

## CHAPTER 801

### MAINE LEARNING TECHNOLOGY FUND

#### §19101. Establishment of the Maine Learning Technology Fund; source of funds

The Maine Learning Technology Fund, referred to in this chapter as the "fund," is established. The fund consists of certain funds dedicated by the Legislature and by other private and public sources for the advancement of learning technology for kindergarten to grade 12 in Maine. [PL 2001, c. 358, Pt. II, §2 (AMD); PL 2003, c. 20, Pt. TT, §1 (AMD).]

#### SECTION HISTORY

PL 1999, c. 731, §FFF1 (NEW). PL 2001, c. 358, §II2 (AMD). PL 2003, c. 20, §TT1 (AMD).

#### §19102. Fund purpose and plan

**1. Purpose.** The fund must be used to enable the full integration of appropriate learning technologies into teaching and learning for the State's elementary and secondary students. The fund must be managed and governed in a manner that provides for the financially sustainable support, use and integration of learning technology in Maine schools as determined by the Legislature. [PL 2001, c. 358, Pt. II, §3 (AMD); PL 2003, c. 20, Pt. TT, §1 (AMD).]

**2. Learning technology plan.** The use of the fund must be based on a learning technology plan, referred to in this section as the "plan," developed annually beginning for school year 2002-03 by the commissioner and adopted by the Legislature. The annual plan must be designed to achieve the goal of preparing students for a future economy that relies on technology and innovation.

The plan developed annually by the commissioner must include, but is not limited to, consideration of the following:

- A. The appropriate structure, governance and oversight of the fund; [PL 2001, c. 358, Pt. II, §3 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]
- B. The current use of learning technology in classrooms in the State; [PL 2001, c. 358, Pt. II, §3 (NEW).]
- C. The current readiness of faculty to use technology in teaching; [PL 2001, c. 358, Pt. II, §3 (NEW).]
- D. The professional development needed to integrate technology into classroom teaching; [PL 2001, c. 358, Pt. II, §3 (NEW).]
- E. Assessment of the strategy and goals for improving and equalizing access to and the use of learning technology in all schools; [PL 2001, c. 358, Pt. II, §3 (NEW).]
- F. A plan for implementing the plan in several phases, with Phase I implementing the plan for all schools, students and teachers at the 7th and 8th grade levels; [PL 2001, c. 358, Pt. II, §3 (NEW).]
- G. Strategies that coordinate the resources and goals of the fund and the plan with a network of schools and libraries in the State administered by the Public Utilities Commission and the telecommunications education access fund; [PL 2001, c. 358, Pt. II, §3 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]
- H. Strategies that coordinate learning technology in kindergarten to grade 12 education with initiatives and resources of the State's postsecondary education institutions; and [PL 2001, c. 358, Pt. II, §3 (NEW).]

I. Data tracking and assessment of the progress of implementing the goals of the fund and the plan. [PL 2001, c. 358, Pt. II, §3 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]  
[PL 2013, c. 533, §14 (AMD).]

**3. Guiding principles for plan.** The plan must be consistent with the following guiding principles:

A. Equity. The plan must promote equal opportunity for and provide meaningful access to learning technology resources for students who are economically disadvantaged or have special needs; [PL 2001, c. 358, Pt. II, §3 (NEW).]

B. Integration with the system of learning results established in section 6209. The plan must support student achievement of the system of learning results through the integration of learning technologies that are content-focused and that add value to existing instructional methods; [PL 2001, c. 358, Pt. II, §3 (NEW).]

C. Sustainability and avoidance of obsolescence. The plan must provide future sustainability of learning technology resources to adapt to future educational needs and to avoid obsolescence of learning technology resources; [PL 2001, c. 358, Pt. II, §3 (NEW).]

D. Teacher preparation and professional development. The plan must provide effective preparation, professional development and training programs for teachers and other educators in the use and integration of learning technology tools in curriculum development, instructional methods and student assessment systems; and [PL 2001, c. 358, Pt. II, §3 (NEW).]

E. Economic development. The plan must foster economic development across all regions of the State and the preparation of students for an economy that is dependent upon technology. [PL 2001, c. 358, Pt. II, §3 (NEW).]  
[PL 2001, c. 358, Pt. II, §3 (NEW).]

