Maine Revised Statutes

Title 20-A: EDUCATION

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Title 20-A: EDUCATION

Part 1: GENERAL PROVISIONS

Chapter 1: GENERAL PROVISIONS

§1. DEFINITIONS

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Adult education.** "Adult education" means education programs primarily operated for individuals beyond the compulsory school ages and administered by school administrative units.

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Agent.** "Agent" means an individual appointed to serve in the capacity of a superintendent.

[2001, c. 588, §1 (NEW) .]

1-B. **Alternative education program.** "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

[2007, c. 667, §1 (NEW) .]

1-C. **Alternative learning.** "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

[2007, c. 667, §2 (NEW) .]

2. **Approved private school.** "Approved private school" means a private school approved for attendance purposes under chapter 117.

[1981, c. 693, §§5, 8 (NEW) .]

2-A. **At-risk student.** "At-risk student" means a student who:

A. Is not meeting the requirements for promotion to the next grade level or graduation from high school; [2007, c. 667, §3 (NEW).]

B. Is at risk for dropping out of school; [2007, c. 667, §3 (NEW).]

C. Is truant; or [2011, c. 614, §2 (AMD).]

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007). [2007, c. 667, §3 (NEW).]

[2011, c. 614, §2 (AMD) .]

3. **Board of directors.** "Board of directors" means the governing body with statutory powers and duties for a school administrative district.

[1981, c. 693, §§5, 8 (NEW) .]

3-A. **Child with a disability.** "Child with a disability" has the same meaning as in section 7001.

[2005, c. 662, Pt. A, §4 (NEW) .]

4. **Commissioner.** "Commissioner" means the Commissioner of Education or the commissioner's designee.

[1989, c. 700, Pt. A, §45 (AMD) .]

5. **Community school district.** "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of kindergarten through grade 12.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Cooperative board.** "Cooperative board" means the governing body with statutory powers and duties for a career and technical education region.

[1991, c. 2, §53 (COR); 2003, c. 545, §5 (REV) .]

6-A. **Courses of study.** "Courses of study" means the courses of study for the elementary and secondary schools that are in alignment with the system of learning results as established in section 6209 and consistent with the requirements of this Title.

[2001, c. 588, §2 (NEW) .]

7. **Department.** "Department" means the Department of Education.

[1989, c. 700, Pt. A, §45 (AMD) .]

8. **District board of trustees.** "District board of trustees" means a body with statutory powers and duties for a community school district.

[1981, c. 693, §§5, 8 (NEW) .]

9. **District school committee.** "District school committee" means the governing body with statutory powers and duties for a community school district.

[1981, c. 693, §§5, 8 (NEW) .]

10. **Elementary school.** "Elementary school" means that portion of a school that provides instruction in any combination of kindergarten through grade 8.

[1981, c. 693, §§5, 8 (NEW) .]

11. **Elementary student.** "Elementary student" means a student enrolled in an elementary school.

[1981, c. 693, §§5, 8 (NEW) .]

12. **Exceptional student.**

[2005, c. 662, Pt. A, §5 (RP) .]

13. **Financial definitions.**

[2009, c. 274, §2 (RP) .]

13-A. **Homeless student.** "Homeless student" means a person eligible to attend elementary or secondary school pursuant to section 5201 who:

A. Lacks a fixed, regular and adequate nighttime residence; [1991, c. 608, §1 (NEW).]

B. [2003, c. 477, §1 (RP).]

B-1. Is a child or a youth:

(1) Who is sharing the housing of other persons due to loss of housing or economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodation; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;

(2) Who is living in a car, park or public space or in an abandoned building, substandard housing, bus or train station or similar setting;

(3) Who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and

(4) Who is a migratory child, as defined in Section 1309 of the federal Elementary and Secondary Education Act of 1965, who qualifies as homeless for the purpose of this chapter because the child is living in circumstances described in this section. [2003, c. 477, §2 (NEW).]

C. [2003, c. 477, §3 (RP).]

The term "homeless student" does not include a person housed in a correctional facility, jail or detention facility.

[2003, c. 477, §§1-3 (AMD) .]

14. **Joint committee.** "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115.

[1981, c. 693, §§5, 8 (NEW) .]

15. **Kindergarten.** "Kindergarten" means a one-year or 2-year childhood education program, for children at least 5 years of age, immediately prior to grade one.

[2007, c. 141, §1 (AMD) .]

16. **Local allocation.**

[2009, c. 274, §3 (RP) .]

17. **Major capital costs.** "Major capital costs" is defined in section 15672, subsection 18-A.

[2005, c. 2, Pt. D, §2 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

18. **Minor capital costs.** "Minor capital costs" is defined in section 15672, subsection 20-A.

[2005, c. 2, Pt. D, §2 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

19. **Municipal school unit.** "Municipal school unit" means a state-approved unit of school administration composed of a single municipality.

[1981, c. 693, §§5, 8 (NEW) .]

19-A. **Newly incurred capital outlay and debt service.** "Newly incurred capital outlay and debt service" means capital outlay and debt service costs for a school construction project approved for funding by the voters on or after June 1, 1998.

[1997, c. 787, §1 (NEW) .]

20. **Parent.** "Parent" means a parent, guardian or legal guardian.

[1981, c. 693, §§5, 8 (NEW) .]

20-A. **Previous education unit.** "Previous education unit" means a state-approved unit of school administration that was responsible for operating or constructing public schools prior to the reorganization of school administrative units pursuant to chapter 103-A.

[2007, c. 240, Pt. XXXX, §1 (NEW) .]

21. **Principal.** "Principal" means the person who supervises the operation and management of a school and school property as determined necessary by the superintendent under policies established by the school board.

[1981, c. 693, §§5, 8 (NEW) .]

22. **Private school.** "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

[1981, c. 693, §§5, 8 (NEW) .]

23. **Private school approved for tuition purposes.** "Private school approved for tuition purposes" means a private school approved for the receipt of public funds under sections 2951 to 2955.

[1981, c. 693, §§5, 8 (NEW) .]

23-A. **Public preschool program.** "Public preschool program" means a program offered by a public school that provides instruction to children who are 4 years of age.

[2007, c. 141, §2 (NEW) .]

23-B. **Publicly supported secondary school.** "Publicly supported secondary school" means:

A. A public secondary school; or [2007, c. 240, Pt. XXXX, §2 (NEW).]

B. A private secondary school approved for the receipt of public funds under chapter 117, subchapter 2 that enrolls 60% or more publicly funded students. [2007, c. 240, Pt. XXXX, §2 (NEW).]

[2007, c. 240, Pt. XXXX, §2 (NEW) .]

24. **Public school.** "Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

[1981, c. 693, §§5, 8 (NEW) .]

24-A. **Residential placement.** "Residential placement" includes the placement in any children's home licensed pursuant to Title 22, chapter 1669, including:

A. An "emergency children's shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission; [2013, c. 179, §3 (AMD).]

B. A "foster home," which is a private home occupied and operated by the owner and licensed to provide 24-hour care for no more than 6 nonrelated children; [1985, c. 789, §§1, 9 (NEW).]

C. A "specialized children's home," which is a facility licensed to provide care to no more than 4 moderately to severely handicapped children by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed; and [1985, c. 789, §§1, 9 (NEW).]

D. A "children's residential care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential care facility does not mean family foster home, specialized children's home or an emergency children's shelter. The term includes, but is not limited to:

(1) A "group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are integrated for children whose present handicaps preclude community outpatient treatment;

(4) A "residential treatment facility," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 moderately to severely handicapped children and which does not contain an educational component; and

(5) A "therapeutic group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 moderately to severely handicapped children. [2013, c. 179, §3 (AMD).]

[2013, c. 179, §3 (AMD) .]

24-B. **Regional school unit.** "Regional school unit" means the state-approved unit of school administration as established pursuant to chapter 103-A.

[2007, c. 240, Pt. XXXX, §3 (NEW) .]

24-C. **Regional school unit board.** "Regional school unit board" means the board of directors that is the governing body with statutory powers and duties of a regional school unit.

[2007, c. 240, Pt. XXXX, §4 (NEW) .]

25. **School administrative district.** "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities which must provide public education to all public school students in the district.

[1981, c. 693, §§5, 8 (NEW) .]

26. **School administrative unit.** "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, “school administrative unit” means the state-approved unit of school administration and includes only the following:

A. A municipal school unit; [2007, c. 668, §1 (NEW).]

B. A regional school unit formed pursuant to chapter 103-A; [2007, c. 668, §1 (NEW).]

C. An alternative organizational structure as approved by the commissioner and approved by the voters; [2009, c. 580, §1 (AMD).]

D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A; [2007, c. 668, §1 (NEW).]

E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A; [2007, c. 668, §1 (NEW).]

F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A; [2011, c. 414, §2 (AMD).]

G. A municipal school unit, school administrative district, community school district, regional school unit or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner; and [2011, c. 414, §3 (AMD).]

H. A public charter school authorized under chapter 112 by an entity other than a local school board. [2011, c. 414, §4 (NEW).]

[2011, c. 414, §§2-4 (AMD) .]

27. **School agent.**

[2001, c. 588, §3 (RP) .]

28. **School board.** "School board" means the governing body with statutory powers and duties for a school administrative unit.

[1981, c. 693, §§5, 8 (NEW) .]

29. **School committee.** "School committee" means the governing body with statutory powers and duties for a municipal school unit.

[1981, c. 693, §§5, 8 (NEW) .]

30. **School construction project.** "School construction project" is defined in section 15901, subsection 4.

[1981, c. 693, §§5, 8 (NEW) .]

31. **School union.** "School union" means a union composed of school administrative units joined for the purpose of providing joint administrative services, including a joint superintendent.

[1981, c. 693, §§5, 8 (NEW) .]

32. **Secondary school.** "Secondary school" means that portion of a school that provides instruction in any combination of grades 9 through 12.

[1981, c. 693, §§5, 8 (NEW) .]

33. **Secondary student.** "Secondary student" means a student enrolled in a secondary school.

[1981, c. 693, §§5, 8 (NEW) .]

34. **Special school district.** "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have the authority or responsibility for operating public schools.

[1981, c. 693, §§5, 8 (NEW) .]

34-A. **State agency client.** "State agency client" means a child of eligible school age who is:

A. In the care or custody, or both, of the Department of Health and Human Services; [2003, c. 2, §30 (COR).]

B. Placed, by a caseworker from the Department of Health and Human Services or an authorized agent of Children's Services, Department of Health and Human Services for reasons other than educational reasons, with a person who is not the child's parent, legal guardian or relative; [1997, c. 326, §1 (AMD); 2001, c. 354, §3 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

C. [1997, c. 326, §1 (RP).]

D. Attending a public or private school while still a resident of a state-operated institution; or [1997, c. 326, §1 (AMD).]

E. In the custody or under the supervision of the Department of Corrections, including, but not limited to, a juvenile on conditional release, an informally adjusted juvenile, a probationer or a juvenile on community reintegration status from the Long Creek Youth Development Center or the Mountain View Youth Development Center and who is placed, for reasons other than educational reasons, pursuant to a court order or with the agreement of an authorized agent of the Department of Corrections, outside the juvenile's home. [2003, c. 706, Pt. A, §8 (AMD).]

Notwithstanding paragraphs A to E, a "state agency client" may in addition be either a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay or a child who is under 6 years of age and in need of early intervention of special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development.

[2003, c. 2, §30 (COR); 2003, c. 689, Pt. B, §6 (REV); 2003, c. 706, Pt. A, §8 (AMD) .]

35. **State allocation.**

[2009, c. 274, §4 (RP) .]

36. **State board.** "State board" means the State Board of Education.

[1981, c. 693, §§5, 8 (NEW) .]

37. **State and local allocation.**

[2009, c. 274, §5 (RP) .]

37-A. **State valuation.** "State valuation" means the value certified to the Secretary of State as provided in Title 36, section 305, subsection 1.

[1985, c. 650, §1 (NEW) .]

38. **Subdistrict.** "Subdistrict" means a geographic area which is a subdivision of a school administrative district for election purposes.

[1981, c. 693, §§5, 8 (NEW) .]

39. **Superintendent.** "Superintendent" means the person in a school administrative unit or school union appointed and having the authority and responsibility under this Title and other applicable statutes.

[1981, c. 693, §§5, 8 (NEW) .]

40. **Union committee.** "Union committee" means the governing body with statutory powers and duties for a school union.

[1981, c. 693, §§5, 8 (NEW) .]

41. **Union school.**

[2011, c. 678, Pt. C, §1 (RP) .]

42. **Career and technical education center.** "Career and technical education center" is defined in section 8301-A, subsection 3.

[1991, c. 2, §54 (COR); 2003, c. 545, §5 (REV) .]

43. **Career and technical education.** "Career and technical education" is defined in section 8301-A, subsection 2-A.

[2003, c. 2, §31 (COR) .]

44. **Career and technical education region.** "Career and technical education region" is defined in section 8301-A, subsection 6.

[1991, c. 2, §56 (COR); 2003, c. 545, §5 (REV) .]

45. **Career and technical education satellite program.** "Career and technical education satellite program" is defined in section 8301-A, subsection 8.

[1991, c. 2, §56 (COR); 2003, c. 545, §5 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 650, §1 (AMD). 1985, c. 789, §§1,2,9 (AMD). 1987, c. 98, §1 (AMD). 1989, c. 502, §B17 (AMD). 1989, c. 700, §A45 (AMD). RR 1991, c. 2, §§53-56 (COR). 1991, c. 608, §1

(AMD). 1991, c. 716, §6 (AMD). RR 1993, c. 1, §44 (COR). 1993, c. 410, §CCC7 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 569, §1 (AMD). 1997, c. 326, §1 (AMD). 1997, c. 787, §1 (AMD). 1999, c. 75, §1 (AMD). 1999, c. 401, §J4 (AMD). 2001, c. 354, §3 (AMD). 2001, c. 439, §G6 (AMD). 2001, c. 588, §§1-3 (AMD). RR 2003, c. 2, §§30,31 (COR). 2003, c. 477, §§1-3 (AMD). 2003, c. 545, §5 (REV). 2003, c. 689, §B6 (REV). 2003, c. 706, §A8 (AMD). 2005, c. 2, §D2 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 662, §§A4,5 (AMD). 2007, c. 141, §§1, 2 (AMD). 2007, c. 240, Pt. XXXX, §§1-5 (AMD). 2007, c. 667, §§1-3 (AMD). 2007, c. 668, §1 (AMD). 2009, c. 274, §§2-5 (AMD). 2009, c. 580, §§1, 2 (AMD). 2011, c. 414, §§2-4 (AMD). 2011, c. 614, §2 (AMD). 2011, c. 678, Pt. C, §1 (AMD). 2013, c. 179, §3 (AMD).

§2. POLICY ON PUBLIC EDUCATION

The state policy on public education is as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **State responsibility for public education.** In accordance with the Constitution of Maine, Article VIII, the Legislature shall enact the laws that are necessary to assure that all school administrative units make suitable provisions for the support and maintenance of the public schools. It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Local control of public education.** It is the intent of the Legislature that the control and management of the public schools shall be vested in the legislative and governing bodies of local school administrative units, as long as those units are in compliance with appropriate state statutes.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Mandated programs.**

[1991, c. 847, §1 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 821, (AMD). 1989, c. 501, §P22 (AMD). 1989, c. 502, §D16 (AMD). 1989, c. 534, §E1 (AMD). 1989, c. 878, §A43 (AMD). 1991, c. 9, §II1 (AMD). 1991, c. 429, §1 (AMD). 1991, c. 528, §III23 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §III23 (AMD). 1991, c. 847, §1 (AMD). MRSA T.20A ., §2/3 (AMD).

§2-A. WAIVER OF STATE MANDATES

(REPEALED)

SECTION HISTORY
1991, c. 429, §2 (NEW). 1991, c. 847, §§2,3 (AMD).

§3. ADMINISTRATIVE PROCEDURES

The adopting of rules, conducting of adjudicatory hearings and issuing of licenses by the state board, department or commissioner shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, except as specified in this Title. [1981, c. 693, §§5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4. RULE OF CONSTRUCTION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 737, §C4 (RP).

§5. FUNDING OF STATE MANDATES FOR NONEDUCATIONAL SERVICES

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Expenditure" means any local appropriation financed by the property tax, motor vehicle excise tax, state-municipal revenue sharing program or any state reimbursement for revenue lost due to property tax exemptions. [1983, c. 80, (NEW).]

B. "Local unit" means any city, town, plantation or school administrative unit. [1983, c. 80, (NEW).]

C. "Noneducational services" means any service which is not an allowable educational cost under chapter 605. [1983, c. 80, (NEW).]

[1983, c. 80, (NEW) .]

2. **Mandates.** The State may not mandate that a school administrative unit implement a new noneducational service after July 1, 1984, unless the State provides sufficient moneys to cover the additional cost of implementing the program.

[1983, c. 80, (NEW) .]

SECTION HISTORY
1983, c. 80, (NEW).

§6. GENDER EQUITY HEARINGS

(REPEALED)

SECTION HISTORY
1989, c. 889, §2 (NEW). 2013, c. 506, §1 (RP).

§7. PROPERTY DISPOSAL

A school board shall establish a policy for the disposal of personal school property valued at more than $5,000. The policy must include a provision that member municipalities be notified of any planned property disposal under this section. [1991, c. 119, (NEW).]

SECTION HISTORY
1991, c. 119, (NEW).

§8. RESTRUCTURING PUBLIC SCHOOLS

The commissioner shall encourage school administrative units to pursue an ongoing process of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students. The public and private postsecondary institutions of higher education in the State are urged to cooperate with the department, the state board and school administrative units to provide appropriate and timely professional development programs and other support services to educators employed in public schools engaged in school restructuring efforts. [1991, c. 407, §1 (NEW).]

1. **School restructuring.** For the purposes of this section, the term "school restructuring" means the process by which schools and communities make significant changes in the existing school structure, including the policies, roles, relationships and schedules that influence teaching and learning in the school. School restructuring recognizes the critical educational role of technology and integrates technology and technological systems in the classroom, in school governance and in school record keeping. School restructuring is based on:

A. The development of comprehensive educational goals establishing community expectations for what all students should know, the skills they should possess, the attitude toward work and learning they should hold upon completing school and the role of the school in the community; [1991, c. 407, §1 (NEW).]

B. A formal appraisal of the basic structures that govern operation of the school; and [1991, c. 407, §1 (NEW).]

C. A commitment to revise the basic school structure to achieve the comprehensive educational goals. [1991, c. 407, §1 (NEW).]

School restructuring, which is most effectively carried out at the local level, depends on community and educator involvement and approval and student participation. School restructuring includes consideration of changing roles for parents, students, teachers, administrators, support staff, postsecondary education institutions and officials, and various segments of the community. It may include a significantly broadened role for schools.

School restructuring may include schools and school administrative units combining efforts to cooperatively pursue restructuring activities. When that occurs, one or more schools or units may be designated as demonstration sites.

[1991, c. 407, §1 (NEW) .]

2. **Waiver of rules for local schools.** A school administrative unit undergoing school restructuring may request that the commissioner waive the application of specific rules to that unit, or to certain schools in that unit, if such action is necessary to achieve school restructuring. The commissioner shall grant a waiver if the requesting unit, as determined by the commissioner, has:

A. Demonstrated that one or more state rules prevent or seriously handicap the unit's pursuit of its restructuring goals; [1991, c. 407, §1 (NEW).]

B. Demonstrated that reasonable steps have been taken to provide the safeguards offered by the rules in question to allow continued educational progress by students and protect the continuity and integrity of the unit and employees of that unit; [1991, c. 407, §1 (NEW).]

C. Provided evidence that the necessary resources and community and staff support are present to ensure that the restructuring changes requiring the waiver stand a reasonable chance of succeeding; [1991, c. 407, §1 (NEW).]

D. Informed any bargaining agent or agents representing affected school employees of the waiver request; and [1991, c. 407, §1 (NEW).]

E. Established a working relationship regarding professional development with an institution of higher education or a professional development service provider. [1991, c. 407, §1 (NEW).]

The request for the waiver must include documentation to substantiate the conditions of this subsection. If the request is denied, the commissioner shall provide the reasons for denying the request to the school unit.

[1991, c. 407, §1 (NEW) .]

3. **Waiver of rules for educator preparation programs.** In order to prepare educators to work in restructuring schools, an educator preparation program may request that the state board waive the application of specific rules governing approval of that program. The state board shall grant waiver requests if, in the board's opinion, the program has:

A. Demonstrated that the rules for which a waiver is requested prevent or seriously handicap the program in its pursuit of a plan to meet the educational needs of its students and the staffing needs of restructuring schools; [1991, c. 407, §1 (NEW).]

B. Demonstrated that reasonable steps have been taken to provide the safeguards offered by the rules in question to allow continued educational progress by students and protect the continuity and integrity of the program and employees of that program; [1991, c. 407, §1 (NEW).]

C. Provided evidence that the necessary resources and support from the governing body and staff of an institution of higher education are present to ensure that the changes requiring the waiver stand a reasonable chance of succeeding; [1991, c. 407, §1 (NEW).]

D. Informed any bargaining agent or agents representing affected program employees of the waiver request; and [1991, c. 407, §1 (NEW).]

E. Developed service, research and teaching relationships with one or more restructuring public schools. [1991, c. 407, §1 (NEW).]

The request for the waiver must include documentation to substantiate the conditions of this subsection. If the request is denied, the state board shall communicate the reasons for denying the request to the petitioning program.

[1991, c. 407, §1 (NEW) .]

SECTION HISTORY
1991, c. 407, §1 (NEW).

§9. PUBLIC HIGHER EDUCATION SYSTEMS COORDINATING COMMITTEE

1. **Committee established.** The Public Higher Education Systems Coordinating Committee, referred to in this section as "the committee," is established to promote efficiency, cooperative effort and strategic planning between the University of Maine System and the Maine Community College System, referred to in this section as "the systems."

[2015, c. 261, §1 (NEW) .]

2. **Membership.** The committee consists of the Chancellor of the University of Maine System, the Chair of the Board of Trustees of the University of Maine System, the President of the Maine Community College System and the Chair of the Board of Trustees of the Maine Community College System. The members of the committee may appoint designees to a subcommittee.

[2015, c. 261, §1 (NEW) .]

3. **Duties.** The committee shall seek to achieve greater collaboration and cooperation between the systems in order to address issues including, but not limited to, the following:

A. Improving college affordability; [2015, c. 261, §1 (NEW).]

B. Minimizing or eliminating barriers to student transfer between the systems; [2015, c. 261, §1 (NEW).]

C. Reducing unnecessary duplication of programs between the systems; [2015, c. 261, §1 (NEW).]

D. Identifying opportunities for sharing best practices and individual efficiencies, building cross-system economies of scale and sharing of resources; [2015, c. 261, §1 (NEW).]

E. Recommending changes to state laws that would improve the systems' efficiency or effectiveness; [2015, c. 261, §1 (NEW).]

F. In consultation with the President of the Maine Maritime Academy and the Chair of the Board of Trustees of the Maine Maritime Academy, investigating and pursuing opportunities for collaboration and resource sharing with the Maine Maritime Academy. The committee shall notify the President of the Maine Maritime Academy of committee meetings and agenda items; and [2015, c. 261, §1 (NEW).]

G. In consultation with the commissioner and the chair of the state board, investigating and pursuing opportunities to improve college preparation, transition and completion for Maine's secondary students, including supporting early college opportunities and improving credit transfer between secondary and postsecondary school systems. [2015, c. 261, §1 (NEW).]

[2015, c. 261, §1 (NEW) .]

4. **Meetings.** The committee shall meet at least twice each year and the committee members' designees may meet more frequently. The chancellor shall convene the first meeting of the committee by October 15, 2015. The committee shall establish a meeting schedule, and the initial work must include an accounting of the members' prior and current efforts to promote efficiency, cooperative effort and strategic planning between the systems. The committee shall elect a chair from among its members to serve for a term to be determined by the committee.

[2015, c. 261, §1 (NEW) .]

5. **Reporting.** The committee shall report succinctly on its deliberations and any recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

[2015, c. 261, §1 (NEW) .]

SECTION HISTORY
1995, c. 395, §J1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2013, c. 368, Pt. DDDDD, §1 (AMD). 2015, c. 261, §1 (RPR).

§10. EDUCATION RESEARCH INSTITUTE

The Education Research Institute, referred to in this section as the "institute," is established to collect and analyze education information and perform targeted education research for the Legislature. The institute shall create and maintain an information system that tracks important early care and education data for public preschool programs, kindergarten and grades one to 12. The institute shall also conduct exploratory, long-term research on education issues. [2009, c. 540, §1 (AMD).]

1. **Legislature to contract with university.** The Legislature, through the joint standing committee of the Legislature having jurisdiction over education matters, shall contract with the University of Maine System to establish and maintain the institute. Personnel coordinating the work of the institute must be appointed by

the University of Maine System in consultation with the Legislature and those personnel shall consult with and act on behalf of the Legislature, performing such data collection, analysis and research as the Legislature may require.

[1995, c. 395, Pt. J, §1 (NEW) .]

2. **Steering committee.** The Education Research Institute Steering Committee, referred to in this section as the "steering committee," is established to advise the Legislature and the University of Maine System on all matters related to the institute. Steering committee members must be appointed by the joint standing committee of the Legislature having jurisdiction over education matters for a term of 2 years. The steering committee shall meet at least 4 times each year and must include one member of each of the following:

A. The joint standing committee of the Legislature having jurisdiction over education matters; [1995, c. 395, Pt. J, §1 (NEW).]

B. The Department of Education; [1995, c. 395, Pt. J, §1 (NEW).]

C. The State Board of Education; [1995, c. 395, Pt. J, §1 (NEW).]

D. The University of Maine System; [1995, c. 395, Pt. J, §1 (NEW).]

E. The Maine School Management Association; [1995, c. 395, Pt. J, §1 (NEW).]

F. The Maine Education Association; [1995, c. 395, Pt. J, §1 (NEW).]

G. The Maine Municipal Association; [2009, c. 540, §2 (AMD).]

H. The Maine Principals Association; and [2009, c. 540, §3 (AMD).]

I. The Maine Children's Growth Council. [2009, c. 540, §4 (NEW).]

The steering committee shall elect a chair from among its members to serve a term of 2 years.

[2009, c. 540, §§2-4 (AMD) .]

3. **Location and access.** The education information system and research results gathered pursuant to this section must be maintained by the institute at the University of Maine System. The education information system and research results must be available for use by any interested group or individual in the form available from the institute.

[1995, c. 395, Pt. J, §1 (NEW) .]

SECTION HISTORY
1995, c. 395, §J1 (NEW). 2009, c. 540, §§1-4 (AMD).

§11. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS COUNCIL

1. **Establishment; composition.** The Science, Technology, Engineering and Mathematics Council, established in Title 5, section 12004-C, subsection 8 and referred to in this section as "the council," consists of the following 16 members:

A. Five ex officio members:

(1) The Commissioner of Education or the commissioner's designee;

(2) The Chancellor of the University of Maine System or the chancellor's designee;

(3) The President of the Maine Community College System or the president's designee;

(4) The President of the Maine Maritime Academy or the president's designee; and

(5) The Commissioner of Labor or the commissioner's designee; and [2011, c. 346, §2 (NEW).]

B. The following 11 members, appointed by the Governor:

(1) A representative from the University of Maine, Maine Center for Research in STEM Education;

(2) A representative who teaches in elementary or middle school;

(3) A representative who teaches science or mathematics in secondary school;

(4) A representative who teaches in a technical school;

(5) A representative of public and private education partnerships;

(6) A representative of a statewide science, technology, engineering and mathematics collaborative;

(7) Two representatives from the business sector who employ workers with training in science, technology, engineering or mathematics;

(8) A representative employed in an industry related to science, technology, engineering or mathematics;

(9) A representative who teaches in an equivalent instruction program that is approved as an alternative to public school as set forth in section 5001-A, subsection 3; and

(10) A representative from the State Board of Education. [2011, c. 346, §2 (NEW).]

[2011, c. 346, §2 (NEW) .]

2. **Terms; vacancy.** The members of the council appointed pursuant to subsection 1, paragraph B serve for 2-year terms and serve until their successors are appointed and qualified. On the expiration of a term of any member, a successor must be appointed to a 2-year term. A member of the council is eligible for reappointment to the council. A vacancy in the council does not impair the right of a quorum of the members to exercise all the rights and perform all the duties of the council. In the event of a vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of the unexpired term in the same manner as the original appointment was made.

[2011, c. 346, §2 (NEW) .]

3. **Duties.** The council shall develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education and:

A. Review research that has been conducted on science, technology, engineering and mathematics education in the State and recommend strategic directions for consideration by policymakers as they identify future investments in science, technology, engineering and mathematics; [2011, c. 346, §2 (NEW).]

B. Plan for coordinated state leadership with respect to science, technology, engineering and mathematics education and initiatives; [2011, c. 346, §2 (NEW).]

C. Develop initiatives to promote science, technology, engineering and mathematics education; [2011, c. 346, §2 (NEW).]

D. Devise strategies for promoting career and technical education alignment and supporting early career planning and transition supports from high school to college and to the workforce; and [2011, c. 346, §2 (NEW).]

E. Propose methods for integrating out-of-school programs focused on science, technology, engineering and mathematics with school-based programs, with the goal of inspiring more students to concentrate in the fields of science, technology, engineering and mathematics. [2011, c. 346, §2 (NEW).]

[2011, c. 346, §2 (NEW) .]

4. **Chair; vice-chair.** The council shall elect from its membership a chair and a vice-chair. The chair and vice-chair serve for one-year terms. The chair and vice-chair serve until their successors are elected. The chair calls meetings of the council and presides over meetings. The vice-chair serves as the chair in the absence of the chair.

[2011, c. 346, §2 (NEW) .]

5. **Meetings; quorum; subcommittees.** The council shall meet at least 2 times each year. The chair shall establish the agenda. A quorum of the council is 9 members. The council may establish subcommittees of no fewer than 3 members.

[2011, c. 346, §2 (NEW) .]

6. **Compensation.** Members of the council appointed pursuant to subsection 1, paragraph B are entitled to receive compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 8 while engaged in council activities.

[2011, c. 346, §2 (NEW) .]

7. **Assistance.** The executive director established pursuant to subsection 9, the Department of Education, the University of Maine System, the Maine Community College System and the Maine Maritime Academy shall jointly provide staff support to the council.

[2013, c. 410, §1 (AMD) .]

8. **Annual report.** By January 15th annually, the council shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters.

[2011, c. 346, §2 (NEW) .]

9. **Office of executive director.** The council shall establish the office of executive director to provide leadership and management expertise to assist the council in meeting its goals. The council may enter into an agreement, to the extent that public and private funds are available, to contract with an executive director to assist the council in the execution of its duties under this section.

[2013, c. 410, §2 (NEW) .]

10. **Funding.** The council may receive and expend funds from public and private sources. Funds must be used to carry out the council's duties and other provisions of this section. State and federal funds received by the council must be held separate and apart from all other money, funds and accounts. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this section.

[2013, c. 410, §2 (NEW) .]

SECTION HISTORY
2011, c. 346, §2 (NEW). 2013, c. 410, §§1, 2 (AMD).

Chapter 3: DEPARTMENT OF EDUCATION

Subchapter 1: DEPARTMENT ADMINISTRATION

§201. PURPOSE OF THE DEPARTMENT

The Department of Education is established to: [1989, c. 700, Pt. B, §5 (AMD).]

1. **Supervise public education.** Supervise, guide and plan for a coordinated system of public education for all citizens of the State based on the system of learning results as established in section 6209;

[2001, c. 454, §1 (AMD) .]

2. **Interrelation with other programs.** Interrelate public education with other social, economic, physical and governmental activities, programs and services; and

[1989, c. 700, Pt. B, §6 (AMD) .]

3. **Cultural services.**

[1989, c. 700, Pt. B, §7 (RP) .]

4. **Advancement of education.** Encourage and stimulate public interest in the advancement of education.

[1989, c. 700, Pt. B, §8 (AMD) .]

5. **Cultural and historical heritage.**

[1989, c. 700, Pt. B, §9 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 700, §§B5-9 (AMD). 2001, c. 454, §1 (AMD).

§202. DEPARTMENT ORGANIZATION

The department shall include the following: [1981, c. 693, §§5, 8 (NEW).]

1. **State Board of Education.** The State Board of Education;

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Commissioner of Education.** The Commissioner of Education;

[1989, c. 700, Pt. B, §10 (AMD) .]

2. **Maine Education Council.**

[1993, c. 252, Pt. C, §2 (RP) .]

3. **Maine State Commission for Higher Education Facilities.**

[2009, c. 274, §6 (RP) .]

4. **Maine Representatives to the New England Board of Higher Education.** The Maine Representatives to the New England Board of Higher Education;

[1981, c. 693, §§5, 8 (NEW) .]

5. **Maine School Building Authority.** The Maine School Building Authority;

[1981, c. 693, §§5, 8 (NEW) .]

6. **Governor Baxter School for the Deaf.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §3 (RP) .]

7. **Maine Arts Commission.**

[1989, c. 700, Pt. B, §11 (RP) .]

8. **Arts Bureau.**

[1989, c. 700, Pt. B, §11 (RP) .]

9. **Maine State Museum Commission.**

[1989, c. 700, Pt. B, §12 (RP) .]

10. **Maine State Museum Bureau.**

[1989, c. 700, Pt. B, §12 (RP) .]

11. **State Historian.** The State Historian;

[1981, c. 693, §§5, 8 (NEW) .]

12. **Maine State Library.**

[1989, c. 700, Pt. B, §12 (RP) .]

13. **Maine State Library Bureau.**

[1989, c. 700, Pt. B, §12 (RP) .]

14. **Maine Historic Preservation Commission.**

[1989, c. 700, Pt. B, §12 (RP) .]

15. **Educational bureaus.**

[1993, c. 410, Pt. F, §1 (RP) .]

16. **Other entities.** Other entities authorized by the Legislature; and

[1981, c. 693, §§ 5, 8 (NEW) .]

17. **Other bureaus.** Any other bureau the commissioner establishes.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 763, §A74 (AMD). 1985, c. 797, §§7,8 (AMD). 1987, c. 395, §A43 (AMD). 1989, c. 700, §§B10-12 (AMD). 1991, c. 716, §1 (AMD). 1993, c. 252, §C2 (AMD). 1993, c. 410, §F1 (AMD). 1995, c. 676, §3 (AMD). 1995, c. 676, §13 (AFF). 2009, c. 274, §6 (AMD).

§203. APPOINTMENTS

1. **Commissioner's appointments.** The following officials are appointed by and serve at the pleasure of the commissioner:

A. Deputy Commissioner; [2011, c. 655, Pt. D, §7 (AMD).]

B. [1997, c. 266, §2 (RP).]

C. [1993, c. 410, Pt. F, §2 (RP).]

D. [1993, c. 410, Pt. F, §2 (RP).]

E. [1993, c. 410, Pt. F, §2 (RP).]

F. Director, Policy and Programs; [2011, c. 655, Pt. D, §8 (AMD).]

G. [2001, c. 344, §4 (RP); 2001, c. 439, Pt. H, §4 (RP).]

H. [1997, c. 266, §2 (RP).]

I. [1995, c. 560, Pt. F, §10 (RP).]

J. [2009, c. 571, Pt. W, §3 (RP).]

K. [2015, c. 267, Pt. NN, §2 (RP).]

L. [2015, c. 267, Pt. NN, §2 (RP).]

M. Director, Communications; and [2013, c. 368, Pt. II, §1 (AMD).]

N. [2015, c. 267, Pt. NN, §2 (RP).]

O. Science, Technology, Engineering and Mathematics Workforce Coordinator. [2015, c. 267, Pt. NN, §2 (NEW).]

[2015, c. 267, Pt. NN, §2 (AMD) .]

2. **Appointment of directors and others.**

[1989, c. 700, Pt. B, §13 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 489, §10 (RPR). 1985, c. 763, §A75 (AMD). 1987, c. 395, §A44 (AMD). 1989, c. 414, §3 (AMD). 1989, c. 700, §B13 (AMD). 1991, c. 716, §2 (AMD). 1993, c. 410, §F2 (AMD). 1993, c. 684, §2 (AMD). 1993, c. 708, §J7 (AMD). 1995, c. 560, §F10 (AMD). 1995, c. 560, §F9 (AMD). 1997, c. 266, §2 (AMD). 2001, c. 344, §§3,4 (AMD). 2001, c. 439, §§H3,4 (AMD). 2009, c. 571, Pt. W, §§1-3 (AMD). 2011, c. 380, Pt. PPP, §2 (AMD). 2011, c. 655, Pt. D, §§7-9 (AMD). 2013, c. 1, Pt. S, §2 (AMD). 2013, c. 368, Pt. II, §§1, 2 (AMD). 2015, c. 267, Pt. NN, §2 (AMD).

§204. RULES

A rule authorized or provisionally adopted pursuant to this Title after January 1, 2005 that proposes to regulate private schools is a major substantive rule and subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. An amendment to a rule adopted pursuant to this Title prior to January 1, 2005 is considered a major substantive rule when the amendment pertains to private schools, and it is subject to legislative review in accordance with Title 5, chapter 375, subchapter 2-A. [2005, c. 194, §1 (NEW).]

SECTION HISTORY
2005, c. 194, §1 (NEW).

Subchapter 2: COMMISSIONER

§251. APPOINTMENT; TERM

The appointment and term of service of the commissioner shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Appointment.** The commissioner shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature.

A. The Governor shall include the chairman of the State Board of Education in the selection process and shall ensure that the state board has an opportunity to meet and interview the candidate or candidates. [1983, c. 123, (NEW).]

B. Within 10 days of meeting with the candidate or candidates, the state board shall deliver to the Governor its written appraisal of the strengths and weaknesses of the candidate or candidates. [1983, c. 123, (NEW).]

C. The Governor shall consider the appraisal of the state board prior to posting the nomination of a candidate. [1983, c. 123, (NEW).]

[1983, c. 123, (RPR) .]

2. **Term.** The commissioner shall serve at the pleasure of the Governor.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 123, (AMD).

§251-A. RESPONSIBILITIES OF THE COMMISSIONER

The commissioner is the chief executive officer of the department. In that capacity, the commissioner has primary responsibility for the following: [1987, c. 395, Pt. A, §45 (NEW).]

1. **Enforcing regulatory requirements.** Enforcing applicable regulatory requirements for school administrative units;

[1987, c. 395, Pt. A, §45 (NEW) .]

2. **Providing technical assistance.** Providing technical assistance to school administrative units; and

[1987, c. 395, Pt. A, §45 (NEW) .]

3. **Providing educational leadership.** Providing educational public leadership for the State.

[1987, c. 395, Pt. A, §45 (NEW) .]

SECTION HISTORY
1987, c. 395, §A45 (NEW).

§252. OFFICE

An office shall be provided for the commissioner at the seat of government. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§253. COMMISSIONER'S DUTIES

The duties of the commissioner shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **General duties.** The commissioner shall exercise the powers and perform the duties granted to the department and enforce the requirements of this Title and shall devote full time to the duties of the office.

[1989, c. 502, Pt. A, §49 (AMD) .]

2. **Hiring.** The commissioner may hire personnel deemed necessary to fulfill the duties of the department. These personnel shall be subject to the Civil Service Law, except as provided in section 203.

[1985, c. 785, Pt. B, §78 (AMD) .]

3. **Delegation.** The commissioner may authorize a designee to carry out the assigned duties.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Specific duties.** The commissioner also shall:

A. Coordinate, consolidate and prepare a budget for the department; [1981, c. 693, §§5, 8 (NEW).]

B. Transfer personnel within the department to ensure their efficient utilization; [1981, c. 693, §§5, 8 (NEW).]

C. Coordinate the purchase and use of all department equipment; [2001, c. 454, §2 (AMD).]

D. Review the function and operation of the department to ensure that overlapping functions and operations are eliminated; and [2001, c. 454, §2 (AMD).]

E. Provide leadership in the implementation of the system of learning results as established in section 6209. [2001, c. 454, §3 (NEW).]

[2001, c. 454, §§2, 3 (AMD) .]

5. **Appointment of supervisors.** The commissioner may appoint supervisors to assist and direct elementary and secondary teachers to work with school officers and school boards on request and to perform other duties in the field of education. The salary and necessary traveling expenses of these supervisors shall be paid from an appropriation for that purpose.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Agricultural education consultant.** The commissioner shall appoint, subject to the Civil Service Law, an Education Specialist III or higher or agricultural education consultant to be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

[2009, c. 213, Pt. D, §1 (AMD) .]

7. **School nurse coordinator.**

[2011, c. 380, Pt. DD, §1 (RP) .]

8. **Statewide support for efficiencies.** The commissioner may expend and disburse funds for the statewide support of operational efficiencies for school administrative units.

[2007, c. 240, Pt. C, §1 (NEW) .]

9. **Transition to standards-based educational system.** In order to facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency in meeting educational standards, the commissioner may waive or alter any provision of this Title as specified in an approved plan for transitioning to proficiency-based graduation in accordance with section 4722-A as the provision pertains to requiring or prohibiting an action based on the age or grade level of a student. This authority applies to all age-based or grade-based requirements, except that the commissioner may not waive or alter:

A. Requirements imposed by federal law, or imposed by state law in order to comply with federal law, including but not limited to requirements relating to assessment and special education; [2011, c. 669, §1 (NEW).]

B. Compulsory attendance and eligibility to enroll standards; [2011, c. 669, §1 (NEW).]

C. Provisions relating to public funding, including tuition rates; [2011, c. 669, §1 (NEW).]

D. Health-related provisions, if advised by health professionals not to alter the requirements; and [2011, c. 669, §1 (NEW).]

E. Provisions of this Title that are not administered by the commissioner, including but not limited to certain provisions relating to institutions of higher education. [2011, c. 669, §1 (NEW).]

The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection before July 1, 2013 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted by the commissioner pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2011, c. 669, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A1,A25 (AMD). 1985, c. 142, §1 (AMD). 1985, c. 785, §B78 (AMD). 1989, c. 502, §A49 (AMD). 2001, c. 454, §§2,3 (AMD). 2007, c. 240, Pt. C, §1 (AMD). 2009, c. 213, Pt. D, §1 (AMD). 2011, c. 380, Pt. DD, §1 (AMD). 2011, c. 669, §1 (AMD).

§254. EDUCATIONAL DUTIES

The commissioner shall have the following educational duties. [1983, c. 693, §§5, 8 (NEW).]

1. **General duty.** The commissioner may inspect and have general supervision over all public schools and shall advise and direct superintendents and school boards in the discharge of their duties, by circular letters and personal conferences.

[1983, c. 693, §§5, 8 (NEW) .]

2. **Training and development.** The commissioner shall promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results as established in section 6209.

[2001, c. 454, §4 (AMD) .]

3. **Contracts for career and technical educational programs.** The commissioner may:

A. Contract with a private school for the conduct of career and technical education courses in accordance with section 3002; and [2011, c. 679, §1 (AMD).]

B. Reimburse the private schools for part of the cost of conducting approved career and technical education courses from funds available from the Federal Government for the purpose of career and technical education. [2011, c. 679, §1 (AMD).]

[2011, c. 679, §1 (AMD) .]

4. **Superintendent conference.** Annually the commissioner shall hold a conference for the instruction of superintendents.

[1983, c. 693, §§5, 8 (NEW) .]

5. **Medication.** The commissioner shall provide for the administration of medication within schools as follows.

A. The commissioner shall adopt rules for the administration of medication in public or approved private schools, including the training of unlicensed personnel to administer medication. The rules for training must describe how the department will provide training at the local level directly to unlicensed personnel in each school administrative unit or approved private school in the State. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. [2001, c. 451, §1 (AMD).]

B. Any public or approved private school shall have a written local policy and procedure for administering medication. The written local policy must include the requirement that all unlicensed personnel who administer medication receive training before receiving authorization to do so. Compliance with the provisions of this subsection is a requirement for basic school approval pursuant to sections 2902 and 4502. [1999, c. 669, §1 (NEW).]

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine pen. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine pen must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school. [2003, c. 531, §1 (NEW).]

[2003, c. 531, §1 (AMD) .]

6. **Other duties.** The commissioner shall carry out all other duties assigned in this Title.

[1983, c. 693, §§5, 8 (NEW) .]

7. **Clearinghouse for information on nuclear usage.**

[2013, c. 506, §2 (RP) .]

8. **Model hiring procedure.**

[2013, c. 506, §3 (RP) .]

9. **Statewide goal.**

[2013, c. 506, §3 (RP) .]

10. **Gender equity.**

[2013, c. 506, §4 (RP) .]

11. **Statewide standards for behavior.** In consultation with organizations representing school boards, school administrators, teachers, parents and other interested local officials and community members, the commissioner shall develop statewide standards for responsible and ethical student behavior. The standards must require annual reporting of incidents of violent and harmful behavior by or against students to the department by school administrative units. The department shall provide forms for reporting.

[1999, c. 351, §1 (NEW) .]

11-A. **Model policy; reporting.** By January 1, 2013, the commissioner shall develop a model policy to address bullying and cyberbullying for use by school administrative units pursuant to section 6554. A copy of the model policy must be sent to each school administrative unit in the State and posted on the publicly accessible portion of the department's website along with any training and instructional materials related to the policy that the commissioner determines necessary.

A. The commissioner shall create a procedure by which school administrative units report substantiated incidents of bullying and cyberbullying to the department on at least an annual basis. These reports may not contain personally identifying information about students or other involved persons, but must delineate the specific nature of the incidents, the consequences and the actions taken. [2011, c. 659, §1 (NEW).]

B. The commissioner may update or revise the model policy and shall post the update or revision on the publicly accessible portion of the department's website and send a copy of the update or revision to each school administrative unit. [2011, c. 659, §1 (NEW).]

[2011, c. 659, §1 (NEW) .]

12. **Technical assistance and statewide standards for reintegration planning.** In consultation with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers and parents and other interested local officials and community members, the commissioner shall develop a program of technical assistance and establish statewide standards for reintegration planning and transition services for juvenile offenders who are discharged from juvenile

correctional facilities in the State, who have been enrolled in educational programs or schools for juveniles located in or operated by correctional facilities and who are transferring to schools located within local school administrative units in the State. The technical assistance and standards must include, but may not be limited to:

A. Timely presentation of student educational records pursuant to section 6001-B and other appropriate information, including confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; [2001, c. 452, §3 (NEW).]

B. The level and scope of technical assistance to be provided by the department to local school officials and the level and scope of training that local school administrative units must provide to school personnel who may have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsections 11 and 12; and [2001, c. 452, §3 (NEW).]

C. Annual reporting to the department by superintendents of the number of juvenile offenders who are released or discharged from juvenile correctional facilities in the State and who enroll in schools located within their local school administrative units. The department shall provide forms for reporting. [2001, c. 452, §3 (NEW).]

[2001, c. 452, §3 (NEW) .]

13. **Technical assistance; integrated model for instruction in personal finance.** The commissioner shall develop a program of technical assistance that promotes the importance of financial literacy and encourages school administrative units to implement an integrated model for instruction in personal finance that may be used in secondary schools as part of the instruction in social studies or mathematics required by section 4722, subsection 2, paragraphs B and C. The commissioner, in consultation with the Finance Authority of Maine, the Office of Securities within the Department of Professional and Financial Regulation, Jobs for Maine's Graduates, organizations representing banks, credit unions and financial professionals and other interested organizations promoting personal finance initiatives, shall prepare and distribute annually, in January, a report to school boards and superintendents that includes strategies and resources available to implement an integrated model for instruction in personal finance for use in secondary schools. The annual report must also be provided to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the report on its publicly accessible website. The commissioner shall identify best practices to support students' financial literacy for those school administrative units that elect to offer financial literacy education pursuant to this subsection.

(Subsection 13 as enacted by PL 2011, c. 348, §2 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 14)

(Subsection 13 as enacted by PL 2011, c. 354, §1 is REALLOCATED TO TITLE 20-A, SECTION 254, SUBSECTION 15)

[2015, c. 64, §1 (AMD) .]

14. (REALLOCATED FROM T. 20-A, §254, sub-§13) **Transitional services for students with disabilities.** To provide for an efficient and effective coordinated system of services across state agencies and local and private entities, the commissioner shall plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 1, §23 (RAL) .]

15. (REALLOCATED FROM T. 20-A, §254, sub-§13) **Technical assistance; professional development and training for instruction in digital literacy; clearinghouse for information on use of online learning resources.** The commissioner shall develop a program of technical assistance, including professional development and training for instruction in digital literacy and the establishment of a

clearinghouse for information on the use of online learning resources that may be made available to all school administrative units, including those schools that participate in the learning through technology program under section 15689-A, subsection 12-A, which provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators.

The technical assistance must include, but is not limited to:

A. A model for instruction that promotes digital literacy for students; [2011, c. 1, §24 (RAL).]

B. A clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks; and [2011, c. 1, §24 (RAL).]

C. Professional development and training for educators in the effective use of online learning resources, including open educational resources and open-source textbooks. [2011, c. 1, §24 (RAL).]

The program of technical assistance provided by the department may be used by those schools and educators who choose to provide instruction in digital literacy and who choose to use online learning resources, including best practices in the use of open educational resources and open-source textbooks. The program of technical assistance provided by the department must be available to all school administrative units in the State and posted on the department's publicly accessible website.

[2011, c. 1, §24 (RAL) .]

16. **Parental involvement initiatives.** The commissioner shall strongly encourage each school board to adopt local procedures for implementing a districtwide parental involvement initiative as school board policy in accordance with section 255, subsection 6.

[2011, c. 571, §1 (NEW) .]

17. **Model policy for management of concussive and other head injuries.** In consultation with organizations representing school principals, school boards, school superintendents, athletic directors, athletic trainers, sports medicine practitioners, the Acquired Brain Injury Advisory Council established in Title 34-B, section 19001 and other interested parties, the commissioner shall develop a model policy on the management of concussive and other head injuries in school activities and athletics.

[2011, c. 688, §1 (NEW) .]

18. **Model policy; child sexual abuse prevention.** The commissioner shall develop a model policy for child sexual abuse prevention education and response that may be used for public preschool programs operated in compliance with chapter 203, subchapter 3 and for all students enrolled in kindergarten to grade 5.

A. No later than July 1, 2016, the commissioner, in consultation with the Department of Health and Human Services, organizations that have expertise in child sexual abuse prevention education and organizations representing school boards, administrators, teachers and parents, shall develop a model policy based on nationally recognized best practices that includes:

(1) Child sexual abuse response and reporting procedures;

(2) Child sexual abuse awareness training and prevention education for school personnel;

(3) Age-appropriate child sexual abuse prevention education for students, aligned to the system of learning results established pursuant to section 6209 and delivered by qualified instructors;

(4) School response and reporting procedures; and

(5) Resources a victim of child sexual abuse or nonoffending caregivers of a victim of child sexual abuse may access for services and support. [2015, c. 292, §1 (NEW).]

B. The department shall offer technical assistance to school administrative units that operate a public preschool program or an elementary school to aid in the establishment of a local child sexual abuse prevention education and response policy that is consistent with the model policy developed under paragraph A. [2015, c. 292, §1 (NEW).]

C. The department shall send a copy of the model policy developed under paragraph A to each school administrative unit in the State and post the model policy on the publicly accessible portion of the department's website along with any related resources that the commissioner determines necessary. [2015, c. 292, §1 (NEW).]

[2015, c. 292, §1 (NEW) .]

19. **Designation of school to enroll certain students.** The commissioner may designate a school administrative unit as the receiving school administrative unit for a student who resides in a school administrative unit that neither maintains a school nor contracts for school privileges pursuant to chapter 115 and is unable to find a school administrative unit willing to enroll the student in one of its schools, upon a written request from the superintendent of the school administrative unit where the student resides setting forth the student's circumstances giving rise to the request.

A. If the commissioner makes a designation under this subsection, the school administrative unit where the student resides shall pay tuition for that student to the receiving school administrative unit as calculated in accordance with this subsection and chapter 219. [2015, c. 448, §1 (NEW).]

B. If a student subject to a designation under this subsection is receiving special education services, the receiving school administrative unit designated by the commissioner under this subsection is responsible for providing a free, appropriate public education to the student, subject to the provisions of this subsection. The receiving school administrative unit shall invite the school administrative unit where the student resides to participate in individualized education program team meetings for the student, but the authorized representative of the receiving school administrative unit shall make the decision on any issue on which consensus is not reached. The school administrative unit where the student resides shall, in addition to tuition payable pursuant to chapter 219, pay to the receiving school administrative unit:

(1) Special education tuition;

(2) Any costs not included in the computation of special education tuition directly related to the student's special education program; and

(3) Any costs associated with due process proceedings in connection with the student's special education program. [2015, c. 448, §1 (NEW).]

C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding. [2015, c. 448, §1 (NEW).]

[2015, c. 448, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 739, (AMD). 1989, c. 889, §3 (AMD). 1995, c. 625, §A21 (AMD). 1999, c. 351, §1 (AMD). 1999, c. 669, §1 (AMD). 2001, c. 451, §1 (AMD). 2001, c. 452, §3 (AMD). 2001, c. 454, §4 (AMD). 2003, c. 531, §1 (AMD). 2005, c. 397, §D3 (REV). RR 2011,

c. 1, §§23, 24 (COR). 2011, c. 154, §1 (AMD). 2011, c. 348, §2 (AMD). 2011, c. 354, §1 (AMD). 2011, c. 571, §1 (AMD). 2011, c. 659, §1 (AMD). 2011, c. 679, §1 (AMD). 2011, c. 688, §1 (AMD). 2013, c. 506, §§2-4 (AMD). 2015, c. 64, §1 (AMD). 2015, c. 292, §1 (AMD). 2015, c. 448, §1 (AMD).

§255. SCHOOL ADMINISTRATIVE UNIT; REPORTS, RECORDS, INFORMATION

1. **Pamphlet of laws.** The commissioner shall:

A. Compile the amended school laws of the State in pamphlet form and distribute them to municipal and school officers; and [1981, c. 693, §§5, 8 (NEW).]

B. Prepare and issue biennially, with such content as the commissioner deems appropriate, circulars of information and advice to school officers relating to new school laws. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Record books.** The commissioner shall furnish to the school officers of each school administrative unit proper blank books in which they shall keep complete and itemized records of all matters relating to moneys appropriated, received and expended for schools. These books shall remain the property of the State.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Forms.** The commissioner shall:

A. Prepare and print forms for all returns required by law or deemed necessary by the commissioner; [1981, c. 693, §§5, 8 (NEW).]

B. On March 1st, forward to each superintendent forms for the annual school return as provided in section 6004; and [1981, c. 693, §§5, 8 (NEW).]

C. On May 1st, forward to each superintendent forms for the returns required by sections 6051 and 6052. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Maintaining records.** The commissioner shall preserve all school reports of this State and of other states which the commissioner may receive, the returns from the various municipalities and institutions of learning and books, apparatus, maps, charts, works on education, plans for school buildings, models and other articles of interest to school officers and teachers as may be obtained without expense to the State.

[1983, c. 862, §51 (AMD) .]

5. **Information.** The commissioner shall:

A. Obtain information on school systems in this State and other states and other countries and the condition and progress of public education throughout the world; [2009, c. 2, §41 (COR).]

B. Disseminate this information, with practical hints upon the conduct of schools, improved systems of instruction and the true theory of education by public addresses, circulars and articles prepared for the press; [1981, c. 693, §§5, 8 (NEW).]

C. Disseminate this information by outlines, suggestions and directions concerning the management, discipline and methods employed in teaching to teachers and school officers of the State; and [1981, c. 693, §§5, 8 (NEW).]

D. Do all in the commissioner's power to awaken and sustain an interest in education among the people and to stimulate school officers, teachers and other educational personnel to well directed efforts in their work. [1983, c. 859, Pt. B, §§2, 4 (AMD).]

[2009, c. 2, §41 (COR) .]

6. **Parental involvement initiatives; post.** Beginning with the 2013-2014 school year, a school administrative unit that adopts a parental involvement initiative may submit a copy of that initiative to the department, and the commissioner shall post that initiative on the department's publicly accessible website. The commissioner also shall post on the department's publicly accessible website links to the publicly accessible websites of those school administrative units that have chosen to adopt districtwide parental involvement initiatives as school board policy and that have submitted those initiatives to the department.

[2011, c. 571, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§1,2 (AMD). 1983, c. 859, §§B1-B2,B4 (AMD). 1983, c. 862, §51 (AMD). RR 2009, c. 2, §41 (COR). 2011, c. 571, §2 (AMD).

§256. MISCELLANEOUS DUTIES

1. **Report to Governor and Legislature.** The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State regarding the implementation of the system of learning results as established in section 6209, including any suggestions and recommendations to improve public education. This annual report must also include a description of the activities and accomplishments of the state board.

The commissioner shall include in the annual report a listing of requests by school districts for affirmative action workshops and an assessment of the department's ability to meet past and projected demand for in-service training related to affirmative action or gender equity.

The commissioner may be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the status of public education in the State and such related matters as the commissioner desires to bring to the Legislature's attention.

[2009, c. 274, §7 (AMD) .]

2. **Joining educational organizations.** The commissioner may authorize the department to join educational organizations and associations, both within and outside the State, when that membership will increase the efficiency or progress of education within the State.

[1983, c. 806, §4 (AMD) .]

3. **Limit on authority.**

[1989, c. 700, Pt. B, §14 (RP) .]

4. **Control of gift-established schools.** The commissioner shall:

A. Assume the control and management of all public schools established and maintained by gifts or bequests, when the gifts or bequests are conditioned on the commissioner assuming that control and management; and [1981, c. 693, §§5, 8 (NEW).]

B. Carry out the provisions on which those gifts or bequests are conditioned, when those conditions are approved by the Governor. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

5. **Duties imposed by charters.** The commissioner shall perform all duties assigned by charter granted by the Legislature to an educational institution.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Central information system.** The department shall include in the department's annual budget funds necessary to initiate and maintain a central information system on resources for people with disabilities. The system should be community-based and developed with substantial participation by people with disabilities.

[1989, c. 518, Pt. A, §1 (NEW) .]

7. **Women in administration; data; report.**

[2013, c. 506, §5 (RP) .]

8. **Gifts and donations.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §4 (RP) .]

9. **Collection of fees.**

[1995, c. 676, §13 (AFF); 1995, c. 676, §4 (RP) .]

10. **Telecommunications education access fund.** The commissioner or the State Librarian may enter into contracts or order services on behalf of schools and libraries in connection with the telecommunications education access fund pursuant to Title 35-A, section 7104-B. The commissioner or the State Librarian may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996.

[2009, c. 274, §8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§3,4 (AMD). 1983, c. 859, §§B3,B4 (AMD). 1983, c. 860, §1 (AMD). 1985, c. 505, §1 (AMD). 1985, c. 763, §A76 (AMD). 1987, c. 395, §A46 (AMD). 1989, c. 518, §A1 (AMD). 1989, c. 700, §B14 (AMD). 1989, c. 889, §§4,5 (AMD). 1991, c. 528, §I1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I1 (AMD). 1995, c. 676, §4 (AMD). 1995, c. 676, §13 (AFF). 2001, c. 454, §5 (AMD). 2009, c. 274, §§7, 8 (AMD). 2013, c. 506, §5 (AMD).

§257. HIGH SCHOOL EQUIVALENCY DIPLOMAS

1. **Issuance of diploma.** The commissioner shall issue a high school equivalency diploma to a person who:

A. Is at least 18 years of age, if that person:

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

(2) Has demonstrated, through procedures prescribed by the commissioner, attainment of a general educational development comparable to that of a secondary school graduate; or [1991, c. 662, §1 (RPR).]

B. Is 17 years of age, if that person:

(1) Has not been in attendance for one year or more at a public school or a private school approved by the department pursuant to chapter 117, or has documented an immediate need for a high school equivalency diploma to the superintendent of schools for the school administrative unit in which that person resides, and has received written approval for the issuance of a high school equivalency diploma from the superintendent;

(2) Has completed a formal training program approved by the commissioner; and

(3) Has demonstrated, through procedures prescribed by the commissioner, attainment of a general educational development comparable to that of a secondary school graduate. [1991, c. 662, §1 (RPR).]

The commissioner shall issue a diploma authorized by this subsection upon compliance with the requirements of this subsection or as soon thereafter as possible.

[1991, c. 662, §1 (RPR) .]

2. **Equivalency diploma status.** High school equivalency diplomas have the legal status of high school diplomas.

[1991, c. 662, §1 (RPR) .]

3. **Fees.** A fee may not be charged for the issuance of any high school equivalency diploma to residents of the State.

[1991, c. 662, §1 (RPR) .]

4. **Department of Education diploma.**

[2013, c. 439, §1 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 151, (AMD). 1983, c. 806, §5 (AMD). 1985, c. 774, §3 (AMD). 1989, c. 525, §1 (AMD). 1991, c. 662, §1 (RPR). 2007, c. 451, §1 (AMD). 2013, c. 439, §1 (AMD).

§257-A. DEPARTMENT OF EDUCATION DIPLOMA

The commissioner shall issue a Department of Education diploma to a student who qualifies for the diploma pursuant to this section. A Department of Education diploma has the same legal status as a diploma awarded by a school administrative unit. [2013, c. 439, §2 (NEW).]

1. **Eligibility to apply for diploma.** A student is eligible to apply for a Department of Education diploma if that student is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced one or more education disruptions, as defined in section 5161, subsection 2-A, during the student's educational history.

[2013, c. 439, §2 (NEW) .]

2. **Standard for awarding diploma.** The commissioner shall issue a diploma under this section only to a student who demonstrates achievement of the content standards of the system of learning results established pursuant to section 6209.

[2013, c. 439, §2 (NEW) .]

3. **Process.** A student who seeks a Department of Education diploma shall submit an application to the commissioner, including such evidence of student achievement and other information as is required by the commissioner. Evidence of student achievement may include, but is not limited to, transcripts, waivers, academic reports and school work recognition plans. The commissioner shall form a review team to review evidence of student achievement and to make a recommendation to the commissioner on the awarding of a diploma under this section. The commissioner shall make the final determination of eligibility for a diploma under this section.

[2013, c. 439, §2 (NEW) .]

SECTION HISTORY
2013, c. 439, §2 (NEW).

§258. INSPECTION OF SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §6 (AMD). 1983, c. 859, §§A2,A25 (RP). 1985, c. 142, §1 (AMD).

§258-A. INSPECTION OF SCHOOLS

1. **Petition or request.** The commissioner shall inspect a school or schools in a school administrative unit and report the findings and recommendations to the school board, addressing the concerns of the petition in light of applicable school approval standards, when:

A. Petitioned by 60% of the parents of the children of one school; [1983, c. 859, Pt. A, §§3, 25 (NEW).]

B. Requested by the school board or superintendent of schools; or [1983, c. 859, Pt. A, §§3, 25 (NEW).]

C. Petitioned by 20% of the registered voters of the unit. [1983, c. 859, Pt. A, §§3, 25 (NEW).]

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

2. **Periodic reviews.** The commissioner shall periodically review all public schools and all private schools which receive public funds, to determine their compliance with the applicable provisions of this Title.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

3. **Special reviews.** The commissioner shall fulfill the monitoring functions required by any state or federal grants to school units or schools.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

4. **Private schools.** The commissioner may, as a condition of approval, inspect any private school which applies for approval status.

[1983, c. 859, Pt. A, §§3, 25 (NEW) .]

SECTION HISTORY
1983, c. 859, §§A3,A25 (NEW). 1985, c. 142, §1 (AMD).

§258-B. AIR QUALITY TESTING

1. **Petition percentage.** A request for an inspection of schools to test air quality is subject to the criteria established in section 258-A, except that a petition by 50% of the parents of the children of one school is sufficient to initiate an inspection by the commissioner.

[1995, c. 338, §1 (NEW) .]

2. **Notify citizens.** The commissioner shall direct superintendents to notify any citizen who requests an inspection of school facilities of the petition process for requesting such an inspection under this section and section 258-A.

[1995, c. 338, §1 (NEW) .]

SECTION HISTORY
1995, c. 338, §1 (NEW).

§259. STUDENT PERFORMANCE EVALUATION PLAN

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§D2,D4 (RP).

§260. EARLY ELEMENTARY, KINDERGARTEN TO GRADE 3, SCHOOL ASSISTANCE PROGRAM

(REPEALED)

SECTION HISTORY
1983, c. 859, §§K2,K7 (NEW). 1985, c. 295, §28 (AMD). 1993, c. 252, §E2 (RP).

§261. SCHOOLING PRIVILEGES

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges between receiving schools approved for tuition purposes and sending school administrative units. [1985, c. 797, §9 (NEW).]

The commissioner may adopt rules to implement statutory policies regarding student residency, the right of a student to attend school in another administrative unit, homeless students and other exceptions to the general residency rules. Rules adopted by the commissioner pursuant to this section shall take precedence over any inconsistent or conflicting rules adopted by a school board pursuant to section 5201, subsection 4. [1991, c. 608, §2 (AMD).]

SECTION HISTORY
1985, c. 797, §9 (NEW). 1989, c. 415, §2 (AMD). 1991, c. 608, §2 (AMD).

§262. VIOLENCE PREVENTION AND INTERVENTION

The commissioner shall provide technical assistance to school administrative units that request assistance in the provision of violence prevention and intervention training programs for teachers, school staff and students. The assistance must emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. [1999, c. 781, §1 (NEW).]

SECTION HISTORY

1999, c. 781, §1 (NEW).

§263. RESPONSE TO SCHOOL BOMB THREATS

1. **Prototype guidelines, policies and protocols.** The commissioner, in consultation with state and local emergency services officials and representatives of school personnel and school board members, shall develop prototypical guidelines, policies and protocols for school administrative units to present to their communities when those communities are considering implementing local policies that concern prevention of and response to school bomb threats. The prototypical guidelines, policies and protocols developed by the commissioner must be made available to all schools in the State no later than December 31, 2001.

[2001, c. 67, §1 (NEW) .]

2. **Reporting of school bomb threats.** Beginning with the 2001-2002 school year, all public schools and private schools enrolling more than 60% of their students at public expense in the State must report each bomb threat incident to the commissioner. The initial report must be made to the office of the superintendent within the school administrative unit or to the headmaster of the private school. The office of the superintendent or headmaster receiving a report of a bomb threat at a school must report that threat to the commissioner within 2 business days of the occurrence of the bomb threat. The commissioner shall report annually on the nature, frequency and impacts of school bomb threats in the State's schools to the joint standing committee of the Legislature having jurisdiction over education matters.

[2001, c. 67, §1 (NEW) .]

SECTION HISTORY
2001, c. 67, §1 (NEW).

Chapter 5: STATE BOARD OF EDUCATION

§401. STATE BOARD OF EDUCATION

The State Board of Education is established by Title 5, section 12004-C, subsection 1. The State Board of Education shall be an autonomous body and shall maintain an office in Augusta. The appointments, terms and expenses of the State Board of Education members shall be as follows. [1989, c. 503, Pt. B, §72 (AMD).]

1. **Appointment.** The state board consists of 9 members and, beginning in the 2007-2008 school year, 2 nonvoting student members, one junior and one senior in high school. All members are appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. One of the student members must attend school in the State's First Congressional District at the time of appointment and the other student member must attend school in the State's Second Congressional District at the time of appointment. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

[2013, c. 15, §1 (AMD) .]

1-A. **Nomination of student members.** Each student member of the state board serves for a term of 2 years, except that the senior appointed in the 2007-2008 school year serves for one year. A junior in high school must be added each year to the state board to serve a term of 2 years.

A. The state board shall notify every public high school principal by March 15th of the year in which applications are being accepted for the student member's position. [2007, c. 200, §2 (NEW).]

B. Applications for the student member's position must be submitted to the state board no later than April 15th of the year in which applications are being accepted. [2007, c. 200, §2 (NEW).]

C. A screening committee of the state board shall select 6 semifinalists for the student member's position. [2007, c. 200, §2 (NEW).]

D. The state board shall, by May 1st of the year in which applications are being accepted, select 3 finalists for the Governor's consideration and shall rank the finalists according to its preference. [2007, c. 200, §2 (NEW).]

[2007, c. 200, §2 (NEW) .]

1-B. **Term of student member.** Notwithstanding subsection 4, the term of office of the student member of the state board is 2 years.

[2007, c. 200, §3 (NEW) .]

1-C. **Qualifications for service as student member.** At the time a student member of the state board's term commences, the student must:

A. Be enrolled in good standing in a public high school in the State; [2007, c. 200, §4 (NEW).]

B. Have completed 10th grade prior to the commencement of the term; [2007, c. 200, §4 (NEW).]

C. Provide at least 3 references from teachers in the school that the student attends; and [2007, c. 200, §4 (NEW).]

D. Meet other criteria established by the state board in consultation with students in the State. [2007, c. 200, §4 (NEW).]

[2007, c. 200, §4 (NEW) .]

2. **Composition.** The membership of the state board must be broadly representative of the geographic regions of the State and of municipalities of varying sizes. A person whose income is derived in substantial portion from work as a teacher or as an administrator in an educational institution is not eligible for appointment to or service on the state board. Members must have a strong interest in and knowledge of education.

[2007, c. 179, §2 (AMD) .]

3. **Expenses.** Members of the state board shall be compensated according to the provisions of Title 5, chapter 379; a member shall receive compensation whenever that member fulfills any board duties in accordance with board bylaws.

[1987, c. 851, §3 (AMD) .]

4. **Term.** The term of office of each member is 5 years and the term begins when the member is sworn into office. A person may not serve more than any 2 5-year terms. A vacancy must be filled for the remainder of the unexpired term. If a person appointed to fill a vacancy serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed in this subsection. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.

[2007, c. 528, §1 (AMD) .]

5. **Assistance.** The department shall provide staff assistance to the state board in carrying out its functions.

[1987, c. 851, §5 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §§101,102 (AMD). 1987, c. 851, §§1-5 (AMD). 1989, c. 503, §B72 (AMD). 2005, c. 16, §1 (AMD). 2007, c. 179, §§1, 2 (AMD). 2007, c. 200, §§1-4 (AMD). 2007, c. 466, Pt. B, §14 (AMD). 2007, c. 466, Pt. B, §15 (AFF). 2007, c. 528, §1 (AMD). 2007, c. 695, Pt. A, §21 (AMD). 2013, c. 15, §1 (AMD).

§401-A. RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION

The State Board of Education is intended to act as a body with certain policy-making, administrative and advisory functions. In those capacities, the board has the primary responsibility for the following: [1987, c. 395, Pt. A, §47 (NEW).]

1. **Formulating policy.** Formulating policy by which the commissioner shall administer certain regulatory tasks;

[1987, c. 395, Pt. A, §47 (NEW) .]

2. **Advising commissioner.** Advising the commissioner in the administration of all the mandated responsibilities of that position; and

[1987, c. 395, Pt. A, §47 (NEW) .]

3. **Enforcing regulatory requirements.** Enforcing regulatory requirements for school administrative units.

[1987, c. 395, Pt. A, §47 (AMD) .]

The state board may advise the commissioner and the Legislature on matters concerning state laws relating to public preschool to grade 12 and postsecondary education. [2007, c. 572, Pt. A, §1 (NEW).]

SECTION HISTORY
1987, c. 395, §A47 (NEW). 2007, c. 572, Pt. A, §1 (AMD).

§402. ORGANIZATION; MEETINGS

The state board shall organize and meet as follows. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Organization.** The state board shall organize annually by electing one of their members as chairman and one as vice-chairman. They may also elect other officers.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Meetings.** Meetings of the state board shall be held at least quarterly on call of the chairman or the commissioner on 5 days' written notice to members. If both the chairman and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

[1987, c. 395, Pt. A, §48 (AMD) .]

3. **Quorum.** A majority of the state board members shall be a quorum.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Rules.** The state board may adopt or amend rules for meeting procedures and administration of its duties.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A48 (AMD).

§403. SEAL

The state board shall adopt a seal. The seal may be used by the commissioner to authenticate documents or copies of documents. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§404. RECORDS

The state board shall be responsible for the following records. [1987, c. 395, Pt. A, §49 (AMD).]

1. **Records.** The state board shall keep a complete record of the minutes of its meetings and other procedures.

[1987, c. 851, §6 (AMD) .]

2. **Report.**

[1987, c. 395, Pt. A, §49 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A49 (AMD). 1987, c. 851, §6 (AMD).

§405. POWERS AND DUTIES

The state board shall have the following powers and duties. [1981, c. 693, §§5, 8 (NEW).]

1. **General authority.** The state board shall have only the powers specifically stated in this Title.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Advisory role.** The state board shall advise the commissioner concerning matters contained in this Title.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Specific duties.** The state board shall have the following specific powers and perform the following duties:

A. Make recommendations to the Legislature for the efficient conduct of the public schools; [1981, c. 693, §§5, 8 (NEW).]

B. Approve the formation of school administrative districts; [1981, c. 693, §§5, 8 (NEW).]

C. [1985, c. 497, §3 (RP).]

D. Review, when necessary, decisions made by the commissioner on applications for additions to, dissolution of, transfers among, withdrawals from and closing of schools in school administrative districts and community school districts; [1987, c. 395, Pt. A, §50 (AMD).]

E. Adopt or amend rules on requirements for approval and accreditation of elementary and secondary schools; [1981, c. 693, §§5, 8 (NEW).]

F. Establish standards for the certification of teachers; [1981, c. 693, §§5, 8 (NEW).]

G. Adjust the subsidy to a school administrative unit when the expenditures for education in the unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive; [1981, c. 693, §§5, 8 (NEW).]

H. Act on articles of agreement for creation of an interstate school district; [1981, c. 693, §§5, 8 (NEW).]

I. Develop and adopt a plan for the establishment of career and technical education centers and regions and act upon applications to alter the delivery of career and technical education within career and technical education regions and center areas; [2003, c. 2, §32 (COR).]

J. Adopt or amend rules on standards for school construction; [1981, c. 693, §§5, 8 (NEW).]

K. Approve projects for state construction aid; [1981, c. 693, §§5, 8 (NEW).]

L. Approve the formation of community school districts; [1981, c. 693, §§5, 8 (NEW).]

M. Approve isolated secondary schools; [1981, c. 693, §§5, 8 (NEW).]

N. Obtain information regarding applications for granting degrees and make a recommendation to the Legislature; [1981, c. 693, §§5, 8 (NEW).]

O. Recommend funds to the Bureau of the Budget for equalization of educational opportunity; [1993, c. 290, §1 (AMD).]

P. [1989, c. 698, §76 (AFF); 1989, c. 698, §12 (RP).]

Q. Serve as state agency for administering federal funds for construction of school facilities and for career and technical education; [2003, c. 2, §33 (COR).]

R. [1985, c. 797, §11 (RP).]

S. Develop long-range education goals and standards for school performance and student performance to improve learning results as established in section 6209 and recommend to the commissioner and to the Legislature a plan for achieving those goals and standards; [2001, c. 454, §6 (AMD).]

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act; [2013, c. 581, §1 (AMD).]

U. Review the organization of school administrative units statewide to identify current cooperative agreements between school administrative units. Cooperative agreements may include, but are not limited to: purchasing or contract agreements; administrative functions; shared staff and staff training; and technology initiatives. Based on the review, and in consultation with the department, the state board may recommend that school administrative units develop and carry out a plan for a cooperative agreement with one or more other school administrative units. "Cooperative agreement" may include agreements between school administrative units and career and technical education regions and career and technical education centers; [2015, c. 72, §1 (AMD).]

V. Study school administrative unit configuration statewide; and [2015, c. 72, §2 (AMD).]

W. Enter into an interstate reciprocity agreement regarding postsecondary distance education, administer the agreement and approve or disapprove an application to participate in the agreement from a postsecondary institution that has its principal campus in the State. [2015, c. 72, §3 (NEW).]

[2015, c. 72, §§1-3 (AMD) .]

4. **Review of department decisions.**

[1987, c. 395, Pt. A, §51 (RP) .]

5. **Overseeing school administrative districts.**

[1987, c. 395, Pt. A, §52 (RP) .]

6. **Recommendations to Legislature.** The state board shall recommend to the Legislature any new legislation or amendments to existing legislation for the efficient conduct of the public schools and for achieving the education and performance goals and standards and the plan for the public schools developed in accordance with subsection 3, paragraph S.

[1993, c. 290, §4 (AMD) .]

7. **Federal career and technical education aid.** The state board shall administer any federal funds received for the benefit of career and technical education programs in the State. As the designated state agency authorized to administer federal funds, the board shall develop a state plan, approve the State's application for career and technical education funds and disburse federal money as authorized and required by applicable federal law.

[1993, c. 349, §44 (AMD); 2003, c. 545, §4 (REV) .]

8. **Maine Merchant Marine Day.** Maine Merchant Marine Day is May 22nd as established in Title 1, section 127.

[1987, c. 140, §2 (NEW) .]

9. **Contract for services.** The state board may contract for any necessary consultative services or support staff.

[1987, c. 851, §7 (NEW) .]

10. **Comprehensive school budget approval procedure.** The state board shall develop a model comprehensive school budget approval procedure and, working in conjunction with the department, strongly encourage school administrative units to adopt and implement the model as local school board policy. The model procedure must be designed to provide early and continuous collaboration between school officials and municipal officials and to encourage frequent opportunity for public comment in the development of each unit's annual budget.

[1999, c. 710, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §7 (AMD). 1985, c. 497, §3 (AMD). 1985, c. 785, §B79 (AMD). 1985, c. 797, §§10-12 (AMD). 1987, c. 140, §2 (AMD). 1987, c. 395, §§A50-A52 (AMD). 1987, c. 851, §7 (AMD). 1989, c. 698, §§11,12 (AMD). 1993, c. 290, §§1-4 (AMD). 1993, c. 349, §44 (AMD). 1995, c. 395, §§J2-4 (AMD). 1999, c. 710, §1 (AMD). 2001,

c. 454, §6 (AMD). RR 2003, c. 2, §§32,33 (COR). 2003, c. 545, §§4,5 (REV). 2005, c. 611, §§1,2 (AMD). 2013, c. 581, §1 (AMD). 2015, c. 72, §§1-3 (AMD).

§406. RULES

The state board may adopt rules to carry out its responsibilities under this Title. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 7: COMPACT FOR EDUCATION

Subchapter 1: COMPACT

§601. PURPOSE AND POLICY - ARTICLE I

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). RR 2009, c. 2, §42 (COR). 2011, c. 344, §20 (RP).

§602. STATE DEFINED - ARTICLE II

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

§603. COMMISSION - ARTICLE III

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §103 (AMD). 1989, c. 503, §B73 (AMD). 2011, c. 344, §20 (RP).

§604. POWERS - ARTICLE IV

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

§605. COOPERATION WITH FEDERAL GOVERNMENT - ARTICLE V

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

§606. COMMITTEES - ARTICLE VI

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

§607. FINANCE - ARTICLE VII

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

§608. ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL - ARTICLE VIII

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §8 (AMD). 2011, c. 344, §20 (RP).

§609. CONSTRUCTION AND SEVERABILITY - ARTICLE IX

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

Subchapter 2: ADMINISTRATIVE PROVISIONS

§651. MAINE EDUCATION COUNCIL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §104 (AMD). 1989, c. 503, §B74 (AMD). 1993, c. 252, §C3 (RP).

§652. MEMBERS OF LEGISLATURE, SELECTION AND TENURE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §9 (AMD). 2011, c. 344, §20 (RP).

§653. BYLAWS FILED

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 344, §20 (RP).

Chapter 9: PUBLIC BROADCASTING

Subchapter 1: ADVISORY COMMITTEE ON MAINE PUBLIC BROADCASTING

§801. COMMITTEE; EXPENSES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §105 (AMD). 1985, c. 779, §42 (AMD). 1987, c. 735, §11 (RP).

§802. ORGANIZATION; QUORUM

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 735, §11 (RP).

§803. POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 779, §43 (AMD). 1987, c. 735, §11 (RP).

Subchapter 2: GIFTS, CONSTRUCTION AND PROGRAMMING

§851. GIFTS

The Governor may accept a gift of money, real or personal property, from any source, and grants-in-aid from the Federal Government to assist in carrying out the purposes of this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§852. CONSTRUCTION OF STATEWIDE NETWORK

1. **Authority.** The University of Maine System may acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools, colleges, university and adult audiences throughout the State.

[1985, c. 779, §44 (AMD) .]

2. **Contracts.** The University of Maine System may enter into contracts for the construction of those facilities, contracts for personal services necessary for the management and operation of those facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

[1985, c. 779, §44 (AMD) .]

3. **Transfer of assets and liabilities.** The University of Maine System may transfer any assets and liabilities acquired pursuant to this section in order to unify operation in a nonprofit, nonstock private corporation, referred to in this section as "the corporation." The University of Maine System retains a reversionary interest in the university's assets as provided for in the articles of incorporation of that

corporation. An annual appropriation for operating, constructing, equipping, maintaining, improving and replacing facilities of the corporation must be made in amounts sufficient to ensure delivery of broadcast sources throughout the State.

[2009, c. 62, §1 (AMD) .]

4. **Condition of funding.** As a condition of receiving an appropriation or allocation of state funds to broadcast throughout the State, the corporation shall continue to operate, equip and maintain facilities used to provide signals identified under paragraphs A and B that were in operation on February 1, 2009 or an equivalent network providing equivalent or expanded broadcast coverage throughout the State:

A. A television broadcast signal originating from stations whose community of license is Presque Isle, Calais, Orono, Augusta and Biddeford; and [2009, c. 62, §2 (NEW).]

B. A radio broadcast signal originating from stations whose community of license is Fort Kent, Presque Isle, Calais, Bangor, Waterville, Camden and Portland. [2009, c. 62, §2 (NEW).]

[2009, c. 62, §2 (NEW) .]

5. **Failure to meet funding conditions.** If the corporation fails to meet the requirements of subsection 4 during any state fiscal year in which an appropriation or allocation has been made, the corporation shall return the full amount of that appropriation or allocation to the Treasurer of State within 15 business days of the beginning of the next state fiscal year.

[2009, c. 62, §3 (NEW) .]

6. **Exceptions.** The corporation does not fail to meet the requirements of subsection 4 if:

A. One or more of the broadcast signals described in subsection 4, paragraphs A and B is off the air for a period of time due to a reason outside of the control of the corporation; or [2009, c. 62, §4 (NEW).]

B. All of the television broadcast signals or all of the radio broadcast signals are off the air for an equal period of time for any reason. [2009, c. 62, §4 (NEW).]

[2009, c. 62, §4 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 779, §44 (AMD). 1991, c. 848, §2 (AMD). 2009, c. 62, §§1-4 (AMD).

§853. COMMISSIONER'S PROGRAMS

1. **Programs.** The commissioner may produce or contract for educational television programs.

[1989, c. 702, Pt. E, §9 (NEW) .]

2. **Fees.** The commissioner may charge a fee from users of the instructional programs offered by an interactive television system.

[1989, c. 702, Pt. E, §9 (NEW) .]

3. **Dedicated fund.** The commissioner may expend all fee payments from a special revenue account to support equipment, development, instructional and production costs incurred by the department in providing interactive television system programs.

[1989, c. 702, Pt. E, §9 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 702, §E9 (RPR).

Chapter 11: SCHOOL VOLUNTEER PROGRAM

§901. CREATION OF PROGRAM

(REPEALED)

SECTION HISTORY
1983, c. 528, §1 (NEW). 1985, c. 470, §1 (AMD). 1995, c. 322, §4 (RP).

§902. DEPARTMENT STAFF TO CARRY OUT PROGRAM

(REPEALED)

SECTION HISTORY
1983, c. 528, §1 (NEW). 1985, c. 470, §2 (AMD). 2013, c. 506, §6 (RP).

§903. SPACE; ASSISTANCE

(REPEALED)

SECTION HISTORY
1983, c. 528, §1 (NEW). 2013, c. 506, §6 (RP).

Chapter 13: THE STUDENT INFORMATION PRIVACY ACT

§951. SHORT TITLE

This chapter may be known and cited as "the Student Information Privacy Act." [2015, c. 256, §1 (NEW).]

SECTION HISTORY
2015, c. 256, §1 (NEW).

§952. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 256, §1 (NEW).]

1. **Aggregate student data.** "Aggregate student data" means data that is not personally identifiable and that is collected or reported at the group, cohort or institutional level.

[2015, c. 256, §1 (NEW) .]

2. **Eligible student.** "Eligible student" means a student who has reached 18 years of age or who is attending a postsecondary educational institution.

[2015, c. 256, §1 (NEW) .]

3. **Kindergarten to grade 12 school purposes.** "Kindergarten to grade 12 school purposes" means purposes that take place at the direction of a school administrative unit, a school that provides instruction to any grades from kindergarten to grade 12 or a teacher at such a school or purposes that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, preparation for postsecondary education or employment opportunities and collaboration between students, school personnel or parents, or that are for the use and benefit of the school.

[2015, c. 256, §1 (NEW) .]

