

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



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

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

July 2013

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STATE OF MAINE

126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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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E. Incorporating college transition courses and adult workforce training and retraining among other administrative costs for the purpose of reimbursement.

5. It authorizes the Commissioner of Education to issue subpoenas for education records relevant to an investigation regarding the certification of educational personnel.

LD 521 An Act To Change the Budget Approval Process for Alternative Organizational Structures VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS MAKER	OTP	

This bill changes the school budget approval process for alternative organizational structures. Current law requires that a change in who approves a budget must be approved at the next statewide election. The bill requires that such a determination of who approves a budget must be approved at a special meeting authorized by a majority of the governing body of the alternative organizational structure rather than at the next statewide election.

LD 528 An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITZPATRICK BURNS	ONTP	

This bill requires a school administrative unit to obtain written consent from a student's parent or guardian before conducting any mental health or behavioral screening or testing of the student.

LD 529 Resolve, Directing the Department of Education To Develop Safety Standards for School Access ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL SAVIELLO	ONTP	

This resolve directs the Department of Education to develop safety standards for entryways in existing and new school construction and report these standards to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2014.

LD 530 An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON MILLETT	OTP-AM	H-316

This bill clarifies the standard to be applied by superintendents when considering the transfer of a student from one school administrative unit to another by incorporating the standard set forth in the Maine Revised Statutes, Title

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20-A, section 2, which is that a student must be provided an opportunity to receive the benefits of a free public education.

Committee Amendment "A" (H-316)

This amendment strikes and replaces the bill to ensure that the standard of a student's best interest is applied to decisions made regarding superintendent agreements for transfer students. The amendment provides that certain procedures must be implemented when the request of a parent to transfer a student from one school administrative unit to another is not approved by the superintendents and the parent of the student appeals the superintendents' decision to the Commissioner of Education.

When the superintendents have not approved the transfer, the superintendents are required to provide the student's parent with a written description of the basis of their determination that the transfer is not in the student's best interest. The commissioner must review the superintendents' determination and communicate with the parent and the superintendents before making a decision on an appeal. The commissioner must provide the parent and the superintendents with a written description of the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

If dissatisfied with the commissioner's decision, the parent or either superintendent may request an appeal within 10 calendar days to the State Board of Education. The state board is required to review the commissioner's determination and communicate with the commissioner, the parent and the superintendents before making a decision on the appeal. The decision must be made within 30 days of the request for an appeal and must provide the parent, the superintendents and the commissioner with a written description of the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

Enacted Law Summary

Public Law 2013, chapter 337 ensures that the standard of a student's best interest is applied to decisions made regarding superintendent agreements for transfer students. The law provides that certain procedures must be implemented when the request of a parent to transfer a student from one school administrative unit to another is not approved by the superintendents and the parent of the student appeals the superintendents' decision to the Commissioner of Education.

When the superintendents have not approved the transfer, the superintendents are required to provide the student's parent with a written description of the basis of their determination that the transfer is not in the student's best interest. The commissioner must review the superintendents' determination and communicate with the parent and the superintendents before making a decision on an appeal. The commissioner must provide the parent and the superintendents with a written description of the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

If dissatisfied with the commissioner's decision, the parent or either superintendent may request an appeal within 10 calendar days to the State Board of Education. The state board is required to review the commissioner's determination and communicate with the commissioner, the parent and the superintendents before making a decision on the appeal. The decision must be made within 30 days of the request for an appeal and must provide the parent, the superintendents and the commissioner with a written description of the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.