

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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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3. It requires the Board of Trustees of the University of Maine System to establish graduation requirements that ensure that graduates of any baccalaureate degree program within the system can demonstrate writing competencies that are appropriate to the demands of careers that require a baccalaureate degree.

LD 1530

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

PUBLIC 581

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-508
BERRY	OTP-AM	S-518 MILLETT
	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill requires implementation of universal voluntary prekindergarten education by the 2017-2018 school year. The Commissioner of Education is required to establish a stakeholder group to work with the commissioner and interested parties to establish a plan to implement the requirement. The stakeholder group is required to develop standards for prekindergarten education programs, recommend uniform statewide procedures for screening children and assessing program performance and recommend best practices to coordinate early childhood education programs with child care providers. The commissioner is required to submit a report of the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2014, and the committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature regarding the report.

The bill also clarifies the role of the State Board of Education with regard to prekindergarten education, changes the compulsory age for school attendance from seven years of age to five years of age beginning July 1, 2016 and provides that funding provided to a school administrative unit for prekindergarten purposes may not be used for other purposes. The bill provides that the Commissioner of Education must provide implementation grants and provides funds for those grants and for a position in the Department of Education to oversee early childhood education programs.

Committee Amendment "A" (S-508)

This amendment is the majority report of the committee and replaces the bill to provide that the implementation of universal voluntary public preschool programs by the 2018-2019 school year is subject to the extent that the State provides school administrative units with adequate funding to operate public preschool programs or provide for students to participate in such programs. The amendment makes the following changes to the bill.

1. It strikes the term "prekindergarten" and inserts in its place the term "public preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 23-A as a program offered by a public school that provides instruction to children who are four years of age.
2. It strikes the provisions in the bill that propose to change the compulsory age for school attendance from seven years of age to five years of age.
3. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to:
 - A. Provide that school boards must also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs; and
 - B. Clarify that a school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs.

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4. It strikes the provision in the bill that proposes to appropriate money from the General Fund for awarding grants to school administrative units beginning in the 2014-2015 school year to implement and expand prekindergarten programs. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, including revenues distributed from general purpose aid for local schools that the Department of Education receives from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A.

5. It establishes the goal that the State provide adequate funding to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2018-2019 school year and ensure that adequate funding is provided for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.

6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this legislation, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under Title 20-A, section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to Title 20-A, section 15681, subsection 4.

7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the costs of operating public preschool programs for children four years of age must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to Title 20-A, section 15689 and provides that the amount of the adjustment for operating public preschool programs for children four years of age that is added to the state share of the total allocation under this legislation may not be included in the calculation of the local share amount of the qualified school administrative unit.

8. It amends the provision in the bill that directs the Commissioner of Education to establish rules to implement a uniform common statewide screening and assessment program for kindergarten by clarifying that the rule may establish only a uniform common statewide assessment program for kindergarten and by specifying that school administrative units may also implement other quality assessment programs they determine to be necessary for kindergarten.

9. It changes the proposed amount of the General Fund appropriation for the Early Childhood Coordinator position.

10. It changes the requirement in the bill that the Commissioner of Education establish a stakeholder group to require that, prior to beginning the process of adopting the Department of Education's rules related to the quality standards of program practice for public preschool programs for children four years of age, the Commissioner of Education invite stakeholders to provide their feedback and perspectives on the department's plan for the phase-in of the universal availability of public preschool programs for children four years of age beginning with the 2018-2019 school year and the recommended standards of program practice for public preschool programs for children four years of age. It also amends the provision that requires the commissioner to submit a report to the Legislature by clarifying that the report must contain a summary of the work of the stakeholders, as well as an outline of the rules proposed by the department to implement the universal availability of public preschool programs for children four years of age by the 2018-2019 school year, and providing that the report must be submitted to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

Committee Amendment "B" (S-509)

This amendment is the minority report of the committee and replaces the bill to provide that the implementation of universal voluntary public preschool programs by the 2018-2019 school year is subject to the extent that the State provides school administrative units with adequate funding to operate public preschool programs or provide for

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students to participate in such programs. The amendment makes the following changes to the bill.