4. **Operator.** "Operator" means any entity other than the department, school administrative unit or school to the extent that the entity:

A. Operates an Internet website, online service, online application or mobile application with actual knowledge that the website, service or application is used for kindergarten to grade 12 school purposes and was designed and marketed for kindergarten to grade 12 school purposes to the extent that the operator is operating in that capacity; and [2015, c. 256, §1 (NEW).]

B. Collects, maintains or uses student personally identifiable information in a digital or electronic format. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

5. **State-assigned student identifier.** "State-assigned student identifier" means the unique student identifier assigned by the State to each student, which may not be and may not include the student's social security number in whole or in part.

[2015, c. 256, §1 (NEW) .]

6. **Student data.** "Student data" means information that is collected and maintained at the individual student level in this State, including, but not limited to:

A. Data descriptive of a student in any media or format, including, but not limited to:

(1) The student's first and last names;

(2) The names of the student's parent and other family members;

(3) The physical address, e-mail address, phone number and any other information that allows contact with the student or the student's family;

(4) A student's personal identifier, such as the state-assigned student identifier, when used for identification purposes;

(5) Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name;

(6) Results of assessments administered by the State, school administrative unit, school or teacher, including participation information;

(7) Course transcript information, including, but not limited to, courses taken and completed, course grades and grade point average, credits earned and degree, diploma, credential attainment or other school exit information;

(8) Attendance and mobility information between and within school administrative units within the State;

(9) The student's gender, race and ethnicity;

(10) Educational program participation information required by state or federal law;

(11) The student's disability status;

(12) The student's socioeconomic information;

(13) The student's food purchases; and

(14) The student's e-mails, text messages, documents, search activity, photos, voice recordings and geolocation information; and [2015, c. 256, §1 (NEW).]

B. Information that:

(1) Is created by a student or the student's parent or provided to an employee or agent of the school, school administrative unit, the department or an operator in the course of the student's or parent's use of the operator's website, service or application for kindergarten to grade 12 school purposes;

(2) Is created or provided by an employee or agent of the school or school administrative unit, including information provided to an operator in the course of the employee's or agent's use of the operator's website, service or application for kindergarten to grade 12 school purposes; or

(3) Is gathered by an operator through the operation of an operator's website, service or application for kindergarten to grade 12 school purposes. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

7. **Student personally identifiable information.** "Student personally identifiable information" means student data that, alone or in combination, is linked to a specific student and would allow a reasonable person who does not have knowledge of the relevant circumstances to identify the student.

[2015, c. 256, §1 (NEW) .]

8. **Targeted advertising.** "Targeted advertising" means advertisements presented to a student when the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications or student data. "Targeted advertising" includes advertising to a student at an online location based upon a single search query without collection and retention of a student's online activities over time. "Targeted advertising" includes contextual targeted advertising that is based upon factors, including, but not limited to, the central theme of an Internet website, the student's recent browsing history, the student's language and the student's location. "Targeted advertising" does not include advertising to a student at an online location based upon that student's current visit to that location.

[2015, c. 256, §1 (NEW) .]

SECTION HISTORY
2015, c. 256, §1 (NEW).

§953. RESTRICTIONS ON OPERATOR'S USE OF STUDENT DATA

1. **Prohibitions.** An operator may not knowingly engage in any of the following activities with respect to the operator's website, service or application without explicit written or electronic consent from a student's parent or an eligible student:

A. Use student data to engage in targeted advertising on the operator's website, service or application or targeted advertising on any other website, service or application when the targeting of the advertising is based upon any student data and state-assigned student identifiers or other persistent unique identifiers that the operator has acquired because of the use of the operator's website, service or application; [2015, c. 256, §1 (NEW).]

B. Use student data, including state-assigned student identifiers or other persistent unique identifiers, created or gathered by the operator to amass a profile of a student except for kindergarten to grade 12 school purposes. For purposes of this paragraph, "amass a profile" does not include collection and retention of account information that remains under the control of a student, parent or school administrative unit; [2015, c. 256, §1 (NEW).]

C. Sell student data. This prohibition does not apply to the purchase, merger or other type of acquisition of an operator by another entity as long as the operator or successor entity continues to be subject to the provisions of this section with respect to previously acquired student data subject to this chapter. [2015, c. 256, §1 (NEW).]

D. Except as provided in subsection 3, disclose student personally identifiable information, unless the disclosure is made:

(1) To advance the kindergarten to grade 12 school purposes of the website, service or application, as long as the recipient of the student data disclosed:

(a) May not further disclose the student data except to allow or improve operability and functionality of the website, service or application within that student's classroom or school; and

(b) Is legally required to comply with the requirements of this chapter;

(2) To ensure legal or regulatory compliance or protect against liability;

(3) To respond to or participate in judicial process;

(4) To protect the security or integrity of the operator's website, service or application;

(5) To protect the safety of users or others; or

(6) To a service provider, as long as the operator contractually:

(a) Prohibits the service provider from using any student data for any purpose other than providing the contracted service to, or on behalf of, the operator;

(b) Requires the service provider to impose the restrictions of this subsection on its own service providers; and

(c) Requires the service provider to implement and maintain reasonable security procedures and practices as provided in subsection 2. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

2. **Security procedures and practices.** An operator shall:

A. Implement and maintain reasonable security procedures and practices appropriate to the nature of the student data to protect that data from unauthorized access, destruction, use, modification and disclosure; and [2015, c. 256, §1 (NEW).]

B. Delete student data within 45 days of a school's or school administrative unit's request. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

3. **Permitted disclosures.** The following provisions apply to disclosure of student data by an operator.

A. Notwithstanding subsection 1, paragraph D, and in accordance with subsection 1, paragraphs A, B and C, an operator may disclose student data under the following circumstances:

(1) If another provision of federal or state law requires the operator to disclose the student data and the operator complies with applicable requirements of federal and state law in protecting and disclosing that information;

(2) For legitimate research purposes:

(a) As required by state or federal law and subject to the restrictions under applicable state and federal law; or

(b) As allowed by state or federal law and under the direction of a school, school administrative unit or the department; or

(3) To a state agency, school administrative unit or school for kindergarten to grade 12 purposes, as permitted by state or federal law. [2015, c. 256, §1 (NEW).]

B. Nothing in this section prohibits an operator from using student data, including student personally identifiable information, as follows:

(1) For maintaining, delivering, developing, supporting, evaluating, improving or diagnosing the operator's website, service or application;

(2) Within other websites, services or applications owned by the operator and intended for school or student use, to evaluate and improve educational products or services intended for school or student use;

(3) For adaptive learning or customized student learning purposes;

(4) For recommendation engines to recommend additional content or services for educational, other learning or job opportunities to students within the operator's website, service or application without the response being determined in whole or in part by payment or other consideration from a 3rd party; or

(5) To ensure legal or regulatory compliance or to retain student data for these purposes. [2015, c. 256, §1 (NEW).]

C. Nothing in this section prohibits an operator from using or sharing aggregate student data or data from which personally identifying information has been removed as follows:

(1) For the development and improvement of the operator's website, service or application or other educational websites, services or applications; or

(2) To demonstrate or market the effectiveness of the operator's products or services. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

4. Construction. The following provisions govern the application and construction of this chapter.

A. This chapter may not be construed to limit the authority of a law enforcement agency to obtain any content or student data from an operator as authorized by law or pursuant to an order of a court of competent jurisdiction. [2015, c. 256, §1 (NEW).]

B. This chapter does not apply to general audience Internet websites, general audience online services, general audience online applications or general audience mobile applications even if login credentials created for an operator's site, service or application may be used to access those general audience sites, services or applications. [2015, c. 256, §1 (NEW).]

C. This chapter may not be construed to restrict Internet service providers from providing Internet connectivity to schools or students and their families. [2015, c. 256, §1 (NEW).]

D. This chapter may not be construed to prohibit an operator from marketing educational products directly to parents so long as the marketing does not result from the use of student data obtained without parental consent by the operator through the provision of services covered under this section. [2015, c. 256, §1 (NEW).]

E. This chapter may not be construed to impose a duty upon a provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance of this section on those applications or software. [2015, c. 256, §1 (NEW).]

F. This chapter may not be construed to impose a duty upon a provider of an interactive computer service, as defined in 47 United States Code, Section 230, to review or enforce compliance with this section by 3rd-party content providers. [2015, c. 256, §1 (NEW).]

G. This chapter may not be construed to impede the ability of a student or a student's parent to download, transfer or otherwise save or maintain student data or documents belonging to the student. [2015, c. 256, §1 (NEW).]

H. Nothing in this chapter prevents this State or a school administrative unit or employee of this State or a school administrative unit from recommending, directly or via a product or service, any educational materials, online content, services or other products to any student or the student's family if this State or a school administrative unit determines that such products will benefit the student and the State or school administrative unit does not receive compensation for developing, enabling or communicating such recommendations. [2015, c. 256, §1 (NEW).]

I. Nothing in this chapter authorizes the dissemination of information in violation of section 6001. [2015, c. 256, §1 (NEW).]

[2015, c. 256, §1 (NEW) .]

SECTION HISTORY
2015, c. 256, §1 (NEW).

Part 2: SCHOOL ORGANIZATION

Chapter 101: GENERAL PROVISIONS

Subchapter 1: SCHOOL BOARDS

§1001. DUTIES OF SCHOOL BOARDS

School boards shall perform the following duties. [1981, c. 693, §§5, 8 (NEW).]

1. **General duties.** They shall have the duties prescribed to them in this Title.

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Adoption of policies.** They shall adopt policies that govern the school administrative units.

[2001, c. 588, §4 (NEW) .]

2. **Management of school property.** They are responsible for the management of the schools and shall provide for their custody and care, including repairs and insurance on school buildings and all school property in the school administrative units.

[2001, c. 588, §5 (AMD) .]

3. **Selection of superintendent.** They shall select a superintendent in accordance with section 1051 to carry out the duties specified in section 1055.

[2001, c. 588, §5 (AMD) .]

4. **No prohibition on use for political activity.** The use of school buildings may not be denied to a person solely because use is requested for a political activity.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Insurance premiums and employee benefits.** They may:

A. Pay the premiums on life, health, dental, disability, accident, hospitalization, major medical and such other types of insurance as may be provided to employees and their families from time to time; [1989, c. 425, §1 (NEW).]

B. Provide direct reimbursement of the costs incurred by employees and their family members pursuant to a direct reimbursement plan for dental costs, including endodontic, periodontic and orthodontic costs, except that reimbursement of orthodontic costs is limited to 60% of the plan participant's costs.

(1) Prior to the commencement of operation of any such direct reimbursement plan or program, the school board shall adopt guidelines that embody a funding mechanism adequate to the financial needs of the plan or program and shall provide for the fixed costs of operations of the plan for the first prospective fund year. A reasonable amount sufficient to satisfy immediate claims costs must be held in a segregated account to be used solely for this purpose.

(2) The school board or other legal entity establishing a plan or program for the purpose of direct reimbursement pursuant to this paragraph, whether or not a body corporate, may with respect to the plan or program sue or be sued; make contracts; hold and dispose of real property; borrow money, contract debts and pledge assets in the name of the plan; and perform such other actions incidental to this subparagraph as necessary.

(3) The plan or program may be established as a separate legal or administrative entity.

(4) The legal entity that establishes a plan or program that provides coverage for more than one school administrative unit with respect to the benefits authorized in this paragraph shall adopt a plan of management that, at a minimum, provides the following:

(a) The means of establishing and maintaining a governing authority of the program, including the selection of a governing authority, which must be a board of directors or trustees for the plan, a majority of whom must be from the participating school administrative unit or units;

(b) That the governing authority has the responsibility with regard to fixing contributions to the plan, maintaining reserves, levying and collecting assessments for deficiencies, disposing of surplus and administering the plan in the event of its termination, liquidation or insolvency;

(c) The identification of funds and reserves by the type of benefit provided and exposure area;

(d) The basis upon which new members may be admitted to and existing members may leave the plan;

(e) That any member of a group plan or pool established for more than one school administrative unit shall prepay to the plan administrator an initial deposit equal to 25% of the annual contribution before coverage is effective;

(f) Other provisions as necessary or desirable for the operation of the plan;

(g) A provision that if the assets set aside in any group plan for more than one school administrative unit are at any time determined to be insufficient to enable the plan to discharge its legal liabilities and other obligations and to maintain sound reserves for the provision of the employee benefits provided by the plan, the governing authority shall within 90 days satisfy the deficiency or levy a prorated assessment upon the participating school administrative unit or units for the amount needed to satisfy the deficiency. The agreement among school administrative units in the group plan must provide sanctions for failure to comply with a mandatory assessment under this subparagraph;

(5) Prior to the operation of any group or pool plan for more than one school administrative unit, the governing authority shall adopt underwriting guidelines that embody rate charges to prospective members at a level adequate to its financial needs and shall provide for the fixed costs of operations for the first prospective fund year. An amount sufficient to reasonably meet immediate claims costs must be held in a segregated account to be used solely for this purpose. Funds determined to be necessary to fund the program on an ongoing basis must also be held in a segregated account;

(6) Each group plan or pool established for more than one school administrative unit shall file with its members, by the last day of the 6th month following the end of the fiscal year, audited financial statements certified by an independent certified public accountant. The financial statement must include, but is not limited to:

(a) Appropriate reserves for known claims and expenses associated with those claims;

(b) Claims incurred but not reported and expenses associated with those claims;

(c) Unearned contributions; and

(d) Reserve for bad debts.

The audited financial statement must include information concerning the adequacy of the plan. This report must result from a charge by the directors to the plan's actuary and auditor and must address excess insurance, charges for coverage to members, service agents' costs and costs of administration of the program.

Two additional copies of the audited financial statements must be filed with the Superintendent of Insurance.

If a group plan or pool established for more than one school administrative unit fails to provide for the audited financial statements required, the Superintendent of Insurance shall perform or cause to be performed the audit. The group plan or pool shall reimburse the Superintendent of Insurance for the cost of the audit; and

(7) Any reimbursement plan or program for the provision of the employee benefits established and operated pursuant to this paragraph is not an insurance company, reciprocal insurer or insurer under the laws of this State and the development, administration and provision of such plans and programs does not constitute doing an insurance business; [2011, c. 395, §1 (AMD).]

C. Pay premiums on liability insurance for employees and school officials; and [1989, c. 425, §1 (NEW).]

D. Provide such other employee benefits, directly or indirectly, to their employees as any school board determines from time to time, upon such terms and conditions and in such manner as the school board determines, subject to the requirements of all applicable laws. [1989, c. 425, §1 (NEW).]

Nothing in this subsection or subsection 14 prohibits a school board from arranging for and offering a choice of optional health or dental insurance plans to employees and their families that may vary in benefits provided and costs.

[2011, c. 395, §1 (AMD) .]

5-A. **Public self-funded pools.** They may participate in a public self-funded pool created under Title 30-A, chapter 117.

[1989, c. 878, Pt. B, §17 (AMD) .]

5-B. **Workers' compensation self-insurance.** Notwithstanding any other provision of this section, they may participate in or cause their school administrative unit to participate in a self-insurance program or plan for workers' compensation established under and operated in accordance with the Maine Workers' Compensation Act of 1992, Title 39-A, chapter 9.

[1991, c. 885, Pt. E, §20 (AMD); 1991, c. 885, Pt. E, §47 (AFF) .]

5-C. **Coverage under group health insurance plan for spouse and dependents after death of teacher.** If the spouse or other dependents of a teacher as defined in Title 5, section 17001, subsection 42 are covered by a policy of group health insurance provided by the school board and the teacher dies while employed by the board, the board shall provide an opportunity for the spouse or dependent to continue coverage under the group policy after the death of the teacher by making the premium payment for the cost of that coverage. In the case of underage dependent children of the teacher, coverage must be available at least until the dependent children reach 19 years of age.

[2001, c. 471, Pt. D, §17 (AMD); 2001, c. 471, Pt. D, §18 (AFF) .]

5-D. **Group self-insured options.** Notwithstanding any other provision of this section, they may arrange for a group self-insurance program to provide health or dental insurance for employees and their families, including a group self-insurance program established through an interlocal agreement with other school administrative units or municipalities established pursuant to Title 30-A, chapter 115. The following restrictions apply to self-insured group health or dental programs.

A. For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Program" means a group self-insurance health or dental program.

(2) "Program provider" means a school administrative unit that has arranged for a program under this subsection or collectively those school administrative units or municipalities that have entered an interlocal agreement to arrange for a program under this subsection.

(3) "Qualified actuary" means an actuary who is a member of the American Academy of Actuaries qualified as to health reserving methodologies. [2011, c. 395, §2 (NEW).]

B. To the extent the program provider assumes the risk with respect to any program provided under this subsection, the program provider shall maintain a reserve at least equal to the sum of:

(1) An amount estimated to be necessary to pay claims and administrative costs for the assumed risk for 2 1/2 months; and

(2) The amount determined annually by a qualified actuary to be necessary to fund the unpaid portion of ultimate expected losses, including incurred but not reported claims, and related expenses incurred in the provision of benefits for eligible participants, less any credit, as determined by a qualified actuary, for excess or stop-loss insurance.

If the program provider self-insures for more than one program, a reserve meeting the requirements of this paragraph must be maintained for each program. [2011, c. 395, §2 (NEW).]

C. The program provider may purchase excess or stop-loss insurance for any program, with attachment levels and limits as recommended by a qualified actuary. [2011, c. 395, §2 (NEW).]

D. Paragraph B does not apply to a program in the first 2 years after the program is changed from a fully insured program to a fully or partially self-insured program. Before a program may begin its first year of operation:

(1) The reserve fund must contain a reserve at least equal to the amount estimated to be necessary to pay the claims and administrative costs with respect to the assumed risk for one full month; and

(2) The rate structure of the program, as certified by a qualified actuary, must be designed to enable the fund to attain the following reserve levels:

(a) By the end of the first year of the program, the reserve required by paragraph B, subparagraph (2) and an amount estimated to be necessary to pay claims and administrative costs for the assumed risk for 2 full months; and

(b) By the end of the 2nd year of the program, the reserve required by paragraph B, subparagraph (2) and an amount estimated to be necessary to pay claims and administrative costs for the assumed risk for 2 1/2 full months.

If the program provider purchases stop-loss or excess insurance with respect to the risk, the required reserve is reduced by the credit specified in paragraph B. A self-insurance program may not continue if the reserve fund with respect to that program does not contain the amounts set forth in subparagraph (2) by the time limits established. [2011, c. 395, §2 (NEW).]

E. The program provider may not enter into a contract with a 3rd-party administrator that has not demonstrated compliance with all applicable state laws and that is not, at the time of entering into the contract, administering a health plan or providing health care coverage for a total number of lives equal to the number that would be covered by the program provider contract. [2011, c. 395, §2 (NEW).]

F. Every applicant to provide service as a 3rd-party administrator for the program shall file a fidelity bond in favor of the program provider executed by a surety company for the benefit of the program provider or beneficiaries of the program and shall maintain the fidelity bond in force while representing the program. The bond must be continuous in form and in one of the following amounts, up to $1,000,000:

(1) For an administrator that collects contributions and premiums for a program but does not administer or pay claims, the greater of $50,000 and 5% of contributions and premiums projected to be received or collected for the following plan year from the program provider or from persons covered by the program;

(2) For an administrator that administers and pays claims but does not collect premiums and contributions, the greater of $50,000 and 5% of the claims and claim expenses projected to be held for the following year to pay claims and claim expenses for persons covered by the program; or

(3) For an administrator that collects premiums and contributions and administers and pays claims, the greater of the amounts determined under subparagraphs (1) and (2).

This paragraph applies only if no other applicable state law requires bonding of 3rd-party administrators. [2011, c. 395, §2 (NEW).]

G. Any contract entered into by the program provider must provide for coverage that meets the same level of benefits as those that would be required by state law if the coverage were provided by a health insurance plan governed by Title 24 or Title 24-A. [2011, c. 395, §2 (NEW).]

H. If a group self-insurance program is established through an interlocal agreement with other school administrative units or municipalities established pursuant to Title 30-A, chapter 115, the group self-insurance program must be approved by the Superintendent of Insurance as a multiple-employer welfare arrangement pursuant to Title 24-A, chapter 81. [2011, c. 395, §2 (NEW).]

[2011, c. 395, §2 (NEW) .]

6. **Courses of study.** They shall adopt the courses of study in alignment with the system of learning results as established in section 6209 and in accordance with the requirements of this Title.

[2001, c. 588, §6 (AMD) .]

7. **Tuition payment for attendance by those resident on territory ceded to United States.** They shall prescribe the tuition for attendance of persons of the required age, resident in territory the jurisdiction of which has been ceded to the United States, included in or surrounded by the administrative unit.

[1981, c. 693, §§5, 8 (NEW) .]

8. **Operate public preschool programs, kindergarten and grades one to 12.** They shall either operate programs in kindergarten and grades one to 12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate start-up funding, they may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. They shall determine which students attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time. If a school administrative unit neither maintains a school nor contracts for school privileges pursuant to chapter 115 and a student who resides in the school administrative unit is unable to enroll in another school administrative unit, the school board shall direct the superintendent of the school administrative unit where the student resides to make a written request to the commissioner to designate a place of enrollment for the student, pursuant to section 254, subsection 19.

[2015, c. 448, §2 (AMD) .]

8-A. **Due process standards for expulsion proceedings.** Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

A. Before a hearing on the expulsion, the superintendent shall:

(1) Provide written notice to the parents and the student of:

(a) The date, time and location of the hearing;

(b) A description of the incident or incidents that occasioned the expulsion hearing;

(c) The student's and parents' right to review the school records prior to the hearing;

(d) A description of the hearing process; and

(e) An explanation of the consequences of an expulsion; and

(2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing. [2011, c. 614, §3 (NEW).]

B. At a hearing on the expulsion:

(1) The student has the right to present and cross-examine witnesses;

(2) The student has the right to an attorney or other representation; and

(3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses. [2011, c. 614, §3 (NEW).]

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the school board's written decision may include a reentry plan developed in accordance with subsection 9-C. [2011, c. 614, §3 (NEW).]

[2011, c. 614, §3 (NEW) .]

9. **Students expelled or suspended.** Following a proper investigation of a student's behavior and due process proceedings pursuant to subsection 8-A, if found necessary for the peace and usefulness of the school, a school board shall expel any student:

A. Who is deliberately disobedient or deliberately disorderly; [1993, c. 157, §1 (NEW).]

B. For infractions of violence; [1993, c. 157, §1 (NEW).]

C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official; [1997, c. 298, §1 (AMD).]

D. Who, with use of any other dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury; or [1993, c. 157, §1 (NEW).]

E. Who possesses, furnishes or trafficks in any scheduled drug as defined in Title 17-A, chapter 45. [1993, c. 157, §1 (NEW).]

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance abuse or possession rules to participate in substance abuse services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

[2011, c. 614, §4 (AMD) .]

9-A. **Students expelled or suspended under the requirements of the federal Gun-Free Schools Act.** The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency.

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq. [2009, c. 614, §1 (AMD).]

B. Nothing in this subsection prevents a school board from:

(1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; or

(2) Providing educational services in an alternative setting to a student who has been expelled. [2009, c. 614, §1 (AMD).]

C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection. [2009, c. 614, §1 (AMD).]

[2009, c. 614, §1 (AMD) .]

9-B. **Disciplinary sanctions for children with disabilities.** They retain the authority to sanction a child with a disability as defined in section 7001, subsection 1-A for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant principal to enforce this subsection by allowing the superintendent, principal or assistant principal to suspend a child with a disability up to a maximum of 10 days individually or cumulatively for infractions of school rules. When a child with a disability is suspended for 10 days or less individually or cumulatively within a school year for a violation of school rules, the school board is not required to provide a tutor, transportation or any other aspect of the student's special education program. Discipline of children with disabilities must be consistent with the requirements of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1415(k).

[2005, c. 662, Pt. A, §6 (AMD) .]

9-C. **Reentry for students after expulsion.** Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student:

A. The school board may expel the student for a specific period of time not to exceed the total number of instructional days approved by the school board for the current school year; or [2011, c. 614, §5 (NEW).]

B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph.

(1) The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur.

(2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student.

(3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff.

(4) The reentry plan must be provided to the parents and the student in writing.

(5) The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee.

(6) The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school. Professional services determined to be necessary by the superintendent must be provided at the expense of the student and the student's parents.

(7) The superintendent may, as appropriate, notify an individualized education program team for a child with a disability who has been expelled by a school board.

(8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151. [2011, c. 614, §5 (NEW).]

[2011, c. 614, §5 (NEW) .]

9-D. **Professional services after expulsion for a child with a disability.** Nothing in subsection 9-C may be interpreted to require payment from the parents of an expelled student for professional services determined by the superintendent to be necessary to establish the student's readiness to return to school if:

A. The student is a child with a disability who has been determined to be eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.530, Paragraph (d); or [2011, c. 614, §6 (NEW).]

B. The school administrative unit did not have knowledge that the student was a child with a disability prior to taking disciplinary measures against the student and, based on a subsequent evaluation, the student is determined to be a child with a disability who is eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.534, Paragraph (d). [2011, c. 614, §6 (NEW).]

[2011, c. 614, §6 (NEW) .]

10. **Physiology and hygiene.**

[1983, c. 859, Pt. C, §§2, 7 (RP) .]

10-A. **Educational materials.** They shall adopt a policy governing the selection of educational materials and may approve educational materials.

[2001, c. 588, §7 (AMD) .]

11. **Persons not immunized excluded.**

[1983, c. 862, §52 (RP) .]

11-A. **Exposure to communicable disease.** They shall adopt a policy for enforcement by the superintendent to safeguard the health of any student or employee who has contracted or been exposed to a communicable disease, in accordance with sections 6301, 6351-A and 6551, and Title 22, chapter 251.

[1983, c. 661, §2 (NEW) .]

12. **Salaries of persons absent.** They may adjust the salaries of teachers, principals and other persons legally employed by them who are compelled to be absent from their school duties. No reduction in pay may be made if absence is caused by the bona fide observance of designated holidays in the church of their faith. This subsection and section 13604 shall apply only in cases of persons who are employed on yearly contracts or on tenure of service and who hold the legal qualifications necessary for the positions.

[1981, c. 693, §§5, 8 (NEW) .]

13. **Nondiscriminatory hiring.** They shall develop a nondiscriminatory hiring practice for positions requiring administrator certification. That hiring practice must include:

A. Creation or reassessment of job descriptions; [1989, c. 889, §6 (NEW).]

B. Clearly stated criteria for positions; and [1989, c. 889, §6 (NEW).]

C. An interview format that includes questions based on job descriptions and stated criteria. [1989, c. 889, §6 (NEW).]

[1989, c. 889, §6 (NEW) .]

14. **Insurance purchase by competitive bidding.** Except as otherwise provided by waiver, a school board shall oversee the purchasing of insurance by competitive bidding. On each insurance policy, a competitive bid must be sought at least once every 5 years. To take advantage of commercial package policies in the marketplace, a school board shall group qualifying lines of insurance into a single competitive bid process. Each policy secured by competitive bidding must be issued with a 3-year policy term or, if this is not possible, a commitment for 3 one-year policy terms must be secured with an option for 2 additional one-year policy terms, subject to annual review and adjustment.

A. The requirement of competitive bidding may be waived by a school board when:

(1) In the opinion of the school board, an emergency exists that requires the immediate procurement of insurance. The emergency may include the premature cancellation of an existing policy or acquisition of a risk that can not be added to an existing policy, including the signing of a lease. However, at the next renewal of the policy, procurement of insurance is subject to competitive bidding;

(2) After reasonable investigation by the school board, it appears that the required insurance is procurable from only one source;

(3) It appears to be in the best interest of the school board to negotiate for the procurement of an excess insurance line;

(4) The line of insurance is workers' compensation or an employee benefit such as life, disability or health insurance in accordance with subsection 5; or

(5) The school board is in a municipal school unit and school insurance and municipal insurance are purchased as a package through competitive bidding by the municipal government. [1993, c. 423, §1 (NEW).]

B. A registry of bidders must be maintained by the school board. Invitations to bid or proposals must be sent to a registry of bidders on file with the school board. Insurance agents or brokers licensed by the Bureau of Insurance and risk pools authorized under Title 24-A or Title 30-A, chapter 117 desiring to have their names entered on a registry of bidders shall submit to the school board in writing a request for such action. The name of a bidder entered in a registry who fails to submit a bid on 3 consecutive proposals or invitations to bid may be removed from the registry at the discretion of the school board. [1993, c. 423, §1 (NEW).]

C. "Competitive bidding" means the following multistep process.

(1) At least 4 months before the expiration date of the policy for which bids are being solicited, a prequalification questionnaire, referred to in this paragraph as the "questionnaire," must be developed by the school board for the purpose of prequalifying bidders. The questionnaire must contain at a minimum:

(a) Questions on the bidder's insurance knowledge, educational background, licensing, errors and omissions insurance, experience with public entities, experience with school systems and number of years in business. The questionnaire must state that qualified bidders must be insurance agents or brokers licensed by the Bureau of Insurance or duly authorized risk pools under Title 24-A or Title 30-A, chapter 117;

(b) The evaluation criteria and relative scoring weights to be applied in the prequalification evaluation process;

(c) A statement that bidders are subject to prescreening and may not approach an insurer or reinsurer until given permission by the school board to do so since markets are allocated by the school board. The questionnaire must state that failure to comply with this restriction automatically disqualifies the bidder. The questionnaire must state that the school board reserves the option to require a personal interview at any time in the process; and

(d) The address and contact person to which the questionnaire must be submitted and the opening date and time, which may not be less than 3 1/2 months from the expiration date of the policy or policies being sought. The questionnaire must state that: all proposals are publicly opened at the date, time and place noted; a questionnaire received after the date and time specified is rejected, but retained and not evaluated or considered further; and proposals are not available for inspection until after the bid is awarded. The questionnaire must state that the school board reserves the right to reject a questionnaire and does not accept responsibility for costs incurred by a bidder in the preparation of a questionnaire. The questionnaire must state that bidders are notified of the outcome in writing no later than 10 days after the closing date.

(2) In the same time frame, the school board shall approve a request for proposal, referred to in this paragraph as the "proposal." The proposal must contain at a minimum:

(a) The line or lines of insurance for which bids are being solicited and a clear definition of minimum coverage required, minimum limits required, deductibles, policy forms and endorsements required and policy term required. If coverage identical to the expiring coverage is being sought, a copy of the expiring policy or policies and all endorsements may be enclosed to meet this requirement;

(b) Basic underwriting information, such as named insured, mailing address, nature of risk, actual locations, schedules of buildings, business personal property, vehicles or any other property for which insurance is being sought, if applicable;

(c) At least a 3-year and preferably a 5-year company-generated loss run;

(d) A clear definition of the services, if any, required of both the bidder and the insurer;

(e) The minimum A.M. Best rating and financial size category acceptable to the school board;

(f) The evaluation criteria and relative scoring weights to be applied to the proposal. Cost of the insurance coverage must be included in the evaluation criteria and must be given a minimum of 50% of the total weight of all criteria;

(g) The address and contact person to which a bid must be submitted and the bid opening date and time. The proposal must state that: all proposals are publicly opened at the date, time and place noted; bids received after the date and time specified are rejected, but retained and not evaluated or considered further; and proposals are not available for inspection until after the bid is awarded. The proposal must state that the school board reserves the right to reject a bid and does not accept responsibility for costs incurred by a bidder in the preparation of a proposal. The proposal must state that all bidders are notified of the outcome in writing no later than 20 days after the bid closing date;

(h) The name, address and optionally a facsimile number of a school board contact person to whom written questions may be addressed. The proposal must state that the school board will reply to questions submitted in writing before a specified deadline with copies of the questions and answers to be provided in writing to all bidders; and

(i) A statement that the successful bidder must present an insurance binder to the school board within 5 days of the award and no later than the expiration date of the existing policy. Failure to do so disqualifies the award and the award is then made to the next highest-rated bidder who was in compliance with the proposal. The proposal must state that all decisions regarding the award are final.

(3) Each bidder on the registry of bidders must be provided with a questionnaire and proposal 4 months before the expiration of the policy or policies being sought. Each bidder must complete and return the questionnaire before the stated date and time as specified in the questionnaire. In addition, a bidder must state in the order of preference the insurers they prefer to solicit on the school board's behalf. The school board shall then have 3 persons independently review a questionnaire on the basis of the established criteria. The reviewers shall document the scoring and select all qualified bidders, but no more than the 5 highest-rated, to participate further in the process.

(4) The school board shall allocate to each selected bidder at least one insurer from which to solicit a bid. This market allocation must be made on the basis of awarding the bidder's first choice to the bidder. If there is a conflict, an incumbent broker is given preference over the school board's incumbent insurer. Allocation is then made on the basis of highest-qualifying score. Once market allocation is complete, a new bid closing date must be set for 30 days before the policy expiration date for submission of insurer bids.

(5) The school board shall have 3 persons independently review each submitted bid on the basis of the established criteria. The reviewers shall document the scoring and substantive information that supports the scoring and make the award decision. Interviews may be considered within the review. Award must be made to the highest-rated proposal that conforms to the proposal. Tie scores must be resolved on the basis of factors considered by the school board to serve the best interests of the school system. Minor negotiations not affecting the bid price more than 5% after notice of award are allowed and, if agreement can not be reached, the proposal may be rejected and the award made to the next highest-rated bidder who is in compliance with the proposal. Written records must be kept by each person reviewing or ranking proposals. The award of the bid must then be announced publicly. All bidders must be notified in writing no later than 5 days after the award is made. The successful bidder shall submit, in accordance with the proposal, a written binder of insurance within 5 days of the award and no later than the expiration date of the expiring policy. All decisions regarding awards are final. [2001, c. 588, §9 (AMD).]

D. In order to facilitate the competitive bidding process in procuring health insurance for a school administrative unit’s employees under this subsection, the administrator for an individual school plan or for a group plan for a multiple-school group shall seek and obtain competitive bids through a request for proposal process from qualified insurers at least once every 5 years commencing July 1, 2012. The administrator for any such group plan shall make the request for proposal responses available to requesting school administrative units, excluding any portions of the request for proposal responses considered to be confidential proprietary information by the submitting insurers. If any such individual school plan or group plan is subsequently self-insured, in whole or in part, the school board shall compare the overall cost of such a self-insured plan, including projected claims, all administrative expenses and reinsurance expenses, to the cost of insured products at least once every 5 years commencing July 1, 2012. [2011, c. 249, §1 (NEW).]

(Paragraph D as enacted by PL 2011, c. 395, §3 is REALLOCATED TO TITLE 20-A, SECTION 1001, SUBSECTION 14, PARAGRAPH E)

E. (REALLOCATED FROM T. 20-A, §1001, sub-§14, ¶D) In order to facilitate the competitive bidding process in procuring health insurance for a school administrative unit's employees under this subsection, a school administrative unit may request from the insurer providing health insurance coverage to its

employees and retirees loss information concerning all of that school administrative unit's employees and retirees and their dependents covered under the school administrative unit's policy or contract pursuant to Title 24-A, section 2803-A. The school boards of the alternative organizational structure's member school administrative units may authorize the governing body of the alternative organizational structure to contract for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications. If an alternative organizational structure contracts for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications, the governing body of the alternative organizational structure shall provide notice to the insurer of the alternative organizational structure's election to contract for a single health insurance policy at least 6 months before the effective date of the policy. The alternative organizational structure may not revoke a single health insurance policy under this paragraph for a period of 5 years after the effective date of the policy and shall provide notice of revocation at least 6 months before the effective date of the revocation. [2015, c. 420, §1 (AMD).]

[2015, c. 420, §1 (AMD) .]

15. **Adoption of student code of conduct.** With input from educators, administrators, parents, students and community members, they shall adopt a district-wide student code of conduct consistent with the statewide standards for student behavior developed under section 254, subsection 11. The student code of conduct must:

A. Define unacceptable student behavior; [1999, c. 351, §2 (NEW).]

B. Establish standards of student responsibility for behavior; [1999, c. 351, §2 (NEW).]

C. Prescribe consequences for violation of the student code of conduct, including first-time violations, when appropriate; [1999, c. 351, §2 (NEW).]

D. Describe appropriate procedures for referring students in need of special services to those services; [1999, c. 351, §2 (NEW).]

E. Establish criteria to determine when further assessment of a current individual education plan is necessary, based on removal of the student from class; [1999, c. 351, §2 (NEW).]

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; [2005, c. 307, §1 (AMD).]

G. Establish guidelines and criteria concerning the appropriate circumstances when the superintendent or the superintendent's designee may provide information to the local police or other appropriate law enforcement authorities regarding an offense that involves violence committed by any person on school grounds or other school property; and [2005, c. 307, §2 (AMD).]

H. Establish policies and procedures to address bullying, harassment and sexual harassment as set forth in section 6554. [2011, c. 659, §2 (AMD).]

The school board is responsible for ensuring that school officials inform students, parents and community members of the student code of conduct.

[2011, c. 659, §2 (AMD) .]

15-A. **School disciplinary policies.** When revising the prescribed consequences for violation of the student code of conduct pursuant to subsection 15, paragraph C, a school board shall consider districtwide disciplinary policies that:

A. Focus on positive interventions and expectations and avoid focusing exclusively on unacceptable student behavior. For the purpose of this subsection, "positive interventions" means instructional and environmental supports that are designed to teach students prosocial alternatives to problem behaviors with high rates of positive feedback; [2011, c. 614, §7 (NEW).]

B. Focus on positive and restorative interventions that are consistent with evidence-based practices rather than set punishments for specific behavior and avoid so-called zero-tolerance practices unless specifically required by federal or state laws, rules or regulations. For the purpose of this paragraph, "restorative interventions" means school practices that are designed to strengthen relationships, improve the connection to school and promote a strong sense of accountability and that help students learn from their mistakes, understand the impact of their actions on others and find opportunities to repair the harm they have caused through their misbehavior; [2011, c. 614, §7 (NEW).]

C. Allow administrators to use their discretion to fashion appropriate discipline that examines the circumstances pertinent to the case at hand; and [2011, c. 614, §7 (NEW).]

D. Provide written notice to the parents of a student when a student is suspended from school, regardless of whether the suspension is an in-school or out-of-school suspension. [2011, c. 614, §7 (NEW).]

The school board shall ensure that administrators inform students, parents and school personnel of the districtwide school disciplinary policies.

[2011, c. 614, §7 (NEW) .]

16. **Comprehensive emergency management plan.** Each school board shall annually approve a comprehensive emergency management plan developed by the school unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials and law enforcement officials to identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit. The approval of a comprehensive emergency management plan under this subsection is public information. The following information pertaining to a comprehensive emergency management plan is public information:

A. A description of the scope and purpose of the comprehensive emergency management plan and the process used for developing and updating the plan; [2007, c. 408, §1 (NEW).]

B. General information on auditing for safety and preparedness; [2007, c. 408, §1 (NEW).]

C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and [2007, c. 408, §1 (NEW).]

D. Strategies for conveying information to parents and the general public during an emergency. [2007, c. 408, §1 (NEW).]

Except as provided in paragraphs A to D, release of the contents of a comprehensive emergency management plan approved under this subsection is subject to the limitations set forth in Title 1, section 402, subsection 3, paragraph L.

[2007, c. 408, §1 (RPR) .]

17. **School bomb threat response policies.** Beginning with the 2002-2003 school year, each school board in the State must have adopted a school bomb threat policy that is consistent with the prototypical policies developed by the commissioner under section 263.

[2001, c. 67, §2 (NEW) .]

18. **Bomb threat information in student handbooks.** Beginning with the 2002-2003 school year, each school board shall include in its student handbook a section that addresses in detail the school's bomb threat policies and protocols. The section of the handbook must contain an explanation of the portions of the policies and protocols relevant to students and their families and explain to the students the educational and legal consequences of making a bomb threat to a school.

[2001, c. 67, §2 (NEW) .]

19. **Adoption of policy to manage concussive and other head injuries.** Beginning January 1, 2013, the school board of each public school and the governing body of each private school enrolling more than 60% of its students at public expense in this State shall adopt and implement a policy on the management of concussive and other head injuries in school activities and athletics that is consistent with the model policy developed by the commissioner in accordance with section 254, subsection 17.

[2011, c. 688, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 661, §§1,2 (AMD). 1983, c. 806, §10 (AMD). 1983, c. 859, §§C1-C3,C7 (AMD). 1983, c. 859, §§K3,K7 (AMD). 1983, c. 862, §52 (AMD). 1985, c. 713, §3 (AMD). 1989, c. 425, §§1,2 (AMD). 1989, c. 708, §1 (AMD). 1989, c. 878, §B17 (AMD). 1989, c. 889, §6 (AMD). 1991, c. 885, §E20 (AMD). 1991, c. 885, §E47 (AFF). 1993, c. 157, §1 (AMD). 1993, c. 423, §1 (AMD). 1995, c. 322, §5 (AMD). 1997, c. 298, §1 (AMD). 1997, c. 594, §1 (AMD). 1999, c. 351, §2 (AMD). 1999, c. 424, §A1 (AMD). 2001, c. 67, §2 (AMD). 2001, c. 341, §2 (AMD). 2001, c. 454, §7 (AMD). 2001, c. 471, §D17 (AMD). 2001, c. 471, §D18 (AFF). 2001, c. 588, §§4-10 (AMD). 2001, c. 644, §1 (AMD). 2005, c. 307, §§1-3 (AMD). 2005, c. 662, §A6 (AMD). 2007, c. 408, §1 (AMD). 2009, c. 614, §1 (AMD). RR 2011, c. 1, §25 (COR). 2011, c. 249, §1 (AMD). 2011, c. 395, §§1-3 (AMD). 2011, c. 614, §§3-7 (AMD). 2011, c. 659, §2 (AMD). 2011, c. 688, §2 (AMD). 2013, c. 581, §2 (AMD). 2015, c. 420, §1 (AMD). 2015, c. 448, §2 (AMD).

§1002. PROHIBITED APPOINTMENTS AND EMPLOYMENT

The following provisions apply to members of a school board. [1981, c. 693, §§5, 8 (NEW).]

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for a school administrative unit. [1999, c. 128, §1 (NEW).]

B. "Volunteer" means a person who performs personal services for a school administrative unit without monetary payment or benefits of any kind or amount. [1999, c. 128, §1 (NEW).]

[1999, c. 128, §1 (RPR) .]

2. **Employment by school administrative unit, school union, academy.** A member of a school board or spouse of a member may not be an employee in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the union committee.

[1999, c. 128, §2 (AMD) .]

