

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

July 2006

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

Rep. Barbara E. Merrill

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Maine State Legislature



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122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

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5. It proposed to provide that, beginning no later than fiscal year 2007-08, gifted and talented education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.
6. It proposed to provide that, beginning no later than fiscal year 2008-09, career and technical education costs must be included in the operating cost calculations of the Essential Programs and Services Funding Act.
7. It proposed to establish an amended review cycle for reviewing and proposing updates to cost components in the Essential Programs and Services Funding Act, and it clarifies that the Department of Education must present any recommended changes based on its review to the Legislature.

While this bill as amended by the committee amendment died between houses, the substance of the bill was addressed through a supplemental budget bill initiative, enacted as part of Public Law 2005, chapter 519, Part AAAA, which included the provisions for transition adjustments for eligible school administrative units that are included in this amendment and incorporates all of the statutory changes proposed in this amendment.

LD 1772

An Act To Improve Early Childhood Special Education

**PUBLIC 662
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL	OTP-AM MAJ ONTP MIN	S-585

LD 1772 proposed to consolidate and reorganize the delivery of early childhood special education services including the child development services system to achieve efficiencies of cost and effectiveness of childhood special education programs.

Committee Amendment “A” (S-585), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to accomplish the following.

1. It proposed to consolidate the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.
2. It proposed to direct the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education would be directed to adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.
3. It proposed to revise existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.
4. It proposed to require that “related services” be provided at public expense to children with disabilities. “Related services” means special education transportation and such developmental, corrective and other

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related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.

5. It further proposed to amend state statutes to ensure consistent terminology, including replacing the term exceptional student with the term child with a disability.
6. It proposed to reorganize the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public Law 2005, chapter 12, Part YY.
7. It proposed to establish initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.
8. It proposed to provide the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.
9. It proposed to establish the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee should function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee should submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee would have the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Enacted law summary

Public Law 2005, chapter 662 consolidates and reorganizes the delivery of early childhood special education services including the child development services system, to achieve efficiencies of cost and effectiveness of childhood special education programs. The law accomplishes the following.

1. It consolidates the provisions of early childhood special education, from birth to 2 years of age, and of special education, from 3 years of age to 20 years of age, into one unified set of statutory provisions for birth to 20 years of age.
2. It directs the Department of Education to amend the department rules established for the provision of special education services to eligible children from 5 years of age to 20 years of age into one unified set of department rules for the provision of special education programs and services for eligible infants, toddlers and children from birth to 20 years of age. The Department of Education must adopt emergency rules, which are designated as major substantive rules, which combine the department rules in rules chapter 101 established for the provision of special education services to eligible children from 5 years of age to 20 years of age with the department rules in rules chapters 180 and 182 established for the Child Development Services System.

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3. It revises existing state statutes to align with the recently reauthorized federal Individuals with Disabilities Education Act, which was amended by the Federal Government in 2004.
4. It requires that “related services” be provided at public expense to children with disabilities. “Related services” means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.
5. It further amends state statutes to ensure consistent terminology, including replacing the term “exceptional student” with the term “child with a disability.”
6. It reorganizes the responsibilities of the Department of Education, the state intermediate educational unit and the 16 regional sites of the Child Development Services System in order to enhance the effectiveness of early childhood special education programs and to achieve efficiencies of cost to realize administrative savings within the Child Development Services System as required by Public Law 2005, chapter 12, Part YY.
7. It establishes initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures beginning with the fiscal year starting on July 1, 2006.
8. It provides the Commissioner of Education with the duty to determine and approve the annual entitlement application and the budget presented by the respective boards of directors of the 16 regional sites within the Child Development Services System.
9. It establishes the Subcommittee To Study Early Childhood Special Education, a 28-member subcommittee, to study early childhood special education programs and services provided for infants and young children from birth to 8 years of age. The subcommittee shall function as a subcommittee of the Task Force on Early Childhood, an initiative of the Children's Cabinet that proposes to implement a state plan for comprehensive early childhood systems. The subcommittee shall submit a report to the Commissioner of Education and the Commissioner of Health and Human Services and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 31, 2007. The subcommittee has the authority to submit legislation to the First Regular Session of the 123rd Legislature to implement the recommendations contained in its report.

Public Law 2005, chapter 662 was enacted as an emergency measure effective May 30, 2006.

LD 1780

**An Act Concerning Members of School Administrative Districts'
Finance Committees**

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B BRYANT M	OTP	

LD 1780 proposed that the finance committee of a board of directors for a school administrative district would be made up of at a minimum 3 members. Current law sets the membership at 3 members.