

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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STATE OF MAINE

125TH LEGISLATURE
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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 Second 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.

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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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- 4. Amending the rule in Section 7, subsection 1, paragraph B to clarify that a staff person who initiates physical restraint or seclusion that involves a student who has been placed in an out-of-district placement must report the incident to the entity responsible for the student's education within 24 hours or by the next business day;
- 5. Amending the rule in Section 8, subsection 1, paragraph M to clarify that the incident report documenting the use of physical restraint or seclusion must indicate if any of the personnel involved in the incident were certified in a state-approved training program; and
- 6. Amending the rule in Section 12 to clarify that the state-approved training programs may include regional training programs and regional "train the trainer" program models to provide the required training for personnel in the covered entities.

The amendment also adds a new section to the resolve to direct the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Enacted Law Summary

Resolve 2011, chapter 146 provides that final adoption of Chapter 33: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education, is authorized contingent upon the department making 6 specified changes to the proposed rule.

The law also directs the Department of Education to provide, no later than September 1, 2012, nonregulatory guidance to school administrative units, public charter schools, private schools and other covered entities that are subject to the requirements of Chapter 33.

Resolve 2011, chapter 146 was finally passed as an emergency measure effective April 4, 2012.

LD 1839

An Act To Define Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

PUBLIC 683

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-497

This bill clarifies that the school administrative unit is responsible for the costs of transporting students who are placed in an educational program at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

Committee Amendment "A" (S-497)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill and clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The amendment:

- 1. Establishes the center preschool program;
- 2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and

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Hard of Hearing and the Governor Baxter School for the Deaf;

3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;
4. Clarifies that not all of the programs of the center school take place on Mackworth Island;
5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;
6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and
7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

Enacted Law Summary

Public Law 2011, chapter 683 clarifies the laws governing the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The law:

1. Establishes the center preschool program;
2. Establishes as chief administrator the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
3. Specifies that the center school has responsibility for providing a free, appropriate public education to enrolled students;
4. Clarifies that not all of the programs of the center school take place on Mackworth Island;
5. Specifies that, beginning July 1, 2013, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is responsible for the costs of providing transportation for students enrolled in the center school;
6. Requires that the budget be presented in a cost center summary budget format, and specifies the information that the budget must contain; and
7. Directs the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to prepare and present a joint report by February 15, 2013 to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of these provisions. The report must include findings and recommendations, including any

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necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 or other applicable statutes or Department of Education rules, that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school. It also authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to submit a bill to the First Regular Session of the 126th Legislature related to the report.

LD 1854 Resolve, To Require the Department of Education To Convene a Stakeholder Group To Recommend Changes to the Department of Education's Proposed School Choice Model

PUBLIC 651

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM MAJ OTP-AM MIN	H-885 H-901 RICHARDSON D

This bill creates a school open enrollment program under which a student may attend a school other than the school to which that student is assigned based on the street address of the student's family.

The bill provides the governing bodies of public schools and private schools approved for the receipt of public funds may elect to open their schools to enrollment by students who are not otherwise entitled to attend those schools. Opening the school to enrollment is voluntary, but the school may not select which students to enroll under the program. The student is not required to obtain permission from the superintendent of the school administrative unit of which the student is a resident in order to enroll in the open enrollment school. The governing bodies of open enrollment schools are required to set forth a process to determine how many openings will be made available to students and in which grades or programs the openings will be offered. Contracts for school privileges may not prevent students from participating in the open enrollment program.

A student who transfers from a public school in one school administrative unit to a public school in another unit under the program is considered to be a resident of the unit to which the student transfers. The student is counted as a student in the new unit, as a student is under an agreement between superintendents to transfer a student, but the change in residence is included in the funding formula earlier than it would be under an agreement between superintendents. The school administrative unit in which a student actually resides is required to pay tuition if that student enrolls under the program in a private school approved for the receipt of public funds.

The bill also amends current law under which superintendents of 2 school administrative units may grant a parent's request to have a student's residency transferred from one school unit to another. If one or both superintendents deny the transfer request, the parent may appeal to the Commissioner of Education. The bill requires superintendents provide written reasons for any denial, and specifies the grounds on which the commissioner may overturn a denial.

Committee Amendment "A" (H-885)

This amendment is the majority report. This amendment changes the bill to a resolve and requires the Commissioner of Education to convene a stakeholder group to refine the public school choice model proposed in the bill. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner is also required to communicate with the superintendents and school boards of school administrative units to clarify the law with regard to