2-A. **Volunteer placement by school administrative unit, school union, academy.** A member of a school board or member's spouse may not serve as a volunteer when that volunteer has primary responsibility for a curricular, cocurricular or extracurricular program or activity and reports directly to the superintendent, principal, athletic director or other school administrator in a public school within the jurisdiction of the school board to which the member is elected or in a contract high school or academy located within a supervisory union in which the member is a representative on the school committee. Volunteer activities of a member of a school board or member's spouse, other than in roles that are prohibited by this subsection, may be prescribed by policies developed and approved by the school board of the school administrative unit.

[1999, c. 128, §3 (NEW) .]

3. **Appointment to civil office and other employment.** A school board member may not, during the term for which the member serves on the board and for one year after the member ceases to serve on the board, be appointed to any civil office of profit or employment position, which has been created or the compensation of which has been increased by the action of the school board during the time the member serves on the board.

[1991, c. 196, (AMD) .]

4. **Employees serving on school boards in school unions.** An employee or the spouse of an employee of a school administrative unit may not serve on the school board of another school administrative unit when the 2 school administrative units are members of the same school union and have the same superintendent of schools.

[1995, c. 174, §1 (NEW); 1995, c. 174, §2 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §11 (AMD). 1991, c. 196, (AMD). 1995, c. 174, §1 (AMD). 1995, c. 174, §2 (AFF). 1999, c. 128, §§1-3 (AMD).

§1003. COMMENCEMENT OF TERM OF OFFICE

The term of newly elected school board members shall start: [1981, c. 693, §§ 5, 8 (NEW).]

1. **After election.** Immediately upon being elected and sworn in; or

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Fixed date.** On a fixed date established by the voters on an appropriate article at a properly called town meeting, the date shall be between the municipal election and July 1st.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1004. CONFLICT OF INTEREST; CONTRACTS

A contract made by a school board shall follow the requirement of Title 30-A, section 2605. [1987, c. 737, Pt. C, §§35, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 737, §§C35,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD).

Subchapter 2: SUPERINTENDENTS

§1051. SELECTION OF SUPERINTENDENTS

The following provisions shall apply to the selection of superintendents. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Eligibility requirements.** Only those persons who hold a state certificate of superintendence grade, issued in accordance with chapter 501 or 502, are eligible to become superintendents. Members of the school board are not eligible to become superintendent in the school administrative unit that they represent. Superintendents' certificates must be revoked in accordance with section 13020. Grounds for revocation include, but are not limited to, the employment or retention of uncertified personnel in a school administrative unit in violation of this Title or of any rules adopted pursuant to this Title.

[2001, c. 588, §11 (AMD) .]

2. **Appointment.** The school board shall elect, by majority vote of the full membership, the superintendent. The school board, upon notification by the commissioner, shall meet no later than December 31st of the year preceding the expiration of the superintendent's contract, at a day and place determined by the chair of the school board. When a vacancy occurs, the school board shall meet as soon as possible to choose a superintendent.

[2001, c. 588, §12 (AMD) .]

3. **Term.** The superintendent's term shall be established by the school board.

A. The term may not exceed 5 years. [1981, c. 693, §§ 5, 8 (NEW).]

B. The term shall expire on June 30th of the year of expiration. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Failure to elect.** If the school board fails to elect a superintendent by June 30th, the school board may appoint a competent and qualified agent, with the advice and consent of the commissioner, to serve in that capacity until a superintendent is elected.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Notice to the commissioner.** Annually and when a new superintendent is chosen, the chairman and secretary of the school board shall certify under oath to the commissioner, on forms provided by the commissioner, all facts relating to the unit's selection of a superintendent.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Election in certain units.** The following provisions shall apply to the election of superintendents by certain units.

A. In a school union, the union committee shall perform the functions of a school board. [1981, c. 693, §§ 5, 8 (NEW).]

B. In a school administrative unit governed by a private and special law that provides for the election of a superintendent, the governing board shall elect a superintendent in the manner provided in that law. [1981, c. 693, §§ 5, 8 (NEW).]

C. In a community school district, the district school committee shall elect the superintendent. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 39, §1 (AMD). 1983, c. 485, §5 (AMD). 1983, c. 816, §A10 (AMD). 1991, c. 655, §1 (AMD). 2001, c. 588, §§11,12 (AMD).

§1052. DISCHARGE

A school board may discharge a superintendent before the expiration of the contract term. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Requirements.** The superintendent may be discharged only:

A. For cause; [1981, c. 693, §§5, 8 (NEW).]

B. After due notice and investigation; and [1981, c. 693, §§5, 8 (NEW).]

C. By a majority vote of the full membership of the school board. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Salary.** On discharge, the superintendent's salary shall cease.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Appeal.** The superintendent may appeal the school board's decision to the commissioner. The commissioner shall hold a hearing as part of the appeal.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1053. ALLOCATION OF SERVICES

1. **School unions.** The union committee shall establish a policy to guide the relative amount of service to be performed by the superintendent in each unit.

[2001, c. 588, §13 (AMD) .]

2. **Community school district.** In community school districts, the district school committee shall also establish a policy to guide the relative amount of service to be performed by the superintendent in each school administrative unit.

[2001, c. 588, §13 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2001, c. 588, §13 (AMD).

§1054. OFFICE AND SALARY

1. **Office.** The school board or union committee shall provide for an office for the superintendent, office assistants, supplies, utilities and other office expenses.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Salary.** The school board or union committee shall fix the superintendent's salary.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1055. SUPERINTENDENT; POWERS AND DUTIES

The superintendent is responsible for the ongoing administration of the school administrative unit and for ensuring that the operation of the schools conforms to policies and rules as adopted by the school board and to state laws and rules. The superintendent also is the ex officio secretary of the school board and school building committee chosen by the administrative unit and shall perform duties as the school board or school building committee direct. [2001, c. 588, §14 (AMD).]

1. **Records, orders, vouchers.** The superintendent is responsible for:

A. Keeping a permanent record of all the votes, orders and proceedings; [2001, c. 588, §15 (AMD).]

B. Placing all orders for materials and supplies purchased by vote of the school building committee or school board; [2001, c. 588, §15 (AMD).]

C. Keeping all financial records and accounts; and [2001, c. 588, §15 (AMD).]

D. Issuing vouchers showing the correctness of bills contracted on account of school appropriations. [2001, c. 588, §15 (AMD).]

[2001, c. 588, §15 (AMD) .]

2. **Inspect schools; annual report.** The superintendent is responsible for:

A. Inspecting the schools and reviewing the operating rules, the discipline and the proficiency of the students; [2001, c. 588, §16 (AMD).]

B. Visiting each school at least the minimum number of times each term required by the school board or union committee as established by the policy adopted under section 1053; and [2001, c. 588, §16 (AMD).]

C. Annually, reporting to the commissioner on the progress of the comprehensive education plan required under section 4502, subsection 6. [2001, c. 588, §16 (AMD).]

[2001, c. 588, §16 (AMD) .]

3. **Financial and building report.** At least annually, the superintendent shall send an accurate account of school finances and an accurate report on the condition of school facilities to each school board member.

[2001, c. 588, §16 (AMD) .]

4. **Educational materials.** The superintendent is responsible for carrying out the policies of the school board established pursuant to section 1001, subsection 10-A for the selection and purchase of all educational materials.

[2001, c. 588, §16 (AMD) .]

5. **Distribution and accounting of supplies.** The superintendent shall ensure that all necessary apparatus and supplies are distributed to each school, accurately accounted for and economically used.

[2001, c. 588, §16 (AMD) .]

6. **Display of flags.** The superintendent shall:

A. Ensure that the United States and Maine flags are displayed from public school buildings every school day and on appropriate occasions; [1985, c. 103, §1 (AMD).]

A-1. Ensure that an American flag is displayed in every classroom in each public school in the unit; and [1985, c. 103, §2 (NEW).]

B. Report annually to the school board the amount necessary to furnish the public schools with suitable flags and flagstaffs. The school administrative unit shall appropriate the necessary funds. [1981, c. 693, §§5, 8 (NEW).]

[1985, c. 103, §§1, 2 (AMD) .]

7. **Enforce rules of the school board.** The superintendent shall enforce or cause to be enforced all rules of the school board.

[1981, c. 693, §§5, 8 (NEW) .]

8. **Full-time employment.** The entire time of a full-time superintendent shall be devoted to superintendence in the school supervisory unit which employs the superintendent. A full-time superintendent may perform educational service outside of the supervisory unit with the approval of the commissioner and with the consent of the school board.

[1987, c. 330, §1 (RPR) .]

8-A. **Part-time employment.** A superintendent who is employed as a part-time superintendent shall perform the duties agreed upon between the superintendent and the employing school board, subject to approval by the commissioner.

[1987, c. 330, §2 (NEW) .]

9. **Report to the commissioner.** The superintendent shall annually report, under oath, to the commissioner before a date established by the commissioner, concerning the operation of the school unit. The report shall contain:

A. The amount appropriated and expended on elementary and secondary education in the preceding fiscal year; [1981, c. 693, §§5, 8 (NEW).]

B. The number of weeks schools were open; [1981, c. 693, §§5, 8 (NEW).]

C. The number of students registered; [1981, c. 693, §§5, 8 (NEW).]

D. The average attendance; [1983, c. 859, §§4, 25 (AMD).]

E. The amount received for tuition; and [1983, c. 859, Pt. A, §§4, 25 (AMD).]

F. Other information required by rule adopted by the commissioner to demonstrate compliance with the requirements of this Title. [1983, c. 859, Pt. A, §§4, 25 (NEW).]

[1983, c. 859, Pt. A, §§4, 25 (AMD) .]

10. **Supervise school employees.** The superintendent is responsible for implementing a performance evaluation and professional growth system for all teachers and principals pursuant to chapter 508 and an evaluation system for all other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, but not limited to, their 2nd year of employment. The method of evaluation must be determined by the school board, be in compliance with the requirements of chapter 508 and be implemented by the superintendent.

[2011, c. 635, Pt. A, §1 (AMD) .]

11. **Notification teams.** Within 10 days after receiving notice from a district attorney of an alleged juvenile offense or juvenile offense, pursuant to Title 15, section 3308, subsection 7, paragraph E or after receiving notice from a law enforcement officer of credible information that indicates an imminent danger to the safety of students or school personnel pursuant to Title 15, section 3301-A, the superintendent shall convene a notification team. The notification team must consist of the administrator of the school building or the administrator's designee, at least one classroom teacher to whom the student is assigned, a parent or guardian of the student and a guidance counselor. The notification team is entitled to receive the information described in Title 15, section 3308, subsection 7, paragraph E, subparagraphs (1) to (6) and in Title 15, section 3301-A. The notification team shall also determine on the basis of need which school employees are entitled to receive that information.

Confidentiality of this criminal justice information regarding juveniles must be ensured at all times, and the information may be released only under the conditions of this subsection. The superintendent shall ensure that confidentiality training is provided to all school employees who have access to the information.

[2003, c. 190, §2 (AMD) .]

12. **Reintegration team.** Within 10 days after receiving information from the Department of Corrections pursuant to Title 15, section 3009, the superintendent shall convene a reintegration team to carry out reintegration planning pursuant to section 254, subsection 12. The reintegration team must consist of the administrator of the school or the administrator's designee; at least one classroom teacher to whom the student will be assigned or who is involved in the school's student assistance team; a parent, guardian or custodian of the student; and a guidance counselor. The reintegration team is entitled to receive the information described in Title 15, section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F. The reintegration team shall also determine, on the basis of need, which school employees may receive that information.

Confidentiality of the criminal justice information regarding juveniles must be ensured at all times and the information may be released by a member of the reintegration team only under the conditions of this subsection. The superintendent shall ensure that confidentiality training is provided to all school employees who have access to the information.

[2003, c. 205, §7 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §1 (AMD). 1983, c. 485, §6 (AMD). 1983, c. 806, §12 (AMD). 1983, c. 859, §§A4,A25 (AMD). 1985, c. 103, §§1,2 (AMD). 1985, c. 797, §13 (AMD). 1987, c. 330, §§1,2 (AMD). 1999, c. 345, §2 (AMD). 2001, c. 452, §4 (AMD). 2001, c. 588, §§14-17 (AMD). 2003, c. 190, §2 (AMD). 2003, c. 205, §7 (AMD). 2011, c. 172, §1 (AMD). 2011, c. 635, Pt. A, §1 (AMD).

Chapter 103: SCHOOL ADMINISTRATIVE DISTRICTS

Subchapter 1: PURPOSE

§1101. ORGANIZATION OF SCHOOL ADMINISTRATIVE UNITS

It is declared policy of the State to encourage the development of school administrative units of sufficient size to provide: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Opportunity.** A more equalized educational opportunity for pupils;

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Programs.** Satisfactory school programs;

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Tax rates.** A greater uniformity of school tax rates among the units; and

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Public funds.** A more effective use of the public funds expended for the support of public schools.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 2: ORGANIZATION

§1201. CRITERIA FOR ESTABLISHING A SCHOOL ADMINISTRATIVE DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §6 (RP).

§1202. FORMATION OF DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §§7,8 (AMD). 1987, c. 402, Pt. A, §118 (AMD). 1987, c. 737, §§C36,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1993, c. 608, §1 (AMD). 2007, c. 240, Pt. XXXX, §7 (RP).

§1203. ISSUANCE OF A CERTIFICATE OF ORGANIZATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §8 (RP).

§1204. TRANSFER OF PROPERTY AND ASSETS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §9 (RP).

§1205. OPERATIONAL DATE AND TRANSFER OF AUTHORITY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 480, §A16 (AMD). 2001, c. 588, §18 (AMD). 2007, c. 240, Pt. XXXX, §10 (RP).

§1206. APPLICATION OF GENERAL LAW

Schools operated by legally established school administrative districts shall be the official schools of the participating municipalities. The provisions of general law relating to public education shall apply to these schools. State funds for public schools shall be paid directly to the treasurer of the school administrative district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 3: SCHOOL DIRECTORS

§1251. BOARD OF DIRECTORS

Provisions for a board of directors shall be as follows. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Size.** The size shall be determined by the joint meeting under section 1203 or by the reapportionment committee under section 1255, but shall not be less than 5. It shall include at least one director from each municipality or subdistrict.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Term of office.** In municipalities with annual elections, directors shall serve a 3-year term. In municipalities with biennial elections, directors shall serve a 4-year term. A director shall serve until a successor is elected and qualified.

[1983, c. 806, §13 (AMD) .]

3. **Terms of office under district formation.** The newly elected directors under a district formation or reapportionment plan shall meet and draw lots for the length of term specified as follows.

A. In municipalities with annual elections, 1/3 of the directors shall serve one-year terms, 1/3 shall serve 2-year terms and 1/3 shall serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director shall serve a 3-year term and the 2nd a 2-year term. [1981, c. 693, §§ 5, 8 (NEW).]

B. In municipalities with biennial elections, 1/2 of the directors shall serve a 4-year term and 1/2 a 2-year term. If the number of directors is not divisible by 2, the remaining director shall serve a 4-year term. [1981, c. 693, §§ 5, 8 (NEW).]

C. The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office shall be established in accordance with the provisions of section 1003. [1983, c. 485, §9 (AMD).]

[1983, c. 485, §9 (AMD) .]

4. **Compensation.** Compensation for attendance at a school board meeting shall be between $10 and $25 per meeting. Whenever the directors recommend to increase their compensation, they shall submit their recommendation to the district voters for approval.

A. On notification by the school board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase.

The question shall be in the following form.

> "Should the School Administrative District No. directors be paid compensation at the rate of $ for each meeting which each director attends?"

[1981, c. 693, §§5, 8 (NEW).]

B. No increase in compensation is effective unless approved by a majority of the voters voting on the question. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Secretary and treasurer.** The superintendent shall serve as secretary and treasurer of the school board and shall give a bond to the district of a sum and with the sureties as the school board shall determine. The bond shall be deposited with the chairman. The expense of that bond shall be paid by the district. The bond premium, compensation paid directors for attendance at meetings and expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the school board or a finance committee duly elected annually by that board.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Oath of office.** Before their first meeting, newly elected directors must take the following oath or affirmation before a dedimus justice or notary public.

"I ..... do swear that I will faithfully discharge to the best of my abilities the duties encumbent on me as a school director of School Administrative District No..... according to the Constitution and laws of this State. So help me God."

A. A director shall take the oath or affirmation and return a certificate documenting that the oath has been taken to the secretary of the district to place in the district records. [1987, c. 736, §40 (AMD).]

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" may be used instead of "swear" and the words "this I do under the pains and penalty of perjury" instead of the words "so help me God." [1991, c. 655, §2 (AMD).]

[1991, c. 655, §2 (AMD) .]

7. **Election of officers.** The board of directors shall elect a chairman and vice-chairman and other officers as may be necessary.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 485, §9 (AMD). 1983, c. 806, §§13,14 (AMD). 1987, c. 736, §40 (AMD). 1991, c. 655, §2 (AMD).

§1252. METHODS OF REPRESENTATION

The following are methods of representation. [1981, c. 693, §§5, 8 (NEW).]

1. **Method A: Subdistrict representation.** Directors shall represent subdistricts.

A. The subdistricts, as far as practicable, shall be whole municipalities. If the municipalities are divided into subdistricts, then they shall be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality. [1981, c. 693, §§5, 8 (NEW).]

B. The boundaries of each subdistrict shall be determined by a majority vote of the joint meeting or reapportionment committee. Each subdistrict shall have one director, except that in a municipality comprised of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Method B: Weighted votes.** Directors shall cast weighted votes.

A. The committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 shall be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the district, as determined by the latest Federal Decennial Census or Federal Estimated Census. [1981, c. 693, §§5, 8 (NEW).]

B. To assure the use of whole numbers, the 1,000 votes apportioned among the board members may be increased or decreased by not more than 5 votes. [1981, c. 693, §§5, 8 (NEW).]

C. A plan may not permit the voting power of any director to exceed by more than 5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors. [2011, c. 171, §1 (AMD).]

D. In a municipality served by 2 or more directors, the votes cast by them shall be divided equally among them. The directors shall be elected at large within the municipality unless otherwise provided by municipal charter. [1981, c. 693, §§5, 8 (NEW).]

[2011, c. 171, §1 (AMD) .]

3. **Method C: At-large voting.** Directors shall be elected at large by all of the voters in the district.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Method D: Other.** Directors may be elected by any other method that meets the requirements of the one-man, one-vote principle that is not included in Methods A, B or C.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 806, §15 (AMD). 2011, c. 171, §1 (AMD).

§1253. ELECTION

For the purpose of nominations, school directors shall be considered municipal officials and shall be nominated in accordance with Title 30-A, chapter 121, or with a municipal charter, whichever is applicable. [1987, c. 737, Pt. C, §§37, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD).]

1. **Initial meeting on district formation.** On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in the manner set forth in section 1202, subsection 3, paragraph A.

[1983, c. 480, Pt. A, §17 (AMD) .]

2. **Special provisions.** In the election for representation under the methods provided in section 1252 the following shall apply.

A. Under Method A:

(1) Within 60 days, but no earlier than 45 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;

(2) Nomination papers must be furnished by the secretary of the district at least 10 days before the deadline for filing of nomination papers. Notwithstanding any other section of this Title, directors must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The ballots must be prepared in accordance with subparagraph (7);

(4) The clerks of each municipality shall forward to the secretary the results of the vote by subdistrict;

(5) The board of directors shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors must be elected by secret ballot. The ballots must be prepared for and distributed to the municipalities or subdistricts by the secretary of the district. [1993, c. 435, §1 (AMD).]

A-1. Under Method B:

(1) Reductions in the number of directors must take place in accordance with section 1255, subsection 1, paragraph B;

(2) Additional directors must be added in accordance with section 1255, subsection 1, paragraph C; and

(3) The term of office of additional directors must be determined in accordance with section 1251, subsection 3. [1993, c. 435, §2 (NEW).]

B. Under Method C:

(1) Nominations for directors shall be made on petitions provided by the district secretary. The petitions shall be signed as provided in Title 30-A, section 2528, subsection 4, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;

(2) The petitions shall be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition;

(3) The registrar of voters shall return the certified petitions to the district secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballot shall be prepared and distributed by the district secretary. It shall give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;

(5) Notwithstanding any other provision of law, school directors shall be elected by secret ballot;

(6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections shall be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot;

(b) The tally shall be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chairman who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the board of directors the result of the voting in that municipality; and

(7) Any recount petitions shall be filed with the secretary of the board of directors and recounts shall be conducted in each member municipality in accordance with the applicable laws. [1987, c. 737, Pt. C, §§38, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD).]

[1993, c. 435, §§1, 2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §2 (AMD). 1983, c. 480, §A17 (AMD). 1987, c. 737, §§C37,C38, C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1993, c. 435, §§1,2 (AMD).

§1254. VACANCIES

Declaration and filling of vacancies shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Definition of vacancy.** A vacancy occurs:

A. When the term of the office of a school director expires; [1981, c. 693, §§5, 8 (NEW).]

B. When a school director changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency; [1981, c. 693, §§5, 8 (NEW).]

C. On the death of a school director; [1987, c. 866, §1 (AMD).]

D. When a school director resigns; or [1987, c. 866, §1 (AMD).]

E. Except in municipalities having a municipal charter, when a director is absent without excuse from 3 consecutive regular board meetings, the board may declare that a vacancy exists. [1987, c. 866, §2 (NEW).]

[1987, c. 866, §§1, 2 (AMD) .]

2. **School board.** The board of directors shall notify the municipal officers of the municipalities within the district before the annual town meeting or before the regular city election of the vacancy.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Filling vacancies.** Vacancies shall be filled as follows.

A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until a successor is elected and qualified. [1983, c. 806, §16 (AMD).]

B. The municipal officers shall provide at the next municipal or subdistrict election for the election of a director to fill the vacancy. [1981, c. 693, §§5, 8 (NEW).]

[1983, c. 806, §16 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §16 (AMD). 1987, c. 866, §§1,2 (AMD).

§1255. REAPPORTIONMENT

The commissioner shall determine the necessity for reapportionment. [1987, c. 395, Pt. A, §53 (AMD).]

1. **Duties of commissioner.** The commissioner shall determine if a district is apportioned in accordance with the principles of one person, one vote, if:

A. The commissioner receives a request by the board of directors; [2003, c. 354, §1 (AMD).]

B. The commissioner receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or [2003, c. 354, §1 (AMD).]

C. The commissioner determines a district is not apportioned according to the principles of one person, one vote. [2003, c. 354, §1 (AMD).]

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

[2003, c. 354, §1 (AMD) .]

2. **Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, he may wait until after the new census figures are available to make a determination.

[1987, c. 395, Pt. A, §54 (AMD) .]

3. **Findings and order.** If the commissioner finds the district's representation is not apportioned in accordance with the principle of one person, one vote, the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The

superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

[2003, c. 354, §1 (AMD) .]

4. **Reapportionment committee membership.** The reapportionment committee shall consist of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments shall be made prior to the first meeting of the committee.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Quorum.** A majority of the committee shall be a quorum.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Duties of commissioner.** The commissioner shall provide the superintendent with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

[2003, c. 354, §2 (AMD) .]

7. **Duties of the reapportionment committee.** The committee shall:

A. Elect a chairman and secretary and may adopt suitable rules of procedure; [1981, c. 693, §§5, 8 (NEW).]

B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and [1981, c. 693, §§5, 8 (NEW).]

C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

8. **Commissioner approval.** The commissioner shall approve or disapprove the committee plan within 30 days of receiving it.

[1987, c. 395, Pt. A, §54 (AMD) .]

9. **Failure to gain commissioner approval.** If a plan has not been adopted by the committee or approved by the commissioner within the time limits, he shall prepare a suitable plan.

[1987, c. 395, Pt. A, §54 (AMD) .]

10. **Putting the approved plan into effect.** On approval of a plan, the commissioner shall send a certified copy to the municipal officers and school directors. The original plan shall be retained in the department files.

A. The approved plan shall be effective immediately. The committee shall determine the terms of the directors who shall be elected at the next annual municipal elections so as to comply with section 1253. [1981, c. 693, §§5, 8 (NEW).]

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction can not be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction can not be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate. [2003, c. 57, §1 (RPR).]

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director shall serve until a successor is elected and qualified at the next annual municipal election. [1983, c. 806, §17 (AMD).]

D. [1993, c. 435, §3 (RP).]

E. The reapportionment committee shall thereupon be dissolved. [1981, c. 693, §§5, 8 (NEW).]

[2003, c. 57, §1 (AMD) .]

11. **Duties of present directors during reapportionment.** The board of directors, during the reapportionment of its membership, shall serve as legal representatives of the district until the reapportionment is completed. The board shall carry out all business of the district, including the borrowing of necessary funds which may be required during the period of reapportionment.

[1981, c. 693, §§5, 8 (NEW) .]

12. **State board review of commissioner's decisions.** A school administrative district or interested parties may request that the state board reconsider decisions made by the commissioner in this section. The state board shall have the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

[1987, c. 395, Pt. A, §56 (NEW) .]

13. **Rules.** The state board may adopt rules to carry out this section.

[1987, c. 395, Pt. A, §56 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §10 (AMD). 1983, c. 806, §17 (AMD). 1987, c. 395, §§A53-A56 (AMD). 1993, c. 435, §3 (AMD). 2003, c. 57, §1 (AMD). 2003, c. 354, §§1,2 (AMD).

§1256. POWERS AND DUTIES

The board of directors: [1981, c. 693, §§5, 8 (NEW).]

1. **School district name.** May select an unofficial name for the district;

[1983, c. 485, §11 (AMD) .]

2. **Finance committee.** May elect a finance committee of 3 or more members who must be directors;

[2005, c. 496, §1 (AMD) .]

3. **Operating schools.** May authorize and oversee the operation of elementary schools;

[2001, c. 588, §19 (AMD) .]

4. **Purchase of land outside the district.** May purchase land outside of the geographical limits of the district and erect a school on it if, because of the location of other schools within the school district or transportation difficulties, a school within the district would not be in the best interests of the district;

[1981, c. 693, §§5, 8 (NEW) .]

5. **Bylaws.** Shall adopt bylaws for the regulation of the affairs of the board and the conduct of its business;

[1981, c. 693, §§5, 8 (NEW) .]

6.

[1983, c. 422, §3 (RP) .]

7. **Gifts.** May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The board shall comply with the following in accepting gifts.

A. If the board receives written notice from a prospective donor or a representative of the donor, of a proposed gift, they shall submit the matter to the next regular meeting of the board or shall call a special meeting. The board shall, within 10 days after the meeting, send written notice of its acceptance or rejection. [1983, c. 806, §18 (AMD).]

B. If the gift is in trust, the board shall cause the trust funds to be deposited or invested according to Title 30-A, chapter 223, subchapter III-A.

(1) Unless prohibited by a trust instrument, the district may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized must be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund must be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the district fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or the donor's heirs. [2001, c. 588, §20 (AMD).]

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, the following shall apply.

(1) Prior to the acceptance of a gift the board of directors shall obtain approval of the legislative body of the school administrative district.

(2) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the district shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(3) Unless otherwise specified by its terms, a conditional gift of money shall be deposited or invested according to Title 30-A, chapter 223, subchapter III-A. [1987, c. 737, Pt. C, §§40, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD).]

[2001, c. 588, §20 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §3 (AMD). 1983, c. 485, §11 (AMD). 1983, c. 806, §18 (AMD). 1987, c. 737, §§C39,C40, C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 2001, c. 588, §§19,20 (AMD). 2005, c. 496, §1 (AMD).

§1257. QUORUM

At least a majority of the board of directors in number and voting power shall be a quorum. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1258. PROGRAM

A school administrative district shall maintain a program which includes kindergarten to grade 12. [1981, c. 693, §§5, 8 (NEW).]

1. **Secondary school.** A district shall provide a secondary school facility as follows.

A. A district which enrolls more than 700 pupils in grades 9 to 12 may operate more than one 4-year school. [1981, c. 693, §§5, 8 (NEW).]

B. A district which enrolls less than 700 pupils in grades 9 to 12 shall provide grades 10 to 12 in one facility within 4 years from the date of the district's formation. [1981, c. 693, §§5, 8 (NEW).]

C. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section 5204. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Contracts for secondary school programs.** In addition to the provisions for a secondary school facility set forth in subsection 1, a district may contract with a nearby school administrative unit or with a private school approved for tuition purposes for all or part of its secondary school pupils. The contract may run from a period of 2 to 10 years. The contract shall also comply with section 2703 and may provide for the formation of a joint committee in accordance with section 2704.

[1985, c. 797, §14 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A5,A25 (AMD). 1985, c. 797, §14 (AMD).

Subchapter 4: FINANCING

§1301. FINANCES

A school administrative district may raise money for establishing and maintaining public schools, erecting buildings and providing equipment. [1981, c. 693, §§5, 8 (NEW).]

1. **Methods of sharing costs.** The costs of operating a school administrative district must be shared among all municipalities within the district in one of the following ways.

A. Under a property valuation method, municipalities in a district shall share costs in the same proportion as each municipality's fiscal capacity as defined in section 15672, subsection 23 is to the district's fiscal capacity. [2005, c. 2, Pt. D, §3 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Under an alternate plan approved by the state board and by a vote of the legislative bodies of the school administrative units forming the district and based on:

(1) The number of resident pupils in each town;

(2) The fiscal capacity of each member municipality as defined in section 15672, subsection 23;

(3) Any combination of subparagraphs (1) and (2); or

(4) Any other factor or combination of factors that may, but need not, include subparagraphs (1) and (2). [2005, c. 2, Pt. D, §4 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. [2001, c. 375, §1 (RP).]

D. Notwithstanding paragraphs A and B, Title 30-A, chapter 208-A or any other provision of law, the state valuation used to calculate the shared cost for each municipality in a district with a municipal incentive development zone must include the increase in equalized just value of all industrial and commercial property located in the zone over the assessed value. [1993, c. 696, §1 (NEW).]

[2005, c. 2, Pt. D, §§3, 4 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Residents on federal property or state property.** For the purposes of this chapter only, a district shall count students residing on land under the control of the Federal Government, on a federal military reservation, or on state property, as residents of the district but not as residents of a municipality.

[1985, c. 15, (AMD) .]

3. **Amendment of cost-sharing formulas.** The cost-sharing formula may be amended as follows.

A. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election within the district, or if approved by a majority of the full board of directors, the board of directors shall hold at least one meeting of municipal representatives to reconsider the method of sharing costs. The district shall give at least 15 days' notice to each municipality comprising the district of any meeting. [2001, c. 375, §2 (AMD).]

B. Each member municipality must be represented at the meeting or meetings by 2 representatives chosen at large by its municipal officers, and one member of the district board of directors chosen by the municipality's directors. [2001, c. 375, §2 (AMD).]

B-1. Prior to the first meeting of municipal representatives pursuant to paragraph A, the district shall engage the services of a facilitator selected from the list maintained by the commissioner under subsection 4, paragraph C, subparagraph 1. The facilitator shall:

(1) At the first meeting, review and present data and information pertaining to sharing of costs within the district. Pertinent information may include, but is not limited to, the following:

(a) A description of the district's cost-sharing method, the elements involved in the calculation of each municipality's costs and a graphic depiction of the current and historic distribution of costs in the district; and

(b) If withdrawal of one or more district members is under consideration, the financial and educational impact of the withdrawal;

(2) Solicit and prepare a balanced summary of the concerns of municipal officials, educators and the public about the current method of cost sharing; and

(3) Develop a plan of action for consideration by the municipal representatives that responds to the information collected and the concerns raised. The plan of action must include a list of expectations for the conduct of the parties, options for proceeding and an assessment of the likely success of those options. [2001, c. 375, §2 (NEW).]

C. A change in the method of sharing costs may only be approved by a majority vote of the municipal representatives present and voting. [2001, c. 375, §2 (AMD).]

C-1. If a majority of the representatives from each municipality meeting pursuant to paragraph A are unable to agree on a recommendation on what the cost-sharing method for the district should be, within 15 days following the last meeting a knowledgeable 3rd party must be selected in accordance with rules adopted pursuant to subsection 4, paragraph C. The district is responsible for compensating the 3rd party. The 3rd party shall:

(1) Prepare a written summary of the process to date, including an assessment of the fairness, accuracy and responsiveness of the recommendations of the facilitator engaged pursuant to paragraph B-1;

(2) Prepare an impartial recommendation regarding changing the method of cost sharing; and

(3) Present the summary and recommendations to the municipal representatives for their consideration. [2001, c. 375, §2 (NEW).]

C-2. At an advertised public hearing, the municipal representatives shall solicit public input on the 3rd party's recommendation for cost sharing required under paragraph C-1 and any alternative method or methods proposed by municipal representatives. [2001, c. 375, §2 (NEW).]

D. If a change in the cost-sharing method is approved by a majority of the municipal representatives meeting pursuant to paragraph A, the change must be submitted to the voters at a district meeting. It becomes effective when approved by a majority vote of the district in a district referendum called and held for this purpose in accordance with sections 1351 to 1354, except that, if the proposed change is an alternative cost-sharing plan under subsection 1, paragraph B, subparagraph 4, the change must be approved by a majority of voters voting in a referendum in each municipality in the district instead of in a district referendum. [2001, c. 375, §2 (AMD).]

E. Assessments made by the school board thereafter must be made in accordance with the new method of sharing costs. [2001, c. 375, §2 (AMD).]

F. The secretary of the district shall notify the state board that the district has voted to change its method of sharing costs. The state board shall issue an amended certificate of organization showing this new method of sharing costs. [1981, c. 693, §§5, 8 (NEW).]

[2001, c. 375, §2 (AMD) .]

4. **Departmental assistance.** The department shall provide the following services relating to changing district cost-sharing methods:

A. The provision of information and data relating to cost sharing, including, but not limited to, a description of a district's method of cost sharing, the total assessment, the per pupil cost and mils raised for education for district members and the calculation of member costs. The information must be district-specific, comprehensive, easily understood by the general public, presented in graphic and spreadsheet

format and available over the Internet. Written copies of the information described and additional information requested must be provided by the department upon receipt of a written request from a district school board or the legislative body of any municipality member of a district; [2001, c. 375, §3 (NEW).]

B. The provision of professional evaluation and assistance to districts and member municipalities considering changes in cost-sharing methods; and [2001, c. 375, §3 (NEW).]

C. The establishment and maintenance of lists of qualified, available individuals to assist districts considering changes in cost-sharing methods as follows:

(1) Facilitators as required in subsection 3, paragraph B-1; and

(2) Knowledgeable 3rd parties as required in subsection 3, paragraph C-1.

In establishing the lists, the department shall seek input from the Maine Municipal Association and Maine School Management Association or successor organizations. The department may adopt rules to define the qualifications, responsibilities and selection of individuals on the lists. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [2001, c. 375, §3 (NEW).]

[2001, c. 375, §3 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 15, (AMD). 1991, c. 379, (AMD). 1991, c. 802, §1 (AMD). 1993, c. 410, §F3 (AMD). 1993, c. 696, §1 (AMD). 2001, c. 375, §§1-3 (AMD). 2005, c. 2, §§D3,4 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1302. BUDGET PREPARATION

The district budget shall be prepared as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Preparation by board.** The board of directors shall annually prepare a budget for:

A. Operational costs; [1981, c. 693, §§5, 8 (NEW).]

B. Bonds falling due; [1981, c. 693, §§5, 8 (NEW).]

C. Interest on bonds or other obligations; [1981, c. 693, §§5, 8 (NEW).]

D. Rentals and other charges in a contract; [1981, c. 693, §§5, 8 (NEW).]

E. A lease or agreement with the Maine School Building Authority; and [1981, c. 693, §§5, 8 (NEW).]

F. Temporary loans. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Distribution.** At least 7 days before the district budget meeting, the board of directors shall make available to the legislative body responsible for final budget approval and residents of the district, a detailed budget document. It shall include a summary of anticipated revenues and estimated school expenditures.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1303. BUDGET MEETING

The school board shall hold a district budget meeting at a time it determines. [1981, c. 693, §§5, 8 (NEW).]

1. **Warrant.** The budget meeting shall be called by a warrant. The warrant shall:

A. Be signed by a majority of the board of directors; [1981, c. 693, §§5, 8 (NEW).]

B. Specify the time and place of the meeting; [1981, c. 693, §§5, 8 (NEW).]

C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes unless the alternate voting procedures of section 1305 are employed; [1999, c. 81, §1 (AMD).]

D. Specify the state and local shares of the state-local allocation and local leeway and additional expenditures without state participation; and [1981, c. 693, §§5, 8 (NEW).]

E. Be directed to a resident of the district by name ordering the resident to notify all voters within the district to assemble at the time and place appointed. [1981, c. 693, §§5, 8 (NEW).]

[1999, c. 81, §1 (AMD) .]

2. **Notice.** An attested copy of the warrant shall be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the district at least 7 days before the meeting. The person who gives notice of the meeting shall make a return of the posting on the warrant stating the manner of notice in each municipality and the time when it was given.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Requested articles.** If requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in each municipality within the district, the board of directors shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual district budget meeting. To be included in the warrant a petition shall be received by the board of directors at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles shall be considered before action relating to the appropriation of money for the operation of schools.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1999, c. 81, §1 (AMD).

§1304. MEETING PROCEDURES

The following procedures shall be used at a district meeting. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Election of moderator.** The secretary of the board of directors, or when absent, the chairman of the school board, shall open the meeting and call for the election of a moderator, receive and count votes for moderator and swear in the moderator.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Appointing ballot clerks.** The moderator shall appoint from the certified voting list the ballot clerks necessary for the efficient operation of the meeting. The clerks shall be sworn in by the moderator.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Budget consideration.** The budget shall be thoroughly explained. The voters shall have an opportunity to be heard. The voters may change only items dealing with:

A. The expenses necessary to operate the school administrative district; [1981, c. 693, §§5, 8 (NEW).]

B. Appropriations for the reserve fund; or [1981, c. 693, §§5, 8 (NEW).]

C. Appropriations for the contingency fund and school construction purposes. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Approval.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Voting lists.** Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with Title 21-A, section 122.

A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the board of directors a certified corrected copy of the registered voters of their municipality. [1981, c. 693, §§ 5, 8 (NEW).]

B. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting. [1981, c. 693, §§ 5, 8 (NEW).]

[1989, c. 502, Pt. A, §50 (AMD) .]

6. **Written ballot.** An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist district budget meeting moderators in explaining and implementing this subsection.

[1999, c. 710, §2 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 770, §1 (AMD). 1989, c. 502, §A50 (AMD). 1999, c. 710, §2 (AMD).

§1305. ALTERNATIVE VOTING PROCEDURES

If requested before January 31, 2001 by a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district, the board of directors shall cause the following article to be voted on by the voters of the member municipalities.

> "Shall School Administrative District No..... require that the voting at future district budget meetings and special district budget meetings be done by referendum within each member municipality of the district instead of using the district meeting procedure?
>
> Yes No "

[1999, c. 710, §3 (AMD).]

1. **Procedure.** The procedure for voting on the article shall be as follows.

A. On receipt of a request and if the request complies with the requirement of this section, the board of directors shall immediately notify the municipal officers within the district of the receipt of the request. [1981, c. 693, §§5, 8 (NEW).]

B. The municipal officers of each municipality within the district shall then cause the article to be placed on the ballots for that municipality for the next statewide election occurring at least 45 days after the date on which the municipal officers received the notice. [1983, c. 485, §12 (AMD).]

C. The warrants, notices and voting procedures to be followed within a municipality, including absentee voting procedures, shall be the same as those provided in Title 21-A, except that the duties of the Secretary of State shall be performed by the board of directors. [1989, c. 502, Pt. A, §51 (AMD).]

D. Municipal clerks shall, within 24 hours of the determination of the results of the vote in their municipality, certify to the board of directors the total number of votes cast in the affirmative and in the negative on the article. [1981, c. 693, §§5, 8 (NEW).]

E. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total number of votes cast in the affirmative and in the negative on the article in all of the municipalities within the district. [1981, c. 693, §§5, 8 (NEW).]

F. If the board of directors determines that there were more votes cast in the affirmative than there were in the negative on the article, they shall declare that the article has passed. [1981, c. 693, §§5, 8 (NEW).]

G. If the board of directors determines that the total number of votes cast on the article in the affirmative is equal to or less than those in the negative, they shall declare that the article has not passed. [1981, c. 693, §§5, 8 (NEW).]

H. The board of directors shall enter their declaration and computations in their records and send certified copies of it to the municipal clerk of each municipality within the district. [1981, c. 693, §§5, 8 (NEW).]

[1989, c. 502, Pt. A, §51 (AMD) .]

2. **Application.** Following the board of director's declaration that the article has passed, the board shall cause the voting at all future district budget meetings and to be called within each municipality within the district. The voting must be held in accordance with the procedures set out in sections 1351 to 1354, except that the warrant and absentee ballots for the meeting must be prepared and distributed to the municipal clerks at least 14 days prior to the date of the referendum. The board may hold informational meetings on voting procedure and budget prior to voting. The board shall be responsible for the form of the articles to be voted on in the municipalities, except as otherwise provided by law.

[1993, c. 372, §1 (AMD) .]

3. **Failure to approve a budget.** If the budget or a portion of the budget fails to receive a majority vote at the referendum, the board of directors shall decide in a public proceeding whether subsequent votes on the portion of the budget that was defeated must be conducted in accordance with the referendum procedure in subsection 2 or at a district budget meeting held at a single place in the district in accordance with procedures in sections 1303 and 1304. Subsequent votes conducted in accordance with the referendum procedure in subsection 2 must be held within 45 days. Subsequent votes conducted in accordance with sections 1303 and 1304 must be held within 30 days. These referenda or meetings must be held solely for the purpose of approving an alternative operating school budget to replace the part of the proposed budget that the voters failed to approve. The board may continue in this manner until an alternative budget is adopted.

[1993, c. 372, §2 (AMD) .]

4. Reconsideration of alternative voting procedure.

[1999, c. 710, §4 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §4 (AMD). 1983, c. 485, §12 (AMD). 1983, c. 639, §§1,2 (AMD). 1983, c. 770, §§2,3 (AMD). 1987, c. 637, §§1,2 (AMD). 1989, c. 502, §A51 (AMD). 1993, c. 372, §§1,2 (AMD). 1999, c. 710, §§3,4 (AMD). 1999, c. 710, §3 (AMD).

§1305-A. COST CENTER SUMMARY ALTERNATIVE BUDGET FORMAT

(REPEALED)

SECTION HISTORY
1999, c. 710, §5 (NEW). 2005, c. 12, §WW1 (AMD). 2005, c. 683, §A21 (AMD). 2009, c. 571, Pt. E, §1 (RP).

§1305-B. BUDGET VALIDATION REFERENDUM

(REPEALED)

SECTION HISTORY
1999, c. 710, §5 (NEW). 2005, c. 683, §A22 (AMD). 2009, c. 571, Pt. E, §2 (RP).

