



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1829

H.P. 1271

House of Representatives, February 8, 2018

An Act To Amend the Laws Governing Education

Submitted by the Department of Education pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STEWART of Presque Isle.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §257, sub-§1, ¶A**, as repealed and replaced by PL 1991, c.
3 662, §1, is amended to read:

4 A. Is at least ~~18~~ 17 years of age, ~~if that person and:~~

5 ~~(1) Has completed a formal training program approved by the commissioner; and~~

6 (2) Has demonstrated, through procedures prescribed by the commissioner,
7 attainment of a general educational development comparable to that of a
8 secondary school graduate; ~~or.~~

9 **Sec. 2. 20-A MRSA §257, sub-§1, ¶B**, as repealed and replaced by PL 1991, c.
10 662, §1, is repealed.

11 **Sec. 3. 20-A MRSA §5201, sub-§3, ¶F**, as amended by PL 2003, c. 688, Pt. B,
12 §4, is further amended to read:

13 F. A person who obtains a waiver from the commissioner pursuant to section 5206
14 may enroll as a public secondary school student.

15 This paragraph is repealed July 1, 2020.

16 **Sec. 4. 20-A MRSA §5206**, as enacted by PL 2003, c. 116, §2, is amended to
17 read:

18 **§5206. Waiver**

19 The superintendent may request that the commissioner approve on a case-by-case
20 basis waivers of the age requirements under section 5201 to allow a student who has
21 reached 20 years of age before the start of the school year to be enrolled as a public
22 secondary school student. The commissioner may grant a waiver upon finding that there
23 are unforeseeable circumstances or undue hardship and that the request that the school
24 administrative unit has submitted is reasonable. The application for a waiver must
25 contain:

26 **1. Documentation.** Documentation of actions taken to meet the requirements prior
27 to applying for the waiver;

28 **2. Description.** A description of the unforeseeable circumstances or undue hardship,
29 including financial hardship, that led to the application; and

30 **3. Statement.** A statement explaining how the waiver requested will not create
31 learning inequities for the students enrolled in the schools in the school administrative
32 unit.

33 This section is repealed July 1, 2020.

34 **Sec. 5. 20-A MRSA §6301, sub-§1**, as repealed and replaced by PL 1989, c. 414,
35 §9, is amended to read:

1 **1. Duty of teacher.** A teacher who has reason to believe that a student is a public
2 health threat as a result of ~~being infested with parasites, or~~ having a communicable
3 disease of the skin, mouth or eyes, shall inform the superintendent.

4 **Sec. 6. 20-A MRSA §6301, sub-§2,** as amended by PL 1989, c. 414, §10, is
5 further amended to read:

6 **2. Duty of superintendent.** A superintendent informed by a teacher under
7 subsection 1 may:

8 A. Inform the student's parent:

9 (1) To cleanse the clothing and bodies of ~~their children~~ the student; and

10 (2) To furnish ~~their children~~ the student with the required home or medical
11 treatment for the relief of ~~their~~ the student's trouble so defined in subsection 1;

12 B. Exclude the student from the public schools until the student is no longer a public
13 health threat; ~~and~~

14 C. Exclude the student from public school as soon as safe and proper transportation
15 home is available; ~~and~~

16 D. Consult with the school nurse.

17 **Sec. 7. 20-A MRSA §6301, sub-§3,** as enacted by PL 1981, c. 693, §§5 and 8, is
18 amended to read:

19 **3. Duty of parent.** A parent informed by a superintendent under subsection 2 shall
20 promptly do what is reasonably necessary to ensure that the student is ~~no longer offensive~~
21 ~~or dangerous~~ not a public health threat.

22 **Sec. 8. 20-A MRSA §6451,** as enacted by PL 1981, c. 693, §§5 and 8 and
23 amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

24 **§6451. Hearing and sight screening**

25 **1. Student right to screening for sight and hearing defects.** Each student ~~shall~~
26 must be screened periodically to determine whether ~~they have~~ the student has sight or
27 hearing defects.

28 **2. Commissioner's duties.** The commissioner shall:

29 A. After consultation with the Commissioner of Health and Human Services and in
30 collaboration with the school nurse consultant as described in section 6401-A, adopt
31 rules and provide school administrative units with ~~assistance and materials~~ a copy of
32 these rules and guidance to carry out this subsection; and

33 B. ~~Furnish to the administrators of the school administrative units the prescribed~~
34 ~~directions for the tests of sight and hearing; and~~

35 C. ~~Furnish test cards, record and report forms and other useful materials~~ guidance,
36 training and sample report and referral forms that may be helpful for carrying out the
37 purpose of this section.

1 **3. Exempt students.** A student whose parent objects in writing to screening ~~or~~
2 ~~religious grounds shall~~ may not be screened unless a sight or hearing defect is reasonably
3 apparent.

4 **Sec. 9. 20-A MRSA §6453**, as enacted by PL 1981, c. 693, §§5 and 8, is amended
5 to read:

6 **§6453. Notice to parents of result of screening**

7 The school board shall appoint appropriate school staff to inform the parent of a
8 student suffering from a suspected disease or defect based on the screening results.

9 **Sec. 10. 20-A MRSA §6455**, as enacted by PL 2009, c. 407, §1, is repealed.

10 **Sec. 11. 20-A MRSA §8601-A, sub-§1, ¶E**, as amended by PL 2013, c. 167, Pt.
11 C, §1, is repealed.

12 **Sec. 12. 20-A MRSA §8601-A, sub-§18**, as enacted by PL 2007, c. 131, §2, is
13 repealed.