**4. Learning technology program; evaluation for implementation in grades 7 to 12.** Notwithstanding any other provision of law, the commissioner shall conduct an annual comprehensive review of the learning technology program and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters on the progress and results of the comprehensive review by February 15th annually. In conducting the comprehensive review, the commissioner shall:

A. Through a competitive bidding process consistent with Title 5, chapter 155, subchapter 1-A contract with an education policy research institute to assess the effect of the laptop program on student performance in achieving the content standards and performance indicators established by the statewide system of learning results established in section 6209 using valid, standardized assessment measures; [PL 2011, c. 380, Pt. CC, §1 (NEW).]

B. Identify high-need areas for improvements in students' learning and skills; [PL 2011, c. 380, Pt. CC, §1 (NEW).]

C. Provide targeted training and professional development of teachers from the 7th to 12th grade who participate in the laptop program; and [PL 2011, c. 380, Pt. CC, §1 (NEW).]

D. Contract with an education policy research institute to conduct a biennial audit including an evaluation of the costs, effectiveness and achievement outcomes of the learning technology program. [PL 2011, c. 380, Pt. CC, §1 (NEW).]

The commissioner shall submit a report that includes findings and recommendations, including suggested legislation to revise and update chapter 606-B and this chapter, for presentation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters by January 31st annually.

[PL 2013, c. 533, §15 (AMD).]

## SECTION HISTORY

PL 1999, c. 731, §FFF1 (NEW). PL 2001, c. 358, §II3 (AMD). PL 2003, c. 20, §TT1 (AMD). PL 2011, c. 380, Pt. CC, §1 (AMD). PL 2013, c. 533, §§14, 15 (AMD).

**§19103. Finances of the fund**

**1. Fund assets.** The fund includes all assets, funds and holdings held in the name of, on behalf of or for the benefit of the fund. This is a nonlapsing fund the sources of which include all appropriations and allocations by the Legislature to the fund; cash, stocks, cash equivalents or the equivalent value of goods and services that are consistent with the guiding principles established under section 19102, subsection 3 from any other source, whether public or private, designated for deposit into or credited to the fund; and interest or other income or assets of the fund.

[PL 2001, c. 358, Pt. II, §4 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

**2. Fundraising plan.** The commissioner and the Commissioner of Administrative and Financial Services shall, for the duration of the fund, identify and submit grant and fundraising proposals in support of the priorities of the learning technology plan established pursuant to section 19102 to federal, corporate, foundation or other 3rd-party sources as appropriate.

The commissioner and the Commissioner of Administrative and Financial Services shall develop a plan for fundraising and identifying grant sources that is designed to raise sufficient funds to enable the learning technology plan to expand to the secondary school level. The fundraising plan must identify specific funding sources, as appropriate, timelines and an assessment of the probability of success.

In order to preserve the integrity of the educational purposes of the learning technology plan, all fundraising and grant proposals must be consistent with the goals and terms of the learning technology plan. The commissioner and the Commissioner of Administrative and Financial Services shall develop any necessary guidelines for fundraising and grant proposals in order to carry out this requirement.

[PL 2013, c. 533, §16 (AMD).]

## SECTION HISTORY

PL 1999, c. 731, §FFF1 (NEW). PL 2001, c. 358, §II4 (RPR). PL 2003, c. 20, §TT1 (AMD). PL 2013, c. 533, §16 (AMD).

**§19104. Fiduciary roles and responsibilities**

The Commissioner of Administrative and Financial Services, referred to in this section as the "commissioner," shall act as fiduciary and fiscal agent with respect to the management and administration of the fund. The commissioner may accept donations to the fund consistent with the guiding principles established under section 19102, subsection 3. The commissioner shall ensure that donations to the fund are segregated from other state assets, separately accounted for and held in trust on behalf of the State for the purposes specified in this chapter and for no other purpose. The commissioner shall enter into and administer an investment contract for the investment of fund funds by an appropriate entity, including, but not limited to, the Board of Trustees of the Maine Public Employees Retirement System or another entity approved by the commissioner. The Treasurer of State shall review the proposed investment contract to ensure that the proposed investment management fees are reasonable for the investment management services provided. [PL 2001, c. 358, Pt. II, §5 (RPR); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

**1. Investment of fund.** If the commissioner determines that the Board of Trustees of the Maine Public Employees Retirement System is the appropriate entity to provide for the investment of fund funds, the following provisions apply.