§1305-C. MANDATORY BUDGET VALIDATION AND COST CENTER SUMMARY BUDGET FORM

Notwithstanding any other law, school administrative district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1485 and 1486. A school administrative district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and 1486. [2007, c. 668, §2 (AMD); 2007, c. 668, §55 (AFF).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §11 (NEW). 2007, c. 668, §2 (AMD). 2007, c. 668, §55 (AFF).

§1306. BUDGET FORMAT

The board of directors shall determine the budget format unless it is established by the district voters. [1989, c. 414, §4 (AMD).]

1. Petition. An article establishing the budget format may be placed on the next warrant if authorized by a majority vote of the board or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election in the municipalities within the district has been presented to the board.

[1989, c. 414, §4 (AMD) .]

2. **Meeting.** A school budget format may be established by the district voters if the lesser of either 20% of the number of registered voters or 200 registered voters vote on an appropriate warrant article and a majority approve it. The meeting shall be called and held as provided for budget meetings under sections 1303 and 1304 or under sections 1351 to 1354 if the directors so choose or if the voting at district budget meetings is done within each member municipality.

[1989, c. 414, §4 (AMD) .]

3. **Effective date.** A change in budget format shall be voted on at least 90 days prior to the budget year for which that change is to be effective.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 414, §4 (AMD).

§1307. SPECIFIC LINE BUDGETS

If the school budget format requires specific line categories, then in preparing the warrant and conducting the budget meeting, the following shall apply. [1981, c. 693, §§5, 8 (NEW).]

1. **Separate articles.** Each category shall be included in a separate warrant article.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Transfer.** Unless authorized by the voters, the board of directors may not transfer funds between line item categories.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Summary action.** To summarize the action taken on the school budget for the purposes of determining state and local cost sharing, the articles prescribed in chapter 606-B must also be voted upon.

[2005, c. 2, Pt. D, §5 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Budget explanation.** The warrant may include an explanation of the relationship between warrant articles authorizing specific line item expenditures as provided in subsection 1 and the articles prescribed in chapter 606-B summarizing the budget proposal.

[2005, c. 2, Pt. D, §6 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §13 (AMD). 1997, c. 68, §§1,2 (AMD). 2005, c. 2, §§D5,6 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1308. FAILURE TO PASS BUDGET

If a budget for the operating of the district is not approved prior to July 1st, the latest budget as submitted by the board of directors is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved, except that, when the school board delays the school budget meeting in accordance with section 15693, subsection 2, paragraph C, the operating budget must be approved within 30 days of the date the commissioner notifies the school board of the amount allocated to the school unit

under section 15689-B or the latest budget submitted by the directors becomes the operating budget for the next school year. [2005, c. 2, Pt. D, §7 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 429, §3 (AMD). 1999, c. 710, §6 (AMD). 2005, c. 2, §D7 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1309. SPECIAL BUDGET MEETING

The school board may call a special budget meeting when it declares an emergency exists. The voters of the district may authorize the directors at a special district budget meeting to expend additional funds from the district's undesignated fund balance or to pledge the credit of the district to obtain additional money for the operation of schools. The special budget meeting must be held in accordance with sections 1302 to 1307. [1993, c. 372, §3 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §19 (AMD). 1993, c. 372, §3 (AMD).

§1310. DISTRICT ASSESSMENTS

District assessments shall follow these procedures. [1981, c. 693, §§5, 8 (NEW).]

1. **Warrant.** In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the board of directors shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within the municipality an amount which is that municipality's share of the district's costs.

[1983, c. 485, §14 (AMD) .]

2. **Commitment.** The municipal assessors shall commit the assessment to the constable or collector. Constables and collectors shall have the authority and powers to collect the district's taxes as is vested in them by law to collect state, county and municipal taxes.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Installments.** The board of directors shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Payment.** A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the district. The payments shall be paid in monthly installments on or before the 20th of each month.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Gifts.** A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Enforcement.** If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the school administrative district may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the district may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the district and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the district. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the district until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the district, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the district from the proceeds and return any excess to the municipality.

[2003, c. 212, §1 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §14 (AMD). 2003, c. 212, §1 (AMD).

§1311. POWER TO BORROW MONEY

A school administrative district may borrow money as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Board of directors.** The board of directors may borrow money to pay for:

A. Current operating expenses of the district if the loans are repaid within 13 months of the date of borrowing and are limited to an amount reasonably required for current operating expenses; [1991, c. 121, Pt. A, §2 (AMD).]

B. School construction projects as defined in section 15901; and [1983, c. 422, §5 (AMD).]

C. Minor capital costs as defined in section 15672, subsection 20-A. [2005, c. 2, Pt. D, §8 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §8 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Voter approval.** Bonds or notes for school construction purposes shall first be approved by a majority of voters of the district voting at an election called by the board of directors and held as provided in sections 1351 to 1354, except as is otherwise provided in this section.

A. Each bond or note shall have inscribed upon its face the name of the district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and be sold in the manner, at public or private sale, as the board of directors shall determine in accordance with state law. Bonds may not be sold for less than par. [1981, c. 693, §§5, 8 (NEW).]

B. Notes or bonds issued by a district shall be signed by the treasurer or assistant superintendent and countersigned by the chairman of the board of directors of the district. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer. [1981, c. 693, §§5, 8 (NEW).]

C. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years and the last installment not later than 25 years after the date of issue. [1981, c. 693, §§5, 8 (NEW).]

[1985, c. 797, §15 (AMD) .]

3. **Temporary notes.** Prior to issuing authorized school construction bonds or notes, the board of directors may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

A. Their total face value amount may not exceed at any one time the authorized outstanding amount of the school construction bonds or notes. [1981, c. 693, §§5, 8 (NEW).]

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds shall be outstanding plus the period of the loan represented by the temporary notes or renewals shall not exceed 25 years. [1981, c. 693, §§5, 8 (NEW).]

C. Temporary notes shall mature not later than 3 years from the date the first temporary note is issued. [1981, c. 693, §§5, 8 (NEW).]

D. Temporary notes and renewal notes shall be legal obligations of the district. [1981, c. 693, §§5, 8 (NEW).]

E. The board of directors of a district which has received a certificate of approval of a school construction project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460, may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes. [1981, c. 693, §§5, 8 (NEW).]

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the district, the unexpended balance of those notes shall be used for the repayment. If an outstanding balance remains, it shall be included in the next annual budget and shall not be subject to change at the district budget meeting. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Early redemption.** Bonds or notes issued on behalf of a district may be made subject to call for redemption, with or without premium, at the election of the board of directors before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they shall contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

[1981, c. 693, §§5, 8 (NEW) .]

5. **District status.** Notes and bonds, and loans to pay current operating expenses, contracts, leases and agreements with the Maine School Building Authority, shall be legal obligations of the district. The district shall be a quasi-municipal corporation within the meaning of Title 30-A, section 5701 and all the provisions of that section shall be applicable to them.

[1987, c. 737, Pt. C, §§41, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD) .]

6. **Debt limit.** The aggregate principal amount of outstanding bonds or notes issued by a district for school construction purposes shall not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the district, plus an amount not to exceed 4% of that total district valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law as it existed prior to April 1, 1974, is validated. [1981, c. 693, §§5, 8 (NEW).]

B. Outstanding school indebtedness assumed by the district shall be included in its limit of indebtedness, excluding contracts, leases or agreements with the Maine School Building Authority and notes in anticipation of state aid issued pursuant to subsection 3. [1981, c. 693, §§5, 8 (NEW).]

C. The percentage limit of the indebtedness for bonds or notes for school construction purposes authorized after April 27, 1967 shall be fixed as of the time of authorization by the voters or, if no district meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the board of directors as described in subsection 7. [1981, c. 693, §§5, 8 (NEW).]

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the district's limit of indebtedness would cause the district's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the district, the board of directors shall not issue those bonds or notes until they have received a certificate of approval pursuant to Title 20, section 3458. [1981, c. 693, §§5, 8 (NEW).]

E. If a certificate of approval indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval shall be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the district to finance that project by issuing its bonds or notes. State aid shall be determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

7. **Bonds and notes under 1% of valuation.** The board of directors may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the district:

A. By calling a district meeting to approve the issuance of those bonds or notes as provided in section 1304; or [1981, c. 693, §§5, 8 (NEW).]

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used and meeting the following requirements.

(1) The secretary of the board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the district. The secretary shall make a return of the posting stating its time and place. The return shall be kept with the records of the district and a copy of the return shall be mailed to each of the municipal officers of each municipality within the district.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the district eligible to vote on the date that the resolution was adopted, are filed with the secretary requesting a vote of the district to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the board. They shall call an election for that purpose as set forth in sections 1351 to 1354.

(3) The board shall not authorize bonds or notes by resolution if the amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and which are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §5 (AMD). 1985, c. 797, §15 (AMD). 1987, c. 737, §§C41,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 121, §A2 (AMD). 1993, c. 372, §4 (AMD). 2005, c. 2, §D8 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1312. RESERVE FUND

School administrative districts may establish a reserve fund as follows. [1989, c. 132, §1 (AMD).]

1. **Establishment.** A school administrative district may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement or financing the acquisition of a specific item or type of capital equipment by including a request in the district budget and receiving voter approval. The board of directors shall be the trustee of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the board.

[1989, c. 132, §2 (AMD) .]

2. **Deposit or investment.** All district funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, shall be deposited or invested by the treasurer under the direction of the board of directors according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, chapter 223, subchapter III-A.

[1987, c. 737, Pt. C, §§42, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD) .]

3. **Expending moneys from reserve funds.** The board of directors may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 98, §1 (AMD). 1987, c. 737, §§C42,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1989, c. 132, §§1,2 (AMD).

§1313. DISPOSAL OF PROPERTY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §6 (RP).

§1314. BID PROCEDURE

The following shall apply to bids. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Written bids.** Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)," and mailed to or filed with the superintendent of the unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Time of opening.** A director or employee of the school administrative district may not open a bid until the appointed time.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids shall be opened by the superintendent or, in the superintendent's absence or disability, by any director designated for the purpose by the chairman of the board of directors.

[1983, c. 806, §20 (AMD) .]

4. **Reading.** If any citizens who are not school administrative district directors or employees, or if any representatives of the press are present, bids shall at the time either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Exceptions.**

[1983, c. 422, §7 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §7 (AMD). 1983, c. 806, §20 (AMD).

§1315. VOID CONTRACTS

A contract made by the school directors in a school administrative district during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, shall be void, unless the board of directors has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the school administrative unit. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 5: DISTRICT REFERENDUM

§1351. DISTRICT REFERENDUM

The school board: [1981, c. 693, §§5, 8 (NEW).]

1. **Authority to call a district referendum.** Shall initiate a district referendum:

A. To approve the issuance of bonds or notes for school construction projects; [1981, c. 693, §§5, 8 (NEW).]

B. To approve a change in the selection of a school building site; [1981, c. 693, §§5, 8 (NEW).]

C. To approve a change in the method of sharing costs among the member municipalities; [1981, c. 693, §§5, 8 (NEW).]

D. To approve an agreement to add one or more municipalities to the district; [1981, c. 693, §§5, 8 (NEW).]

E. To approve an agreement to transfer a participating municipality to another school administrative district; [1981, c. 693, §§5, 8 (NEW).]

F. To approve an agreement to merge with another school administrative district; [1981, c. 693, §§5, 8 (NEW).]

G. To approve a proposed lease agreement with the Maine School Building Authority; [1981, c. 693, §§5, 8 (NEW).]

H. To authorize the board of directors to contract for the schooling of secondary pupils; [1981, c. 693, §§5, 8 (NEW).]

I. [1983, c. 422, §8 (RP).]

J. To accept or reject a prospective gift; and [1981, c. 693, §§5, 8 (NEW).]

K. To borrow funds for minor capital costs as defined in section 15672, subsection 20-A. [2005, c. 2, Pt. D, §9 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §9 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Required district referendum.** Shall initiate a district referendum when requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district. At that referendum, the school board shall place before the voters the specific school construction article which has been requested by the petitioners.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §8 (AMD). 1999, c. 75, §2 (AMD). 2005, c. 2, §D9 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1352. METHOD OF CALLING A DISTRICT REFERENDUM

A district referendum shall be initiated by a warrant prepared and signed by a majority of the board of directors. The warrant shall be countersigned by the municipal officers in the municipality where the warrants are posted. [1981, c. 693, §§5, 8 (NEW).]

1. **Municipal officers.** The warrant shall direct the municipal officers within the district to call a referendum on a date and time determined by the board of directors. A warrant shall be prepared and distributed at least 30 days prior to the date of the referendum, except that a warrant for a school district budget referendum held in accordance with section 1305, subsection 2, shall be prepared and distributed at least 14 days prior to the date of the referendum.

A. The warrant shall be directed to a resident of the district by name, ordering the resident to notify the municipal officers of each of the municipalities within the district, to call a town meeting or city election on the date specified by the board of directors. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given. [1981, c. 693, §§5, 8 (NEW).]

B. The warrant shall be served on the municipal clerk of each of the municipalities within the district by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted. [1981, c. 693, §§5, 8 (NEW).]

C. The warrants and other notices for the referendum must be in the same manner as provided in Title 21-A, except that the district board of directors shall hold a public hearing at least 7 days before the referendum vote. At least 7 days before the public hearing, the board of directors shall give notice of the public hearing by having a copy of the proposed referendum, together with the time and place of hearing, posted in the same manner required for posting a warrant under this section. [1999, c. 93, §1 (AMD).]

[1999, c. 93, §1 (AMD) .]

2. **Content of the warrant.** The warrant shall set forth the articles to be acted on in each municipal referendum. The articles shall have the following form.

A. When a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles shall be substantially as follows.

(1) "Shall the school directors of School Administrative District No..... be authorized to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed $..... to construct a ..... (elementary or secondary school) to be located at..... (specifically defined lot where school is to be erected)

Yes No "

(2) "Shall the school director of School Administrative District No..... be authorized to issue bonds or notes in the name of this district for school construction or minor capital projects in an amount not to exceed $..... for the purpose of ..... (here state purpose of school construction project)

Yes No "

(3) "Shall the school directors of School Administrative District No..... be authorized to use the bond issue or notes in an amount not to exceed $..... which was voted by the district on ..... (date) to construct a ..... (elementary or secondary school) to be located at ..... (specifically define lot where school is to be located)

Yes No "

(4) "Shall the school directors of School Administrative District No. ..... be authorized to construct a ..... (elementary or secondary school) to be located at ..... (specifically defined lot where school is to be located) with the total project cost not to exceed $..... and to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed $..... with the balance of the total project costs to be derived from ..... (description of other sources of funds such as initial state share where approved for current fiscal year funding, proceeds from insured losses, money from federal sources, other noneducational funds, etc.)

Yes No "

[1985, c. 506, Pt. B, §§14, 18 (AMD).]

B. When a district votes to change the site of its school construction project using the article in paragraph A, subparagraph (3), the date of authorization of the project is the original date the voters authorized the board of directors to issue bonds or notes for that project. [1991, c. 2, §57 (COR).]

C. When a referendum is called for the purposes of approving the addition of a municipality to the district, the article shall be in the form set forth in section 1401, subsection 2, paragraph A. [1981, c. 693, §§5, 8 (NEW).]

D. When a referendum is called for the purpose of approving a proposed lease agreement with the Maine School Building Authority, the article shall be exactly as is set forth in the proposed lease agreement. [1981, c. 693, §§5, 8 (NEW).]

E. When a referendum is called for the purpose of authorizing the school board to contract for the schooling of secondary pupils, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to contract in the name of this district with ..... (Name of Administrative Unit or Academy) for the schooling of secondary pupils for a term of ..... years?

Yes No "

[1983, c. 485, §15 (AMD).]

F. [1983, c. 422, §9 (RP).]

G. When a referendum is called for the purpose of authorizing a change in the method of sharing costs in the district, the article shall be as follows.

"Shall the method of sharing costs in School Administrative District No..... be changed from the present method ..... (describe) to the following method: ..... (describe)

Yes No "

[1981, c. 693, §§5, 8 (NEW).]

H. When a referendum is called for the purposes of accepting or rejecting a prospective gift, the article shall be as follows.

"Shall the school directors of School Administrative District No..... be authorized to accept a prospective gift under the following conditions? .....(set forth terms and conditions)

Yes No "

[1981, c. 693, §§5, 8 (NEW).]

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from one district to another district, the article shall be the form set forth in section 1406. [1981, c. 693, §§5, 8 (NEW).]

[1991, c. 2, §57 (COR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §9 (AMD). 1983, c. 485, §15 (AMD). 1985, c. 506, §§B14,18 (AMD). 1989, c. 414, §5 (AMD). RR 1991, c. 2, §57 (COR). 1999, c. 93, §1 (AMD). 1999, c. 93, §1 (AMD).

§1353. REFERENDUM PROCEDURES

The following procedures apply to a district referendum. [2009, c. 2, §43 (COR).]

1. **Ballots.** The board of directors shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. It shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

[1981, c. 693, §§5,8 (NEW) .]

2. **Voting.** Voting must be held and conducted as follows.

A. The voting at referenda held in towns must be held and conducted in accordance with Title 30-A, sections 2524 and 2528 to 2532, even though the town has not accepted the provisions of Title 30-A, sections 2524 and 2525. The facsimile signature of the clerk under Title 30-A, section 2528, subsection 6, paragraph F must be that of the chair of the board of directors. If a district referendum is called to be held simultaneously with any statewide election, the voting in towns must be held and conducted in accordance with Title 21-A, except that the duties of the Secretary of State must be performed by the board and if the statewide election is a primary election, any registered voter may vote in the referendum. The absentee voting procedure of Title 21-A must be used, except the duties of the Secretary of State must be performed by the board. [1995, c. 168, §1 (AMD).]

B. The voting at referenda in cities must be held and conducted in accordance with Title 21-A, including the absentee voting procedure, except that the duties of the Secretary of State must be performed by the board of directors and if the statewide election is a primary election, any registered voter may vote in the referendum. [1995, c. 168, §1 (AMD).]

[1995, c. 168, §1 (AMD) .]

3. **Return and counting.** The return and counting of votes shall be as follows.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the board of directors the total number of votes cast in the affirmative and in the negative on each article. [1981, c. 693, §§5,8 (NEW).]

B. As soon as all of the results from all of the municipalities have been returned to the board of directors, the board shall meet and compute the total number of votes cast in all of the municipalities within the district in the affirmative and in the negative on each article. [1981, c. 693, §§5,8 (NEW).]

C. If the board of directors determines that there were more votes cast in the affirmative than in the negative, on a given article, they shall declare that the article has passed. [1981, c. 693, §§5,8 (NEW).]

D. If the board of directors determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, they shall declare that the article has not passed. [1981, c. 693, §§5,8 (NEW).]

E. They shall enter their declaration and computations in their records and send certified copies of it to the clerk of each municipality within the district. [1981, c. 693, §§5,8 (NEW).]

F. If the district votes on the question of merging with another district, the secretary shall immediately file a return with the state board of the results of the vote on the question of merger. [1981, c. 693, §§5,8 (NEW).]

[1981, c. 693, §§5,8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §10 (AMD). 1985, c. 797, §16 (AMD). 1987, c. 737, §§C43,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1989, c. 502, §A52 (AMD). 1995, c. 168, §1 (AMD). RR 2009, c. 2, §43 (COR).

§1354. RECONSIDERATION

The procedure to reconsider votes taken at a district referendum shall be as follows. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Time limit.** The board of directors shall, within 60 days, initiate a new district referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the district petition to reconsider a prior district referendum vote.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Required quorum.** A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior district referendum.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Bond.** If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs which may be incurred as a result of the delay of an authorization or approval granted in the prior district referendum. If the petitioners are successful, the bonds shall be canceled.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 6: REORGANIZATIONS

§1401. ADDITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, Pt. A, §57 (AMD). 1987, c. 402, §A119 (AMD). 1987, c. 769, §A58 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1402. COMBINING OF DISTRICTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A58 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1403. DISSOLUTION OF A DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 364, §1 (AMD). 1987, c. 395, §A59 (AMD). 1987, c. 737, §§C44-C47, C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 2005, c. 683, §A23 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1404. REORGANIZATION OF A SCHOOL ADMINISTRATIVE DISTRICT AS A COMMUNITY SCHOOL DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 364, §2 (AMD). 1983, c. 485, §16 (AMD). 1987, c. 395, §§A60,A61 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1405. WITHDRAWAL OF A SINGLE MUNICIPALITY FROM A SCHOOL ADMINISTRATIVE DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 364, §3 (RPR). 1983, c. 422, §11 (RPR). 1983, c. 816, Pt. A, §11 (RP). 1987, c. 395, Pt. A, §§62, 63 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1406. TRANSFER OF A MUNICIPALITY FROM ONE SCHOOL ADMINISTRATIVE DISTRICT TO ANOTHER

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 364, §4 (AMD). 1987, c. 395, §A64 (AMD). 2007, c. 240, Pt. XXXX, §12 (RP).

§1407. CLOSING AN ELEMENTARY SCHOOL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 364, §5 (AMD). 1989, c. 414, §6 (AMD). 1997, c. 266, §3 (AMD). 1999, c. 75, §3 (AMD). 1999, c. 206, §1 (AMD). 2005, c. 2, §D10 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 240, Pt. XXXX, §12 (RP).

§1408. STATE BOARD REVIEW OF COMMISSIONER'S DECISIONS

(REPEALED)

SECTION HISTORY
1987, c. 395, §A65 (NEW). 2007, c. 240, Pt. XXXX, §12 (RP).

§1409. RULES

(REPEALED)

SECTION HISTORY
1987, c. 395, §A65 (NEW). 2007, c. 240, Pt. XXXX, §12 (RP).

Chapter 103-A: REGIONAL SCHOOL UNITS

Subchapter 1: GENERAL PROVISIONS

§1451. REGIONAL SCHOOL UNITS

It is declared the policy of the State to provide sufficient resources to support the reorganization of school administrative units into regional, state-approved units of school administration to provide: [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Opportunity.** Equitable educational opportunity for all students to demonstrate achievement of the content standards of the State's system of learning results established in section 6209;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Programs.** Rigorous academic programs that meet the requirements of the system of learning results established in section 6209 and that prepare students for college, careers and citizenship;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Delivery.** Uniformity in the delivery of academic programs that meet the requirements of the system of learning results established in section 6209;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Tax rates** . A greater uniformity of tax rates for the support of schools;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Sustainability.** The efficient use of limited resources in order to achieve long-term sustainability and predictability in the support of public schools;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Public funds.** Effective use of the public funds expended for the support of public schools by means of:

A. The creation of cost-efficient organizational structures; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Administrative structures and efficiencies that permit the organized and regular delivery of uniform state-sponsored professional development programs to promote coherence and consistency in the understanding and application of the State's standards-based system for continuous improvement in student achievement; [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

7. **School choice.** The preservation of opportunities for choice of schools; and

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

8. **Services.** The maximization of opportunities to deliver services that can more effectively be provided in larger districts than from within smaller units or individual schools.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

Regional school units shall provide kindergarten to grade 12 public education, in accordance with this Title, and shall develop and implement policies that address efficiencies in administration, educational programming and the sharing of community resources for the continuous improvement of student achievement and the preparation of students for college, careers and citizenship. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1452. APPLICATION OF GENERAL LAW; CORE FUNCTIONS OF A REGIONAL SCHOOL UNIT

Notwithstanding any provision of law to the contrary, schools operated by the regional school units established in accordance with this chapter are the official schools of the participating municipalities. The provisions of general law relating to public education apply to these schools. State funds for public schools must be paid directly to the treasurer of a regional school unit. The core functions for which a regional school unit is responsible include without limitation: [2007, c. 668, §3 (AMD).]

1. **Employment of superintendent.** Employment and discharge of a superintendent pursuant to section 1001, subsection 3 and chapter 101, subchapter 2;

[2007, c. 668, §3 (NEW) .]

2. **Performance of business functions.** Administration of accounting, payroll, financial management, purchasing insurance and auditing;

[2007, c. 668, §3 (NEW) .]

3. **Special education administration.** Administration of special education duties of school administrative units under chapter 303;

[2007, c. 668, §3 (NEW) .]

4. **Transportation.** Administration of transportation;

[2007, c. 668, §3 (NEW) .]

5. **Core curriculum.** Adoption of a core curriculum, standardized testing and assessments aligned with the system of learning results established in section 6209;

[2007, c. 668, §3 (NEW) .]

6. **Budget.** Adoption of the regional school unit budget;

[2007, c. 668, §3 (NEW) .]

7. **Reporting.** Reporting required by state or federal law or regulation;

[2007, c. 668, §3 (NEW) .]

8. **Employment.** Functioning as the employer of all employees working within the regional school unit for collective bargaining purposes and for all other purposes, including but not limited to those contained in section 1464, in Title 26, chapter 9-A and in all state and federal laws regulating the rights and duties of employers and employees;

[2007, c. 668, §3 (NEW) .]

9. **School calendar.** Establishment of a common school calendar, subject to local variations permitted by the regional school unit board; and

[2007, c. 668, §3 (NEW) .]

10. **Adoption of policies.** Adoption of policies for all schools in the regional school unit pursuant to section 1001, subsection 1-A, except that the local school committee may adopt policies not in conflict with the regional school unit policies.

[2007, c. 668, §3 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §3 (AMD).

§1453. STATUS OF REGIONAL SCHOOL UNIT

For purposes of the Constitution of Maine, Article IX, Section 8, Subsection 3, a regional school unit is a school administrative district. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1454. RULES

The state board may adopt rules to carry out this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

Subchapter 2: FORMATION OF REGIONAL SCHOOL UNIT

§1461. FORMATION OF A REGIONAL SCHOOL UNIT; REORGANIZATION PLANNING AND APPROVAL

The residents of 2 or more school administrative units may form a regional school unit that is a body politic and corporate pursuant to this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Notice of intent.** Each school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations with other school administrative units for the purpose of developing a reorganization plan to form a regional school unit under this chapter. The commissioner shall respond to each notice of intent providing information regarding the process and whether the intended action complies with the requirements of this chapter.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Reorganization planning committee.** The school administrative units that intend to engage in planning and negotiation to create a regional school unit shall form a reorganization planning committee.

A. For each proposed regional school unit, the commissioner shall provide guidelines for the formation of a reorganization planning committee including representation from the school administrative units included in the notice of intent, member municipalities and members of the general public who are residents of the proposed regional school unit. The guidelines must include roles and responsibilities of the committee, timelines for submission of the plan, the format for reporting the reorganization plan and evaluation criteria for approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Reorganization planning committees shall hold one or more public meetings to gather input from community members and to determine the sentiment of the public. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Submission of plans.** Each school administrative unit shall submit to the commissioner its proposed reorganization plan for consolidation into a regional school unit that meets the requirements of paragraphs A and B.

A. A reorganization plan must include:

(1) The units of school administration to be included in the proposed reorganized regional school unit;

(2) The size, composition and apportionment of the governing body;

(3) The method of voting of the governing body;

(4) The composition, powers and duties of any local school committees to be created;

(5) The disposition of real and personal school property;

(6) The disposition of existing school indebtedness and lease-purchase obligations if the parties elect not to use the provisions of section 1506 regarding the disposition of debt obligations;

(7) The assignment of school personnel contracts, school collective bargaining agreements and other school contractual obligations;

(8) The disposition of existing school funds and existing financial obligations, including undesignated fund balances, trust funds, reserve funds and other funds appropriated for school purposes;

(9) A transition plan that addresses the development of a budget for the first school year of the reorganized unit and interim personnel policies;

(10) Documentation of the public meeting or public meetings held to prepare or review the reorganization plan;

(11) An explanation of how units that approve the reorganization plan will proceed if one or more of the proposed members of the regional school unit fail to approve the plan;

(12) An estimate of the cost savings to be achieved by the formation of a regional school unit and how these savings will be achieved; and

(13) Such other matters as the governing bodies of the school administrative units in existence on the effective date of this chapter may determine to be necessary. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. In order for the plan to be approved by the commissioner, the governing bodies of school administrative units shall work within the following parameters.

(1) The proposed regional school unit must serve not fewer than 2,500 students, including, for purposes of this paragraph, students attending from the unorganized territory, except where circumstances relating to the following factors justify an exception:

(a) Geography, including physical proximity and the size of the current school administrative unit;

(b) Demographics, including student enrollment trends and the composition and nature of communities in the regional school unit;

(c) Economics, including existing collaborations to be preserved or enhanced and opportunities to deliver commodities and services to be maximized;

(d) Transportation;

(e) Population density; or

(f) Other unique circumstances including the need to preserve existing or developing relationships, meet the needs of students, maximize educational opportunities for students and ensure equitable access to rigorous programs for all students.

When circumstances justify an exception to the size requirement set forth in this subparagraph of 2,500 students, the unit must serve as close to 2,500 students as possible and in no case, except for coastal islands and schools operated by tribal school committees, may it serve fewer than 1,200 students, including, for purposes of this paragraph, students attending from the unorganized territory.

(2) The plan must provide comprehensive programming for all students from kindergarten to grade 12 and must include at least one publicly supported secondary school.

(3) The plan must be consistent with the policies set forth in section 1451.

(4) The plan may not displace teachers or students or close any schools existing and operating during the school year immediately preceding reorganization, except as permitted under section 1512.

(5) The plan must address how the school administrative unit will reorganize administrative functions, duties and noninstructional personnel so that the projected expenditures of the reorganized school administrative unit in the first year of operation during the school year immediately following reorganization for system administration, transportation, special education and facilities and maintenance will not have an adverse impact on the instructional program. [2009, c. 580, §3 (AMD).]

C. Notwithstanding paragraph B, subparagraph (1), the commissioner may approve:

(1) A regional school unit to serve fewer than 1,200 students but not less than 1,000 students in an isolated rural community, including, for purposes of this paragraph, students attending from the unorganized territory, if the proposed regional school unit meets at least one of the following criteria:

(a) The proposed regional school unit comprises 3 or more school administrative units in existence prior to July 1, 2008;

(b) The member municipalities of the proposed regional school unit are surrounded by approved regional school units or alternative organizational structures and there are no other school administrative units available to join the proposed regional school unit; or

(c) The member municipalities of the proposed regional school unit include 2 or more isolated small schools that are eligible for an isolated small school adjustment pursuant to section 15683, subsection 1, paragraph F; and

(2) The formation of a regional school unit if the governing body or bodies of the proposed regional school unit demonstrate, in the notice of intent under subsection 1, that all reasonable and practical means of satisfying the requirements of subparagraph (1) and paragraph B, subparagraph (1) have been exhausted, and that approval is warranted based on the unique or particular circumstances of the unit or units.

In considering a request under this paragraph, the commissioner's decision must be based on, but is not limited to, the specific facts presented in the notice of intent and is applicable only to the specific school administrative units the decision concerns. [2011, c. 251, §1 (AMD); 2011, c. 251, §12 (AFF).]

[2011, c. 251, §1 (AMD); 2011, c. 251, §12 (AFF) .]

4. **Review and approval of plans.** If the commissioner finds that a plan for reorganization meets the requirements of this chapter, the commissioner shall notify the municipalities and school administrative units, and they shall proceed with referendum.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Referendum on reorganization plan.** The municipal officers of each municipality in a proposed reorganized school administrative unit or alternative organizational structure shall place a warrant article substantially as follows on the ballot of a municipal referendum conducted in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school administrative reorganization plan prepared by the (insert name) Reorganization Planning Committee to reorganize (insert names of affected school administrative units) into a regional school unit or alternative organizational structure, with an effective date of (insert date)?

Yes No"

[2007, c. 668, §4 (AMD) .]

6. **Results of referendum.** Each school administrative unit shall report the results of the referendum to the department following the referendum election.

A. A reorganization plan is approved by a kindergarten to grade 12 school administrative district or kindergarten to grade 12 community school district if the majority of votes cast in the district is in favor of approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. A reorganization plan is approved by the member municipalities of a community school district that does not provide public education for the entire span of kindergarten to grade 12 if the majority of votes cast in the member municipalities is in favor of approval of the plan. Approval results in all member municipalities joining the regional school unit for all purposes for kindergarten to grade 12. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. A municipal school unit, including a municipal school unit that is a member of a school union, approves a reorganization plan if the majority of the votes cast in that municipality is in favor of approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. If a reorganization plan is approved by all of the affected school administrative units, or by the school administrative units considered sufficient under the proposed units' reorganization plan, the commissioner shall file notice of approval of the unit with the state board. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

7. **Certificate of organization.** If a plan or revised plan for reorganization has been approved by the commissioner and approved by voters at the referendum, the state board shall issue a certificate of organization to the school administrative units that are reorganized into a regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

8. **Retention of duties pending referendum.** Until the approval of a proposed school administrative reorganization plan at a referendum under subsection 5, each participating school administrative unit retains all authority, duties and obligations of the public employer of the employees of the school administrative unit pursuant to Title 26, chapter 9-A, including but not limited to the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the proposed regional school unit.

[2009, c. 107, §1 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §4 (AMD). 2009, c. 107, §1 (AMD). 2009, c. 580, §§3, 4 (AMD). 2011, c. 251, §1 (AMD). 2011, c. 251, §12 (AFF).

§1461-A. TRANSITIONAL POWERS AND DUTIES OF INITIAL REGIONAL SCHOOL UNIT BOARD

As used in this section, unless the context indicates otherwise, "regional school unit board" means the initial regional school unit board elected pursuant to section 1472-A. From the time of election of the regional school unit board to July 1st of the regional school unit's first operational year, the regional school unit board shall establish interim rules of procedures and shall elect officers who shall serve until officers are elected at a meeting following the operational date of the regional school unit. The regional school unit board's powers and duties during this period are governed by this section. [2007, c. 668, §5 (NEW).]

1. **Selection of superintendent.** The regional school unit board shall select a superintendent for the regional school unit in accordance with section 1051 to carry out the duties specified in section 1055. During the interim period, the salary, office and other expenses of the superintendent, as well as the costs of the regional school unit board, including insurance, must be allocated to the school administrative units by the cost-sharing formula established in accordance with section 1481-A and included in the reorganization plan for the regional school unit.

[2007, c. 668, §5 (NEW) .]

2. **Budget preparation and approval.** The regional school unit board shall prepare the annual budget for the first operational year of the regional school unit in time for its presentation to and consideration by the regional school unit board in accordance with subchapter 4. Specific duties may be assigned to existing personnel with the approval of the employing school administrative unit. The regional school unit board shall complete the budget development process and recommend a budget for consideration by the legislative body responsible for final budget approval and the residents of the regional school unit. The budget format, approval procedures and assessments for the regional school unit's first operational year budget must be in accordance with this chapter.

[2007, c. 668, §5 (NEW) .]

3. **Authorization.** The regional school unit board is authorized to take all other actions provided under state law to prepare the regional school unit to become operational on July 1st for the first operational year, including the authority to open and maintain accounts, to incur expenses to be allocated among the regional

school unit's member school administrative units in accordance with the reorganization plan for the regional school unit and to file applications for school construction projects and revolving renovation fund loans and other available funding.

Prior to the operational date of the regional school unit, the regional school unit board shall take measures necessary to prepare to meet its obligations as a public employer on and after the operational date pursuant to Title 26, chapter 9-A, including but not limited to negotiating a successor collective bargaining agreement that will take effect on or after the operational date. Until the operational date of the regional school unit, each participating school administrative unit retains all other authority, duties and obligations of the public employer of the employees of the school administrative unit pursuant to Title 26, chapter 9-A.

[2009, c. 107, §2 (AMD) .]

4. **Fiscal agent.** The regional school unit board is authorized to expend start-up funds for the regional school unit. A school administrative unit within the regional school unit may serve as a fiscal agent and may expend any start-up funds on behalf of the new regional school unit prior to the regional school unit's operational date without calling for a special meeting of the local legislative body.

[2007, c. 668, §5 (NEW) .]

SECTION HISTORY
2007, c. 668, §5 (NEW). 2009, c. 107, §2 (AMD).

§1461-B. ALTERNATIVE ORGANIZATIONAL STRUCTURE

1. **Notice of intent.** A school administrative unit may file with the commissioner a notice of intent to engage in planning and negotiations with other school administrative units for the purpose of developing a reorganization plan to form an alternative organizational structure in accordance with this section.

[2009, c. 580, §5 (NEW) .]

2. **Organization; procedures and parameters.** An alternative organizational structure must be organized in accordance with the procedures and parameters applicable to regional school units as set forth in section 1461.

[2009, c. 580, §5 (NEW) .]

3. **Submission, review and approval of plans for an alternative organizational structure.** A school administrative unit may submit a reorganization plan to the commissioner to form an alternative organizational structure in order to comply with this chapter.

A. The commissioner may designate a school administrative unit as part of an alternative organizational structure if the commissioner finds that the proposed alternative organizational structure will result in:

(1) Consolidation of system administration;

(2) Consolidation of special education administration, transportation administration and administration of business functions, including accounting, reporting, payroll, financial management, purchasing insurance and auditing;

(3) Adoption of a core curriculum and procedures for standardized testing and assessment aligned with the system of learning results established in section 6209;

(4) Adoption of a plan for both consistent school policies and school calendars; and

(5) Adoption of a plan for consistent collective bargaining agreements. [2009, c. 580, §5 (NEW).]

B. A plan for an alternative organizational structure may include a collaborative agreement under chapter 114 and must include an interlocal agreement under Title 30-A, chapter 115. The plan must include procedures for conducting a kindergarten to grade 12 budget approval pursuant to paragraph C. [2009, c. 580, §5 (NEW).]

C. The budget procedures of member entities of an alternative organizational structure must conform to the format and referendum procedures set forth in sections 1485 and 1486 for regional school units. The budget of the alternative organizational structure must be approved at a meeting of the voters of all of the member entities conducted in accordance with the procedures applicable to a regional school unit budget meeting except as provided in paragraph D. The budget of an alternative organizational structure is not subject to a separate budget validation referendum as described in section 1486. [2011, c. 485, §1 (AMD).]

D. The governing body of an alternative organizational structure, by majority vote, may authorize a change in the alternative organizational structure budget approval procedures in paragraph C to require a budget approval by the governing body of the alternative organizational structure instead of a meeting of the voters of all of the member entities of the alternative organizational structure. The change in procedure must be authorized by a majority of the total number of voters of all of the member entities in the alternative organizational structure at the next regular election or at a special referendum election of the voters called for that purpose by a majority vote of the governing body of the alternative organizational structure. The article to be voted on at the next regular or special election must be in substantially the following form:

> "Article: Do you favor changing the (name of alternative organizational structure) budget approval procedure from a meeting of the voters to a vote by the governing body of the alternative organizational structure?
>
> Yes No"

If approved by the voters, the budget approval procedure changes to a majority vote of the governing body of the alternative organizational structure at a budget meeting. This procedure must remain in effect for at least 3 budget years before the alternative organizational structure may return to the requirement that a budget be approved at a meeting of the voters of all of the member entities of the alternative organizational structure.

An article to consider reinstatement of the budget approval procedure in which the budget is approved at a meeting of the voters of all of the member entities may be placed on a warrant for referendum vote by either a majority vote of the governing body of the alternative organizational structure or by a written petition to the governing body of the alternative organizational structure signed by a number of voters of member entities of the alternative organizational structure equal to at least 10% of the voters who voted in the last gubernatorial election in the member entities of the alternative organizational structure. The governing body of the alternative organizational structure shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the governing body of the alternative organizational structure. The article to be voted upon must be in substantially the following form:

> "Article: Do you favor changing the (name of alternative organizational structure) budget approval procedure from a vote by the governing body of the alternative organizational structure to a meeting of the voters?
>
> Yes No"

If approved by a majority of the total number of voters of all of the member entities in the alternative organizational structure, the budget approval procedure changes to a meeting of the voters of all of the member entities of the alternative organizational structure beginning in the next budget year or the following budget year if the approval occurs less than 90 days before the start of the next budget year. Once approved by the voters, this procedure may not be changed for at least 3 budget years.

A referendum authorized by this section must be called and conducted in accordance with the procedures for calling and conducting a referendum in a regional school unit under section 1502, but not including subsection 2, and section 1503, except that the duties of the board of directors of the regional school unit must be performed by the governing body of the alternative organizational structure. [2015, c. 286, §1 (AMD).]

Upon the review and approval of the commissioner and the approval of the voters at a referendum, the commissioner may approve a plan to form an alternative organizational structure that meets the requirements set forth in this chapter.

[2015, c. 286, §1 (AMD) .]

4. **Recognition as discrete school administrative units for subsidy purposes.** In fiscal year 2011-12 and subsequent fiscal years, the member entities of an alternative organizational structure are recognized as discrete school administrative units for purposes of chapter 606-B, unless the member entities of the alternative organizational structure include in the reorganization plan under subsection 3 their decision to be recognized by the department as a single school administrative unit for purposes of chapter 606-B.

[2009, c. 580, §5 (NEW) .]

5. **Recognition as school administrative unit for subsidy purposes; change.** This subsection governs the procedure to alter the recognition of a school administrative unit that is an alternative organizational structure for subsidy purposes.

A. Notwithstanding the provisions of a reorganization plan under subsection 3 or interlocal agreement under Title 30-A, chapter 115, the governing body of an alternative organizational structure that began operation on or before June 30, 2010 may vote to have its member entities recognized as discrete school administrative units for purposes of chapter 606-B. Such a vote must be approved by the governing body of the alternative organizational structure and the commissioner prior to June 1st of the year prior to the allocation year. [2009, c. 580, §5 (NEW).]

B. If the member entities of an alternative organizational structure that requested in their reorganization plan to be recognized as a single school administrative unit pursuant to subsection 4 vote to be recognized as discrete school administrative units for purposes of chapter 606-B, such a change must be approved by the governing body of the alternative organizational structure and the commissioner prior to June 1st of the year prior to the allocation year. [2009, c. 580, §5 (NEW).]

[2009, c. 580, §5 (NEW) .]

6. **Withdrawal of a member entity.** Notwithstanding chapter 103-A, subchapter 2, for an alternative organizational structure approved by the commissioner and approved by the voters, the withdrawal provisions for member entities that were adopted as part of the reorganization plan under subsection 3 and interlocal agreement under Title 30-A, chapter 115 govern the withdrawal of a member entity.

A. [2011, c. 251, §12 (AFF); 2011, c. 251, §2 (RP).]

B. [2011, c. 251, §12 (AFF); 2011, c. 251, §3 (RP).]

C. [2011, c. 251, §12 (AFF); 2011, c. 251, §4 (RP).]

[2011, c. 251, §§2-4 (AMD); 2011, c. 251, §12 (AFF) .]

