

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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one or both of the superintendents to deny the transfer is appealed, the Commissioner of Education must uphold the decision unless the commissioner determines that the decision to deny the transfer was arbitrary and capricious, in which case the commissioner may approve the transfer. If that decision is appealed to the State Board of Education, the board must uphold the decision to deny the transfer unless the board determines that the decision was arbitrary and capricious, in which case the board may approve the transfer.

Committee Amendment "A" (H-612)

This amendment strikes and replaces the bill. The bill provides a standard for what constitutes a student's best interest when requesting a transfer from one school administrative unit to another; the amendment removes that standard. In current law, the superintendents of the receiving school administrative unit and the sending school administrative unit must both consent to a student's transfer. This amendment changes that provision to require that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination. The amendment also removes the provisions in the bill that direct the Commissioner of Education, or subsequently the State Board of Education, to uphold the decision of one or both superintendents to deny a transfer unless the commissioner or the board determines that the decision to deny the transfer was arbitrary and capricious. The amendment also retains the provision in the bill that extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer.

Enacted Law Summary

Public Law 2013, chapter 456 changes the provision in current law which provides that the superintendents of the sending school administrative unit and the receiving school administrative unit must both consent to the approval of a request for a student to transfer to a school administrative unit in which the student does not reside by requiring that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination.

Chapter 456 also extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer that was made by a parent of a student requesting transfer or a superintendent of either the sending or the receiving school administrative unit who is dissatisfied with the Commissioner of Education's decision to approve or disapprove the transfer upon the initial request of a parent to have the commissioner review the decision of the superintendents of the sending and the receiving school administrative units related to the transfer request.

LD 1617	An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State	Died On Adjournment
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	OTP-AM ONTP	H-796

This bill makes the following changes to the laws governing virtual public charter schools.

1. It provides that a virtual public charter school must be approved by the Legislature before it may operate.
2. It requires a virtual public charter school to be accredited by an organization approved by the Department of Education based on a demonstration that the organization's accreditation process is rigorous and aligned with state policy.
3. It requires the Maine Charter School Commission to evaluate applications for a virtual public charter school based on certain criteria.

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4. It requires the governing board of a virtual public charter school to submit annually a performance report, operations report and independent financial audit to the Maine Charter School Commission and the joint standing committee of the Legislature having jurisdiction over education matters.
5. It sets standards for teachers in virtual public charter schools.
6. It sets standards to maintain the integrity of student learning and assessment in virtual public charter schools.
7. It requires the Department of Education to adopt major substantive rules governing virtual public charter schools. These rules must include a method for funding virtual public charter schools based on the cost per unit of instruction provided in each subject area to each student. These unit costs may include teacher costs, based on the average cost per student to employ a teacher in this State; administrative costs; costs of facilities; and capital costs.

Committee Amendment "A" (H-796)

This amendment, which is the majority report of the committee replaces the bill to establish provisions in the Maine Revised Statutes, Title 20-A, chapter 112 related to funding for students enrolled in a virtual public charter school and to establish provisions in Title 20-A, chapter 802 related to funding for students enrolled in a full-time, online learning program established by a school administrative unit.

LD 1630 An Act To Increase Transparency of Administration Costs within the University of Maine System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS MAKER	ONTP	

The purpose of this bill is to enhance transparency in funding the University of Maine System. This bill requires that, beginning in fiscal year 2015-16, appropriations and allocations in the budget document and the budget bills for the Board of Trustees of the University of Maine System must be separated into two separate line items: one reflecting those amounts to be allocated to the individual campuses of the University of Maine System and one reflecting those amounts to be used by the University of Maine System for administration costs.

LD 1635 An Act To Clarify the School Budget Development Process in Certain Charter Municipalities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK PRIEST	ONTP	

The school district reorganization law enacted in 2007 established a uniform school budget validation referendum process for state-approved units of school administration composed of two or more member municipalities. The new budget process requires that a state-approved unit of school administration composed of a single municipality must also integrate the referenda procedures with any school budget adoption procedures that may have been previously established in a municipal charter. This emergency bill clarifies in time for budgets developed after January 1, 2014 that the statute integrating the budget adoption law for municipal school units with municipal charters does not preempt municipal charter provisions that establish school budget development, review and recommendation procedures that occur prior to the meeting held by the municipal legislative body to vote on the school budget.