

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

August 2019

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# STATE OF MAINE

129<sup>TH</sup> 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 129<sup>th</sup> 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 date for non-emergency legislation enacted in the First Regular Session of the 129<sup>th</sup> Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

# Joint Standing Committee on Education and Cultural Affairs

## Enacted Law Summary

Public Law 2019, chapter 429 requires the Commissioner of Education, beginning July 31, 2020 and annually thereafter, to submit a report to the joint standing committee having jurisdiction over education and cultural affairs of the data specific to language and literacy development of children who are deaf and hard of hearing from birth to five years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate the children's language and literacy development relative to their peers who are not deaf or hard of hearing to include any language developmental milestones or parent resources used or disseminated by the department for use in tracking or assessing the expressive and receptive language acquisition of children who are deaf or hard of hearing and to make this report publicly available.

The law also directs the Commissioner of Education no later than November 1, 2019 to establish a departmental task force to recommend language developmental milestones from existing resources and current standards and to develop a parent resource portfolio to monitor and track the expressive and receptive language acquisition and developmental stages toward literacy in American Sign Language or English, or both, of children who are deaf and hard of hearing and sets criteria for the task force membership.

The law directs the Department of Education to select tools and assessments for educators that can be used to assess the language and literacy development of children who are deaf and hard of hearing and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

The law requires the department to submit an interim report no later than March 1, 2020 and a final report no later than January 1, 2021 on the parent resource portfolio developed by the task force and a procedure to disseminate the parent resource portfolio to parents, a procedure to disseminate the selected tools and assessments to educators and a procedure for educators to use when a child is not progressing in expressive and receptive language skills.

### **LD 651**      **Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services**

**RESOLVE 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D BELLOWS S	OTP-AM	H-154

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

1. It adds four provisions to the laws regarding nontraditional limited purpose schools that were part of Department of Education rule Chapter 250 which has been repealed.
2. It adds response to intervention systems to the minimum requirements for basic school approval to ensure an all-encompassing, tiered system of support for general and special education students. It also clarifies that rules regarding those requirements are major substantive rules.
3. It facilitates collaboration between general education and special education, including a clarification that the Department of Education is required to facilitate a process to help schools apply for schoolwide status with respect to federal Title I funds.
4. It promotes dual certification programs by the Department of Education and the State Board of Education.
5. It requires recodification of the Maine Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes.
6. It requires a review of the purpose of the maintenance of effort funding component of the essential programs and

## *Joint Standing Committee on Education and Cultural Affairs*

services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units.

7. It requires a review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services.

### **Committee Amendment "A" (H-154)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Education to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020 on progress, including recommendations and suggested legislation, on the following:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;
2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;
3. Increased use of dual certification programs for general education and special education certifications;
4. Review of the maintenance of effort funding component of the essential programs and services funding formula; and
5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

### **Enacted Law Summary**

Resolve 2019, chapter 29 directs the Department of Education to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020 on progress, including recommendations and suggested legislation, on the following:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;
2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;
3. Increased use of dual certification programs for general education and special education certifications;
4. Review of the maintenance of effort funding component of the essential programs and services funding formula; and
5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular

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Session of the 129th Legislature to implement any recommendations in the report.

**LD 654 An Act Regarding Instruction in Civics in Secondary Schools**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L DAVIS P	ONTP	

This bill clarifies that instruction in civics is part of the comprehensive program of instruction in secondary schools and also adds civics to the parameters for essential instruction and graduation requirements in the system of learning results.

**LD 662 An Act To Count Study Abroad toward Secondary School Credit**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J POULIOT M	OTP-AM	H-54

This bill requires school administrative units to award course credit to students who have studied abroad by awarding the student elective credit based on hours of instruction received abroad or by awarding credit hours in the relevant content area if the student receives third-party certification or if the student passes a summative assessment.

**Committee Amendment "A" (H-54)**

This amendment amends the bill by requiring school boards to adopt a policy on awarding credit to students who have studied abroad. The school board may include in the policy that the school administrative unit award credit as elective credit, through third-party certification or based on a summative assessment.

This amendment also requires the Department of Education to issue an administrative letter to school boards and superintendents addressing the benefits of proactive communication between the school administrative unit and parents of a student and the student regarding the credit options available to the student prior to the student's participation in the study abroad program.

This amendment also incorporates a fiscal note. The fiscal note identifies the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad as a potential unfunded state mandate. The committee reviewed the fiscal note and determined that requiring a school board to adopt a policy on awarding credit to students who have studied abroad is not a mandate. Because school boards have a duty to adopt policies that govern school administrative units pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 1-A, and because Title 20-A requires school administrative units to provide students with opportunities for learning in multiple pathways, the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.