SECTION HISTORY
2009, c. 580, §5 (NEW). 2011, c. 251, §§2-4 (AMD). 2011, c. 251, §12 (AFF). 2011, c. 485, §§1, 2 (AMD). 2015, c. 286, §1 (AMD).

§1462. TRANSFER OF PROPERTY AND ASSETS

Upon the formation of a regional school unit pursuant to this subchapter, the transfer of school property and assets is governed by this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Board of directors.** The directors of the board of each regional school unit established in this chapter shall determine what school property of the municipal school units in existence prior to the operational date of the new regional school unit and of the school administrative units in existence prior to the operational date of the new regional school unit is necessary to carry out the functions of the regional school unit and shall request in writing that the board of each such school administrative unit or the municipal officers transfer title of their school property and buildings to the regional school unit board of directors.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Transfer.** The municipal officers and boards contacted pursuant to subsection 1 shall make the transfer of property and assets notwithstanding any other provision in the charter of the school administrative unit or municipality. After the operational date of a regional school unit, if a transfer of property by a prior regional school unit, school administrative district or community school district has not occurred in accordance with the reorganization plan, the regional school unit board may act as the successor to the school board of the prior regional school unit, school administrative district or community school district for purposes of transferring the title to the property by deed to the regional school unit or other transferee in accordance with the terms of the reorganization plan.

[2011, c. 655, Pt. C, §1 (AMD) .]

3. **Financing assumed debts.** A regional school unit shall assume the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit for school construction projects approved for subsidy under chapter 609 and pursuant to section 1506. If a regional school unit board of directors has assumed the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit, the directors of the regional school unit board may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit in existence prior to the operational date of the new regional school unit to pay off the indebtedness for which the money was dedicated. A regional school unit board of directors is not required to assume the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit in its regional school unit for nonstate-funded projects pursuant to section 15905-A and pursuant to section 1481.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2011, c. 655, Pt. C, §1 (AMD).

§1463. OPERATIONAL DATE AND TRANSFER OF AUTHORITY

1. **Operational date.** A regional school unit board of directors becomes operational on the date set by the state board as provided in this chapter.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Transfer of governing authority.** The regional school unit board of directors, on the date established pursuant to subsection 1, shall assume responsibility for the management and control of the public schools and programs within the school administrative units in existence prior to the operational date of the new regional school unit that are within the regional school unit. Those school administrative units in existence

prior to the operational date of the new regional school unit on the date established in subsection 1 have no further responsibility for the operation or control of the public schools and programs within the school administrative unit except those pursuant to section 1481.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Transfer of school accounts.** Notwithstanding section 15004 or any charter of a municipal school unit, school administrative district, community school district or regional school unit, the balance remaining in the school accounts of the former municipal school unit, school administrative district, community school district or regional school unit within the new regional school unit must be paid to the treasurer of the new regional school unit and verified through the annual audit process pursuant to chapter 221, subchapter 2. The balance from each of the former municipal school unit, school administrative district, community school district or regional school unit must be used to reduce that unit's or district's local contribution to the regional school unit. Payment may be made in equal monthly installments during the implementation year.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Transfer of teachers and employees.** Except as limited by paragraph A, all teachers and school employees who are employed by a participating school administrative unit on the day prior to the date established pursuant to subsection 1 must be transferred to and employed by the regional school unit as of the date established pursuant to subsection 1. Except as limited by subsection 2, the regional school unit shall assume all of the legal obligations and duties that the participating school administrative units owed to their employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employer. The regional school unit shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees created by a participating school administrative unit that is dissolved as a result of its inclusion within a regional school unit.

A. Teachers or other employees whose employment terminates by application of law or contract or by action of a participating school administrative unit before the date in subsection 1 may not be transferred. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Teachers and other employees who are transferred to the regional school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the participating school administrative unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Superintendent contracts.** The contracts between the superintendents and school administrative units within the regional school unit are transferred on the date established pursuant to subsection 1 to the regional school unit board of directors. The regional school unit board of directors shall determine the superintendents' duties within the regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1464. COLLECTIVE BARGAINING

1. **Assumption of obligations, duties, liabilities and rights.** On the operational date established pursuant to section 1463, subsection 1, the regional school unit board of directors shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units for all purposes under Title 26, chapter 9-A. The regional school unit is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

A. Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a participating school administrative unit, pending completion of merger proceedings described in this section; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and regional school unit mutually agree otherwise; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date and for any interim agreement that may be required to align expiration dates in a regional school unit-wide bargaining unit, as described in this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Structure of bargaining units.** As early as possible after reorganization, all bargaining units must be structured on a regional school unit-wide basis. Bargaining units that existed in the participating school administrative units shall merge in accordance with the procedures and criteria in this section. Merger into regional school unit-wide bargaining units is not subject to approval or disapproval of employees.

A. Merger into regional school unit-wide bargaining units must be completed according to the schedule contained in this section and, except as required by paragraph H, no later than the latest expiration date of any collective bargaining agreement that was in effect on the operational date established pursuant to section 1463, subsection 1 that covered any employees in the merged unit. [2007, c. 566, §1 (AMD).]

B. There must be one unit of teachers and, to the extent they are on the effective date of this section included in bargaining units, other certified professional employees, excluding principals and other administrators. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Any additional bargaining units in a regional school unit must be structured as follows:

(1) In the initial establishment of such units, units must be structured primarily on the basis of the existing pattern of organization, maintaining the grouping of employee classifications into bargaining units that existed prior to the creation of the regional school unit and avoiding conflicts among different bargaining agents to the extent possible; and

(2) In the event of a dispute regarding the classifications to be included within a regional school unit-wide bargaining unit, the current bargaining agent or agents or the regional school unit may petition the Maine Labor Relations Board to determine the appropriate unit in accordance with this section and Title 26, section 966, subsections 1 and 2. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. When there is the same bargaining agent in all bargaining units that will be merged into a regional school unit-wide bargaining unit, the units must be merged as of the operational date established pursuant to section 1463, subsection 1, and the regional school unit shall recognize the bargaining agent as the representative of the merged unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. When all bargaining units that will be merged into a regional school unit-wide bargaining unit are represented by separate local affiliates of the same state labor organization, the units must be merged as of the operational date established pursuant to section 1463, subsection 1. The identity of the single

affiliate that will be designated the bargaining agent for the merged unit must be selected by the existing bargaining agents and the state labor organization. Upon completion of the merger and designation of the bargaining agent and notification by the state labor organization to the regional school unit, the regional school unit shall recognize the designated bargaining agent as the representative of employees in the merged unit. If necessary, the parties will then execute a written amendment to any collective bargaining agreement then in effect to change the name of the bargaining agent to reflect the merger.

Prior to the operational date of the regional school unit, the single affiliate that is designated as the bargaining agent for the merged unit shall take measures necessary to prepare to meet its obligations as the bargaining agent on and after the operational date pursuant to Title 26, chapter 9-A, including, but not limited to, the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date. Until the operational date of the regional school unit, each existing bargaining agent retains all other authority, duties and obligations of the bargaining agent of the employees of the school administrative unit pursuant to Title 26, chapter 9-A. [2009, c. 107, §3 (AMD).]

F. When there are bargaining units that will be merged into a regional school unit-wide bargaining unit in which there are employees who are not represented by any bargaining agent and other employees who are represented either by the same bargaining agent or separate local affiliates of the same state labor organization, the units must be merged as of the operational date pursuant to section 1463, subsection 1 as long as a majority of employees who compose the merged unit were represented by the bargaining agent prior to the merger. The procedures for merger of separate local affiliates of the same state labor organization described in paragraph E must be followed if applicable. If prior to the merger a bargaining agent did not represent a majority of employees who compose the merged unit, a bargaining agent election must be conducted by the Maine Labor Relations Board pursuant to paragraph H, except that the petition for an election must be filed not more than 90 days prior to the expiration date of the agreement having the latest expiration date among the bargaining units that will be merged into the regional school unit-wide bargaining unit. [2007, c. 566, §2 (AMD).]

G. When there are unexpired collective bargaining agreements with different expiration dates in the merged bargaining units described in paragraphs D, E and F, all contracts must be honored to their expiration dates unless mutually agreed to otherwise by the public employer and the bargaining agent. Collective bargaining agreements must be bargained on an interim basis in any merged bargaining unit so that all collective bargaining agreements expire on the same date. [2007, c. 240, Pt. XXXX, §13 (NEW).]

H. When bargaining units with different bargaining agents must be merged into a single regional school unit-wide bargaining unit pursuant to this section, the bargaining agent of the merged bargaining unit must be selected in accordance with Title 26, section 967 except as modified in this section.

(1) A petition for an election to determine the bargaining agent must be filed with the Maine Labor Relations Board by any of the current bargaining agents or the regional school unit.

(2) The petition must be filed not more than 90 days prior to the first August 31st occurring after the 3rd anniversary date of the operational date of the regional school unit established pursuant to section 1463, subsection 1.

(3) The election ballot may contain only the names of the bargaining agents of bargaining units that will be merged into the regional school unit-wide bargaining unit and the choice of "no representative," but no other choices. No showing of interest is required from any such bargaining agent other than its current status as representative.

(4) The obligation to bargain with existing bargaining agents continues from the operational date established pursuant to section 1463, subsection 1 until the determination of the bargaining agent of the regional school unit-wide bargaining unit under this section; but in no event may any collective bargaining agreement that is executed after the operational date extend beyond the first August 31st occurring after the 3rd anniversary date of the operational date of the regional school unit.

(5) The Maine Labor Relations Board shall expedite to the extent practicable all petitions for determination of the bargaining agent in the regional school unit-wide bargaining unit filed pursuant to this section.

(6) The bargaining units must be merged into a regional school unit-wide bargaining unit as of the date of certification of the results of the election by the Maine Labor Relations Board or the expiration of the collective bargaining agreements in the unit, whichever occurs later.

(7) Until the first August 31st occurring after the 3rd anniversary date of the operational date of the regional school unit, existing bargaining agents shall continue to represent the bargaining units that they represented on the day prior to the operational date of the regional school unit. If necessary, each bargaining agent and the regional school unit must negotiate an interim collective bargaining agreement to expire on the first August 31st occurring after the 3rd anniversary date of the operational date of the regional school unit.

(8) When there are 2 or more bargaining units in which there are employees who are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization that will be merged into a regional school unit-wide bargaining unit with one or more other bargaining units pursuant to the election procedures described in this paragraph, the bargaining units that are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization must merge as of the operational date. The procedures for merger of separate local affiliates of the same state labor organization described in paragraph E must be followed if applicable. [2009, c. 580, §6 (AMD).]

[2009, c. 580, §6 (AMD) .]

3. **Agent to engage in collective bargaining.** After the merger of bargaining units into a regional school unit-wide bargaining unit, the bargaining agent of a regional school unit-wide bargaining unit and the regional school unit shall engage in collective bargaining for a collective bargaining agreement for the regional school unit-wide bargaining unit. In the collective bargaining agreement for each regional school unit-wide bargaining unit, the employment relations, policies, practices, salary schedules, hours and working conditions throughout the regional school unit must be made uniform and consistent as soon as practicable.

In the event that the parties are unable to agree upon an initial regional school unit-wide collective bargaining agreement, the parties must use the dispute resolution procedures pursuant to Title 26, section 965 to resolve their differences.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Application of collective bargaining agreements.** On or after the operational date of a regional school unit established pursuant to section 1463, subsection 1 but before the completion of negotiations for a single regional school unit-wide collective bargaining agreement for the regional school unit-wide bargaining unit as described in subsection 3, the wages, hours and working conditions of an employee of the regional school unit who is in a bargaining unit and who is reassigned to a different position that is or, upon the completion of the merger of bargaining units, will be included in the same regional school unit-wide bargaining unit are determined by the terms of the existing collective bargaining agreement that applies to the position to which the employee is reassigned, except as provided in this subsection.

A. If the application of the existing collective bargaining agreement would cause a reduction in the employee's wage or salary rate, the employee's wage or salary rate must be maintained at the rate the employee was paid immediately prior to the reassignment until the completion of negotiations for a single regional school unit-wide collective bargaining agreement for the regional school unit-wide bargaining unit as described in subsection 3 or the applicable collective bargaining agreement or any interim successor agreement requires a higher wage or salary rate for the employee, whichever occurs sooner. [2007, c. 668, §6 (NEW).]

B. If the application of the existing collective bargaining agreement would cause a reduction in the amount that is paid by the regional school unit for premiums for health insurance for the employee and the employee's dependents, the regional school unit's payment must be maintained at the amount that was paid immediately prior to the reassignment until the completion of negotiations for a single regional school unit-wide collective bargaining agreement for the regional school unit-wide bargaining unit as described in subsection 3 or the applicable collective bargaining agreement or any interim successor agreement requires a higher payment, whichever occurs sooner. [2007, c. 668, §6 (NEW).]

C. If the application of the existing collective bargaining agreement provides for coverage under a different health insurance plan, the employee may elect to retain coverage under the health insurance plan in which the employee was enrolled immediately prior to reassignment if the eligibility provisions of the plan permit until the completion of negotiations for a single regional school unit-wide collective bargaining agreement for the regional school unit-wide bargaining unit as described in subsection 3. [2007, c. 668, §6 (NEW).]

[2007, c. 668, §6 (NEW) .]

5. **Bargaining units of employees of school unions.** For purposes of section 1463, subsection 4 and this subsection, a school union that employed public employees, within the meaning of Title 26, section 962, subsection 6, who were represented by a bargaining agent on the day prior to the operational date of a regional school unit board of directors is considered to be a school administrative unit.

[2009, c. 580, §7 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 566, §§1-3 (AMD). 2007, c. 668, §6 (AMD). 2009, c. 107, §§3, 4 (AMD). 2009, c. 580, §§6, 7 (AMD).

§1464-A. COLLECTIVE BARGAINING IN ALTERNATIVE ORGANIZATIONAL STRUCTURES

1. **Assumption of obligations, duties, liabilities and rights.** On and after the operational date of an alternative organizational structure, teachers and other employees whose positions are transferred from a school administrative unit or school union to the alternative organizational structure and were included in a bargaining unit represented by a bargaining agent continue to be included in the same bargaining unit and represented by the same bargaining agent pending completion of the bargaining agent and bargaining unit merger procedures and bargaining for initial alternative organizational structure collective bargaining agreements covering alternative organizational structure employees, as described in this section. After employees become employees of the alternative organizational structure, the alternative organizational structure has the obligations, duties, liabilities and rights of a public employer pursuant to Title 26, chapter 9-A with respect to those employees.

[2009, c. 580, §8 (NEW) .]

2. **Structure of bargaining units.** All bargaining units of alternative organizational structure employees must be structured on an alternative organizational structure-wide basis. Teachers and other school employees who are employed by the alternative organizational structure to provide consolidated services must be removed from the existing bargaining units of teachers and other employees who are employed by each member school unit and merged into units of alternative organizational structure employees. Merger into alternative organizational structure-wide bargaining units is not subject to approval or disapproval of employees. Formation of alternative organizational structure-wide bargaining units must occur in accordance with this subsection.

A. In each alternative organizational structure, there must be one unit of teachers if any teachers are employed by the alternative organizational structure, and, to the extent they are on the effective date of this paragraph included in bargaining units, other certified professional employees, excluding principals and other administrators. [2009, c. 580, §8 (NEW).]

B. Any additional bargaining units in an alternative organizational structure must be structured as follows.

(1) In the initial establishment of such units, units must be structured primarily on the basis of the existing pattern of organization, maintaining the grouping of employee classifications into bargaining units that existed prior to the creation of the alternative organizational structure and avoiding conflicts among different bargaining agents to the extent possible.

(2) In the event of a dispute regarding the classifications to be included within an alternative organizational structure-wide bargaining unit, the current bargaining agent or agents or the alternative organizational structure may petition the Maine Labor Relations Board to determine the appropriate unit in accordance with this section and Title 26, section 966, subsections 1 and 2. [2009, c. 580, §8 (NEW).]

C. When there is the same bargaining agent in all bargaining units that will be merged into an alternative organizational structure-wide bargaining unit, the units must be separated and merged on the operational date or the date represented employees are transferred to the alternative organizational structure, whichever is applicable, and the alternative organizational structure shall recognize the bargaining agent as the representative of the merged unit. [2009, c. 580, §8 (NEW).]

D. When all bargaining units that will be separated and merged into an alternative organizational structure-wide bargaining unit are represented by separate local affiliates of the same state labor organization, the units must be separated and merged on the operational date or the date represented employees are transferred to the alternative organizational structure, whichever is applicable. The identity of a single affiliate that will be designated the bargaining agent for the merged unit must be selected by the existing bargaining agents and the state labor organization. Upon completion of the merger and designation of the bargaining agent and notification by the state labor organization to the alternative organizational structure, the alternative organizational structure shall recognize the designated bargaining agent as the representative of employees in the merged unit. If necessary, the parties shall then execute a written amendment to any collective bargaining agreement then in effect to change the name of the bargaining agent to reflect the merger. [2009, c. 580, §8 (NEW).]

E. When there are bargaining units that will be separated and merged into an alternative organizational structure-wide bargaining unit in which there are employees who are not represented by any bargaining agent and other employees who are represented either by the same bargaining agent or separate local affiliates of the same state labor organization, the units must be separated and merged on the operational date or the date represented employees are transferred to the alternative organizational structure, whichever is applicable, as long as a majority of employees who compose the merged unit were represented by the bargaining agent prior to the merger. The procedures for separation and merger of separate local affiliates of the same state labor organization described in paragraph D must be followed if applicable. If prior to the merger a bargaining agent did not represent a majority of employees who compose the merged unit, a bargaining agent election must be conducted by the Maine Labor Relations Board pursuant to paragraph F. [2009, c. 580, §8 (NEW).]

F. When bargaining units with different bargaining agents must be merged into a single alternative organizational structure-wide bargaining unit pursuant to this section, the bargaining agent of the merged bargaining unit must be selected in accordance with Title 26, section 967 except as modified in this section.

(1) A petition for an election to determine the bargaining agent must be filed with the Maine Labor Relations Board by any of the current bargaining agents or the alternative organizational structure.

(2) The petition must be filed not more than 90 days prior to the first August 31st occurring after either the 3rd anniversary date of the operational date of the alternative organizational structure or the date on which positions are transferred from member school units to the alternative organizational structure, whichever is later.

(3) The election ballot may contain only the names of the bargaining agents of bargaining units that will be merged into the alternative organizational structure-wide bargaining unit and the choice of "no representative," but no other choices. A showing of interest is not required from any such bargaining agent other than its current status as representative.

(4) The obligation to bargain with existing bargaining agents continues from the operational date of the alternative organizational structure or the date on which positions are transferred from member school units to the alternative organizational structure, whichever is later, until the determination of the bargaining agent of the alternative organizational structure-wide bargaining unit under this section; but in no event may any collective bargaining agreement that is executed after the operational date extend beyond the first August 31st occurring after either the 3rd anniversary date of the operational date of the alternative organizational structure or the date on which positions are transferred from member school units to the alternative organizational structure, whichever is later.

(5) The Maine Labor Relations Board shall expedite to the extent practicable all petitions for determination of the bargaining agent in the alternative organizational structure filed pursuant to this section.

(6) The bargaining units must be merged into an alternative organizational structure-wide bargaining unit as of the date of certification of the results of the election by the Maine Labor Relations Board or the expiration of the collective bargaining agreements in the unit, whichever occurs later.

(7) Until the first August 31st occurring after either the 3rd anniversary date of the operational date of the alternative organizational structure or the date on which positions are transferred from member school units to the alternative organizational structure, whichever is later, existing bargaining agents shall continue to represent the bargaining units that they represented on the day prior to the operational date of the alternative organizational structure. If necessary, each bargaining agent and the alternative organizational structure must negotiate interim collective bargaining agreements to expire the first August 31st occurring after either the 3rd anniversary date of the operational date of the alternative organizational structure or the date on which positions are transferred from member school units to the alternative organizational structure, whichever is later.

(8) When there are 2 or more bargaining units in which there are employees who are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization that will be merged into an alternative organizational structure-wide bargaining unit with one or more other bargaining units pursuant to the election procedures described in this paragraph, the bargaining units that are represented either by the same bargaining agent or by separate local affiliates of the same state labor organization must merge as of the operational date. The procedures for merger of separate local affiliates of the same state labor organization described in paragraph D must be followed if applicable. [2009, c. 580, §8 (NEW).]

[2009, c. 580, §8 (NEW) .]

3. **Agent to engage in collective bargaining.** After the merger of bargaining units in an alternative organizational structure, the bargaining agent of an alternative organizational structure-wide bargaining unit and the alternative organizational structure shall engage in collective bargaining for a collective bargaining agreement for the alternative organizational structure-wide bargaining unit. In the collective bargaining agreement for each alternative organizational structure-wide bargaining unit, the employment relations, policies, practices, salary schedules, hours and working conditions throughout the alternative organizational

structure must be made uniform and consistent as soon as practicable. In the event that the parties are unable to agree upon an initial alternative organizational structure-wide collective bargaining agreement, the parties must use the dispute resolution procedures pursuant to Title 26, section 965 to resolve their differences.

[2009, c. 580, §8 (NEW) .]

4. **Application of collective bargaining agreements.** On and after the operational date of an alternative organizational structure, but before the completion of negotiations for a single alternative organizational structure-wide collective bargaining agreement for the alternative organizational structure-wide bargaining unit, the wages, hours and working conditions of an employee of the alternative organizational structure who is in a bargaining unit and who is reassigned to a different position that is in a different bargaining unit but that upon the completion of the merger of bargaining units will be included in the same alternative organizational structure-wide bargaining unit must be determined by the terms of the collective bargaining agreement that applies to the position to which the employee is reassigned, except as provided in this subsection.

A. If the application of the collective bargaining agreement that applies to the position to which the employee is reassigned would cause a reduction in the employee's wage or salary rate, the employee's wage or salary rate must be maintained at the rate the employee was paid immediately prior to the reassignment until the completion of negotiations for a single alternative organizational structure-wide collective bargaining agreement for the alternative organizational structure-wide bargaining unit or the applicable collective bargaining agreement requires a higher wage or salary rate for the employee, whichever occurs sooner. [2009, c. 580, §8 (NEW).]

B. If the application of the existing collective bargaining agreement that applies to the position to which the employee is reassigned would cause a reduction in the amount that is paid by the alternative organizational structure for premiums for health insurance for the employee and the employee's dependents, the alternative organizational structure's payment must be maintained at the amount that was paid immediately prior to the reassignment until the completion of negotiations for a single alternative organizational structure-wide collective bargaining agreement for the alternative organizational structure-wide bargaining unit or the applicable collective bargaining agreement requires a higher payment, whichever occurs sooner. [2009, c. 580, §8 (NEW).]

C. If the application of the existing collective bargaining agreement that applies to the position to which the employee is reassigned provides for coverage under a different health insurance plan, the employee may elect to retain coverage under the health insurance plan in which the employee was enrolled immediately prior to reassignment if the eligibility provisions of the plan permit until the completion of negotiations for a single alternative organizational structure-wide collective bargaining agreement for the alternative organizational structure-wide bargaining unit. [2009, c. 580, §8 (NEW).]

[2009, c. 580, §8 (NEW) .]

SECTION HISTORY
2009, c. 580, §8 (NEW).

§1465. ADDITION OF A SCHOOL ADMINISTRATIVE UNIT TO AN EXISTING REGIONAL SCHOOL UNIT

A school administrative unit not originally a member of a regional school unit may be included in the regional school unit in accordance with this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Notice of intent.** A school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations to join with a regional school unit under this chapter. The commissioner shall respond to each notice of intent and provide information regarding the process and whether the intended action complies with the requirements of this chapter.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Process to join a regional school unit.** A school administrative unit may join an existing regional school unit in the same manner required for the formation of a regional school unit under section 1461, except that section 1461, subsections 5, 6 and 7 do not apply.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Referendum for a school administrative unit to join an existing regional school unit.** The municipal officers of each municipality that is a member of a school administrative unit that is proposing to join a regional school unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

> "Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?
>
> Yes No"

[2011, c. 691, Pt. D, §6 (AMD) .]

4. **Referendum on the admission of an additional school administrative unit to an existing regional school unit.** If the vote to join a regional school unit under subsection 3 was in the affirmative, the existing regional school unit shall conduct a regional school unit referendum to vote on the following article.

> "Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee for school administrative unit (insert name of affected school administrative unit) to join the regional school unit (name of regional school unit), with an effective date of (insert date)?
>
> Yes No"

[2011, c. 691, Pt. D, §8 (AMD) .]

5. **Results of referendum.** A school administrative unit shall report the results of the referendum to the department following the referendum election.

A. For a referendum conducted pursuant to subsection 3:

(1) A reorganization plan is approved by a kindergarten to grade 12 school administrative district or kindergarten to grade 12 community school district if the majority of votes cast in the district is in favor of approval of the plan;

(2) A reorganization plan is approved by a regional school unit if the majority of votes cast in the regional school unit is in favor of approval of the plan;

(3) A reorganization plan is approved by the member municipalities of a community school district that does not provide public education for the entire span of kindergarten to grade 12 if the majority of votes cast in the member municipalities is in favor of approval of the plan. Approval results in all member municipalities joining the regional school unit for all purposes for kindergarten to grade 12; and

(4) A municipal school unit, including a municipal school unit that is a member of a school union, approves a reorganization plan if the majority of the votes cast in that municipality is in favor of approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. For a referendum conducted pursuant to subsection 4, a reorganization plan is approved by a regional school unit if the majority of votes cast in the regional school unit is in favor of approval of the plan. [2007, c. 240, Pt. XXXX, §13 (NEW).]

If a reorganization plan is approved by the affected school administrative unit, the commissioner shall file notice of approval of the unit with the state board.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Amended certificate of organization.** If a plan for reorganization has been approved by the commissioner and approved by voters at the referendum under subsections 3 and 4, the commissioner shall issue an amended certificate of organization to the reorganized regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2011, c. 251, §§5, 6 (AMD). 2011, c. 251, §12 (AFF). 2011, c. 691, Pt. D, §§5-8 (AMD).

§1466. WITHDRAWAL OF A SINGLE MUNICIPALITY FROM A REGIONAL SCHOOL UNIT

1. **Petition.** Beginning January 1, 2012, the residents of a municipality that has been a member of a regional school unit for at least 30 months may petition to withdraw from the regional school unit in accordance with this subsection.

A. Ten percent of the number of voters in the municipality who voted at the last gubernatorial election must sign the petition to withdraw from the regional school unit. [2009, c. 580, §9 (NEW).]

B. At least 10 days before the special election called pursuant to this paragraph, the municipal officers of the municipality within the regional school unit shall hold a posted or otherwise advertised public hearing on the petition. The municipal officers shall call and hold a special election in the manner provided for the calling and holding of town meetings or city elections to vote on the withdrawal from the regional school unit. [2009, c. 580, §9 (NEW).]

C. The petition to withdraw from the regional school unit must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the regional school unit board and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A. [2009, c. 580, §9 (NEW).]

For the purposes of this subsection, the 30-month period after which a petition to withdraw may be considered in a member municipality 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 is 30 months after the original operational date of the school administrative district; and the 30-month period after which a petition to withdraw may be considered in a member municipality of a school administrative district that did not reformulate as a regional school unit but that became a member entity of an alternative organizational structure is 30 months after the operational date of the alternative organizational structure.

[2011, c. 328, §1 (AMD); 2011, c. 328, §2 (AFF) .]

2. **Form.** The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal with the board of directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend $ (insert amount) and authorizing the (municipal officers; i.e., selectpersons, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed $ (insert amount) for this purpose?

Yes No"

[2009, c. 580, §9 (NEW) .]

3. **Notice of vote.** If residents of the municipality vote favorably on a petition for withdrawal, the clerk shall immediately give written notice, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

A. The petition adopted by the voters, including the affirmative and negative votes cast; and [2009, c. 580, §9 (NEW).]

B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to withdraw from the regional school unit. [2009, c. 580, §9 (NEW).]

[2009, c. 580, §9 (NEW) .]

4. **Agreement for withdrawal; notice; changes in agreement; final agreement.** The agreement for withdrawal must comply with this subsection.

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a withdrawal committee as follows: one member from the municipal officers, one member from the general public and one member from the group filing the petition. The commissioner shall also direct the directors of the regional school unit board representing the petitioning municipality to select one member of the regional school unit board who represents that municipality to serve on the withdrawal committee. The municipal officer and the member of the regional school unit board serve on the withdrawal committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and the regional school unit board. The chair of the regional school unit board shall call a meeting of the withdrawal committee within 30 days of the notice of the vote in subsection 3. The chair of the regional school unit board shall open the meeting by presiding over the election of a chair of the withdrawal committee. The responsibility for the preparation of the agreement rests with the withdrawal committee, subject to the approval of the commissioner. The withdrawal committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the withdrawal committee is formed. Extensions of time may be granted by the commissioner upon the request of the withdrawal committee.

(1) The agreement must contain provisions to provide educational services for all students of the petitioning municipality within the regional school unit. The agreement must provide that during the first year following the withdrawal students may attend the school they would have attended if the petitioning municipality had not withdrawn. The allowable tuition rate for students sent from one municipality to another in the former regional school unit must be determined under section 5805, subsection 1, except that it is not subject to the state per pupil average limitation in section 5805, subsection 2.

(2) The agreement must establish that the withdrawal takes effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the withdrawal will not cause a need within 5 years from the effective date of withdrawal for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the withdrawal or when a need for school construction would have arisen even if the municipality had not withdrawn.

(4) The agreement must establish how transportation services will be provided.

(5) The agreement must provide for administration of the new administrative unit, which should not include the creation of new supervisory units if at all possible.

(6) The agreement must make provision for the distribution of financial commitments arising from outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of withdrawal.

(7) The agreement must provide appropriately for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the continuation and assignment of collective bargaining agreements as they apply to the new or reorganized regional school unit for the duration of those agreements and must provide for the continuation of representational rights.

(9) The agreement must provide for the continuation of continuing contract rights under section 13201.

(10) The agreement must provide for the disposition of all real and personal property and other monetary assets.

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative unit and must provide that the governing body may not be elected simultaneously with the vote on the article to withdraw unless the commissioner finds there are extenuating circumstances that necessitate simultaneous elections. [2009, c. 580, §9 (NEW).]

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the agreement will provide for appropriate educational and related services to the students of the petitioning municipality and for the orderly transition of assets, governance and other matters related to the petitioning municipality and the regional school unit. [2009, c. 580, §9 (NEW).]

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the regional school unit board and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of withdrawal. The chair of the regional school unit board shall conduct the hearing.

(1) The regional school unit board shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing under this paragraph, the withdrawal committee shall forward the final agreement to the commissioner. [2009, c. 580, §9 (NEW).]

D. If the commissioner recommends changes to the agreement, the commissioner shall:

(1) Send the agreement back to the withdrawal committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C. [2009, c. 580, §9 (NEW).]

[2009, c. 580, §9 (NEW) .]

5. **Date of municipal election; notice; warrant; polling hours.** The date and time for voting is as set forth in this subsection.

A. The commissioner shall determine the date upon which the voters of the petitioning municipality must vote upon the agreement submitted to them. The election must be held as soon as practicable, and the commissioner shall attempt to set the date of the vote to coincide with a statewide election. [2009, c. 580, §9 (NEW).]

B. At least 35 days before the date set in paragraph A, the commissioner shall give written notice of the date by registered or certified mail to the town clerk or city clerk of the municipality petitioning to withdraw. [2009, c. 580, §9 (NEW).]

C. The town clerk or city clerk shall immediately notify the municipal officers upon receipt of the notice under paragraph B, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used. [2009, c. 580, §9 (NEW).]

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open by 10 a.m. and remain open until 8 p.m. [2013, c. 167, Pt. A, §1 (AMD).]

[2013, c. 167, Pt. A, §1 (AMD) .]

6. **Public hearing; voting procedures.** The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the withdrawal question. [2009, c. 580, §9 (NEW).]

B. Except as otherwise provided in this section, the voting at the meeting held in a town must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the town has not accepted the provisions of Title 30-A, section 2528. [2009, c. 580, §9 (NEW).]

C. The voting at the meeting held in a city must be conducted in accordance with Title 21-A. [2009, c. 580, §9 (NEW).]

[2009, c. 580, §9 (NEW) .]

7. **Article.** The article to be voted on must be in the following form.

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?

Yes No"

[2009, c. 580, §9 (NEW) .]

8. **Ballots; posting of agreement.** The withdrawal agreement need not be printed on the ballot. Copies of the agreement must be posted in the municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

[2009, c. 580, §9 (NEW) .]

9. **Required vote.** Before the municipality may withdraw from the regional school unit, the withdrawal agreement must be approved by a majority vote of those casting valid votes in the municipality, and the total number of votes cast for and against withdrawal at the municipal vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election.

[2013, c. 461, §1 (AMD) .]

9-A. **Required vote; exception for a municipality of a school administrative district that was reformulated as a regional school unit.** A 2/3 vote of those casting valid votes in the municipality is required before a municipality that is a member municipality 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, as amended by Public Law 2007, chapter 668, section 48, may withdraw from the regional school unit.

[2013, c. 461, §2 (AMD) .]

9-B. **Required vote.**

[2013, c. 461, §3 (RP) .]

10. **Restriction on withdrawal petitions.** A municipality within a regional school unit may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or [2009, c. 580, §9 (NEW).]

B. A municipal vote on a withdrawal agreement if the agreement received less than 45% of the votes cast. [2013, c. 461, §4 (AMD).]

[2013, c. 461, §4 (AMD) .]

10-A. **Restriction on withdrawal petitions for a municipality of a school administrative district that was reformulated as a regional school unit.** 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, as amended by Public Law 2007, chapter 668, section 48, may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or [2013, c. 461, §5 (NEW).]

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast. [2013, c. 461, §5 (NEW).]

[2013, c. 461, §5 (NEW) .]

11. **Cost of advisors.** The expense of employing competent advisors by the municipality petitioning to withdraw must be borne by the municipality, and the expense of employing competent advisors by the regional school unit must be borne by the regional school unit with the municipality bearing its share according to the regional school unit's cost-sharing agreement.

[2009, c. 580, §9 (NEW) .]

12. **Determination of vote.** The town clerk or city clerk shall, within 24 hours of determination of the result of the vote in the municipality, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the commissioner.

[2009, c. 580, §9 (NEW) .]

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, as amended by Public Law 2007, chapter 668, section 48, 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, as amended by Public Law 2007, chapter 668, section 48, 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.

[2013, c. 461, §6 (AMD) .]

13-A. **Determination of results; execution of agreement; effective date.**

[2013, c. 461, §7 (RP) .]

14. **Recount; checklists and ballots; disputed ballots.** This subsection applies to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting, the municipality requests to the commissioner in writing a recount of the votes, the commissioner shall immediately cause the checklists and all the ballots cast in the municipality to be collected and kept at the commissioner's office so they may be recounted by the municipality. [2009, c. 580, §9 (NEW).]

B. The town clerk or city clerk of the municipality is authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary. [2009, c. 580, §9 (NEW).]

C. The commissioner shall resolve any question with regard to disputed ballots. [2009, c. 580, §9 (NEW).]

[2009, c. 580, §9 (NEW) .]

15. **Execution of agreement; certified record; certificate of withdrawal.** When the agreement for withdrawal has been put into effect by the municipality, the municipal officers shall notify the commissioner by certified mail that the agreement of withdrawal has been executed. A complete certified record of the transaction involved in the withdrawal must be filed with the commissioner. The commissioner shall immediately issue a certificate of withdrawal to be sent by certified mail for filing with the regional school unit board and shall file a copy in the office of the Secretary of State.

[2009, c. 580, §9 (NEW) .]

16. **Indebtedness.** This subsection applies to outstanding indebtedness.

A. Whenever a municipality withdraws from a regional school unit having outstanding indebtedness, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The withdrawal agreement may provide for alternate means for retiring outstanding indebtedness. [2009, c. 580, §9 (NEW).]

B. For the purposes of this subsection, "outstanding indebtedness" means bonds or notes issued or assumed by the regional school unit board and lease-purchase agreements issued or assumed by the regional school unit, but does not include any indebtedness of the withdrawing municipality assumed by the regional school unit at the time of formation. [2009, c. 580, §9 (NEW).]

[2009, c. 580, §9 (NEW) .]

17. **General purpose aid.** When a municipality withdraws from a regional school unit, the general purpose aid for the municipality must be computed in accordance with chapter 606-B.

[2009, c. 580, §9 (NEW) .]

18. **Committee recall.** If the commissioner determines that the withdrawal committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers to appoint new representatives to the withdrawal committee.

[2009, c. 580, §9 (NEW) .]

19. **Transfer of property.** The regional school unit board may negotiate with the withdrawal committee regarding an equitable division of the regional school unit's property between the regional school unit and the municipality represented by the withdrawal committee and transfer title of the property to the municipality following withdrawal. The regional school unit board shall determine that the regional school unit's educational program will not be disrupted solely because of the transfer of any given property before it may complete the transfer.

[2009, c. 580, §9 (NEW) .]

20. **Reorganization; penalties.**

[2011, c. 251, §12 (AFF); 2011, c. 251, §7 (RP) .]

SECTION HISTORY
2009, c. 580, §9 (NEW). 2011, c. 251, §7 (AMD). 2011, c. 251, §12 (AFF). 2011, c. 328, §1 (AMD). 2011, c. 328, §2 (AFF). 2011, c. 678, Pt. J, §§1-5 (AMD). 2013, c. 167, Pt. A, §§1, 2 (AMD). 2013, c. 461, §§1-7 (AMD).

§1467. TRANSFER OF A MUNICIPALITY FROM ONE REGIONAL SCHOOL UNIT TO ANOTHER

1. **Petition to commissioner.** Two regional school unit boards may petition the commissioner by joint resolution to permit a municipality to transfer from one regional school unit to the other.

[2009, c. 580, §10 (NEW) .]

2. **Transfer agreement.** The 2 regional school unit boards and the municipal officers of the municipality involved shall form a committee to prepare a transfer agreement within 60 days after being authorized by the commissioner to prepare the agreement. Extensions of time may be granted by the commissioner.

A. The committee shall consider the standards set forth in section 1466, subsection 4, paragraph A in preparing the agreement. [2009, c. 580, §10 (NEW).]

B. The approval process for the agreement must follow the steps set forth in section 1466, subsections 4 to 17. [2009, c. 580, §10 (NEW).]

C. The following article must appear on the ballot when the transfer of a municipality is considered under paragraph B.

"Article: Do you favor permitting the (name of municipality) to transfer from regional school unit (name of regional school unit) into regional school unit (name of regional school unit) as a participating municipality of that regional school unit subject to the terms and conditions of the agreement of transfer approved by the Commissioner of Education dated (insert date)?

Yes No"

A copy of the agreement must be posted with each warrant that directs the citizens to vote upon the question. [2009, c. 580, §10 (NEW).]

D. The article must be approved by a majority of votes cast in both regional school units and by a majority of votes cast in the municipality to be transferred before the agreement may take effect. [2009, c. 580, §10 (NEW).]

E. A complete certified record of the transaction involved in the transfer must be filed with the commissioner. The commissioner shall issue immediately a certificate of transfer to the secretaries of the regional school units by registered mail to be filed with the regional school unit boards involved and shall file a copy of the certificate of transfer in the office of the Secretary of State. [2009, c. 580, §10 (NEW).]

[2009, c. 580, §10 (NEW) .]

3. **Outstanding indebtedness.** Whenever a municipality is detached from a regional school unit having outstanding indebtedness, the municipality remains as part of the regional school unit from which it was detached for the purposes of paying its proper portion of the indebtedness until the indebtedness is redeemed. The municipality is not part of the regional school unit from which it was detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer.

For purposes of this subsection, "outstanding indebtedness" means bonds or notes issued or assumed by the regional school unit board and lease-purchase agreements issued or assumed by the regional school unit, but does not include any indebtedness of the detaching municipality assumed by the regional school unit at the time of formation.

[2009, c. 580, §10 (NEW) .]

SECTION HISTORY
2009, c. 580, §10 (NEW).

§1468. STATE BOARD REVIEW OF COMMISSIONER'S DECISIONS

A regional school unit or other interested party may request that the state board reconsider decisions made by the commissioner under this subchapter. The state board has the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this subchapter. [2009, c. 580, §11 (NEW).]

SECTION HISTORY
2009, c. 580, §11 (NEW).

Subchapter 3: SCHOOL GOVERNANCE; PROGRAM

§1471. REGIONAL SCHOOL UNIT BOARD

A regional school unit board must be established in accordance with this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Size.** Following the initial certification of a regional school unit, any change in the size, composition or apportionment of the regional school unit board must be determined by a joint meeting of all the municipalities within the regional school unit. Unless determined otherwise pursuant to section 1472, each regional school unit board must include at least one director from each municipality or subdistrict.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Term of office.** In municipalities with annual elections, directors serve 3-year terms. In municipalities with biennial elections, directors serve 4-year terms. A director serves until a successor is elected and qualified.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Compensation** . Compensation for attendance at a regional school unit board meeting must be between $10 and $25 per meeting for each director. Whenever the directors recommend increasing their compensation, they shall submit their recommendation to the voters in the regional school unit for approval.

A. On notification by the regional school unit board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase. The question must be in the following form.

"Do you favor paying a member of the regional school unit board of directors compensation at the rate of $.... for each meeting that member attends?" [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. An increase in compensation is not effective unless approved by a majority of the voters voting on the question set out in paragraph A. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Secretary and treasurer** . The superintendent serves as secretary and treasurer of the regional school unit board and shall give a bond to the regional school unit board of a sum and with the sureties as the regional school unit determines. The bond must be deposited with the chair of the regional school unit board. The expense of that bond must be paid by the regional school unit. The bond premium, compensation paid directors for attendance at meetings and expenses of the regional school unit must be paid from funds of the regional school unit by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the regional school unit board or a finance committee duly elected annually by that board.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Oath of office** . Before a newly elected director's first regional school unit board meeting, that director must take the following oath or affirmation before a dedimus justice or notary public.

"I ..... do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a regional school unit board director of (name of regional school unit) according to the Constitution of Maine and laws of this State, so help me God."

A. A director shall take the oath or affirmation and return a certificate documenting that the oath or affirmation has been taken to the secretary of the regional school unit to place in the regional school unit board records. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" may be used instead of "swear" and the words "this I do under the pains and penalty of perjury" may be used instead of the words "so help me God." [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Election of officers.** The regional school unit board shall elect a chair and vice-chair and other officers as may be necessary.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1472. METHODS OF APPORTIONMENT

1. **Method A: subdistrict representation.** Under the method of representation referred to as "Method A," directors represent subdistricts.

A. The subdistricts, as far as practicable, must be whole municipalities. If the municipalities are divided into subdistricts, then they must be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The boundaries of each subdistrict must be determined by a majority vote of the reapportionment committee under section 1475. Each subdistrict must have one director, except that in a municipality composed of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Method B: weighted votes.** Under the method of representation referred to as "Method B," directors cast weighted votes.

A. The reapportionment committee under section 1475 shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 must be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the regional school unit, as determined by the latest Federal Decennial Census or Federal Estimated Census. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. To ensure the use of whole numbers, the 1,000 votes apportioned among the board members may not be increased or decreased by more than 5 votes. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. A plan may not permit the voting power of any director to exceed by more than 5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors. [2007, c. 668, §7 (AMD).]

D. In a municipality served by 2 or more directors, the votes cast by them must be divided equally among them. The directors are elected at large within the municipality unless otherwise provided by municipal charter. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 668, §7 (AMD) .]

3. **Method C: at-large voting** . Under the method of representation referred to as "Method C," directors are elected at large by all of the voters in the regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Method D: other.** Under the method of representation referred to as "Method D," directors are elected by any method other than those set forth in subsections 1, 2 and 3 that meets the requirements of the one-person, one-vote principle.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §7 (AMD).

§1472-A. ELECTION OF INITIAL REGIONAL SCHOOL UNIT BOARD

1. **Election; interim secretary; duties.** Within 30 days of the issuance of a certificate of organization for the regional school unit by the state board pursuant to section 1461, subsection 7, the members of the school boards of the school administrative units within the regional school unit shall conduct a joint meeting for the purposes of electing an interim secretary of the regional school unit and determining a date for the election of the initial regional school unit board. The interim secretary shall notify the municipal officers

of the member municipalities of the regional school unit of the date of the election. The election must be conducted in accordance with section 1473, subsection 2, except that the election duties of the secretary and the regional school unit board must be performed by the interim secretary. The duties of the interim secretary include:

A. Notifying the municipal officers of the date of the election; [2007, c. 668, §8 (NEW).]

B. Furnishing nomination papers at least 10 days before the deadline for filing nomination papers; [2007, c. 668, §8 (NEW).]

C. Receiving completed nomination papers in accordance with section 1473, subsection 2; [2007, c. 668, §8 (NEW).]

D. Preparing and distributing election ballots in accordance with section 1473, subsection 2; [2007, c. 668, §8 (NEW).]

E. Receiving the town clerk's certification of the results of the voting in each member municipality; [2007, c. 668, §8 (NEW).]

F. Tabulating the town clerk's certification of the results of the voting in each member municipality; [2007, c. 668, §8 (NEW).]

G. Accepting any recount petitions that may have been filed pursuant to section 1473, subsection 2, paragraph C; and [2007, c. 668, §8 (NEW).]

H. Totaling the votes cast for each candidate and notifying the clerk in each municipality, the candidates and the commissioner of the final results of the voting and the names and addresses of the persons elected as directors. [2007, c. 668, §8 (NEW).]

[2007, c. 668, §8 (NEW) .]

2. **Initial meeting.** In accordance with section 1473, subsection 1, the clerk of each municipality within the regional school unit shall forward the names and addresses of the directors elected to represent that municipality to the state board with other data regarding their election as the state board may require. On receipt of the names and addresses of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in writing, sent by registered or certified mail, return receipt requested, to the addresses provided by the municipalities.

[2007, c. 668, §8 (NEW) .]

SECTION HISTORY
2007, c. 668, §8 (NEW).

§1472-B. STAGGERED INITIAL TERMS

Notwithstanding section 1471, subsection 2, the initial directors elected to a regional school unit board shall meet and draw lots for their term lengths as specified in this section. [2007, c. 668, §9 (NEW).]

1. **Municipalities with annual elections.** In municipalities with annual elections, 1/3 of the directors serve one-year terms, 1/3 of the directors serve 2-year terms and 1/3 of the directors serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director serves a 3-year term and the 2nd remaining director serves a 2-year term.

[2007, c. 668, §9 (NEW) .]

2. **Municipalities with biennial elections.** In municipalities with biennial elections, half of the directors serve 4-year terms and half of the directors serve 2-year terms. If the number of directors is not divisible by 2, the remaining director serves a 4-year term.

[2007, c. 668, §9 (NEW) .]

The directors shall serve their terms as determined under this section and any additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office are as established in section 1471. [2007, c. 668, §9 (NEW).]

SECTION HISTORY
2007, c. 668, §9 (NEW).

§1472-C. TERM OF OFFICE FOR ELECTED DIRECTORS

Notwithstanding any other provision of this subchapter, a regional school unit board may place an article before the voters in the member municipalities of the regional school unit that would permit the regional school unit board to establish a single common date for beginning the term of office for duly elected directors when the board members are elected at the regular municipal election of the member municipalities and these municipal elections are held at different times. [2009, c. 580, §12 (NEW).]

SECTION HISTORY
2009, c. 580, §12 (NEW).

§1473. ELECTION

For the purpose of nominations, regional school unit board directors are considered municipal officials and must be nominated in accordance with Title 30-A, chapter 121 or with a municipal charter, whichever is applicable. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Initial meeting on regional school unit formation.** On the election of the regional school unit board of directors, the clerk of each municipality within the regional school unit shall forward the names and addresses of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names and addresses of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in writing, sent by registered or certified mail, return receipt requested, to the addresses provided by the municipalities.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Special provisions.** In the election for representation under the methods provided under section 1472, the provisions of this subsection apply.

A. In an election under Method A pursuant to section 1472, subsection 1:

(1) Within 60 days, but no earlier than 45 days after notification by the regional school unit board of the approval of the reapportionment plan under section 1475, the municipal officers shall call a special election to elect directors to serve under the plan for the regional school unit;

(2) Nomination papers must be furnished by the secretary of the regional school unit at least 10 days before the deadline for filing nomination papers. Notwithstanding any other section of this Title, directors must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within a subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The ballots must be prepared in accordance with subparagraph (7);

(4) The clerks of each municipality shall forward to the secretary of the regional school unit the results of the vote by subdistrict;

(5) The regional school unit board shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

(6) The terms of the directors elected under the original municipal representation system cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors must be elected by secret ballot. The ballots must be prepared for and distributed to the municipalities or subdistricts by the secretary of the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. In an election under Method B pursuant to section 1472, subsection 2, a reduction in the number of directors, the addition of directors and the terms of office of additional directors must be in accordance with this chapter. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. In an election under Method C pursuant to section 1472, subsection 3:

(1) Nominations for directors must be made on petitions provided by the regional school unit secretary. The petitions must be signed as provided in Title 30-A, section 2528, subsection 4 or, if the candidate is a voting resident in a municipality having a population of less than 200, signed by at least 20% of the registered voters of that municipality;

(2) The petitions must be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the nominee and of the voters signing the petition;

(3) The registrar of voters must return the certified petitions to the regional school unit secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballots must be prepared and distributed by the regional school unit secretary. It must give the number of offices to be filled and list the candidates by the municipality or subdistrict in which they are resident;

(5) Notwithstanding any other provision of law, regional school unit board directors must be elected by secret ballot;

(6) If member municipalities do not all conduct the election for directors on the same date, then all ballots cast in the elections must be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed-upon location and tally the ballots;

(b) The tally must be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chair, who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the regional school unit board the result of the voting in that municipality; and

(7) Any recount petitions must be filed with the secretary of the regional school unit, and recounts must be conducted in each member municipality in accordance with the applicable laws. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1474. VACANCIES

1. **Definition of vacancy.** A vacancy on a regional school unit board occurs:

A. When the term of office of a regional school unit board director expires; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. When a regional school unit board director changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency; [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. On the death of a regional school unit board director; or [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. When a regional school unit board director resigns. [2007, c. 240, Pt. XXXX, §13 (NEW).]

In addition to paragraphs A, B, C and D, except in municipalities having a municipal charter, when a director is absent without excuse from 3 consecutive regular board meetings, the regional school unit board may declare that a vacancy exists.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Regional school unit board.** The regional school unit board shall notify the municipal officers of the municipalities within the regional school unit of a vacancy before the annual town meeting or before the regular municipal election.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Filling vacancies.** A vacancy on a regional school unit board must be filled according to this subsection.

A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until a successor is elected and qualified. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The municipal officers shall provide at the next municipal or subdistrict election for the election of a director to fill the vacancy. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1475. REAPPORTIONMENT

The commissioner shall determine the necessity for reapportionment. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Duties of commissioner.** The commissioner shall determine if a regional school unit is apportioned in accordance with the one-person, one-vote principle if:

A. The commissioner receives a request by the regional school unit board; or [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The commissioner receives a petition signed by a number of regional school unit voters equal to at least 10% of the voters who voted in the last gubernatorial election in the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

In addition to a determination initiated by a request pursuant to paragraph A or a petition pursuant to paragraph B, the commissioner may, of the commissioner's own accord, determine that a regional school unit is not apportioned according to the one-person, one-vote principle.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the commissioner may wait until after the new census figures are available to make a determination under subsection 1.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Findings and order.** If the commissioner finds the regional school unit representation is not apportioned in accordance with the principle of one person, one vote, the commissioner, within 7 days of that decision, shall notify the superintendent of the regional school unit of the finding and order the superintendent to notify the municipal officers in each municipality in the regional school unit and the regional school unit board to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Reapportionment committee membership.** The reapportionment committee consists of one municipal officer and one citizen from each member municipality, chosen by the respective municipal officers, and one director from each municipality, chosen by the board of directors. The appointments must be made prior to the first meeting of the committee.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Quorum.** A majority of the reapportionment committee constitutes a quorum.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Duties of commissioner** . The commissioner shall provide the superintendent of the regional school unit with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the regional school unit and at least one recommended apportionment plan.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

7. **Duties of the reapportionment committee.** The reapportionment committee shall:

A. Elect a chair and secretary and may adopt suitable rules of procedure; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Consider and by majority vote adopt a reapportionment plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Within 90 days of the first meeting, send a report of its reapportionment plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

8. **Commissioner approval.** The commissioner shall approve or disapprove the reapportionment committee plan under subsection 7 within 30 days of receiving it.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

9. **Failure to gain commissioner approval.** If a reapportionment plan has not been adopted by the reapportionment committee or approved by the commissioner within the time limits of subsection 7, the commissioner shall prepare a suitable plan.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

10. **Putting the approved plan into effect.** On approval of a reapportionment plan, the commissioner shall send a certified copy to the municipal officers and regional school unit board. The original reapportionment plan must be retained in the department files.

A. The reapportionment plan takes effect immediately upon approval. The reapportionment committee shall determine the terms of the directors to be elected at the next annual municipal elections so as to comply with this chapter. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If the approved reapportionment plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction cannot be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction cannot be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. If the approved reapportionment plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director serves until a successor is elected and qualified at the next annual municipal election. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. The reapportionment committee is dissolved after the approved reapportionment plan is implemented. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

11. **Duties of present directors during reapportionment.** The regional school unit board, during the reapportionment of its membership, serves as the legal representative of the regional school unit until the reapportionment is completed. The board shall carry out all business of the regional school unit, including the borrowing of funds that may be required during the period of reapportionment.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

12. **State board review of commissioner's decisions.** A regional school unit board or interested parties may request that the state board reconsider decisions made by the commissioner under this section. The state board has the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY

2007, c. 240, Pt. XXXX, §13 (NEW).

§1476. POWERS AND DUTIES

The regional school unit board: [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Regional school unit name.** May select an unofficial name for the regional school unit;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Finance committee.** May elect a finance committee of 3 or more members, who must be directors;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Operating schools.** Shall authorize and oversee the operation of schools within the regional school unit;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Purchase land outside the regional school unit.** May purchase land outside of the geographical limits of the regional school unit and erect a school on that land if, because of the location of other schools within the regional school unit or transportation difficulties, a school within the geographical limits of the regional school unit would not be in the best interests of the regional school unit community;

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Bylaws.** Shall adopt bylaws for the regulation of the affairs of the regional school unit board and the conduct of its business; and

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Gifts.** May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The regional school unit board shall comply with this subsection in accepting gifts.

A. If the regional school unit board receives written notice from a prospective donor or a representative of the donor of a proposed gift, the regional school unit board shall submit the matter to its next regular meeting or shall call a special meeting and shall, within 10 days after the meeting, send written notice to the prospective donor or representative of its acceptance or rejection. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If the gift is in trust, the regional school unit board shall cause the trust funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

(1) Unless prohibited by a trust instrument, the regional school unit may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized must be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund must be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the regional school unit fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or the donor's heirs. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, this paragraph applies.

(1) Prior to the acceptance of a gift, the regional school unit board must obtain approval of the legislative body of the regional school unit.

(2) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the regional school unit shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(3) Unless otherwise specified by its terms, a conditional gift of money must be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1477. QUORUM

A majority of the regional school unit board directors in number and voting power constitutes a quorum. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1478. LOCAL SCHOOL COMMITTEES

1. **Formation.** A reorganization plan under section 1461 or a regional school unit board may authorize the formation of a local school committee for a member municipality established in accordance with chapter 111, subchapter 1.

[2007, c. 668, §10 (NEW) .]

2. **Delegation of functions.** A reorganization plan that has been approved in accordance with subchapter 2 or a regional school unit board may delegate a local school committee to perform any duties, functions and services other than those reserved to the regional school unit under subchapter 1. The core functions provided by a regional school unit pursuant to section 1452 may be supplemented at the expense of any member municipality.

[2007, c. 668, §10 (NEW) .]

3. **Budget responsibility.** A reorganization plan that has been approved in accordance with subchapter 2 or a regional school unit board may authorize a local school committee to present to the board a proposed budget for the local school in a form that is consistent with section 1485. The proposed local school budget must be submitted in time to be included in the budget for the regional school unit. Proposed expenditures that are not included in the regional school unit budget may be separately appropriated by the municipality to be expended by the regional school unit in accordance with the appropriation. Supplemental municipal appropriations for education are not subject to section 1486.

[2007, c. 668, §10 (NEW) .]

4. **Title to property.** School property overseen by a local school committee may be owned either by the municipality or by the regional school unit as long as there is a clear allocation of responsibilities for management of all of the school property in the regional school unit.

[2007, c. 668, §10 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §10 (RPR).

§1479. PROGRAM

A regional school unit shall maintain a program that includes kindergarten to grade 12 except for the school administrative districts that did not operate kindergarten to grade 12 that were reformulated into regional school units in accordance with Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48. [2011, c. 171, §2 (AMD).]

1. **Secondary school.** A secondary school facility may be operated as a 4-year school, as a 6-year school for grades 7 to 12 or as 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section 5204.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Contracts for secondary school programs.** In addition to the provisions for a secondary school facility set forth in subsection 1, a regional school unit may contract with a nearby regional school unit or with a private school approved for tuition purposes for all or some of its secondary school students. The contract may run from a period of 2 to 10 years. The contract must also comply with section 2703 and may provide for the formation of a joint committee in accordance with section 2704. A regional school unit in which a previous education unit has contracted for secondary school programs is bound by the terms of that contract, unless otherwise negotiated by the parties.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Expiration of contract.** After July 1, 2008, if a contract between a previous education unit and another previous education unit or a private school approved for tuition purposes expires, and the previous education unit that was the sending unit is a member of a regional school unit under this chapter, the provisions of this subsection apply.

A. If the option of attending a public school in another school administrative unit or a private school approved for tuition purposes subject to chapter 219 was available to students in the previous education unit, that option continues to be available to students who reside in the municipalities that composed the previous education unit after the municipality's inclusion in the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The regional school unit may negotiate a new contract pursuant to chapter 115. [2007, c. 668, §11 (AMD).]

[2007, c. 668, §11 (AMD) .]

4. **Absence of contract; maintenance of school choice opportunities.** A school administrative unit that neither maintains a school nor contracts for school privileges pursuant to chapter 115 shall continue to pay tuition, in accordance with chapter 219, for a student who resides in the school administrative unit at the public school or the private school approved for tuition purposes of the parent's choice at which the student is accepted, calculated in accordance with subsection 5.

[2007, c. 668, §12 (AMD) .]

5. **Additional expense.** In a regional school unit where some but not all of the students are attending school pursuant to this section, the sending municipality is responsible for the additional expense as calculated in accordance with this subsection.

A. For each secondary school student who attends a public school in another school administrative unit, the sending municipality in a regional school unit is responsible for an amount equal to the difference in tuition in cases when it exceeds the amount of the regional school unit's tuition rate calculated in accordance with section 5805. [2007, c. 668, §13 (AMD).]

B. For each secondary school student who attends a private school approved for tuition purposes subject to the provisions of chapter 219, the sending municipality in a regional school unit is responsible for an amount equal to the difference in tuition in cases when it exceeds the amount of the regional school unit's tuition rate calculated in accordance with section 5805. [2007, c. 668, §13 (AMD).]

Municipalities exercising school choice pursuant to this section are responsible for a local contribution in accordance with section 15688 and the additional expense calculated in accordance with this subsection.

[2007, c. 668, §13 (AMD) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §§11-13 (AMD). 2011, c. 171, §2 (AMD).

Subchapter 4: FINANCING

§1481. FINANCES

(REPEALED)

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §14 (RP).

§1481-A. FINANCES

1. **Apportionment of costs for regional school unit.** A regional school unit may raise money, in addition to the local contribution pursuant to section 15690, subsection 1, for establishing and maintaining public schools, erecting buildings and providing equipment for educational purposes. The additional costs of operating a regional school unit must be shared among all municipalities within the regional school unit by the same local share percentages for each municipality resulting from the determination of the local contribution under section 15688.

[2007, c. 668, §15 (NEW) .]

2. **Existing cost-sharing agreement.** Notwithstanding subsection 1, a cost-sharing agreement in existence on June 7, 2007 that was adopted pursuant to Public Law 2005, chapter 2 or pursuant to a private and special law remains in existence unless the parties to the agreement modify or terminate the agreement:

A. As part of a reorganization to regional school units under this chapter; or [2007, c. 668, §15 (NEW).]

B. As a result of a negotiated agreement between the parties to the cost-sharing agreement. [2007, c. 668, §15 (NEW).]

[2007, c. 668, §15 (NEW) .]

2-A. **Reformulated school administrative district cost-sharing.** For those school administrative districts recreated as regional school units pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 as amended by chapter 668, methods of cost-sharing and amendments of the cost-sharing formula must be in accordance with section 1301.

[2009, c. 571, Pt. E, §3 (NEW) .]

3. **Method included in reorganization plan.** Notwithstanding subsection 1, a regional school unit may use a method of cost sharing that was included in a reorganization plan developed pursuant to section 1461 or Public Law 2007, chapter 240, Part XXXX, section 36 as long as the method complies with this subsection.

A. The costs of operating a regional school unit must be shared among all municipalities within the unit in one of the following ways.

(1) Under a property valuation method, municipalities in a unit shall share costs in the same proportion as each municipality's property fiscal capacity as defined in section 15672, subsection 23 is to the unit's property fiscal capacity.

(2) Under an alternate method of cost sharing, municipalities in a unit shall share costs based on:

(a) The number of resident pupils in each town;

(b) The property fiscal capacity of each member municipality as defined in section 15672, subsection 23;

(c) Any combination of divisions (a) and (b); or

(d) Any other factor or combination of factors that may, but need not, include divisions (a) or (b). [2007, c. 668, §15 (NEW).]

B. A process of amending the cost-sharing formula must be included in the reorganization plan. [2007, c. 668, §15 (NEW).]

[2007, c. 668, §15 (NEW) .]

Notwithstanding any provision of law to the contrary, a cost-sharing agreement in existence on June 7, 2007 that was adopted pursuant to Public Law 2005, chapter 2 or pursuant to a private and special law may not be construed to preempt the formation of a regional school unit under this chapter. Notwithstanding any provision of law to the contrary, a cost-sharing agreement between 2 or more municipalities in existence on June 7, 2007 that was adopted prior to June 7, 2007 may not be construed to preempt the formation of a regional school unit under this chapter. [2007, c. 668, §15 (NEW).]

Notwithstanding any provisions of law to the contrary, a municipality within a regional school unit may raise money and direct the spending of the funds to any school within the regional school unit. [2007, c. 668, §15 (NEW).]

SECTION HISTORY
2007, c. 668, §15 (NEW). 2009, c. 571, Pt. E, §3 (AMD).

§1481-B. APPLICATION

(REPEALED)

SECTION HISTORY
2007, c. 668, §16 (NEW). MRSA T. 20-A, §1481-B (RP).

§1482. BUDGET PREPARATION

1. **Preparation by regional school unit board.** A regional school unit board shall annually prepare a budget for:

A. Operational costs; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Bonds falling due; [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Interest on bonds or other obligations; [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. Rentals and other charges in a contract; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. Temporary loans. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Distribution.** At least 7 days before a regional school unit budget meeting, the regional school unit board shall make available to the legislative body responsible for final budget approval and residents of the regional school unit a detailed budget document. The detailed budget document must include a summary of anticipated revenues and estimated school expenditures.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1482-A. BUDGET MEETING

A regional school unit board shall hold a regional school unit budget meeting at a time it determines. [2007, c. 668, §17 (NEW).]

1. **Warrant.** The budget meeting must be called by a warrant. The warrant must:

A. Be signed by a majority of the regional school unit board; [2007, c. 668, §17 (NEW).]

B. Specify the time and place of the meeting; [2007, c. 668, §17 (NEW).]

C. Include the proposed school budget and other articles the regional school unit board chooses to place before the voters, excluding authorization to borrow money for school construction purposes; [2007, c. 668, §17 (NEW).]

D. Specify the state and local shares of the state-local allocation and local leeway and additional expenditures without state participation; and [2007, c. 668, §17 (NEW).]

E. Be directed to a resident of the regional school unit by name ordering the resident to notify all voters within the regional school unit to assemble at the time and place appointed. [2007, c. 668, §17 (NEW).]

[2007, c. 668, §17 (NEW) .]

2. **Notice.** An attested copy of the warrant must be posted by the person to whom it is directed in some conspicuous public place in each of the municipalities within the regional school unit at least 7 days before the meeting. The person who gives notice of the meeting shall make a return of the posting on the warrant stating the manner of notice in each municipality and the time when it was given.

[2007, c. 668, §17 (NEW) .]

3. **Requested articles.** If requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in each municipality within the regional school unit, the regional school unit board shall place specific articles, not in conflict with existing state statutes, in the warrants for consideration at the next annual regional school unit budget meeting. To be

included in the warrant, a petition must be received by the regional school unit board at least 15 days before the date set for the budget meeting. When placed on the warrant, the articles must be considered before action relating to the appropriation of money for the operation of schools may be taken.

[2007, c. 668, §17 (NEW) .]

SECTION HISTORY
2007, c. 668, §17 (NEW).

§1482-B. ANNUAL BUDGET MEETING PROCEDURES

The following procedures must be used at a regional school unit annual budget meeting. [2007, c. 668, §18 (NEW).]

1. **Election of moderator.** The secretary of the regional school unit board or the chair of the regional school unit board when the secretary is absent shall open the annual budget meeting and call for the election of a moderator, receive and count votes for the moderator and swear in the moderator.

[2007, c. 668, §18 (NEW) .]

2. **Appointing ballot clerks.** The moderator shall appoint from the certified voting list the ballot clerks necessary for the efficient operation of the annual budget meeting. The moderator shall swear in the clerks.

[2007, c. 668, §18 (NEW) .]

3. **Budget consideration.** The superintendent of the regional school unit shall thoroughly explain the budget. The voters must have an opportunity to be heard. The voters may change only items dealing with:

A. The expenses necessary to operate the regional school unit; [2007, c. 668, §18 (NEW).]

B. Appropriations for the reserve fund; and [2007, c. 668, §18 (NEW).]

C. Appropriations for the contingency fund and school construction purposes. [2007, c. 668, §18 (NEW).]

[2007, c. 668, §18 (NEW) .]

4. **Approval.** A majority vote of those voters present and voting is necessary for the approval of the annual budget.

[2007, c. 668, §18 (NEW) .]

5. **Voting lists.** Registration of voters for the annual budget meeting must be held in each member municipality in accordance with Title 21-A, section 122.

A. Prior to the annual budget meeting, the municipal clerks of the member municipalities shall supply to the regional school unit board certified corrected copies of the registered voters of their municipalities. [2007, c. 668, §18 (NEW).]

B. The certified corrected copies under paragraph A must be used in determining the voters who are eligible to vote at the annual budget meeting. [2007, c. 668, §18 (NEW).]

[2007, c. 668, §18 (NEW) .]

6. **Written ballot.** An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist regional school unit annual budget meeting moderators in explaining and implementing this subsection.

[2007, c. 668, §18 (NEW) .]

SECTION HISTORY
2007, c. 668, §18 (NEW).

§1483. REGIONAL SCHOOL UNIT BUDGET; BUDGET FORMATS

1. **Content.** Beginning with the budget for the 2008-2009 school year, a regional school unit shall include in its budget document:

A. The regional school unit's total cost of funding public education from kindergarten to grade 12, its non-state-funded debt service, if any, and any additional expenditures authorized by law; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. A summary of anticipated revenues and estimated school expenditures for the fiscal year; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. The following statement, including the estimated dollar amount of state retirement payments: "This budget does not include the estimated amount of $..... in employer share of teacher retirement costs that is paid directly by the State." [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1484. CHECKLIST REQUIRED

Beginning with the budget for the 2008-2009 school year, prior to a vote on articles dealing with regional school unit appropriations, the moderator of a regular or special regional school unit budget meeting shall require the clerk or secretary of the regional school unit board to make a checklist of the registered voters present. The number of voters listed on the checklist is conclusive evidence of the number present at the meeting. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1485. COST CENTER SUMMARY BUDGET FORMAT

After January 31, 2008, the format of the annual budget of a regional school unit must be in accordance with this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Cost center summary budget format.** The regional school unit budget must consist of the following cost centers and supporting data:

A. Expenditures:

(1) Regular instruction;

(2) Special education;

(3) Career and technical education;

(4) Other instruction, including summer school and extracurricular instruction;

(5) Student and staff support;

(6) System administration;

(7) School administration;

(8) Transportation and buses;

(9) Facilities maintenance;

(10) Debt service and other commitments; and

(11) All other expenditures, including school lunch; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Revenue sources:

(1) Total education costs appropriated pursuant to section 15690, subsection 1;

(2) Non-state-funded debt service costs approved pursuant to section 15690, subsection 2, if any; and

(3) Additional local funds, if any, approved pursuant to section 15690, subsection 3, paragraph A; [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. A summary of total regional school unit expenditures; [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. Other optional local data showing the amount and percentage of changes proposed in the state allocation, the local share and the total regional school unit budget and related information determined appropriate by the regional school unit board of directors; [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. Data similar to that provided in paragraph A for a high-performing regional school unit of a size and demographic profile determined by the department that is comparable to the regional school unit; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

F. For fiscal year 2008-09, data documenting state and local savings from the reorganization to regional school units and the resulting mill rate reduction for each municipality. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Budget warrant.** The warrant articles presented to the legislative body of the regional school unit for approval of the regional school unit budget must correspond to the categories of the cost center summary budget described in subsection 1. In addition to expenditure and revenue cost center summary totals, the regional school unit board shall provide to voters a reasonably detailed breakdown for each major subcategory within each budget category. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A defining and establishing the content of those informational subcategories.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Budget approval.** A regional school unit's cost center summary budget must be approved at a regional school unit budget meeting and by a budget validation referendum as provided in section 1486.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Transfer between budget cost center lines.** During the year for which the budget is approved using the cost center summary budget format, the regional school unit board may transfer an amount not exceeding 5% of the total appropriation for any cost center to another cost center or among other cost centers without voter approval.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Additional state subsidy.** The warrant presented to the legislative body of the regional school unit at a regional school unit budget meeting may include an article or articles providing that, in the event that the regional school unit receives more state education subsidy than the amount included in its budget, the regional school unit board is authorized to use all or part of the additional subsidy to:

A. Increase expenditures for school purposes in cost center categories approved by the regional school unit board. If that article is approved by the voters at the budget meeting, the regional school unit board may increase expenditures for school purposes in cost center categories approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum; [2015, c. 463, §1 (NEW).]

B. Increase the allocation of finances in a reserve fund. If that article is approved by the voters at the budget meeting, the regional school unit board may increase the allocation of finances for a reserve fund approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum; or [2015, c. 463, §1 (NEW).]

C. Decrease the local cost share expectation, as defined in section 15671-A, subsection 1, paragraph B, for local property taxpayers for funding public education. If that article is approved by the voters at the budget meeting, the regional school unit board may decrease the local cost share expectation for local property taxpayers approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum. [2015, c. 463, §1 (NEW).]

[2015, c. 463, §1 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2015, c. 463, §1 (AMD).

§1486. BUDGET VALIDATION REFERENDUM

After January 31, 2008, the procedure for approval of the annual budget of a regional school unit must be in accordance with this section and section 1485. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Budget validation.** Following development of the annual regional school unit budget and approval at a regional school unit budget meeting as provided in section 1485, a referendum must be held in the regional school unit as provided in this section to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative unit may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

An article to consider reinstatement of the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the regional school unit board or a written petition filed with the regional school unit board by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative unit. The regional school unit board shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the regional school unit board. If adopted by the voters, the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the budget validation referendum process may not be changed for 3 years.

[2011, c. 171, §3 (AMD) .]

2. **Validation referendum procedures.** The budget validation referendum must be held on or before the 30th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5. If the legislative body of the regional school unit at the regional school unit budget meeting approves an article pursuant to section 1485, subsection 5, the substance of the article must be included in the printed information displayed at polling places for the budget validation referendum.

[2015, c. 463, §2 (AMD) .]

3. **Budget validation referendum voting.** The method of calling and voting at a budget validation referendum is as provided in sections 1502 and 1503, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

A. A public hearing is not required before the vote. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. [2007, c. 668, §20 (RP).]

C. The warrant and absentee ballots must be delivered to the municipal clerk no later than the day after the date of the regional school unit budget meeting. [2007, c. 668, §20 (AMD).]

D. Absentee ballots received by the municipal clerk may not be processed or counted unless received on the day after the conclusion of the regional school unit budget meeting and before the close of the polls. [2007, c. 668, §20 (AMD).]

E. All envelopes containing absentee ballots received before the day after the conclusion of the regional school unit budget meeting or after the close of the polls must be marked "rejected" by the municipal clerk. [2007, c. 668, §20 (AMD).]

F. The article to be voted on must be in the following form:

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest (name of regional school unit) budget meeting?

Yes No"

[2009, c. 415, Pt. B, §7 (RPR).]

G. [2009, c. 415, Pt. B, §8 (RP).]

[2009, c. 571, Pt. E, §4 (AMD) .]

4. **Failure to approve budget.** If the voters do not validate the budget approved in the regional school unit budget meeting at the budget validation referendum vote, the regional school unit board shall hold another regional school unit budget meeting in accordance with this section and section 1485 at least 10 days but no longer than 45 days after the referendum to vote on a budget approved by the regional school unit board. The budget approved at the regional school unit budget meeting must be submitted to the voters

for validation at referendum in accordance with this section. The process must be repeated until a budget is approved at a regional school unit budget meeting and validated at referendum. If a budget is not approved and validated before July 1st of each year, section 1487 applies.

[2011, c. 678, Pt. B, §1 (AMD) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §§19, 20 (AMD). 2007, c. 695, Pt. G, §§1, 2 (AMD). 2009, c. 98, §1 (AMD). 2009, c. 415, Pt. B, §§7, 8 (AMD). 2009, c. 571, Pt. E, §4 (AMD). 2009, c. 571, Pt. QQQ, §§1, 2 (AMD). 2011, c. 171, §3 (AMD). 2011, c. 678, Pt. B, §1 (AMD). 2015, c. 463, §2 (AMD).

§1487. FAILURE TO PASS BUDGET

If a budget for the operation of a regional school unit is not approved prior to July 1st, the latest budget approved at a regional school unit budget meeting and submitted to the voters for validation at a referendum in accordance with section 1486 is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved, except that, when the regional school unit board delays the regional school unit budget meeting, the operating budget must be approved within 30 days of the date the commissioner notifies the regional school unit board of the amount allocated to the regional school unit under section 15689-B, or the latest budget submitted by the regional school unit board becomes the operating budget for the next school year until a budget is approved at a regional school unit budget meeting and validated at a referendum. If the budget of a regional school unit is not approved and validated before July 1st and the officers of any affected municipality determine that the property taxes must be committed in a timely manner to the collector pursuant to Title 36, section 709, the municipal assessor or assessors may commit the property taxes on the basis of the latest budget approved at a regional school unit budget meeting and submitted to the voters for validation at a referendum in accordance with section 1486. [2007, c. 668, §21 (AMD).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §21 (AMD).

§1488. SPECIAL BUDGET MEETING

The regional school unit board may call a special budget meeting when it declares that an emergency exists. The voters of the regional school unit may authorize the regional school unit board at a special regional school unit budget meeting to expend additional funds from the regional school unit's undesignated fund balance or to pledge the credit of the regional school unit to obtain additional money for the operation of schools. A special budget meeting held on or after July 1, 2008 must be conducted in accordance with sections 1485 and 1486. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1489. REGIONAL SCHOOL UNIT ASSESSMENTS

Regional school unit assessments must follow the procedures set out in this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Warrant.** In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the regional school unit board shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within the municipality an amount that is that municipality's share of the regional school unit's costs.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Commitment.** The municipal assessors shall commit the assessment to the constable or collector. Constables and collectors have the authority and powers to collect the regional school unit's taxes as is vested in them by law to collect state, county and municipal taxes.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Installments.** The regional school unit board shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Payment.** A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the regional school unit. The payments must be paid in monthly installments on or before the 20th of each month.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Gifts.** A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Enforcement.** If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the regional school unit may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the regional school unit may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the regional school unit and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the regional school unit. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the regional school unit until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the regional school unit, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the regional school unit from the proceeds and return any excess to the municipality.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1490. POWER TO BORROW MONEY

1. **Regional school unit board.** A regional school unit board may borrow money to pay for:

A. Current operating expenses of the regional school unit if the loans are repaid within 13 months of the date of borrowing and are limited to an amount reasonably required for current operating expenses; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. School construction projects as defined in section 15901; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Minor capital costs as defined in section 15672, subsection 20-A. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Voter approval.** Bonds or notes for school construction purposes must first be approved by a majority of voters of the regional school unit voting at an election called by the regional school unit board and held as provided in this chapter, except as is otherwise provided in this section.

A. Each bond or note must have inscribed upon its face the name of the regional school unit, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note must be in the form and be sold in the manner, at public or private sale, as the regional school unit board determines in accordance with state law. Bonds may not be sold for less than par. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Notes or bonds issued by a regional school unit must be signed by the treasurer or assistant superintendent and countersigned by the chair of the regional school unit board. If coupon bonds are issued, each coupon must be attested by a facsimile signature of the treasurer. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Each issue of bonds must mature in substantially equal annual installments so that the first installment is payable not later than 2 years and the last installment not later than 25 years after the date of issue. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. Notwithstanding paragraph C, bonds issued by a regional school unit for a non-state-funded school construction project under section 15905-A that is 100% locally funded may be repaid using a level debt payment structure only if the payment structure results in lower costs for the regional school unit throughout the life of the issue of the bonds. For purposes of this paragraph, "level debt payment structure" means a debt service structure in which the combined annual principal and interest payments remain approximately the same throughout the life of the issue of the bonds with increasing principal amounts and decreasing interest amounts each year. [2015, c. 181, §1 (NEW).]

[2015, c. 181, §1 (AMD) .]

3. **Temporary notes.** Prior to issuing authorized school construction bonds or notes, the regional school unit board may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to this subsection.

A. The total face value amount of the temporary notes and renewal notes may not exceed at any one time the authorized outstanding amount of the school construction bonds or notes. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds is outstanding plus the period of the loan represented by the temporary notes or renewal notes may not exceed 25 years. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. Temporary notes mature not later than 3 years from the date the first temporary note is issued. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. Temporary notes and renewal notes are legal obligations of the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. A regional school unit board that has received a certificate of approval of a school construction project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460 may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes. [2007, c. 240, Pt. XXXX, §13 (NEW).]

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the regional school unit, the unexpended balance of those notes must be used for the repayment. If an outstanding balance remains, it must be included in the next annual budget and is not subject to change at the regional school unit budget meeting. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Early redemption.** Bonds or notes issued on behalf of a regional school unit may be made subject to call for redemption, with or without premium, at the election of the regional school unit board before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they must contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Regional school unit status.** Notes and bonds, and loans to pay current operating expenses and contracts, are legal obligations of the regional school unit. The regional school unit is a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of that section apply to it.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Debt limit.** The aggregate principal amount of outstanding bonds or notes issued by a regional school unit for school construction purposes may not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the regional school unit plus an amount not to exceed 4% of that total regional school unit valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law as it existed prior to April 1, 1974 is validated. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Outstanding school indebtedness assumed by the regional school unit must be included in its limit of indebtedness, excluding contracts and notes in anticipation of state aid issued pursuant to subsection 3. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. The percentage limit of the indebtedness for bonds or notes for school construction purposes authorized after April 27, 1967 must be fixed as of the time of authorization by the voters or, if no regional school unit meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the regional school unit board as described in subsection 7. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the regional school unit's limit of indebtedness would cause the regional school unit's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the regional school unit, the regional school unit board may not issue those bonds or notes until it has received a certificate of approval pursuant to Title 20, section 3458. [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. If a certificate of approval under Title 20, section 3458 indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the

certificate of approval must be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the regional school unit to finance that project by issuing its bonds or notes. State aid is determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

7. **Bonds and notes under 1% of valuation.** The regional school unit board may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the regional school unit:

A. By calling a regional school unit meeting to approve the issuance of those bonds or notes; or [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used and meeting the following requirements.

(1) The secretary of the regional school unit board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the regional school unit. The secretary shall make a return of the posting stating its time and place. The return must be kept with the records of the regional school unit, and a copy of the return must be mailed to each of the municipal officers of each municipality within the regional school unit.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the regional school unit eligible to vote on the date that the resolution was adopted are filed with the secretary requesting a vote of the regional school unit to approve or disapprove the issuance of the bonds or notes, the secretary of the regional school unit board shall immediately notify the regional school unit board. The regional school unit board shall call a referendum for that purpose as set forth in this chapter.

(3) The regional school unit board may not authorize bonds or notes by resolution if the amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and that are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2015, c. 181, §1 (AMD).

§1491. RESERVE FUND

1. **Establishment.** A regional school unit may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement or financing the acquisition of a specific item or type of capital equipment by including a request in the regional school unit budget and receiving voter approval. The regional school unit board is the trustee of the reserve fund. The reserve fund must be deposited or invested by the treasurer of the regional school unit under the direction of the regional school unit board.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Deposit or investment.** All regional school unit funds, including reserve funds and trust funds to the extent not prohibited by the terms of the instrument or vote creating the fund, must be deposited or invested by the treasurer of the regional school unit under the direction of the regional school unit board according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, chapter 223, subchapter 3-A.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Expending money from reserve funds.** The regional school unit board may expend the sum in the reserve fund when authorized to do so by a vote of the regional school unit at a regional school unit meeting or a regional school unit budget meeting when an article for that purpose is set out in the warrant calling the meeting.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1492. BID PROCEDURE

1. **Written bids.** Bids must be in writing, sealed with the outside envelope or wrapper plainly marked "Bid, not to be opened until (appropriate date)" and mailed to or filed with the superintendent.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Time of opening** . A director on the regional school unit board or an employee of the regional school unit may not open a bid until the appointed time.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids must be opened by the superintendent or, in the superintendent's absence or disability, by any director designated for the purpose by the chair of the regional school unit board.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Reading.** If any citizens who are not directors or employees of the regional school unit are present or if any representatives of the press are present, bids must at the time of opening either be made available for examination by them or must be read aloud in a manner to be heard plainly by those in attendance.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1493. VOID CONTRACTS

A contract made by the regional school unit board during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, is void, unless the regional school unit board has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

Subchapter 5: REFERENDUM

§1501. REGIONAL SCHOOL UNIT REFERENDUM

1. **Authority to call a regional school unit referendum.** The regional school unit board shall initiate a regional school unit referendum:

A. To approve the issuance of bonds or notes for school construction projects; [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. To approve a change in the selection of a school building site; [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. To authorize the regional school unit board to contract for the schooling of secondary pupils; [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. To accept or reject a prospective gift; and [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. To borrow funds for minor capital costs as defined in section 15672, subsection 20-A. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1502. METHOD OF CALLING A REGIONAL SCHOOL UNIT REFERENDUM

A regional school unit referendum must be initiated by a warrant prepared and signed by a majority of the regional school unit board directors. The warrant must be countersigned by the municipal officers in the municipality where the warrants are posted. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Municipal officers.** The warrant must direct the municipal officers within the regional school unit to call a referendum on a date and time determined by the regional school unit board. A warrant must be prepared and distributed at least 30 days prior to the date of the referendum, except that a warrant for a regional school unit budget referendum held in accordance with this chapter must be prepared and distributed at least 14 days prior to the date of the referendum.

A. The warrant must be directed to a resident of the regional school unit by name, ordering the resident to notify the municipal officers of each of the municipalities within the regional school unit to call a town meeting or city election on the date specified by the regional school unit board. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The warrant must be served on the municipal clerk of each of the municipalities within the regional school unit by delivery of an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. The warrants and other notices for the referendum must be in the same manner as provided in Title 21-A, except that the regional school unit board shall hold a public hearing at least 7 days before the referendum vote. At least 7 days before the public hearing, the regional school unit board shall give notice of the public hearing by having a copy of the proposed referendum, together with the time and place of hearing, posted in the same manner required for posting a warrant under this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Content of the warrant.** The warrant must set forth the articles to be acted on in each municipal referendum. The articles must have the following form.

A. On or after July 1, 2008, when a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles must be substantially as set out in this paragraph.

(1) "Do you favor authorizing the board of directors of (name of regional school unit) to issue bonds or notes in the name of this regional school unit for school construction purposes in an amount not to exceed $..... to construct a ..... (elementary or secondary school) to be located at..... (specifically defined lot where school is to be erected)?

Yes No"

(2) "Do you favor authorizing the board of directors of (name of regional school unit) to issue bonds or notes in the name of this regional school unit for school construction or minor capital projects in an amount not to exceed $..... for the purpose of ..... (purpose of school construction project)?

