

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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. An appendix provides a summary of relevant session statistics.

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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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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This bill provides that the prohibition in current law on the possession of a firearm on public school property or the property of an approved private school does not apply to a person who possesses a firearm in a motor vehicle as long as the person is dropping off or picking up a student and remains in the vehicle and, in accordance with the federal Gun-Free School Zones Act of 1990, the firearm is not loaded and is in either a locked container or a locked firearms rack.

LD 1829 **An Act To Amend the Laws Governing Education**

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H	OTP-AM	H-694 S-427 LANGLEY B

This bill makes the following changes to the laws governing education.

1. It changes the procedure and date for reporting adult education funding levels.
2. It changes the duties of teachers and parents when a student is a public health threat. It allows a superintendent to consult with the school nurse upon being informed by a teacher that a student is a public health threat.
3. It eliminates the Maine Online Learning Program.
4. It directs the Commissioner of Education to collaborate with the school nurse consultant to adopt rules and provide school administrative units with a copy of these rules and guidance regarding the screening of students for sight and hearing defects. It removes the requirement that the commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students. It requires the commissioner to furnish guidance, training and sample report and referral forms in connection with these tests. It removes a reference to religious grounds from the provision governing exempt students to provide that a student whose parent objects in writing to screening may not be screened unless a sight or hearing defect is reasonably apparent.
5. It removes the requirement that a school nurse or trained screener collect body mass index data from students and report this data in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention.
6. It requires a school board to appoint appropriate school staff to inform a parent of a student suffering from a suspected disease or defect based on results of a screening.
7. It removes enrichment courses from the definition of "adult education."
8. It changes the provisions for issuance of high school equivalency diplomas.
9. It specifies criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. It repeals the provisions of law that allow a person to obtain such a waiver effective July 1, 2020.
10. It amends the laws governing the employment of conditionally certified persons to provide that the requirement that a school administrative unit provide professional development and intensive supervision applies only to teachers and not to educational specialists.
11. It amends the laws governing qualifications for a professional teacher certificate to require that a person who

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has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and must meet the specified teaching experience requirement.

Committee Amendment "A" (H-694)

This amendment amends the definition of "adult education." Current law includes enrichment courses in the list of options that comprise an adult education program. This amendment removes enrichment courses from that list, but keeps enrichment courses as a part of "adult education." The amendment clarifies that enrichment courses are not subject to requirements placed on other types of courses included in adult education. The amendment retains the definition in current law of "enrichment course" in order to keep enrichment courses in the adult education laws.

The amendment also stabilizes state funding for education in fiscal year 2019-20 and each subsequent fiscal year by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on the average of the three most recent years of the property values of the municipalities included in a school administrative unit or of the most recent prior year, whichever is lower.

Senate Amendment "A" (S-427)

This amendment allows the Department of Education to provide a copy of the confidential version of the report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

Enacted Law Summary

Public Law 2017, chapter 381 makes the following changes to the laws governing education.

1. It changes the procedure and date for reporting adult education funding levels.
2. It changes the duties of teachers and parents when a student is a public health threat. It allows a superintendent to consult with the school nurse upon being informed by a teacher that a student is a public health threat.
3. It eliminates the Maine Online Learning Program.
4. It directs the Commissioner of Education to collaborate with the school nurse consultant to adopt rules and provide school administrative units with a copy of these rules and guidance regarding the screening of students for sight and hearing defects. It removes the requirement that the commissioner furnish to administrators of school administrative units the prescribed directions for the sight and hearing tests of students. It requires the commissioner to furnish guidance, training and sample report and referral forms in connection with these tests. It removes a reference to religious grounds from the provision governing exempt students to provide that a student whose parent objects in writing to screening may not be screened unless a sight or hearing defect is reasonably apparent.
5. It removes the requirement that a school nurse or trained screener collect body mass index data from students and report this data in the aggregate to the Department of Health and Human Services, Maine Center for Disease Control and Prevention.
6. It requires a school board to appoint appropriate school staff to inform a parent of a student suffering from a suspected disease or defect based on results of a screening.
7. It removes enrichment courses from the list of options that comprise an adult education program, but keeps enrichment courses as part of the adult education laws by clarifying that enrichment courses are not subject to requirements placed on other types of adult education courses.
8. It changes the provisions for issuance of high school equivalency diplomas.

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- 9. It specifies criteria that must be met in order for the Commissioner of Education to grant a waiver to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. It repeals the provisions of law that allow a person to obtain such a waiver effective July 1, 2020.
- 10. It amends the laws governing the employment of conditionally certified persons to provide that the requirement that a school administrative unit provide professional development and intensive supervision applies only to teachers and not to educational specialists.
- 11. It amends the laws governing qualifications for a professional teacher certificate to require that a person who has successfully completed a preparation program in a state with which the State is participating in an interstate compact must complete an approved preparation program with a formal recommendation for certification from the institution and must meet the specified teaching experience requirement.
- 12. It stabilizes state funding for education in fiscal year 2019-20 and each subsequent fiscal year by requiring the property fiscal capacity component of the essential programs and services funding formula to be based on the average of the three most recent years of the property values of the municipalities included in a school administrative unit or of the most recent prior year, whichever is lower.

The law also allows the Department of Education to provide a copy of the confidential version of the March 17, 2014 report, "School Safety, Security and Emergency Management Assessment" to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency.

LD 1843 An Act To Amend Career and Technical Education Statutes

PUBLIC 420

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B TUELL W	OTP-AM	S-466

This bill was reported out of committee in the Second Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table to the next special session by joint order S.P. 748.

This bill amends the current calculation of state subsidy for career and technical education from an expenditure-driven model to a cost model to recognize current costs of direct instruction, operation of facilities and student and administrative support. The bill also changes the subsidy payment for satellite programs and career and technical education regions and establishes funding provisions for the operation of career and technical education middle school programs through authorization of pilot programs.

Committee Amendment "A" (S-466)

This amendment does the following:

- 1. Removes the section in the bill delaying implementation of the exclusion of career and technical education costs in the base year for purposes of the school funding formula;
- 2. Establishes that any affiliated school administrative unit that wishes to operate a career and technical education region satellite program must follow the same authorization procedure as career and technical education centers and amends the definition of "satellite program" to include programs affiliated with career and technical education regions;
- 3. Requires personnel working for a satellite program to be supervised by the career and technical education director in consultation with the school administrative unit superintendent or high school principal;