

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

129TH 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 129th 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 129th 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

Resolve 2019, chapter 44 directs the Commissioner of Education to form a stakeholder group to comprehensively examine issues associated with bullying in schools and in particular how Maine's laws relating to bullying should be improved. The stakeholder group is required to include educators, administrators, students and experts on bullying in schools. By February 1, 2020, the commissioner is required to report on the findings and recommendations of the stakeholder group as well as the commissioner's recommendations for changes to laws relating to bullying to the Joint Standing Committee on Education and Cultural Affairs. The committee may report out a bill on the subject of the report to the Second Regular Session of the 129th Legislature.

LD 1331 An Act To Amend the Student Information Privacy Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	ONTP	

This bill amends the Student Information Privacy Act by adding to the restrictions on the release of student data certain information that may not be disclosed without explicit consent from a student's parent or a court order.

LD 1338 An Act To Protect Teachers from Unfair Evaluations

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM	H-400

This bill removes the requirement in current law that the criteria to establish the order of layoff and recall of teachers must include the teacher's effectiveness rating as a factor. It also amends the provisions in current law governing the use of teacher effectiveness ratings.

Committee Amendment "A" (H-400)

This amendment strikes and replaces the bill and provides that, in any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include the teacher's effectiveness rating as a factor.

This amendment also provides that, subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for two consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

This amendment also provides that there is no right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the employer as a basis for a disciplinary action and provides that a teacher has the opportunity to provide a written response to any summative effectiveness rating issued to the teacher.

Enacted Law Summary

Public Law 2019, chapter 297 makes the following changes the law regarding the use of a teacher's effectiveness rating.

Joint Standing Committee on Education and Cultural Affairs

1. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include the teacher's effectiveness rating as a factor.
2. Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for two consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.
3. There is no right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the employer as a basis for a disciplinary action and provides that a teacher has the opportunity to provide a written response to any summative effectiveness rating issued to the teacher.

**LD 1341 An Act To Provide Flexibility for Efficient and Effective Management of
School Management and Leadership Centers**

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V GRATWICK G	OTP-AM	H-325

This bill amends the Maine Revised Statutes, Title 20-A, chapter 123, regarding school management and leadership centers, and related laws as follows:

1. Changes the term "school management and leadership center" to the term "regional service center;"
2. Amends the law governing the geographic boundaries of centers to remove the requirement that the Commissioner of Education must determine 9 to 12 geographic areas for the establishment of centers with the requirement that the commissioner must determine the geographic areas for the establishment of centers;
3. Allows a center to contract for leadership services and hire a fiscal agent;
4. Changes the law allowing a center to borrow funds by removing language requiring debts to be repaid within one year and limiting amounts borrowed to 3/4 of a center's annual approved budget;
5. Amends the law governing the withdrawal of a member school administrative unit from a center to replace the requirement that the member school administrative unit must demonstrate there will be no increases in costs or decrease in student programs or services with the requirement that the member school administrative unit must demonstrate that the withdrawal is in the best interests of the withdrawing school administrative unit and of any of the remaining member school administrative units;
6. Amends the law governing dissolution of centers to replace the requirement that member school administrative units must demonstrate to the Commissioner of Education that there will be no increase in costs or decrease in student programs and services for any of the member school administrative units of a center with the requirement that the school administrative units must demonstrate that it is in the best interests of the member school administrative units to dissolve the center;
7. Amends the law governing application for and approval of a center to replace voter approval with school board approval; and
8. Amends the law governing state funding of a center that provides at least two different services to its members to