertaining to the
29 subject, and promote effective programs;

30 D. Function as a liaison among the commissioner, department staff, advisory
31 committee and school administrative units and private schools as it pertains to
32 truants, dropouts and reintegration, alternative education programs, alternative
33 learning and adult education;

34 E. Develop model curricula and programs for alternative ~~educational~~ education
35 schools and programs;

36 F. Assess and provide for the evaluation of alternative ~~educational~~ education
37 programs consistent with the standards established by the commissioner;

- 1 G. Develop training programs for superintendents, principals and school attendance
2 officers to improve effectiveness in performance of their duties as pertains to truants,
3 dropouts and reintegration and alternative education programs;
- 4 H. Develop and submit a plan on behalf of the commissioner for the joint standing
5 committee of the Legislature having jurisdiction over education and the state board
6 on the prevalence of truancy and dropouts, assess alternative and adult ~~educational~~
7 education programs and prepare positive strategies to prevent and remedy the
8 problems identified, including reintegration planning for juvenile offenders who have
9 been released from juvenile facilities and are enrolling in schools in the State;
- 10 I. Have the responsibility for preventive programs and alternative education
11 programs;
- 12 J. Collect data on the scope of the dropout and truancy problem in the State;
- 13 K. Evaluate the scope of the problem of dropouts and truants and programs and
14 policies directed to meet it, including reintegration planning and aftercare services
15 provided for juvenile offenders who have been released from juvenile facilities and
16 have enrolled in schools in the State;
- 17 L. Provide staff services to the advisory committee; and
- 18 M. Plan and coordinate programs and grant writing to stimulate programs and
19 research on the problem of dropouts, truants, alternative education, alternative
20 learning and adult education.

21 **Sec. 10. 20-A MRSA §5152, sub-§2**, as amended by PL 2001, c. 452, §13, is
22 further amended to read:

23 **2. Duties of the advisory committee, as appointed by the commissioner.** The
24 advisory committee shall advise the commissioner on the development and
25 implementation of state and local policies and programs that are needed to deal
26 effectively with the incidence of truancy and dropouts in state schools. ~~They~~ The
27 committee should consider ~~their~~ its mandate in a broad context to assess the causes of
28 truancy and dropouts, the effectiveness of alternative education and prevention programs
29 and the social and educational programs or changes needed to encourage students to
30 remain in school, including reintegration planning and aftercare services provided for
31 juvenile offenders who have been released from juvenile facilities in the State and have
32 enrolled in schools in the State.

33 **Sec. 11. 20-A MRSA §5152, sub-§3**, as amended by PL 2005, c. 397, Pt. A,
34 §§15 and 16, is further amended to read:

35 **3. Membership.** The advisory committee ~~shall~~ must have a broad membership
36 reflecting the range of individuals and public and private institutions ~~which~~ that are
37 involved or interested in the problem and its solution. ~~These shall~~ It must include
38 representation from each of the following:

- 39 A. Teachers;
- 40 B. Elementary school principals;

- 1 C. Secondary school principals;
- 2 D. Guidance counselors;
- 3 E. Adult education teachers with experience in high school completion education;
- 4 F. Superintendents;
- 5 G. Administrators from private schools involved in alternative education programs;
- 6 H. Department of Health and Human Services;
- 7 J. Department of Corrections;
- 8 K. Department of Labor;
- 9 L. A local positive action committee on truancy, dropout and alternative education
- 10 programs;
- 11 M. Representatives from the business community; and
- 12 N. Other individuals who the commissioner feels will contribute to the development
- 13 of effective policies and programs.

14 Two of the representatives in paragraphs A to D ~~shall~~ must be directly involved in

15 alternative education programs. There ~~shall~~ may be no more than 15 members on the

16 committee.

17 **Sec. 12. 20-A MRSA §8402**, as amended by PL 2005, c. 2, Pt. D, §25 and

18 affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

19 **§8402. Programs**

20 A center shall provide programs of career and technical education. Programs of

21 career and technical education are eligible to receive state subsidy pursuant to chapters

22 606-B and 609. All programs of career and technical education offered by a center must

23 be approved by the commissioner pursuant to section 8306-A. The programs must offer a

24 sequence of courses that are directly related to the preparation of individuals for

25 employment in current or emerging occupations and may include training and education

26 in academic and business skills preparing students to further their education at the

27 community college or other college level or allowing students to use trade and

28 occupational skills on other than an employee basis. Programs of career and technical

29 education may also include alternative ~~educational~~ education programs and training and

30 education in music, athletics, art and other activities approved by the commissioner

31 pursuant to section 8306-A.

32 **Sec. 13. 20-A MRSA §8451-A**, as amended by PL 2005, c. 2, Pt. D, §27 and

33 affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

34 **§8451-A. Programs**

35 A region shall provide programs of career and technical education. Programs of

36 career and technical education are eligible to receive state subsidy pursuant to chapters

37 606-B and 609. All programs of career and technical education offered by a region must

38 be approved by the commissioner pursuant to section 8306-A. The programs must offer a

1 sequence of courses that are directly related to the preparation of individuals for
2 employment in current or emerging occupations and may include training and education
3 in academic and business skills preparing students to further their education at the
4 community college or college level or allowing students to use trade and occupational
5 skills on other than an employee basis. Programs of career and technical education may
6 also include alternative ~~educational~~ education programs and training and education in
7 music, athletics, art and other activities approved by the commissioner pursuant to section
8 8306-A.

