

Date:

(Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1339, L.D. 1902, Bill, “An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services”

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 20-A MRSA §2907, as amended by PL 1989, c. 700, Pt. A, §47, is further amended to read:

§2907. Nontraditional limited purpose school approval

1. Requirements. A nonprofit institution, not otherwise approved under this subchapter, may operate as an approved nontraditional limited purpose school if it demonstrates a commitment to the educational process and to the State's youth by possessing the following:

- A. An incorporated council, board of trustees, board of directors or other governing board composed of a cross section of the community served by the school;
- B. An established educational plan;
- C. A written curriculum with appropriate goals, objectives and instructional strategies;
- D. Specific instructional time commensurate with the educational activities planned;
- E. Facilities that comply with state health, safety and fire codes;
- F. An instructional staff certified by the Department of Education where appropriate and endorsement by professional boards in areas where the State does not have certification standards or professional standards agreed upon by the department and the respective institution;
- G. School health services that include a registered nurse in residence when students are in attendance or the appointment of a school or consulting physician;

H. Established written emergency and safety procedures, including periodic fire drills whenever appropriate;

I. The unique up-to-date equipment necessary to the services provided;

J. A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and

K. Scholarship assistance to the State's youth.

If approved by the commissioner to provide a special education program, a nonprofit institution, not otherwise approved under this subchapter, may operate as an approved nontraditional limited purpose school if, in addition to meeting the other requirements of this subsection, it demonstrates compliance with all requirements of chapters 301, 303 and 305 and applicable federal statutes and regulations prior to the enrollment of any special education student at public expense.

The commissioner shall ~~promulgate~~ adopt rules, pursuant to the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, which shall must incorporate the requirements set forth in this subsection.

2. Approval; report. The commissioner shall base approval of a school under this section on the school's ability to meet the requirements set forth in subsection 1 and on an annual on-site review by the department. The institution may not operate as an approved school prior to approval by the commissioner. The school shall submit to the department an annual report on its activities and compliance with this section.

3. Removal of basic approval. Notwithstanding any other provision of law, the commissioner may remove approval from any nontraditional limited purpose school for failure to meet applicable approval requirements. Except as permitted under Title 5, section 10004, the commissioner shall give a school notice and opportunity for hearing before removing approval. The notice given and any hearing must conform to the requirements of Title 5, chapter 375, subchapter 4.

4. Ineligible for state subsidy. A school eligible for approval under this section ~~shall~~ is not be eligible for state subsidy.

5. Credit. High school credit for programs completed at a school approved under this section may be granted to students by the school in which they are enrolled full time. A school approved under this section may not award high school credit.

6. Taxation. Notwithstanding any other provision of law, the commissioner's approval of an institution as a nontraditional, limited purpose school ~~shall~~ does not alter that institution's current status for the purpose of state or local taxation.'

Amend the bill in section 2 in §4710 in subsection 1 in the 3rd line (page 2, line 25 in L.D.) by striking out the following: "prekindergarten" and inserting the following: "kindergarten"

Amend the bill by striking out all of sections 3 to 5.

Amend the bill in section 6 in the 2nd to 4th lines (page 3, lines 42 and 43 and page 4, line 1 in L.D.) by striking out the following: "targeted assistance through federal Title I funds in order to become eligible for shared funding for the development of school-

1 wide" and inserting the following: 'schoolwide status with respect to federal Title I funds
2 in order to be able to use the funds for funding for the development of schoolwide'

3 Amend the bill in section 6 in the 2nd line from the end (page 4, line 7 in L.D.) by
4 striking out the following: "targeted assistance" and inserting the following: 'schoolwide
5 status'

6 Amend the bill in section 7 in the 4th line from the end (page 4, line 20 in L.D.) by
7 striking out the following: "January 15, 2019" and inserting the following: 'April 1,
8 2019'

9 Amend the bill by striking out all of section 8.

10 Amend the bill by striking out all of sections 10 to 12 and inserting the following:

11 **'Sec. 10. Review of maintenance of effort allocation component.** The
12 Department of Education shall review the maintenance of effort funding component of
13 the essential programs and services funding formula to determine the purpose of the
14 funding, whether it is accomplishing this purpose, why some school administrative units'
15 expenditures are consistent with the funding formula allocation model and some are not
16 and how to increase the equity of special education allocations across all school
17 administrative units. The department shall invite input from state and local stakeholders
18 and policy makers. The department shall report its findings and recommendations,
19 including any statutory changes, to the joint standing committee of the Legislature having
20 jurisdiction over education and cultural affairs not later than March 15, 2019. After
21 review of the report, the committee may report out a bill related to increasing equity of
22 special education allocations across all school administrative units.'

23 Amend the bill in section 13 in the last paragraph in the 3rd line from the end (page 6,
24 line 25 in L.D.) by striking out the following: "January 15, 2019" and inserting the
25 following: 'January 15, 2020'

26 Amend the bill in section 13 in the last paragraph in the last line (page 6, line 27 in
27 L.D.) by striking out the following: "First" and inserting the following: 'Second'

28 Amend the bill by striking out all of section 14 and inserting in its place the
29 following:

30 **'Sec. 14. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **EDUCATION, DEPARTMENT OF**

33 **Special Services Team Z080**

34 Initiative: Provides one-time funds for the pilot program to review and improve
35 MaineCare billing systems and procedures as they relate to school administrative units'
36 billing for medically necessary services.

37 **GENERAL FUND**

38 All Other

2017-18

\$0

2018-19

\$150,000

COMMITTEE AMENDMENT “ ” to H.P. 1339, L.D. 1902

1 which has been repealed. The amendment also delays the reporting dates to ensure
2 adequate time for review. The amendment also adds an appropriations and allocations
3 section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**