1. It strikes the term "prekindergarten" and inserts in its place the term "public preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 23-A as a program offered by a public school that provides instruction to children who are four years of age.
2. It strikes the provisions in the bill that propose to change the compulsory age for school attendance from seven years of age to five years of age.
3. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to:
 - A. Provide that school boards may also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs; and
 - B. Clarify that a school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs.
4. It strikes the provision in the bill that proposes to appropriate money from the General Fund for awarding grants to school administrative units beginning in the 2014-2015 school year to implement and expand prekindergarten programs. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, which may include revenues distributed from general purpose aid for local schools that the Department of Education receives from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A.
5. It establishes the goal that the State provide adequate funding so that public preschool programs for children four years of age may be offered by all school administrative units by the 2018-2019 school year and promote the provision of adequate funding for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.
6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this legislation, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under Title 20-A, section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to Title 20-A, section 15681, subsection 4.
7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the costs of operating public preschool programs for children four years of age must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to Title 20-A, section 15689 and provides that the amount of the adjustment for operating public preschool programs for children four years of age that is added to the state share of the total allocation under this legislation may not be included in the calculation of the local share amount of the qualified school administrative unit.
8. It amends the provision in the bill that directs the Commissioner of Education to establish rules to implement a uniform common statewide screening and assessment program for kindergarten by clarifying that the rule may establish only a uniform common statewide assessment program for kindergarten and by specifying that school administrative units may also implement other quality assessment programs they determine to be necessary for kindergarten.

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9. It changes the proposed amount of the General Fund appropriation for the Early Childhood Coordinator position.

10. It changes the requirement in the bill that the Commissioner of Education establish a stakeholder group to require that, prior to beginning the process of adopting the Department of Education's rules related to the quality standards of program practice for public preschool programs for children four years of age, the Commissioner of Education invite stakeholders to provide their feedback and perspectives on the department's plan for the phase-in of the universal availability of public preschool programs for children four years of age beginning with the 2018-2019 school year and the recommended standards of program practice for public preschool programs for children four years of age. It also amends the provision that requires the commissioner to submit a report to the Legislature by clarifying that the report must contain a summary of the work of the stakeholders, as well as an outline of the rules proposed by the department to implement the goal of providing universal availability of public preschool programs for children four years of age by the 2018-2019 school year, and providing that the report must be submitted to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

11. It adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-518)

This amendment amends Committee Amendment "A." The amendment differs from Committee Amendment "A" in the following ways.

1. It removes the provisions that would have required school administrative units to submit an implementation plan for operating a new or expanded public preschool program by the 2018-2019 school year and provides that, beginning in the 2015-2016 school year and for each subsequent school year, a school administrative unit may receive start-up funding if the school administrative unit submits an implementation plan for operating a new or expanded public preschool program that is approved by the Department of Education.

2. It defines "start-up funding" as a one-time, start-up grant for the operation of a new or expanded public preschool program and it provides that, to the extent the Legislature appropriates or allocates adequate start-up funding from state, federal or private funds for these grants, the Commissioner of Education may award grants to qualified school administrative units to operate a new or expanded public preschool program.

3. It provides that, beginning in the 2015-2016 school year, \$4,000,000 of revenues received by the Department of Education from casino slot machines or casino table games must be distributed by the department to provide annual start-up funds for approved public preschool programs for children four years of age.

4. It provides that, beginning with funding for the 2015-2016 school year, the count for students four years of age and five years of age attending public preschool programs must be based on the most recent October 1st pupil count prior to the year of funding.

5. It modifies the rule-making provision related to the qualifications to be included in the Department of Education rules for the approval of implementation plans and the awarding of grants to school administrative units for operating new or expanded public preschool programs. The amendment strikes the requirement that the application submitted by a school administrative unit must meet standards and best practices for public preschool programs and must be coordinated with other early childhood programs in the community and replaces these provisions with language that permits the department's rules to address these criteria.

6. It strikes the provision that would have established an adjustment to the state share of the total allocation for new or expanded public preschool programs and replaces this provision to authorize the Commissioner of Education to expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children four years of age.

