

MAINE STATE LEGISLATURE

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Date: 3/22/14

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1069, L.D. 1576, Bill, "An Act To Amend Certain Education Laws"

Amend the bill in section 1 in subsection 19 by inserting after paragraph B the following:

'C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding.'

Amend the bill by striking out all of section 4 (page 2, lines 31 to 35 in L.D.) and inserting the following:

'Sec. 4. 20-A MRSA §2404, sub-§2, ¶G, as enacted by PL 2011, c. 414, §5, is amended to read:

G. Any A public charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that noncharter public school.'

COMMITTEE AMENDMENT

1 Amend the bill in section 12 in subsection 7 in the 3rd and 4th lines (page 7, lines 6
2 and 7 in L.D.) by striking out the following: "the school administrative unit that has" and
3 inserting the following: 'the Department of Education as having'

4 Amend the bill by striking out all of section 13.

5 **SUMMARY**

6 This amendment makes the following changes to the bill.

7 1. It provides that once the Commissioner of Education makes a designation to enroll
8 a student who resides in a school administrative unit that neither maintains a school nor
9 contracts with another school administrative unit, the student must be enrolled in the
10 receiving school administrative unit designated by the commissioner. If dissatisfied with
11 the commissioner's decision, the superintendent of the school administrative unit where
12 the student resides or the superintendent of the receiving school administrative unit may,
13 within 10 calendar days of the commissioner's decision, request that the State Board of
14 Education review the transfer; the state board may approve or disapprove the
15 commissioner's designation.

16 2. It amends the enrollment preference provision in the public charter school
17 eligibility statute to require, rather than allow, as in the bill, a public charter school
18 authorized by a local school board or by a collaborative among local school boards to
19 give enrollment preference to residents of the school administrative unit or units whose
20 school board or school boards authorized the public charter school.

21 3. It provides that, when the Department of Health and Human Services places a
22 state ward in an out-of-state residential treatment center, the Commissioner of Education
23 may designate the Department of Education as having responsibility for the oversight of
24 the child's individualized education program.

25 4. It strikes the proposal in the bill that authorizes the Commissioner of Education to
26 provide additional funds to a school administrative unit based on a budgetary hardship
27 resulting from a special education placement.

FISCAL NOTE REQUIRED
(See attached)



127th MAINE LEGISLATURE

LD 1576

LR 2591(02)

An Act To Amend Certain Education Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-585)
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education and the State Board of Education to implement the requirements of this legislation can be absorbed within existing budgeted resources.