14 **Sec. 13. 20-A MRSA §8606-A, sub-§2**, as amended by PL 2011, c. 517, §7, is
15 further amended to read:

16 **2. Budget recommendation.** Prior to ~~December 15th~~ February 1st of each year, the
17 commissioner shall ~~certify to the Governor and to the Bureau of the Budget~~ notify each
18 school board of the estimated amount of the funding levels to be allocated to the school
19 administrative unit for the various program categories in adult education for payment in
20 the next fiscal year. The commissioner shall include these funding levels in the
21 department's request to the Legislature for appropriations from the General Fund to carry
22 out the purposes of this chapter.

23 A. The recommended funding level must include funds in an amount that is
24 sufficient to provide for state administration of adult education programs including
25 funds for the cost of ~~general educational development~~ high school equivalency tests
26 and administration; supporting volunteer literacy programs; state-sponsored
27 professional development; state-level data collection, including the required software
28 for units, regions or centers providing adult education programs; and reimbursement
29 of the costs listed in section 8607-A at the rates established in that section. The
30 recommended funding level may not exceed the maximum allowable expenditures in
31 the base year, adjusted pursuant to paragraph C.

32 B. A unit, region or center shall provide the commissioner with information
33 requested by the commissioner to carry out the purpose of this chapter. The
34 commissioner may withhold state subsidy payment or a portion of the state subsidy
35 payment from a unit, region or center if the unit, region or center does not provide
36 requested information to the commissioner in compliance with the specified format,
37 content and time schedule established by the commissioner.

38 C. The recommendation ~~in the commissioner's funding level certification~~ must
39 include local adult education program cost adjustment to the equivalent of the year

1 prior to the year of allocation. This adjustment is calculated according to the same
2 guidelines established, for purposes of chapter 606-B, by section 15689-C, subsection
3 3.

4 **Sec. 14. 20-A MRSA §13012-A, sub-§4**, as enacted by PL 2017, c. 235, §11 and
5 affected by §41, is amended to read:

6 **4. Requirements.** If a school administrative unit employs a conditionally certified
7 teacher ~~or educational specialist~~, the school administrative unit shall for at least the first
8 year of employment or longer if determined to be necessary:

9 A. Ensure that the conditionally certified teacher ~~or educational specialist~~ receives
10 high-quality professional development that is sustained, intensive and classroom-
11 focused in order to have a positive and lasting impact on classroom instruction while
12 teaching; and

13 B. Provide a program of intensive supervision for the conditionally certified teacher
14 ~~or educational specialist~~ that consists of structured guidance and regular ongoing
15 support or a mentoring program, which is separate from any student-teacher
16 requirement that may be required under another authority.

17 **Sec. 15. 20-A MRSA §13013, sub-§2-B, ¶C**, as enacted by PL 2017, c. 235,
18 §12 and affected by §41, is amended to read:

19 C. Has successfully completed a preparation program in a state with which the State
20 is participating in an interstate compact, subject to the following:

21 (1) Completion of an approved preparation program for the endorsement or
22 certificate being sought with a formal recommendation for certification from the
23 institution; ~~or~~ and

24 (2) In the 5 years prior to applying for certification in this State, the applicant has
25 3 years of successful teaching experience under a valid comparable certificate in
26 a state with which the State is participating in the interstate compact.

27 If advanced study or tests are required in the State, the commissioner has the right, as
28 specified in the interstate compact, to issue only a conditional certificate under
29 section 13012-A; or

30 **Sec. 16. 20-A MRSA c. 802**, as amended, is repealed.

31 SUMMARY

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

33 1. It changes the procedure and date for reporting adult education funding levels.

34 2. It changes the duties of teachers and parents when a student is a public health
35 threat. It allows a superintendent to consult with the school nurse upon being informed
36 by a teacher that a student is a public health threat.

37 3. It eliminates the Maine Online Learning Program.

- 1 4. It directs the Commissioner of Education to collaborate with the school nurse
2 consultant to adopt rules and provide school administrative units with a copy of these
3 rules and guidance regarding the screening of students for sight and hearing defects. It
4 removes the requirement that the commissioner furnish to administrators of school
5 administrative units the prescribed directions for the sight and hearing tests of students. It
6 requires the commissioner to furnish guidance, training and sample report and referral
7 forms in connection with these tests. It removes a reference to religious grounds from the
8 provision governing exempt students to provide that a student whose parent objects in
9 writing to screening may not be screened unless a sight or hearing defect is reasonably
10 apparent.
- 11 5. It removes the requirement that a school nurse or trained screener collect body
12 mass index data from students and report this data in the aggregate to the Department of
13 Health and Human Services, Maine Center for Disease Control and Prevention.
- 14 6. It requires a school board to appoint appropriate school staff to inform a parent of
15 a student suffering from a suspected disease or defect based on results of a screening.
- 16 7. It removes enrichment courses from the definition of "adult education."
- 17 8. It changes the provisions for issuance of high school equivalency diplomas.
- 18 9. It specifies criteria that must be met in order for the Commissioner of Education to
19 grant a waiver to allow a student who has reached 20 years of age before the start of the
20 school year to be enrolled as a public secondary school student. It repeals the provisions
21 of law that allow a person to obtain such a waiver effective July 1, 2020.
- 22 10. It amends the laws governing the employment of conditionally certified persons
23 to provide that the requirement that a school administrative unit provide professional
24 development and intensive supervision applies only to teachers and not to educational
25 specialists.
- 26 11. It amends the laws governing qualifications for a professional teacher certificate
27 to require that a person who has successfully completed a preparation program in a state
28 with which the State is participating in an interstate compact must complete an approved
29 preparation program with a formal recommendation for certification from the institution
30 and must meet the specified teaching experience requirement.