

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ROS

M. J.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Date 6/16/23 Majority L D 1420 (Filing No H-581)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P. 916, L D 1420, "An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 20-A MRSA §258-A, as amended by PL 1985, c 142, §1, is further amended to read

§258-A. Inspection of schools

1. Petition or request. The commissioner shall inspect a school or schools in a school administrative unit or a private school approved for tuition purposes that enrolls 60% or more publicly funded students and report the findings and recommendations to the appropriate school board, addressing the concerns of the petition in light of applicable school approval standards, when

- A Petitioned by 60% of the parents of the children of one school,
- B Requested by the school board or superintendent of schools or, if regarding a private school approved for tuition purposes, the school board of the sending school administrative unit, or
- C Petitioned by 20% of the registered voters of the unit or sending school administrative unit

2. Periodic reviews. The commissioner shall periodically review all public schools and all private schools which that receive public funds, to determine their compliance with the applicable provisions of this Title and the Maine Human Rights Act

3. Special reviews. The commissioner shall fulfill the monitoring functions required by any state or federal grants to school units or schools

4. Private schools. The commissioner may, as a condition of approval, inspect any private school which that applies for approval status

COMMITTEE AMENDMENT

ROS

1 5. Comprehensive reviews. Beginning in the 2024-2025 school year and every 2  
2 years thereafter, the commissioner shall conduct a comprehensive review of 5 schools,  
3 school administrative units or private schools approved for tuition purposes selected at  
4 random. If a school, school administrative unit or private school approved for tuition  
5 purposes is selected, and at the time of selection is within 2 years of an accreditation review  
6 by the New England Association of Schools and Colleges or its successor organization or  
7 has been through a comprehensive review under this subsection in the last 10 years, the  
8 commissioner shall randomly select a different school, school administrative unit or private  
9 school approved for tuition purposes in its place. For selected schools, school  
10 administrative units and private schools approved for tuition purposes.

11 A. The commissioner shall notify the school, school administrative unit or private  
12 school approved for tuition purposes no later than 14 days before the date the review  
13 is to take place.

14 B. On receipt of the notice described in paragraph A, the school, school administrative  
15 unit or private school approved for tuition purposes shall ensure that the physical site  
16 of the school or schools under review are available for inspection and make available  
17 to the commissioner documents related to

- 18 (1) Basic school approval standards under this Title,
- 19 (2) Compliance with the Maine Human Rights Act,
- 20 (3) The statewide assessment program established under section 6202,
- 21 (4) Implementation of the system of learning results established in section 6209,
- 22 and
- 23 (5) Health and safety requirements; and

24 C. The commissioner shall provide a school, school administrative unit or private  
25 school approved for tuition purposes that is unable to demonstrate compliance with  
26 basic school approval standards or other requirements of this Title with a corrective  
27 action plan.

28 If the commissioner finds that a school, school administrative unit or private school  
29 approved for tuition purposes is not in compliance with the Maine Human Rights Act, the  
30 commissioner shall refer the finding to the Maine Human Rights Commission.

31 **Sec. 2. 20-A MRSA §4504, sub-§1, as enacted by PL 1983, c 859, Pt A, §§20**  
32 **and 25, is amended to read**

33 **1. Implementation.** The commissioner shall determine which schools and school  
34 units are in compliance with the basic school approval standards, in accordance with the  
35 procedures of the basic school approval rules and the provisions of this Title, and the Maine  
36 Human Rights Act.

37 If the commissioner finds that a school or school administrative unit is not in compliance  
38 with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine  
39 Human Rights Commission.'

40 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
41 number to read consecutively

# COMMITTEE AMENDMENT

ROS

SUMMARY

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

This amendment, which is the majority report of the committee, replaces the bill. The amendment provides that the Commissioner of Education is required to inspect private schools approved for tuition purposes that enroll 60% or more publicly funded students in the same manner as schools and school administrative units upon the petition of 60% of the parents of the children of one school, if requested by the school board or superintendent of the sending school administrative unit or upon the petition of 20% of the voters of the sending school administrative unit.

As in the bill, the amendment requires the commissioner to periodically review all public schools and all private schools that receive public funds to determine their compliance with the applicable provisions of the Maine Revised Statutes, Title 20-A and the Maine Human Rights Act.

The amendment provides for a comprehensive review of schools, school administrative units and private schools approved for tuition purposes. Every 2 years, the commissioner is required to select 5 schools, school administrative units or private schools approved for tuition purposes at random, except that if at the time of the selection a school, school administrative unit or private school is within 2 years of an accreditation review by the New England Association of Schools and Colleges or has been through a comprehensive review within the last 10 years, the commissioner must randomly select a different school, school administrative unit or private school in its place. The amendment requires the commissioner to notify the selected school, school administrative unit or private school approved for tuition purposes no later than 14 days before the review and requires the school or schools to ensure the physical site is available for review and make available to the commissioner documents related to basic school approval, compliance with the Maine Human Rights Act, the statewide assessment program, implementation of the system of learning results and health and safety requirements. If the commissioner finds that a school or schools are not in compliance with basic school approval standards or other requirements of Title 20-A, the commissioner is required to provide the school or schools with a corrective action plan. If the commissioner finds that a school or schools are not in compliance with the Maine Human Rights Act, the commissioner is required to refer the finding to the Maine Human Rights Commission.

As in the bill, the amendment requires the commissioner to determine which schools and school administrative units are in compliance with basic school approval standards and compliance with the Maine Human Rights Act, but it requires the commissioner to refer any findings of noncompliance with the Maine Human Rights Act to the Maine Human Rights Commission.

**FISCAL NOTE REQUIRED**  
(See attached)



# 131st MAINE LEGISLATURE

LD 1420

LR 249(02)

**An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

*A(H-581)*

---

## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Education and the Maine Human Rights Commission associated with the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources