

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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This bill provides for the continuing implementation of the Essential Programs and Services Funding Act in the areas of the subsidizable cost of operating programs in private secondary schools, the Permanent School Fund, adjustments to the state share of total allocation for debt service and methods of determining pupil tuition rates.

LD 1850

An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-624 NORTON S-267 S-296 MITCHELL

This bill implements the recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. Based upon the findings of the subcommittee, including findings that the Child Development Services System performs very well relative to national benchmarks and findings that there is a national trend among states toward greater interagency coordination and oversight, the bill builds on Maine's good performance, increases interagency collaboration and increases accountability of system components to the executive and legislative branches and to the public by:

1. Building on the current system's demonstrated strengths while making changes where needs are recognized;
2. Keeping intact a Child Development Services System to coordinate services for eligible children from birth until 5 years of age and to ensure that such children receive early intervention and early childhood special education under the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part C, 20 United States Code, Section 1400 et seq.;
3. Maintaining the Department of Education as Maine's lead agency under the federal Individuals with Disabilities Education Act while strongly promoting interagency collaboration and oversight;
4. Expanding connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age;
5. Requiring the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system;
6. Requiring the Department of Education and the Department of Health and Human Services to establish and adopt common dual-department early childhood standards for children from birth to 8 years of age based on standards of the National Association for the Education of Young Children, the federal Individuals with Disabilities Education Act and the Division for Early Childhood of the Council for Exceptional Children;
7. Requiring Child Development Services System regional sites to ask parents of children who were discharged from the Child Development Services System prior to school entry to grant consent for the regional site to share relevant information from the child's early intervention or early childhood special education record with the receiving public school and requiring the regional sites to share this information with the public school if the parent consents;

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8. Requiring the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements by January 31, 2008 to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system as outlined in the report of the Subcommittee To Study Early Childhood Special Education; to include clear definition of Department of Education and Department of Health and Human Services positions assigned to accomplish the responsibilities outlined in the interagency agreements; and to include other components consistent with recommendations of the subcommittee;
9. Establishing the Early Childhood Services Interagency Coordinating Council as the federally mandated state interagency coordinating council for services for children from birth until 5 years of age under the federal Individuals with Disabilities Education Act with specific membership requirements under federal and state law to advise and report on common standards, interagency focus areas, annual progress, monitoring and reporting, centralized interdepartmental training and tracking and development of centralized data;
10. Requiring that staff for the Early Childhood Services Interagency Coordinating Council be provided by the Department of Education and the Department of Health and Human Services and requiring the council to deliver reports and advice to the Commissioner of Education, the Commissioner of Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services;
11. Requiring the Maine Education Policy Research Institute in the University of Maine System to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery;
12. Requiring the Child Development Services System to report on strategies to maximize the use of a broad base of community resources, including private providers, public schools, resources from other agencies and other available resources for serving children and families;
13. Assigning to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs;
14. Requiring the Department of Education to develop and present to the Legislature and to the Early Childhood Services State Interagency Coordinating Council a plan for improving training and support to Child Development Services System regional site boards of directors;
15. Allowing public schools to continue to develop, at their own pace, programs for children 4 years of age while requiring that those programs be inclusive of children with disabilities;
16. Changing the deadline for fiscal centralization in the Maine Revised Statutes, Title 20-A, section 7209, subsection 3, paragraph C from September 30, 2006 to September 30, 2007;
17. Requiring the Commissioner of Education to report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 2007 on the Child Development Services System centralization process and authorizing the

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committee to introduce a bill to the Second Regular Session of the 123rd Legislature on related matters;

18. Requiring the Department of Education, in consultation with Child Development Services System regional sites, to develop a funding formula that must include consideration of administration and organization of the Child Development Services System, child find, case management and provision of other services and that may include each regional site's geographic area, the early childhood population, the number of such children receiving services and the number of such children included in the child count, the Medicaid enrollment rate, poverty indices, average private insurance rates, family choice of providers, cost containment measures and other factors;

19. Amending Title 20-A, section 7209, subsection 1 to require the Department of Education to submit quarterly reports to the Early Childhood Services Interagency Coordinating Council and other advisory groups about Child Development Services System regional sites that are under a corrective action plan and about regional sites for whose operations the Department of Education has assumed temporary responsibility, with the reports describing any progress or slippage by individual regional sites in meeting compliance requirements;

20. Requiring the Department of Education to develop a plan to review unmet needs in school administrative units monthly or bimonthly and to implement the plan among no fewer than 6 school administrative units; and

21. Requiring the Department of Education to explore the process that children undergo as they transition from the Child Development Services System to kindergarten in order to develop a consistent method for these transitions.