A. The Board of Trustees of the Maine Public Employees Retirement System shall invest the fund in the same manner and according to the same investment policy and practices by which the board

invests the assets of the Maine Public Employees Retirement System. [PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

B. The Board of Trustees of the Maine Public Employees Retirement System shall treat the fund as held in trust on behalf of the State for the purposes specified in this chapter and no other and shall separately account for the fund as investment assets, attributing to the fund its proportional share of investment returns and of investment management costs and expenses, including costs and expenses of the retirement system arising because of its investment of the fund. [PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

C. The commissioner and the Board of Trustees of the Maine Public Employees Retirement System shall develop jointly a memorandum of understanding, setting out their mutual understanding of the investment of the fund, the related investment accounting and investment return and expense attribution. [PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

[PL 2001, c. 358, Pt. II, §5 (RPR); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

**2. Audit of fund.** The commissioner shall ensure adequate audit of the investment management of the fund and the expenditures of the fund each state fiscal year. If the investment of the fund is managed by the Board of Trustees of the Maine Public Employees Retirement System, the audit must be conducted within the scope of the annual audit of the Maine Public Employees Retirement System or through separate audit as considered appropriate by the Board of Trustees of the Maine Public Employees Retirement System. Any separate audit must be reported to the Governor, the Legislature, the commissioner and the State Controller in as timely a manner as possible after the close of each state fiscal year.

[PL 2001, c. 358, Pt. II, §5 (RPR); PL 2003, c. 20, Pt. TT, §1 (AMD); PL 2007, c. 58, §3 (REV).]

**3. Use of fund.** In addition to the budgeting guidelines pursuant to section 19105, in accordance with the annual learning technology plan established pursuant to section 19102, the income from the fund may be used for necessary audit services, legal expenses, investment management fees and services and general administrative expenses related to the management and administration of the fund. The principal and income of the fund may not be used to implement the fundraising plan required pursuant to section 19103, subsection 2.

[PL 2001, c. 358, Pt. II, §5 (RPR); PL 2003, c. 20, Pt. TT, §1 (AMD).]

**4. Fund term.** The commissioner shall manage the fund as follows:

A. Prior to January 8, 2003 the commissioner shall take all reasonable and prudent steps to manage the investment, expenditures and cash flow of the fund to ensure that the initial principal of the fund, consisting of General Fund money appropriated by the State, is maximized and, to the greatest extent feasible, not diminished; and [PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

B. After January 7, 2003:

(1) If contributions consistent with the guiding principles established under section 19102, subsection 3 totaling \$15,000,000 are received or pledged from other sources by January 7, 2003, the commissioner shall operate the fund in a manner consistent with the learning technology plan in order to maintain in perpetuity any balances remaining at the close of the 2006-2007 school year. The commissioner shall take all reasonable and prudent steps to manage the investment, expenditures and cash flow of the fund to ensure that the initial principal of the fund is maximized and, to the greatest extent feasible, not diminished; or

(2) If the \$15,000,000 goal established in subparagraph (1) is not achieved by January 7, 2003, the fund ceases to operate as a fund and the commissioner shall manage the assets of the former fund, including the use of the principal, in a manner that implements the learning technology

plan through at least June 30, 2006. [PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

In the annual learning technology plan submitted in the Second Regular Session of the 120th Legislature pursuant to section 19102, subsection 2, the commissioner shall provide to the Governor and the Legislature the status of efforts to raise necessary contributions and recommendations concerning the management of the fund.

For purposes of this subsection, the term "contributions" means, without limitation, cash, stocks, cash equivalents or the equivalent value of goods and services but does not include funds from the General Fund, the Telecommunications Education Access Fund, the Maine Schools and Libraries Network account or the standard federal E-rate program. In the event that the \$15,000,000 contribution goal is not achieved by January 7, 2003, the balance of any and all contributions to the fund must be dedicated to the learning technology plan unless a contributor expressly provides otherwise in a written instrument at the time of a contribution.

[PL 2001, c. 358, Pt. II, §5 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

#### SECTION HISTORY

PL 1999, c. 731, §FFF1 (NEW). PL 2001, c. 358, §II5 (RPR). PL 2003, c. 20, §TT1 (AMD). PL 2007, c. 58, §3 (REV).

#### **§19105. Commissioner's recommendation for annual learning technology plan; guidelines and funding level**

**1. Annual plan recommendation.** Prior to December 15th of each year, the commissioner, after consultation with the Commissioner of Administrative and Financial Services and after receiving the approval of the state board, shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding level for implementing the annual learning technology plan.

[PL 2013, c. 533, §17 (AMD).]

