

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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in a school administrative unit's online learning program, with the school administrative unit in which the student resides providing the student's tuition payment to the enrolling school administrative unit for the online program. The amendment accomplishes the following.

1. It expands the eligibility provisions to permit a student to enroll in an online learning program or course that is offered by a school in a school administrative unit, a private school approved for tuition purposes that enrolls at least 60% publicly funded students or an online learning provider approved by the Department of Education; and further provides that a school administrative unit must pay for an online course that meets the content area requirements of the system of learning results when the school administrative unit does not offer the course or the student cannot take the course for certain reasons. These eligibility and course offering provisions are repealed July 1, 2015.
2. It establishes a three-year pilot project, including eligibility provisions, for enrolling students in full-time online learning programs, beginning in the 2012-2013 school year and ending in the 2014-2015 school year. The pilot project provisions are repealed July 1, 2015.
3. It establishes provisions pertaining to online learning programs and online course offerings that a school administrative unit may offer to students who reside in the school administrative unit and to students who reside, and whose parents reside, outside of the school administrative unit or outside of the State. These provisions are repealed July 1, 2015.
4. It provides that school administrative units must provide at least \$5,000 in funding for students who meet the eligibility requirements to enroll in online courses and authorizes a school administrative unit to provide more than \$5,000 in funding when the superintendent provides permission for an eligible student to enroll in an online course. The funding provisions are repealed July 1, 2015.
5. It directs the Department of Education to provide information on online learning programs and courses offered by eligible providers on the department's publicly accessible website. This provision is repealed July 1, 2015.
6. It directs the Department of Education to create a working group to study the opportunities in and challenges of creating one online learning program for the State and to report to the Joint Standing Committee on Education and Cultural Affairs by January 4, 2012.
7. It requires the Department of Education to evaluate the multidistrict online learning programs that enroll students in one or more online courses, as well as the pilot project that enrolls full-time students, and to report the results of the evaluation to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 31, 2015. The joint standing committee may submit a bill to the First Regular Session of the 127th Legislature.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

LD 688

Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures

RESOLVE 63

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	ONTP MAJ OTP-AM MIN	H-189

This resolve directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to require that schools permit the use of alternative means of meeting

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participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have qualified examiners, experts, advocates and witnesses participate in Individualized Education Program Team Meetings and special education dispute resolution procedures.

Committee Amendment "A" (H-189)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment directs the Department of Education to specify in its rules that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with the provision that schools provide alternative means of meeting participation to ensure that the parents of a child with a disability are able to have the appropriate persons participate in individualized education program team meetings and special education dispute resolution procedures.

Enacted Law Summary

Resolve 2011, chapter 63 directs the Department of Education to amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to require that schools permit the use of alternative means of meeting participation, such as individual or conference telephone calls and videoconferencing, to ensure that the parents of a child with a disability are able to have the appropriate persons participate in Individualized Education Program Team Meetings and special education dispute resolution procedures. The resolve also directs the department to specify in its rules that a school administrative unit is not required to spend any funds to purchase additional equipment in order to comply with this provision.

LD 689 Resolve, Requiring the Department of Education To Amend Its Rules Relating to School Administrative Unit Payments for the Costs Associated with Independent Educational Evaluations MAJORITY (ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	ONTP MAJ OTP-AM MIN	

This resolve directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to provide that, when a parent exercises the parent's right to an independent educational evaluation at public expense, the school is required to pay for the full cost of the evaluation, including the cost for the independent evaluator to produce an evaluation report and to appear before the individualized education program team to present the evaluation report, or to ensure that all of these evaluation costs are otherwise provided for at no cost to the parent.

LD 715 Resolve, To Ensure That Maine Teachers and Paraprofessionals Who Work with Children with Autism Spectrum Disorders Are Appropriately and Adequately Prepared RESOLVE 47 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM MAJ ONTP MIN	H-115

This resolve requires the Department of Education to convene a work group to conduct a study to ensure that teachers and paraprofessionals who work with children with autism spectrum disorders are highly qualified. The work group is required to submit its recommendations to the department by November 1, 2011. The department is