Committee Amendment "A" (S-267)

This amendment strikes and replaces the bill to implement certain recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. The amendment accomplishes the following recommendations of the subcommittee.

1. It assigns to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs.

2. It expands connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age.

3. It requires the Department of Education and the Department of Health and Human Services to develop a revised interagency agreement to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system consistent with the requirements of Parts B and C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

4. It requires the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system.

5. It requires the Department of Education to develop and present to the Legislature and to the interagency coordinating council described in the federal Individuals with Disabilities Education Act, 20 United States Code,

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Section 1441 a plan for improving training and support to Child Development Services System regional site boards of directors.

6. It requires the Maine Education Policy Research Institute in the University of Maine System to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery.

Senate Amendment "A" (S-296)

This amendment requires the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements to assign responsibility for appropriate referrals from the Department of Health and Human Services to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry.

House Amendment "A" (H-624)

This amendment requires the steering committee of the Maine Education Policy Research Institute to consider the recommendation of the Subcommittee To Study Early Childhood Special Education to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery. It differs from Committee Amendment "A" in that this amendment allows the steering committee of the Maine Education Policy Research Institute to include a targeted research project to the fiscal year 2007-08 work plan to permit the principal investigators of the Maine Education Policy Research Institute to provide technical assistance as may be required to complete the investigation outlined in this amendment.

Enacted Law Summary

Public Law 2007, chapter 450 implements certain recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. The law accomplishes the following recommendations of the subcommittee.

1. It assigns to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs.
2. It expands connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age.
3. It requires the Department of Education and the Department of Health and Human Services to develop a revised interagency agreement to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system consistent with the requirements of Parts B and C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

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4. It requires the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system.
5. It requires the Department of Education to develop and present to the Legislature and to the interagency coordinating council described in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1441 a plan for improving training and support to Child Development Services System regional site boards of directors.
6. It requires the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements to assign responsibility for appropriate referrals from the Department of Health and Human Services to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry.
7. It requires the steering committee of the Maine Education Policy Research Institute to consider the recommendation of the Subcommittee To Study Early Childhood Special Education to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery.

**LD 1859 An Act To Prepare All Maine Students for Postsecondary Education,
Career and Citizenship**

PUBLIC 259

Sponsor(s)

NORTON

Committee Report

OTP-AM

Amendments Adopted

H-313

This bill proposes changes in high school graduation requirements, assessments and overall high school program design to ensure that each student has an equitable opportunity to achieve the State's learning results and to graduate ready for college, career and citizenship.

Committee Amendment "A" (H-313)

This amendment strikes the provisions contained in the bill regarding the basic school approval requirements for secondary schools related to curriculum and instruction, the provisions related to the awarding of a high school diploma, the provisions related to the elimination of tracking and ability grouping of students and the provisions requiring that the Commissioner of Education develop rules for the certification of instructional programs at the secondary school level. The amendment also changes "college" to "postsecondary education" in the Maine Revised Statutes, Title 20-A, section 6208.

Enacted Law Summary

Public Law 2007, chapter 259 amends several statutory provisions related to implementation of the system of learning results. The law accomplishes the following.

1. It clarifies that the legislative intent of the system of learning results is to ensure that schools will enable students to gain knowledge and skills necessary for postsecondary education, career and citizenship;
2. It strikes the local assessment system requirements related to certifying student achievement and replaces these provisions with requirements that school administrative units shall use multiple assessment methods to measure student achievement of the learning results in order to inform instruction and ensure students are making progress toward achieving the learning results;