9 **Sec. 14. 20-A MRSA §15002-A**, as amended by PL 1989, c. 525, §2, is further
10 amended to read:

11 **§15002-A. Permanent School Fund**

12 The Treasurer of State shall keep a separate account of all money received from sales
13 of lands appropriated for the support of schools or from notes taken therefor and of any
14 other money appropriated for the same purpose. Those sums ~~shall~~ constitute a the
15 Permanent School Fund, which ~~shall~~ must be invested in such securities as are legal
16 investments for savings banks under Title 9. The income from these investments ~~shall~~
17 must be placed in a dedicated revenue, interest-bearing account and ~~shall~~ must be
18 available to be used ~~as follows~~ for:

19 **1. Alternative education, school dropouts and truants.** Financing the
20 department's obligation to provide services to encourage the development of alternative
21 ~~educational~~ education programs, including high school completion programs through
22 adult education programs and ~~shall~~ must address other needs of school dropouts and
23 truants as more specifically set forth in sections 5151 to 5153; and

24 **2. Allocation to school units.** Allocations to school administrative units for the
25 purpose of surveying school systems and developing school plans. The allocations ~~shall~~
26 may not in any case exceed the unit's local share percentage determined under ~~section~~
27 ~~15609 of the School Finance Act~~ chapter 606-A times the cost of those surveys or plans;
28 and.

29 **Sec. 15. 20-A MRSA §15674, sub-§1, ¶C**, as enacted by PL 2003, c. 504, Pt. A,
30 §6, is amended to read:

31 C. The greater of:

32 (1) The average of the 2 pupil counts for April 1st and October 1st of the most
33 recent calendar year prior to the year of funding, reported in accordance with
34 section 6004, including the counts of students enrolled in an alternative education
35 program made in accordance with section 5104-A; and

36 (2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most
37 recent calendar years prior to the year of funding, reported in accordance with
38 section 6004, including the counts of students enrolled in an alternative education
39 program and counted in accordance with section 5104-A.

1 **Sec. 16. Commission established.** The Commission to Study Alternative
2 Education Programs, referred to in this section as "the commission," is established.

3 **1. Membership.** The commission consists of 13 members appointed as follows:

4 A. Three members of the Senate, appointed by the President of the Senate;

5 B. Four members of the House of Representatives, appointed by the Speaker of the
6 House;

7 C. One member from the University of Maine Institute for the Study of Students At
8 Risk, appointed by the President of the Senate;

9 D. Two members from the advisory committee on truancy, dropouts and alternative
10 education established under the Maine Revised Statutes, Title 20-A, section 5152,
11 appointed by the Speaker of the House;

12 E. One member from the Department of Education, Office of Truancy, Dropout and
13 Alternative Education, appointed by the President of the Senate;

14 F. One member from the Alternative Education Association of Maine, appointed by
15 the Speaker of the House; and

16 G. One member from the Interdepartmental Committee on Transition established
17 pursuant to the Maine Revised Statutes, Title 20-A, section 7803, appointed by the
18 President of the Senate.

19 In making appointments, the presiding officers shall give preference to Legislators and
20 other persons who served on the Alternative Education Programs Committee established
21 under Resolve 2007, chapter 124.

22 **2. Commission chairs.** The first-named Senate member is the Senate chair of the
23 commission and the first-named House of Representatives member is the House chair of
24 the commission.

25 **3. Appointments; convening of commission.** All appointments must be made no
26 later than 30 days following the effective date of this Act. The appointing authorities shall
27 notify the Executive Director of the Legislative Council once all appointments have been
28 completed. Within 15 days after appointment of all members, the chairs shall call and
29 convene the first meeting of the commission.

30 **4. Duties.** For the purposes of increasing the understanding of alternative learning
31 and support of alternative education programs in Maine, the commission shall:

32 A. Assist with analysis of the results of the survey on alternative education programs
33 conducted by the Department of Education in the fall of 2007;

34 B. Review the needs of special at-risk populations such as teen parents and substance
35 abusers;

36 C. Collect and analyze cost data from several exemplary alternative education
37 programs and develop per student cost estimates for providing effective alternative
38 learning opportunities;

- 1 D. Develop approaches to fund alternative education programs; and
2 E. Evaluate the alignment of regional school units and alternative education programs
3 in terms of geography and need.
- 4 **5. Staff assistance.** The Legislative Council shall provide necessary staffing services
5 to the commission.
- 6 **6. Report.** No later than November 5, 2008, the commission shall submit a report
7 that includes its findings and recommendations, including suggested legislation, to the
8 joint standing committee of the Legislature having jurisdiction over education matters.
9 Following receipt of the report, the joint standing committee of the Legislature having
10 jurisdiction over education matters is authorized to submit legislation related to
11 alternative education to the First Regular Session of the 124th Legislature.

12

SUMMARY

13 This bill is the unanimous report of the Joint Standing Committee on Education and
14 Cultural Affairs. It adds definitions for "alternative education program," "alternative
15 learning" and "at-risk student" to the definitions section in the Maine Revised Statutes,
16 Title 20-A. It amends sections of statute to consistently use defined terms. It also
17 establishes the Commission to Study Alternative Education Programs with directives to
18 continue the work of the committee established in Resolve 2007, chapter 124.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/27/08 *MAC*

123rd MAINE LEGISLATURE

LD 2303 LR 3615(01)

An Act To Implement the Recommendations of the Alternative Education Programs Committee

Fiscal Note for Original Bill
Committee: Education and Cultural Services
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses to establish the Commission to Study Alternative Education Programs are projected to be \$4,490 in fiscal year 2008-09. The Legislature's proposed budget includes \$20,000 in fiscal year 2008-09 for legislative studies. Whether the amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

Additional costs to the Department of Education and the University of Maine System to serve on the Commission can be absorbed within existing budgeted resources.