7. It adds a new appropriations and allocations section to transfer General Fund funds from the bus refurbishing

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program to fund the costs of an early childhood coordinator position.

Enacted Law Summary

Public Law 2013, chapter 581 establishes a process for the implementation of universal voluntary public preschool programs by providing that, beginning in the 2015-2016 school year and for each subsequent school year, a school administrative unit may receive start-up funding if the school administrative unit submits an implementation plan for operating a new or expanded public preschool program that is approved by the Department of Education. Chapter 581 amends the laws related to the operation of public preschool programs as follows.

1. It establishes the goal that the State provide adequate funding to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2018-2019 school year and ensure that adequate funding is provided for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.
2. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to provide that school boards may also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs.
3. It defines "start-up funding" as a one-time, start-up grant for the operation of a new or expanded public preschool program and it provides that, to the extent the Legislature appropriates or allocates adequate start-up funding from state, federal or private funds for these grants, the Commissioner of Education may award grants to qualified school administrative units to operate a new or expanded public preschool program.
4. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose; and it requires that, \$4,000,000 of revenues received by the Department of Education from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A must be distributed by the department to provide annual start-up funds for approved public preschool programs for children four years of age.
5. It provides that, beginning with funding for the 2015-2016 school year, the count for students four years of age and five years of age attending public preschool programs must be based on the most recent October 1st pupil count prior to the year of funding.
6. It provides that the Commissioner of Education shall promulgate rules that establish qualifications for the approval of implementation plans and the awarding of grants to school administrative units for operating new or expanded public preschool programs, including implementation plan qualifications that contain standards and best practices for public preschool programs and that encourage coordination with other early childhood programs in the community.
7. It also directs the Commissioner of Education to establish rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten that school administrative units may implement along with other quality assessment programs they determine to be necessary for kindergarten beginning in the 2016-2017 school year.
8. It provides General Fund appropriations for an Early Childhood Coordinator position in the Department of Education and transfers General Funds from the bus refurbishing program to fund the costs of this position.
9. It requires the Commissioner of Education, prior to beginning the process of adopting rules related to the quality standards of program practice for public preschool programs for children four years of age, to invite stakeholders to

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provide their feedback on the department's plan for the phase-in of the universal availability of public preschool programs and the department's current partnership with other states and researchers in a consortium to establish a state-of-the-art system for assessing children's learning from kindergarten entry to grade three. It requires the commissioner to submit a report, including a summary of the work of the stakeholder group and an outline of the department's proposed rules to implement the universal availability of public preschool programs by the 2018-2019 school year, to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

LD 1579 An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN BURNS	OTP-AM	H-594 H-597 MACDONALD W

This bill requires publicly supported secondary schools and secondary public charter schools to adopt and implement policies ensuring that members of the United States Armed Forces or the Maine National Guard and public safety personnel, including but not limited to firefighters, police officers, emergency medical technicians, game wardens and park rangers, may wear their uniforms when visiting schools in their official capacities.

Committee Amendment "A" (H-594)

This amendment explicitly adds forest rangers to the list of public safety personnel in the bill.

House Amendment "A" To Committee Amendment "A" (H-597)

This amendment, like the bill, as amended by the committee amendment, ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting certain publicly supported schools in their official capacities. Unlike the bill, as amended by the committee amendment, which requires school boards to adopt policies ensuring this ability, this amendment provides that such persons may not be denied access to a publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

Enacted Law Summary

Public Law 2013, chapter 450 ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting publicly supported schools in their official capacities. The law provides that such persons may not be denied access to publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

LD 1591 An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units

PUBLIC 456

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL	OTP-AM	H-612

Under current law, a student or the parent of a student may request a transfer to a school administrative unit in which the student does not reside. The superintendents of both the sending and the receiving school administrative units may approve the transfer if they find that it is in the best interests of the student. The decision is appealable to the Commissioner of Education, who may approve or disapprove the transfer. That decision is appealable to the State Board of Education, which may approve or disapprove the transfer.

This bill provides a standard for what constitutes a student's best interest. The bill requires that, if the decision of