

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1420

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H.P. 916

House of Representatives, March 30, 2023

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

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MILLETT of Cape Elizabeth.  
Cosponsored by Senator HICKMAN of Kennebec and  
Representatives: BRENNAN of Portland, DODGE of Belfast, MURPHY of Scarborough,  
Senators: DAUGHTRY of Cumberland, PIERCE of Cumberland, RAFFERTY of York.

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

2 **Sec. 1. 20-A MRSA §258-A, sub-§2**, as enacted by PL 1983, c. 859, Pt. A, §§3,  
3 25, is amended to read:

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

7 **Sec. 2. 20-A MRSA §258-A, sub-§4**, as enacted by PL 1983, c. 859, Pt. A, §§3,  
8 25, is amended to read:

9 **4. Private schools.** The commissioner may, as a condition of approval or in response  
10 to a complaint, inspect any private school ~~which~~ that applies for approval status.

11 **Sec. 3. 20-A MRSA §2953**, as amended by PL 2011, c. 171, §§5, 6, is further  
12 amended by amending the section headnote to read:

13 **§2953. ~~Audit~~ Special audit; comprehensive review**

14 **Sec. 4. 20-A MRSA §2953, sub-§3** is enacted to read:

15 **3. Comprehensive review.** The commissioner shall conduct a comprehensive review  
16 of a private school approved for tuition purposes as part of an inspection in accordance  
17 with section 258-A. The commissioner shall pool all private schools approved for tuition  
18 purposes, schools and school administrative units together and select from that pool at least  
19 5 at random every 2 years for comprehensive review to be conducted as described in this  
20 subsection. For selected private schools:

21 A. The commissioner shall notify the private school approved for tuition purposes no  
22 later than 14 days before the date the review is to take place. The notice must indicate  
23 the reason for the review, either as a result of random selection or in response to a  
24 complaint;

25 B. On receipt of the notice described in paragraph A, the private school approved for  
26 tuition purposes shall ensure that the physical site of the school is available for  
27 inspection and make available to the commissioner documents related to:

28 (1) A complaint;

29 (2) The basic school approval standards under subchapter 1;

30 (3) Compliance with the Maine Human Rights Act;

31 (4) The statewide assessment program established under section 6202;

32 (5) The implementation by the private school approved for tuition purposes of the  
33 system of learning results established in section 6209; and

34 (6) Health and safety requirements; and

35 C. The commissioner shall provide a private school approved for tuition purposes that  
36 is unable to demonstrate compliance with basic school approval standards or other  
37 requirements of this chapter with a corrective action plan.

38 **Sec. 5. 20-A MRSA §2955**, as amended by PL 2005, c. 153, §5, is further amended  
39 to read:

1           **§2955. Penalty for noncompliance**

2           Private schools approved for tuition purposes that have not complied with this chapter  
3 or have not met the requirements of a corrective action plan provided under section 2953,  
4 subsection 3 may not receive tuition payments from any school administrative unit.

5           **Sec. 6. 20-A MRSA §4504, sub-§1**, as enacted by PL 1983, c. 859, Pt. A, §§20,  
6 25, is amended to read:

7           **1. Implementation.** The commissioner shall determine which schools and school  
8 administrative units are in compliance with the basic school approval standards,~~in~~  
9 ~~accordance with the procedures of the basic school approval rules and the provisions of this~~  
10 Title and the Maine Human Rights Act.

11           **Sec. 7. 20-A MRSA §4504, sub-§2**, as amended by PL 2009, c. 313, §5, is repealed  
12 and the following enacted in its place:

13           **2. Comprehensive review.** The commissioner shall conduct a comprehensive review  
14 of a school or school administrative unit as part of an inspection in accordance with section  
15 258-A. The commissioner shall pool all private schools approved for tuition purposes,  
16 schools and school administrative units together and select from that pool at least 5 at  
17 random every 2 years for comprehensive review to be conducted as described in this  
18 subsection. For selected schools and school administrative units:

19           A. The commissioner shall notify the school or school administrative unit no later than  
20 14 days before the date the review is to take place. The notice must indicate the reason  
21 for the review, either as a result of random selection or in response to a complaint;

22           B. On receipt of the notice described in paragraph A, the school or school  
23 administrative unit shall ensure that the physical site of the school or school  
24 administrative unit is available for inspection and make available to the commissioner  
25 documents related to:

26           (1) A complaint;

27           (2) The school approval standards under this subchapter;

28           (3) Compliance with the Maine Human Rights Act;

29           (4) The statewide assessment program established under section 6202;

30           (5) The school's or school administrative unit's implementation of the system of  
31 learning results established in section 6209; and

32           (6) Health and safety requirements; and

33           C. The commissioner shall provide a school or administrative unit that is unable to  
34 demonstrate compliance with basic school approval standards under this chapter with  
35 a corrective action plan. If the school or school administrative unit does not meet the  
36 requirements of the corrective action plan, the commissioner may remove the school  
37 or school administrative unit's basic school approval.

38           **Sec. 8. 20-A MRSA §4504, sub-§3**, as enacted by PL 1983, c. 859, Pt. A, §§20,  
39 25, is amended to read:

