

STATE OF MAINE

—
 IN THE YEAR OF OUR LORD
 TWO THOUSAND AND THIRTEEN

—
 H.P. 335 - L.D. 485

An Act To Amend and Clarify Certain Education Laws

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

PART A

Sec. A-1. 20-A MRSA §1466, sub-§5, ¶D, as enacted by PL 2009, c. 580, §9, is amended to read:

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open ~~at~~ by 10 a.m. and remain open until 8 p.m.

Sec. A-2. 20-A MRSA §1466, sub-§13, as amended by PL 2011, c. 678, Pt. J, §4, is further amended to read:

13. Determination of results; execution of agreement. ~~¶~~ Except for a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that a majority of the voters voting on the article has voted in the affirmative and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal. For a municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that at least 2/3 of the votes validly cast in the municipality are in the affirmative, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

This subsection is repealed January 1, 2015.

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as amended by PL 2011, c. 678, Pt. A, §3, is further amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; ~~and~~

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J, as enacted by PL 2011, c. 678, Pt. A, §4, is amended to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004; and

Sec. A-5. 20-A MRSA §6051, sub-§1, ¶K is enacted to read:

K. A schedule of expenditures of federal awards.

PART B

Sec. B-1. 20-A MRSA §15672, sub-§2-A, ¶A, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. Principal and interest costs for approved major capital projects in the allocation year, ~~including the initial local share of school construction projects that received voter approval for all or part of their funding in referendum in fiscal year 1984-85, but~~ excluding payments made with funds from state and local government accounts established under the federal Internal Revenue Code and regulations for disposition of excess, unneeded proceeds of bonds issued for a school project and excluding any principal and interest costs attributable to a school closed for lack of need pursuant to chapter 202;

Sec. B-2. 20-A MRSA §15901, sub-§1, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The state board's intent to issue ~~final~~ design and funding approval subject to a favorable local vote and approval of final cost estimates.

Sec. B-3. 20-A MRSA §15901, sub-§1-A is enacted to read:

1-A. Design and funding approval. "Design and funding approval" means approval by the state board indicating that a school construction project's drawings and specifications have been developed to 100% completion, the project has gained the recommendations of the department and the school administrative unit is authorized to seek bids for the work.

Sec. B-4. 20-A MRSA §15904, first ¶, as amended by PL 1985, c. 248, §3, is further amended to read:

Prior to ~~final~~ design and funding approval by the state board, a school construction project, except a small scale school construction project as defined in section 15901, subsection 4-A, must receive a favorable vote conducted in accordance with the following.

Sec. B-5. 20-A MRSA §15905, sub-§3, as amended by PL 2011, c. 678, Pt. D, §1, is further amended to read:

3. Certificate of approval. A certificate of approval must be issued by the commissioner for each project ~~approved~~ for which design and funding approval has been given by the state board. The certificate must bear the amount approved for subsidy and other stipulations or conditions. The certificate must be signed by the commissioner and is conclusive evidence of the facts stated on it.

Sec. B-6. 20-A MRSA §15909, sub-§§5 and 6, as enacted by PL 2011, c. 678, Pt. A, §8, are amended to read:

5. Records. ~~Financial~~ All records ~~and accounts~~ for a school construction project must be kept for 7 years after the final ~~audit~~ compliance review.

6. Compliance review. ~~Financial~~ All records ~~and accounts~~ for state-funded school construction projects must be ~~audited~~ reviewed for compliance by department staff or certified public accountants ~~contracted by~~ under contract with the department.

PART C

Sec. C-1. 20-A MRSA §8601-A, sub-§1, as repealed and replaced by PL 2011, c. 517, §1, is amended to read:

1. Adult education. "Adult education" means an education program primarily operated for individuals beyond the compulsory school age that is administered by school administrative units through a career pathways and service system and that, except as provided in section 8602-B, includes intake, assessment, ~~career~~ advising, instruction and individual learning plans; is guided by data management and analysis, annual monitoring and annual professional development plans; uses appropriately certified staff; is designed to meet identified local needs; makes use of partnerships and alignment with workforce development, postsecondary institutions and support services; and offers at least 3 of the following:

- A. Basic literacy instruction or instruction in English as a Second Language;
- B. High school completion courses;
- C. College transition courses;
- ~~D. Career pathways services; and~~
- E. Enrichment courses;
- F. Adult workforce training and retraining; and
- G. Adult career and technical education.

Sec. C-2. 20-A MRSA §8601-A, sub-§14, ¶¶B and C, as amended by PL 2011, c. 517, §5, are further amended to read:

B. Supplemental learners, who are adults pursuing courses or activities that are related, in a clear and applicable manner, to current full-time or part-time employment or wage-earning activities; and

C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and careers in current or emerging employment sectors, including the skills and training and work credential programs conducted under the auspices of the boards of the local workforce investment areas designated pursuant to the federal Workforce Investment Act of 1998, Public Law 105-220, and the department; ~~and~~.

Sec. C-3. 20-A MRSA §8601-A, sub-§14, ¶D, as enacted by PL 2011, c. 517, §5, is repealed.

Sec. C-4. 20-A MRSA §8601-A, sub-§22, as enacted by PL 2011, c. 517, §6, is repealed.

Sec. C-5. 20-A MRSA §8602-B is enacted to read:

§8602-B. Regions

Notwithstanding the other provisions of this chapter, a region may be reimbursed under section 8607-A, subsection 2 if it offers adult career and technical education courses and may be reimbursed under section 8607-A, subsection 9 if it offers adult workforce training and retraining courses. To be eligible for reimbursement for courses offered under section 8607-A, subsection 2 or 9, a region must perform intake and data management functions in the same manner as a school administrative unit as provided under section 8601-A, subsection 1.

Sec. C-6. 20-A MRSA §8607-A, sub-§7, as corrected by RR 2007, c. 1, §10, is amended to read:

7. Other administrative costs. Other administrative costs, including program promotion and related publicity, mailing and postage and telephone expenses for courses and programs described in subsections 2 to 5, 8 and 9, are reimbursed at the rate of 50% of these costs. The cost of interpreters for deaf students and deaf adult learners and the cost of translators for students and adult learners with limited English proficiency are reimbursed at the rate of 75% of these costs but only as a payment of last resort after the otherwise valid obligations of insurers or other 3rd parties to provide or pay for these services have been exhausted.

PART D

Sec. D-1. 20-A MRSA §13025 is enacted to read:

§13025. Investigations

When conducting an investigation relating to the certification of teachers and other professional personnel under this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.