**2. Budget development.** The commissioner, with the assistance of the Commissioner of Administrative and Financial Services, shall prepare an annual budget for the implementation of the annual learning technology plan and exercise budgetary responsibility to carry out the plan. Annually, by January 1st, beginning on January 1, 2002, in addition to complying with the provisions of Title 5, sections 1665 and 1666, the commissioner shall present the operating budget for the fund to the Governor and the Legislature for review by the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The commissioner may make expenditures only in accordance with an allocation approved by the Legislature, and any liability or obligation may not be incurred under this chapter beyond the amount allocated by the Legislature.

[PL 2001, c. 358, Pt. II, §6 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

**3. Guidelines.** The recommended funding level for the annual learning technology plan must include the known obligations and estimates of the following:

A. The level of expenditure for purchases of portable computing devices or the anticipated principal and interest costs for the year of allocation for leases and other appropriate financing arrangements, including leases under which the learning technology plan may apply the lease payments to the purchase of those devices; [PL 2001, c. 358, Pt. II, §6 (NEW).]

B. The level of expenditures for software and services such as technical support and education intranet services; [PL 2001, c. 358, Pt. II, §6 (NEW).]

C. Funds designated by the commissioner for professional development programs and services; [PL 2001, c. 358, Pt. II, §6 (NEW).]

D. Funds designated by the commissioner for the expenditures for the alternative equivalent value factor. For purposes of this paragraph, "alternative equivalent value factor" means the ratio of funding provided to school administrative units that choose to provide an alternative equivalent learning technology plan that meets the guiding principles described in section 19102, subsection 3; [PL 2001, c. 358, Pt. II, §6 (NEW).]

E. Funds designated by the commissioner for the purchase of kindergarten to grade 12 educational materials, including library databases; and [PL 2001, c. 358, Pt. II, §6 (NEW).]

F. Funds designated by the commissioner for the purpose of making adjustments to the cash flow of revenues generated from the fund. [PL 2001, c. 358, Pt. II, §6 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

[PL 2001, c. 358, Pt. II, §6 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

**4. Funding level.** The Governor shall include in the Governor's biennial or supplemental budget submission, as applicable, an allocation from the fund necessary to implement the learning technology plan.

[PL 2001, c. 358, Pt. II, §6 (NEW); PL 2003, c. 20, Pt. TT, §1 (AMD).]

#### SECTION HISTORY

PL 2001, c. 358, §II6 (NEW). PL 2003, c. 20, §TT1 (AMD). PL 2013, c. 533, §17 (AMD).

#### §19106. Governor's funding level recommendation

The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding level that the Governor recommends for the annual learning technology plan. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth by Title 5, section 1666. [PL 2001, c. 358, Pt. II, §6 (NEW).]

#### SECTION HISTORY

PL 2001, c. 358, §II6 (NEW).

#### §19107. Actions by Legislature

The Legislature annually, prior to March 15th, shall enact legislation to allocate the funding level necessary to implement the annual learning technology plan. The Legislature may allocate for expenditure by the commissioner for eligible kindergarten to grade 12 schools and eligible programs under the commissioner's jurisdiction all the resources available for the programs involved in the annual learning technology plan. [PL 2001, c. 358, Pt. II, §6 (NEW).]

#### SECTION HISTORY

PL 2001, c. 358, §II6 (NEW).

#### §19108. Actions by department

Within the annual allocation, the department shall follow the procedures established under this section. [PL 2001, c. 358, Pt. II, §6 (NEW).]

**1. Cash flow.** For the purpose of cash flow, the commissioner may pay the full payment amounts due on leases under which the learning technology plan may apply the lease payments to the purchase of portable computing devices, and the required amount to offset the payments may be transferred to the debt service portion of the account from other operating accounts.

[PL 2001, c. 358, Pt. II, §6 (NEW).]

#### **2. Report by commissioner.**

[PL 2013, c. 533, §18 (RP).]

#### SECTION HISTORY

PL 2001, c. 358, §II6 (NEW). PL 2013, c. 533, §18 (AMD).

**§19109. Advisory board**

**(REPEALED)**

SECTION HISTORY

PL 2001, c. 358, §II6 (NEW). PL 2003, c. 20, §TT1 (AMD). PL 2013, c. 533, §19 (RP).

**§19110. Powers and duties of advisory board**

**(REPEALED)**

SECTION HISTORY

PL 2001, c. 358, §II6 (NEW). PL 2013, c. 533, §20 (RP).

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