Yes No"

(3) "Do you favor authorizing the board of directors of (name of regional school unit) to use the bond issue or notes in an amount not to exceed $....., which was voted by the regional school unit on ..... (date), to construct a ..... (elementary or secondary school) to be located at ..... (specifically defined lot where school is to be located)?

Yes No"

(4) "Do you favor authorizing the board of directors of (name of regional school unit) to construct a ..... (elementary or secondary school) to be located at ..... (specifically defined lot where school is to be located) with the total project cost not to exceed $..... and to issue bonds or notes in the name of this regional school unit for school construction purposes in an amount not to exceed $..... with the balance of the total project costs to be derived from ..... (description of other sources of funds such as initial state share when approved for current fiscal year funding, proceeds from insured losses, money from federal sources, other noneducational funds, etc.)

Yes No"

[2007, c. 240, Pt. XXXX, §13 (NEW).]

B. When a regional school unit votes to change the site of its school construction project using the article in paragraph A, subparagraph (3), the date of authorization of the project is the original date the voters authorized the regional school unit board to issue bonds or notes for that project. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. On or after July 1, 2008, when a referendum is called for the purpose of authorizing the regional school unit board to contract for the schooling of secondary pupils, the article must be as set out in this paragraph.

(1) "Do you favor authorizing the board of directors of (name of regional school unit) to contract in the name of this regional school unit with (name of regional school unit or private school) for the schooling of secondary pupils for a term of ..... years?

Yes No"

[2007, c. 240, Pt. XXXX, §13 (NEW).]

D. On or after July 1, 2008, when a referendum is called for the purpose of accepting or rejecting a prospective gift, the article must be as set out in this paragraph.

(1) "Do you favor authorizing the board of directors of (name of regional school unit) to accept a prospective gift under the following conditions? .....(terms and conditions).

Yes No"

[2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1503. REFERENDUM PROCEDURES

1. **Ballots.** The regional school unit board shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. The regional school unit board shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Voting.** Voting must be held and conducted in accordance with this subsection.

A. The voting at referenda held in towns must be held and conducted in accordance with Title 30-A, sections 2524 and 2528 to 2532, even though the town has not accepted the provisions of Title 30-A, sections 2524 and 2525. The facsimile signature of the clerk under Title 30-A, section 2528, subsection 6, paragraph F must be that of the chair of the regional school unit board. If a regional school unit referendum is called to be held simultaneously with any statewide election, the voting in towns must be held and conducted in accordance with Title 21-A, except that the duties of the Secretary of State must be performed by the regional school unit board and, if the statewide election is a primary election, any registered voter may vote in the referendum. The absentee voting procedure of Title 21-A must be used, except that the duties of the Secretary of State must be performed by the regional school unit board. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. The voting at referenda in cities must be held and conducted in accordance with Title 21-A, including the absentee voting procedure, except that the duties of the Secretary of State must be performed by the regional school unit board and, if the statewide election is a primary election, any registered voter may vote in the referendum. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Return and counting.** The return and counting of votes must be in accordance with this subsection.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the regional school unit board the total number of votes cast in the affirmative and in the negative on each article. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. As soon as all of the results from all of the municipalities have been returned to the regional school unit board, the regional school unit board shall meet and compute the total number of votes cast in all of the municipalities within the regional school unit in the affirmative and in the negative on each article. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. If the regional school unit board determines that there were more votes cast in the affirmative than in the negative on a given article, it shall declare that the article has passed. [2007, c. 240, Pt. XXXX, §13 (NEW).]

D. If the regional school unit board determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, it shall declare that the article has not passed. [2007, c. 240, Pt. XXXX, §13 (NEW).]

E. The regional school unit board shall enter its declaration and computations in its records and send certified copies to the clerk of each municipality within the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1504. RECONSIDERATION

The procedure to reconsider votes taken at a regional school unit referendum is as set out in this section. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Time limit.** The regional school unit board shall, within 60 days, initiate a new regional school unit referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the regional school unit petition to reconsider a prior regional school unit referendum vote.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Required quorum.** A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior regional school unit referendum.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Bond.** If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs that may be incurred as a result of the delay of an authorization or approval granted in the prior regional school unit referendum. If the petitioners are successful, the bonds must be canceled.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1505. BONDS; NOTES; OTHER

All bonds, notes or other evidences of indebtedness issued for regional school unit purposes by a regional school unit for major capital expenses, bus purchases or current operating expenses, including tax or other revenue anticipation notes, are general obligations of the regional school unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

1. **Tax assessments.** The municipal officers or regional school unit board shall require the sums that are necessary to meet in full the principal of and interest on the bonds, notes or other evidences of indebtedness issued pursuant to this section payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Reduction.** The sums to be assessed and collected under subsection 1 must be reduced by the amount of an allocation of funds appropriated by the Legislature to pay the principal and interest owed by the regional school unit in a given year as certified to the regional school unit by the commissioner. The commissioner shall certify the amount due to the regional school unit within 30 days of its appropriation by the Legislature.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Collection.** After assessment and reduction under subsection 2, the remaining sum must be paid from ad valorem taxes, which may be levied without limit as to rate or amount upon all the taxable property within the regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW).

§1506. DEBT LIABILITY

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Existing debt" means any bond, note, loan agreement, lease-purchase agreement or other debt instrument issued prior to July 1st of the first operational year of the new unit for the purposes of funding public schools and career and technical education regions, or for refinancing such debt, that remains outstanding at the time of a reorganization pursuant to this chapter. "Existing debt" does not include routine payables or commercial contract obligations. [2007, c. 668, §22 (AMD).]

B. "Original education unit" means:

(1) A previous education unit that has existing debt;

(2) A municipality that has existing debt incurred on behalf of a previous education unit; or

(3) A previous education unit within a career and technical education region as defined by section 8301-A that has existing debt. [2007, c. 668, §23 (AMD).]

C. "New unit" means a regional school unit created or established pursuant to this chapter. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 668, §§22, 23 (AMD) .]

2. **Liability remains with original unit.** Existing debt held by an original education unit remains the obligation of that original education unit after reorganization pursuant to this chapter. An original education unit may not be finally dissolved while any existing debt held by the original education unit remains outstanding. All aspects of an original education unit's administrative or political organization may be merged into a new unit or otherwise modified to accomplish the purposes of this chapter but its existing debt and its right to secure payment of such debt from income streams that existed at the time of the issuance of such debt may not be affected or altered except as authorized by this section.

A. A new unit may agree to pay the existing debt of an original education unit that is included within the new unit. If the new unit pays the existing debt, the original education unit is relieved of paying that debt, but, in the event that the new unit fails to pay any amount of the existing debt, the original education unit remains responsible for the deficiency. The original education unit shall ensure that timely payments of existing debt are made, regardless of whether the new unit has agreed to make the debt payments. An original education unit may contract with a new unit for the administration of, transfer or delegate to and a new unit may accept and exercise on behalf of the original education unit

for the remaining term of any existing debt all those powers and duties reasonable and necessary for the payment of existing debt of the original education unit. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. Notwithstanding any other provision of law or any provision of any trust agreement, a new unit may use any sinking fund or other money set aside by the original education unit to pay an existing debt to pay that debt. [2007, c. 240, Pt. XXXX, §13 (NEW).]

C. A new unit may issue bonds or other debt instruments for the purpose of refinancing or retiring the existing debt of an original education unit. The issuance of such bonds or other debt must be in accordance with applicable procedural requirements, including the procedural requirements of section 1490. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **No impact on state debt subsidies.** A change in any administrative or political organization resulting from the creation of a new unit may not affect any state subsidy with respect to existing debt or the relative portion of any such debt paid or reimbursed by the State except as provided in this subsection.

A. The original education unit may continue to pay its existing debt obligations in due course as though no new unit had been created and its choice to do so may not reduce or otherwise affect the level of state assistance or subsidy with respect to that existing debt. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If the original education unit and the new unit choose to refinance the existing debt, the state subsidy or assistance with respect to the debt must be determined as of the date of the new issuance and must be based on that refinancing and not on any previous subsidy or assistance calculation related to the existing debt. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Debt of original education units.** After July 1st of the first operational year of the new unit for each original education unit with existing debt that has reorganized into a new unit, if the new unit has not agreed to assume liability to pay that existing debt, the regional school unit board shall serve as agent for purposes of that existing debt and has full authority to:

A. Sue and be sued in the name of the original education unit with respect to the existing debt; [2011, c. 691, Pt. A, §18 (RPR).]

B. Determine the debt service due each fiscal year on any existing debt; [2011, c. 691, Pt. A, §18 (RPR).]

C. As applicable, allocate to each member of the original education unit the member's share of the annual debt service for the existing debt of the original education unit in addition to each member's share of costs of the new unit; [2011, c. 691, Pt. A, §18 (RPR).]

D. Collect the allocation for debt service on the existing debt from the original education unit or, as applicable, from each member of the original education unit in addition to each member's share of costs of the new unit; [2011, c. 691, Pt. A, §18 (RPR).]

E. Pay the debt service on the existing debt of the original education unit when due; and [2011, c. 691, Pt. A, §18 (RPR).]

F. Take all other actions necessary and proper with respect to the existing debt. [2011, c. 691, Pt. A, §18 (RPR).]

Allocations between members of the original education unit to pay the debt service for the existing debt must be made on the basis of the cost-sharing formula of the original education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the debt service on the existing debt of the original education units must be included

in the budget that the regional school unit board of a new unit submits for approval. If the original education unit is divided between different new units that have not agreed to assume liability to pay the existing debt, the commissioner shall require that the reorganization plan of one of those new units provide for that new unit to serve as agent for purposes of the existing debt of the original education unit. That new unit, as agent, has the authority provided by this subsection, except that the new unit shall notify the other new units containing members of the original education unit of the amounts they must assess and collect from their members who were members of the original education unit, and those other new units shall perform the functions in paragraphs C and D with respect to their members, and shall pay the appropriate amounts over to the new unit serving as agent.

[2011, c. 691, Pt. A, §18 (RPR) .]

5. **Bonds to complete school construction and renovation.** If the legislative body of an original education unit has authorized the issuance of bonds for a school construction project or a minor capital project, but that original education unit has not yet issued all of the authorized permanent bonds for that project, the board of the new unit that includes all the members of the original education unit shall issue bonds or notes necessary to finance the completion of that project and to refund temporary notes that the original education unit issued in anticipation of permanent bonds for that project. No further action by the legislative body of the new unit is required. The bonds at any time outstanding for the project may not exceed the amount authorized by the legislative body of the original education unit except to the extent necessary to refund temporary notes on a current basis. Bonds or notes issued by the regional school unit board to complete projects of an original education unit and to refund temporary project notes of an original education unit must be issued in the name of the original education unit and otherwise must be in the form and be subject to the procedural requirements provided by section 1490 except as provided by this subsection. Upon issuing debt in accordance with this subsection, the regional school unit board shall serve as agent of the original education unit for purposes of that debt and has the same authority as is provided in subsection 4 for existing debt.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §§22-24 (AMD). 2007, c. 695, Pt. A, §22 (AMD). 2011, c. 691, Pt. A, §18 (AMD).

Subchapter 6: SCHOOLS

§1511. SUPERMAJORITY VOTE TO CLOSE SCHOOL IN THE REGIONAL SCHOOL UNIT

A school operated within the regional school unit may not be closed for lack of need unless closure of the school is approved at a regular or special meeting of the regional school unit board by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board at the time of the vote. A regional school unit must proceed in accordance with section 1512 for elementary schools or for secondary schools if the regional school unit has more than one secondary school. For regional school units with only one member municipality, section 1512 does not apply and the regional school unit must proceed in accordance with section 4102, subsection 4, paragraph B-1. [2011, c. 678, Pt. K, §1 (AMD).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2011, c. 171, §4 (AMD). 2011, c. 678, Pt. K, §1 (AMD).

§1512. CLOSING SCHOOL

1. **Vote; cost of election.** A school in a member municipality of a regional school unit may not be closed unless the voters in the member municipality vote on the article in accordance with the referendum procedure set forth in this chapter.

> "Article: Do you favor authorizing the board of directors of (name of regional school unit) to close ..... (name of school)?
>
> Yes No
>
> The additional cost of keeping the school open has been estimated by the regional school unit board to be $ ....."

The election must be conducted within that member municipality only, pursuant to department rule, and the costs of the election are borne by the regional school unit.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

2. **Expense of keeping the school open.** If the voters vote by a majority vote to keep the school open, the member municipality is liable for some additional expense for actual local operating costs and transportation operating costs as defined in section 15672. The determination of costs is subject to the approval of the commissioner. The cost to be borne by the municipality voting to keep a school open is the amount that would be saved if the school were closed. Any additional costs that must be borne by the member municipality must be part of the article presented to the voters at the meeting to determine whether the school should remain open.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

3. **Costs and procedures during subsequent years.** During any year subsequent to the year during which a school remains open contrary to the regional school unit board's vote to close that school as a result of a municipal referendum, the school will be open without any additional cost to the municipality except as described in paragraphs A and B.

A. If the regional school unit board again votes to close the school and the voters of the member municipality again vote to keep the school open, as described in this subsection, then the school will remain open and the member municipality will be obligated to pay the additional costs as described in subsection 2. [2007, c. 240, Pt. XXXX, §13 (NEW).]

B. If the regional school unit board again votes to close the school and the voters of the member municipality fail to vote to keep the school open, then the school is closed. In this event, the school may be reopened only if the regional school unit board votes to reopen the school. [2007, c. 240, Pt. XXXX, §13 (NEW).]

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

4. **Definition of school closing.** For purposes of this section, a school closing is any action by the regional school unit board that has the effect of providing no instruction for any students at that school.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

5. **Method of payment by liable municipality.** If a municipality is liable for additional expenses as determined in subsection 3, paragraph A, then the amount of this additional expense must be subtracted from the regional school unit budget before each member municipality's assessment is computed. This additional expense must be paid by the member municipality that is liable in equal monthly amounts, unless the regional school unit and that member municipality mutually agree to another method of payment.

[2007, c. 240, Pt. XXXX, §13 (NEW) .]

6. **Multiple municipalities.** If a school proposed for closure is a school that serves students from more than one municipality, the article set forth in subsection 1 must be submitted to the voters in each of the municipalities that sent all students from that municipality to the school. If a majority of the voters in each of the municipalities vote to keep the school open, the school is not closed and the municipalities share in the costs under this section in the same proportion as they share the current operating costs of the school.

[2009, c. 213, Pt. OOOO, §1 (AMD) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §13 (NEW). 2007, c. 668, §25 (AMD). 2009, c. 213, Pt. OOOO, §1 (AMD).

Chapter 105: COMMUNITY SCHOOL DISTRICT

Subchapter 1: ORGANIZATION

§1601. DEFINITIONS

1. **Community school district.** A community school district means a school administrative unit consisting of the inhabitants of and the territory within 2 or more municipalities. It shall be a body politic and corporate responsible for the operating of kindergarten through grade 12, or any combination thereof. It may include a school administrative district, which does not operate a secondary school, for the secondary school grades of 9 to 12 only. If a school administrative district is included, the board of directors of the school administrative district may be substituted for the words "municipal officers" and school administrative district may be substituted for the word "municipality" in applying the terms of this chapter.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **District board of trustees.** The district board of trustees shall perform the duties provided in section 1651.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **District school committee.** The school board of a community school district shall be called a district school committee.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1602. FORMATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §14 (RP).

§1603. OFFICIAL SCHOOL

The community school district shall be the official school of the participating municipalities responsible for the operation of the grades authorized by the commissioner's certificate. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1604. TRANSITION TO NEW DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §15 (RP).

Subchapter 2: DISTRICT BOARD OF TRUSTEES AND DISTRICT SCHOOL COMMITTEE

§1651. DISTRICT BOARD OF TRUSTEES

The following provisions shall apply to the community school district board of trustees. [1981, c. 693, §§5, 8 (NEW).]

1. **Terms of office.** The terms of office of trustees are as follows.

A. When a community school district has been formed the municipal officers of each of the member municipalities shall appoint 3 residents from each municipality to serve on the board of trustees of the community school district. The 3 trustees shall be appointed as follows: One for one year; one for 2 years; and one for 3 years. [1981, c. 693, §§5, 8 (NEW).]

B. Thereafter, one trustee from each municipality shall be elected each year for a term of 3 years by the voters of each of the participating municipalities. The elections shall take place at the annual municipal meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified. [1981, c. 693, §§5, 8 (NEW).]

C. Vacancies, whether caused by death, by resignation or by being absent from the municipality for more than 90 days, shall be filled by appointment by the municipal officers of the municipality which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual meeting. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Duties.** The district board of trustees shall:

A. Meet on call of one of its members after reasonable notice; [1981, c. 693, §§5, 8 (NEW).]

B. Elect a chairman, treasurer and a secretary. The district board of trustees may authorize the district's superintendent to act as its secretary and treasurer; [1981, c. 693, §§5, 8 (NEW).]

C. Determine the representation of each municipality on the district school committee. The representation of each municipality shall be in approximately the same ratio to the total membership of the district school committee as the municipality's latest Federal Decennial Census is to the latest Federal Decennial Census of all of the member municipalities. Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures; [1981, c. 693, §§5, 8 (NEW).]

D. Handle requests of petitions for reapportionment in the manner provided for school administrative districts under section 1255; and [1981, c. 693, §§5, 8 (NEW).]

E. Borrow funds as provided in section 1702. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **State board return.** When the trustees have fulfilled the requirements of subsection 2 they shall file a return to that effect with the state board.

[1981, c. 693, §§5, 8 (NEW) .]

4. **District school committee to act as district board of trustees.** A community school district may vote at any time on the article in section 1602, subsection 1, paragraph C, to see if the district school committee shall be authorized to perform the function of the district board of trustees. If the municipalities vote affirmatively on that article, the district school committee shall perform the duties of the district board of trustees under this chapter.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

§1652. DISTRICT SCHOOL COMMITTEE

1. **Officers, treasurer's fee and bond.** The district school committee shall, annually in April, choose by ballot from its membership a chairman, a treasurer and a secretary. It may authorize the district's superintendent to be the treasurer and secretary.

A. The treasurer, if authorized by the district school committee, may receive up to $250 for services. The treasurer shall give a bond to the community school district in the sum and with sureties as the district school committee determines. The bond shall be deposited with the chairman. The expense of the bond shall be paid by the community school district. [1981, c. 693, §§5, 8 (NEW).]

B. Members of the district school committee shall receive only the compensation authorized by the municipalities or school administrative units which they represent. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

§1653. ELECTION; VACANCIES

1. **Representation on school committees in districts that do not include kindergarten and grades one to 12; districts that include kindergarten and grades one to 12; starting date for term of office.** Each member town's representation on the district's school committee, as determined pursuant to section 1651, subsection 2, paragraph C, must be chosen as follows.

A. In a district that does not include kindergarten and grades one to 12, the school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled. Membership on the district's committee is coterminous with the member's term of office on the school committee of the town that the member represents. [1991, c. 655, §3 (AMD).]

B. In a district that includes kindergarten and grades one to 12, the member towns shall elect their representatives directly to the district's school committee as follows.

(1) For the purpose of nominations, the members of the school committee are considered municipal officers and must be nominated in accordance with Title 30-A, chapter 121, or in accordance with a municipal charter, whichever is applicable.

(2) Upon the election of the members to the school committee, the clerks of the several municipalities within the district shall forward the names of the members of the committee elected by each municipality to the secretary of the district's school committee.

(3) The terms of office are determined by lot as follows: One third of the members of the school committee serve one-year terms; 1/3 serve 2-year terms; and 1/3 serve 3-year terms. In the event the number of members is not evenly divisible by 3, the terms of the members represented by the integer obtained by dividing the number of members by 3 are determined by the preceding sentence; if one member remains, that member serves a 3-year term; if 2 members remain, one serves a 3-year term; and one serves a 2-year term, to be determined by lot. The members of the school committee serve their terms as determined and an additional period until the next regular election of the municipalities. Thereafter, their terms of office date from the time of each municipality's regular election. In a city where elections are held biennially, the term of each member is for 4 years, dating from the time of the regular city election and, following the initial election, the members choose by lot to see who will serve for 4 years and who will serve for 2 years. Thereafter, each member is elected to serve for 4 years. [1991, c. 655, §3 (AMD).]

C. Notwithstanding paragraphs A and B, the voters of a district may vote on an appropriate article at meetings called by the municipal officers of the respective member towns, in accordance with section 1602, to establish a fixed common date for all newly elected school committee members to assume their terms of office. The common date must be subsequent to the last annual municipal election within the district, but may be no later than July 1st of the next fiscal year. The adoption of such a common date is conditional upon the favorable passage of this article at each of the meetings of the member towns. This paragraph does not apply to commencement of terms of office of members elected to fill vacancies. Vacancies are filled for the remainder of the unexpired term as provided in subsection 2, paragraph A. [1993, c. 668, §1 (AMD).]

[1993, c. 668, §1 (AMD) .]

2. **Vacancies caused by death or resignation; declaration of vacancy; attendance as nonvoting member.** Vacancies caused by death or resignation are filled as follows.

A. A vacancy on a school committee of a district that does not include kindergarten and grades one to 12, whether caused by death, by resignation or by a member having changed residence from the town that the member was elected to represent, must be filled by the school committee of the town in which the vacancy occurs. A similar vacancy on a school committee of a district that includes kindergarten and grades one to 12 must be filled by the municipal officers of the municipality in which the member resided. The municipal officers shall select a new member from the municipality in which the old member resided to serve until the next annual municipal election at which time a replacement must be elected to serve the remainder of the unexpired term. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency. [1993, c. 668, §2 (AMD).]

B. If any representative on the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists and the school committee in the representative's town may choose from among its members another representative to the community school committee. The new member must be chosen on the basis of seniority.

Except in municipalities having a municipal charter, if any representative on the school committee in a community school district that includes kindergarten and grades one to 12 is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. The

municipality shall elect another representative to the community school committee in the same manner as provided for original election under subsection 1, paragraph B. The successor serves for the remainder of the unexpired term. [1991, c. 655, §3 (AMD).]

C. If a member of the school committee in a community school district that does not include kindergarten and grades one to 12 is absent from a meeting, the senior nonvoting member is allowed all the rights and privileges of the absent member. This paragraph applies only to a community with only one member on the community school committee. [1991, c. 655, §3 (AMD).]

[1993, c. 668, §2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §12 (RPR). 1983, c. 806, §§21,22 (AMD). 1987, c. 737, §§C48,C106 (AMD). 1987, c. 866, §3 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 655, §3 (AMD). 1993, c. 668, §§1,2 (AMD).

§1654. POWERS, DUTIES AND AUTHORITY

1. **General functions.** A district school committee shall have the powers and duties with respect to the community school district as are conferred upon school boards under this Title, except those powers and duties which are expressly reserved for the district board of trustees.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Specific functions.** A district school committee:

A. Shall be responsible, as of the start of the school year after organization, for the operation of the authorized grades; [1981, c. 693, §§5, 8 (NEW).]

B. May issue bonds and notes and borrow money as authorized in this Title; [1981, c. 693, §§5, 8 (NEW).]

C. May acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes; [1981, c. 693, §§5, 8 (NEW).]

D. Shall share costs in the manner authorized by the voters; and [1981, c. 693, §§5, 8 (NEW).]

E. May acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

Subchapter 3: FINANCING

§1701. BUDGET APPROVAL

1. **Preparation.** A district school committee shall annually prepare a budget for the operational and capital expenditures of the community school district.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Articles.** The district school committee shall prepare appropriate articles to authorize the budget expenditures and to determine the sums of money that will be assessed to each member municipality.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Time and place.** The district school committee shall call an annual budget meeting on or before June 30th at an hour and in a location within the community school district it designates, except that the school committee may delay the annual budget meeting to a date after July 1st in accordance with section 15693, subsection 2, paragraph C.

[2005, c. 2, Pt. D, §11 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Warrants.** The district school committee shall post warrants in each of the member municipalities calling for an annual budget meeting. It shall follow the procedures that are used by a town for the calling of a regular town meeting.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Voting lists.** The following provisions shall govern voting lists.

A. Registration of voters for the annual budget meeting shall be held in each member municipality in accordance with Title 21-A, section 122. [1989, c. 502, Pt. A, §53 (AMD).]

B. Prior to the annual budget meeting, the municipal clerk of each member municipality shall supply to the district school committee a current list of the registered voters of the municipality. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting. [1981, c. 693, §§5, 8 (NEW).]

[1989, c. 502, Pt. A, §53 (AMD) .]

6. **Moderator.** The chairman of the district school committee, or when absent the secretary, shall open the meeting and shall call for the election of a moderator.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Majority vote.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget. An article must be voted on by written ballot if at least 10% of those present and voting vote to use a written ballot. The department, in consultation with municipal and school officials and with organizations representing those officials, shall develop and distribute guidelines to assist district budget meeting moderators in explaining and implementing this subsection.

[1999, c. 710, §7 (AMD) .]

8. **Special budget meeting.** The district school committee may call a special budget meeting when in their judgment a financial emergency exists. They shall post warrants in each of the member municipalities following the same procedures that are used for calling the regular annual budget meeting.

A. At the special budget meeting, the voters may authorize the district school committee to borrow funds to obtain additional moneys for the operation of the district's schools because of a financial emergency. [1985, c. 12, (AMD).]

B. If the voters authorize the district school committee to borrow additional money, that amount shall be added to the next annual assessment of the member municipalities. [1981, c. 693, §§5, 8 (NEW).]

[1985, c. 12, (AMD) .]

9. **Budget format; voter determination.** The budget format shall be prescribed by a majority of the district school committee, unless at least 20% of the number of registered voters, as certified by the several municipal clerks to the secretary, vote on an appropriate warrant article prescribing the budget format.

A. The budget format may be determined by the voters of a community school district by adoption of an appropriate warrant article at a properly called election held in accordance with the procedure set forth in section 15693, subsection 6. [2005, c. 2, Pt. D, §12 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. An article dealing with the budget format may be placed before the voters at a properly called election if authorized by a majority vote of the district school committee or if a written petition of at least 10% of the number of voters voting in the last gubernatorial election of each municipality comprising the community school district has been presented to the district school committee. [1983, c. 485, §17 (AMD).]

[2005, c. 2, Pt. D, §12 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

10. **Change in format.** A change in budget format shall be voted at least 90 days prior to the budget year for which that change is to be effective.

[1981, c. 693, §§5, 8 (NEW) .]

11. **Line item categories; transfer of funds.** Line item categories and transfer of funds shall be as follows.

A. If the budget is prepared by specific line categories, each category shall be included in a separate warrant article. [1981, c. 693, §§5, 8 (NEW).]

B. Unless authorized by the voters, the district school committee may not transfer funds between line item categories. [2009, c. 571, Pt. E, §5 (AMD).]

[2009, c. 571, Pt. E, §5 (AMD) .]

12. **State-local allocations.** To summarize the action taken on the budget for the purposes of determining the community school district's state-local allocations, the articles prescribed in chapter 606-B must also be voted on.

[2005, c. 2, Pt. D, §13 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §17 (AMD). 1985, c. 12, (AMD). 1989, c. 502, §A53 (AMD). 1991, c. 429, §4 (AMD). 1999, c. 710, §§7-10 (AMD). 2005, c. 2, §§D11-13 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2009, c. 571, Pt. E, §5 (AMD).

§1701-A. COST CENTER SUMMARY ALTERNATIVE BUDGET FORMAT

(REPEALED)

SECTION HISTORY
1999, c. 710, §11 (NEW). 2005, c. 12, §WW2 (AMD). 2009, c. 571, Pt. E, §6 (RP).

§1701-B. BUDGET VALIDATION REFERENDUM

(REPEALED)

SECTION HISTORY
1999, c. 710, §11 (NEW). 2005, c. 2, Pt. D, §14 (AMD). 2005, c. 2, Pt. D, §§72, 74 (AFF). 2005, c. 12, Pt. WW, §18 (AFF). 2009, c. 571, Pt. E, §7 (RP).

§1701-C. MANDATORY BUDGET VALIDATION AND COST CENTER SUMMARY BUDGET FORM

Notwithstanding any other law, community school district budgets developed after January 1, 2008 must conform to the format and referendum procedures for regional school units as set forth in sections 1485 and 1486. A community school district is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to sections 1485 and 1486. [2007, c. 668, §26 (AMD); 2007, c. 668, §55 (AFF).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §16 (NEW). 2007, c. 668, §26 (AMD). 2007, c. 668, §55 (AFF).

§1702. BORROWING

1. **Purposes of borrowing.** The district board of trustees may borrow funds to pay for:

A. Current operational expenditures of the community school district in an amount not to exceed the gross budget approved by the voters at the annual meeting. These borrowed funds must be repaid within a month of the end of the fiscal year; and [1991, c. 121, Pt. A, §3 (AMD).]

B. Major and minor capital costs, not to exceed in the aggregate, at any one time outstanding, 10% of the total of the last preceding state valuation of all of the participating municipalities. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section. [1981, c. 693, §§5, 8 (NEW).]

[1991, c. 121, Pt. A, §3 (AMD) .]

2. **Form of bond or note.** Each bond or note shall have the following form.

A. It shall have inscribed on its face the name of the community school district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. It shall be in the form and be sold in the manner, at public or private sale, as the district school committee determines in accordance with state law. [1983, c. 485, §18 (AMD).]

B. It shall be signed by the treasurer and countersigned by the chairman of the district board of trustees. If coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer. [1981, c. 693, §§5, 8 (NEW).]

[1983, c. 485, §18 (AMD) .]

3. **Maturity and time limits.** The following provisions apply to bonds or notes.

A. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date of issue. [1981, c. 693, §§5, 8 (NEW).]

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the community school district or renewals thereof, the period during which that issue of bonds shall be outstanding, plus the period of the loan represented by the temporary notes or renewals, shall not exceed 25 years. [1981, c. 693, §§5, 8 (NEW).]

C. Notes shall mature not later than one year from their date of issue but may be renewed. The period of the original note plus that of renewals shall not exceed 2 years. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **District obligations.** All notes, bonds, contracts and leases and all agreements with the Maine School Building Authority entered into by a community school district shall be the legal obligations of the district.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Status.** A community school district shall be a quasi-municipal corporation within the meaning of Title 30-A, section 5701. The provisions of Title 30-A, section 5701, shall be applicable to it.

[1987, c. 737, Pt. C, §§49, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §18 (AMD). 1987, c. 737, §§C49,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 121, §A3 (AMD).

§1703. COMMUNITY SCHOOL DISTRICT ASSESSMENTS

1. **Community school district warrant.** In accordance with the budget approved by the voters at the annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the district school committee shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within each municipality an amount that is that municipality's share of the community school district's costs.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Municipality tax collector.** The assessors of each member municipality shall commit the assessment to the constable or collector. The constable or collector shall have all the authority and powers to collect the community school district's taxes as are vested in the office by law to collect state, county and municipal taxes.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Monthly installments.** The district school committee shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Payment.** Each municipal treasurer shall pay the amount of the tax assessed to the treasurer of the district. The payments shall be paid in monthly installments and shall be made on or before the 20th of each month.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Gifts.** A member municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Enforcement.** If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the community school district may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the district may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the district and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the district. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the district until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the district, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the district from the proceeds and return any excess to the municipality.

[2003, c. 212, §2 (RPR) .]

7. **Delinquent payments to the Maine School Building Authority.** If a community school district, which has financed school construction through the Maine School Building Authority, is delinquent in its payment to the authority, the department shall make payment to the authority on behalf of the community school district. Payments may be made from any amounts properly payable to the district not exceeding the amount then presently due to the authority or from the department to the community school district.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 212, §2 (AMD).

§1704. SHARING COSTS

The following provisions apply to sharing district costs. [1981, c. 693, §§5, 8 (NEW).]

1. **Formula.** A community school district shall share its costs among the member municipalities on the basis of:

A. The number of resident pupils in each municipality; [1981, c. 693, §§5, 8 (NEW).]

B. The fiscal capacity of each member municipality as defined in section 15672, subsection 23; [2005, c. 2, Pt. D, §15 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Any combination of paragraphs A and B; [2001, c. 375, §4 (AMD).]

D. Any other formula authorized by the Legislature; or [2001, c. 375, §4 (AMD).]

E. Any other factor or combination of factors that may, but need not, include paragraphs A and B. [2001, c. 375, §4 (NEW).]

Notwithstanding paragraphs A to D, Title 30-A, chapter 208-A or any other provision of law, the state valuation used to calculate the shared cost for each municipality in a community school district with a municipal incentive development zone must include the increase in equalized just value of all industrial and commercial property located in the zone over the assessed value.

[2005, c. 2, Pt. D, §15 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Amendment of formula.** The procedure for amending the cost-sharing formula is as follows.

A. When requested by a written petition of at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities comprising the community school district, the district school committee shall give at least 15 days' notice to each member municipality of a meeting or meetings to determine the necessity of reconsidering the method of sharing costs. [2001, c. 375, §5 (AMD).]

B. Each member municipality must be represented by 2 representatives chosen by its municipal officers and one member of the district school committee chosen by the committee members from that municipality at the meeting or meetings to determine the necessity of reconsidering the method of sharing costs. A change in the method of sharing costs must be approved by a vote of a majority of those present and voting. [2001, c. 375, §5 (AMD).]

B-1. Prior to the first meeting of member municipalities pursuant to paragraph A, the district shall engage the services of a facilitator selected from the list maintained by the commissioner under subsection 3, paragraph C. The facilitator shall:

(1) At the first meeting, review and present data and information pertaining to sharing of costs within the district. Pertinent information may include, but is not limited to, the following:

(a) A description of the district's cost-sharing method, the elements involved in the calculation of each municipality's costs and a graphic depiction of the current and historic distribution of costs in the district; and

(b) If withdrawal of one or more district members is under consideration, the financial and educational impact of the withdrawal;

(2) Solicit and prepare a balanced summary of the concerns of municipal officials, educators and the public about the current method of cost sharing; and

(3) Develop a plan of action for consideration by the municipal representatives that responds to the information collected and the concerns raised. The plan of action must include a list of expectations for the conduct of the parties, options for proceeding and an assessment of the likely success of those options. [2001, c. 375, §5 (NEW).]

B-2. If a majority of the representatives from each municipality meeting pursuant to paragraph A are unable to agree on a recommendation on what the cost-sharing method for the district should be, within 15 days following the last meeting a knowledgeable 3rd party must be selected in accordance with rules adopted pursuant to subsection 3, paragraph C. The district is responsible for compensating the 3rd party. The 3rd party shall:

(1) Prepare a written summary of the process to date, including an assessment of the fairness, accuracy and responsiveness of the recommendations of the facilitator engaged pursuant to paragraph B-1;

(2) Prepare an impartial recommendation regarding changing the method of cost sharing; and

(3) Present the summary and recommendations to the municipal representatives for their consideration. [2001, c. 375, §5 (NEW).]

B-3. At an advertised public hearing, the municipal representatives shall solicit public input on the 3rd party's recommendation for cost sharing required under paragraph B-2 and any alternative method or methods proposed by municipal representatives. [2001, c. 375, §5 (NEW).]

C. Municipal approval must be in the same manner as the original formula was adopted when the community school district was formed, except that, if the proposed change is an alternative cost-sharing plan under subsection 1, paragraph E, the change must be approved by a majority of voters voting in a referendum in each municipality. The total vote cast in each of the member municipalities must be at least 20% of the number of votes cast in each of the member municipalities in the last gubernatorial election. [2001, c. 375, §5 (AMD).]

D. A change in the cost-sharing formula is effective at the start of the next fiscal year which starts at least 90 days after the voters have approved it. [2001, c. 375, §5 (AMD).]

[2001, c. 375, §5 (AMD) .]

3. **Departmental assistance.** The department shall provide the following services relating to changing district cost-sharing methods:

A. The provision of information and data relating to cost sharing, including, but not limited to, a description of a district's method of cost sharing, the total assessment, the per pupil cost and mils raised for education for district members and the calculation of member costs. The information must be district-specific, comprehensive, easily understood by the general public, presented in graphic and spreadsheet format and available over the Internet. Written copies of the information described and additional information requested must be provided by the department upon receipt of a written request from a district school board or the legislative body of any municipality member of a district; [2001, c. 375, §6 (NEW).]

B. The provision of professional evaluation and assistance to districts and member municipalities considering changes in cost-sharing methods; and [2001, c. 375, §6 (NEW).]

C. The establishment and maintenance of lists of qualified, available individuals to assist districts considering changes in cost-sharing methods as follows:

(1) Facilitators as required in subsection 2, paragraph B-1; and

(2) Knowledgeable 3rd parties as required in subsection 2, paragraph B-2.

In establishing the lists, the department shall seek input from the Maine Municipal Association and Maine School Management Association or successor organizations. The department may adopt rules to define the qualifications, responsibilities and selection of individuals on the lists. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [2001, c. 375, §6 (NEW).]

[2001, c. 375, §6 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 802, §2 (AMD). 1993, c. 410, §F4 (AMD). 1993, c. 696, §2 (AMD). 2001, c. 375, §§4-6 (AMD). 2005, c. 2, §D15 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§1705. AUTHORITY TO ACCEPT GIFTS

1. **Outright or in trust.** A community school district may accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose.

A. When the district school committee receives written notice from a prospective donor or a representative of the donor of a proposed gift, outright or in trust, it shall submit the matter to the next regular meeting of the committee, and shall, within 10 days after the meeting, send written notice of its acceptance or rejection. [1983, c. 806, §23 (AMD).]

B. If the gift is in trust the committee shall either deposit or invest trust funds according to Title 30-A, chapter 223, subchapter III-A. [1987, c. 737, Pt. C, §§50, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD).]

[1987, c. 737, Pt. C, §§50, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8,10 (AMD) .]

2. **Conditional.** A community school district may accept and receive money or other property as a conditional gift for any specified benevolent or educational purpose. When the district school committee receives written notice from a prospective donor or a representative of the donor of a proposed gift, they shall submit the matter to the next regular meeting of the legislative body or shall call a special meeting for that purpose and shall, within 10 days after the meeting, send written notice of its acceptance or rejection.

[1983, c. 806, §24 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§23,24 (AMD). 1987, c. 737, §§C50,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD).

§1706. RESERVE FUND

Community school districts may establish a reserve fund as follows: [1989, c. 132, §3 (NEW).]

1. **Establishment.** A community school district may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement or financing the acquisition of a specific item or type of capital equipment by including a request in the district budget and receiving voter approval.

The district school committee shall be the trustee of the reserve fund. The reserve fund shall be deposited or invested by the treasurer under the direction of the school committee.

[1989, c. 132, §3 (NEW) .]

2. **Deposit or investment.** All district funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, shall be deposited or invested by the treasurer under the direction of the district school committee according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

[1989, c. 132, §3 (NEW) .]

3. **Expending money from reserve funds.** The district school committee may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting.

[1989, c. 132, §3 (NEW) .]

SECTION HISTORY
1989, c. 132, §3 (NEW).

Subchapter 4: REORGANIZATION

§1751. ADDITIONS TO, DISSOLUTION OF AND WITHDRAWAL FROM A DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1999, c. 206, §2 (AMD). 2007, c. 240, Pt. XXXX, §17 (RP).

§1752. DISTRICTS FORMED BY PRIVATE AND SPECIAL ACTS OF THE LEGISLATURE

If the provisions of this chapter conflict with the provisions of any private and special Act of the Legislature which created a community school district, then the provisions of the private and special Act shall control. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 107: SCHOOL UNIONS

§1901. FORMATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §18 (RP).

§1902. UNION COMMITTEE OF SCHOOL UNIONS

The school boards of the school administrative units comprising a school union shall form a union committee, which shall be, for the purposes of this chapter, the agent of each school administrative unit comprising the school union. [1981, c. 693, §§5, 8 (NEW).]

1. **Delegation of authority by member school boards.** The school board of a school administrative unit in a school union may authorize one of its members to act for the school board in the meetings of the union committee. The member may cast the votes for the school board.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Method of voting.** The method of voting shall be as follows.

A. The votes of the individual members of the union committee shall be cast on a weighted basis in proportion to the population of the unit represented as compared with the total population of the units comprising the union committee. [1981, c. 693, §§5, 8 (NEW).]

B. To become effective, all actions of the union committee shall be approved by a vote representing more than 1/2 of the population comprising the units which make up the union committee. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Duties.** The union committee:

A. Shall meet annually in December, at a day and place agreed upon by the chairs of the school boards comprising the union; [1993, c. 131, §1 (AMD).]

B. Shall choose a chair and a secretary; [1993, c. 131, §1 (AMD).]

C. Shall, at its organizational meeting or as soon thereafter as possible and whenever a vacancy occurs, elect a superintendent as provided under section 1051; [1981, c. 693, §§5, 8 (NEW).]

D. Shall apportion the costs for a superintendent under section 1051, among the school administrative units in proportion to the service to be performed and certify to the treasurer of each school administrative unit and to the commissioner the amounts to be paid; [1993, c. 131, §1 (AMD).]

E. May authorize a school administrative unit within the school union to serve as a contractual employer of teachers and other personnel who provide services to more than one unit in the union. Employment is subject to section 13201 and Title 26, chapter 9-A; and [2005, c. 130, §1 (AMD).]

F. May assume additional responsibilities delegated by the school boards of the school administrative units comprising the school union. Except as provided in section 1904, a plan for the delegation of additional responsibilities under this section must be approved by a majority of the members of each school board. The plan must include, but is not limited to, a description of the delegated responsibilities, apportionment of costs among the member school administrative units and consideration of appropriate time limits on contracts for purchases of school supplies. Funds to support additional responsibilities under this section must be budgeted and approved as part of each school administrative unit's budget. [2005, c. 130, §2 (AMD).]

[2005, c. 130, §§1, 2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 131, §1 (AMD). 2005, c. 130, §§1,2 (AMD).

§1903. APPROPRIATION FOR SUPERINTENDENT'S SALARY

School administrative units shall appropriate for the salary of the superintendent their proportion of the sum paid the superintendent, but not more than the amount certified by the union committee, to the municipal treasurer. The proportion to be paid by a municipality shall be paid out of the appropriation made for the support or maintenance of public schools. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§1904. FISCAL AUTHORITY

The superintendent of a school union may be designated as the treasurer of the school union and, notwithstanding section 1902, subsection 3, paragraph F, the union committee of a school union may perform the functions of fiscal agent for the school administrative units in the school union if a majority of the voters in each municipality agree to these designations through a referendum or at a town meeting. The article that is placed before the voters in each municipality must state the specific functions to be performed by the fiscal agent, must state that the agreement under which the union committee may perform the functions of fiscal agent may not exceed a period of 3 years and must also include a schedule for regular payment of the warrants approved in each municipality to the union committee. The school union must provide the municipalities with accounting records after an audit has been completed and delivered to the superintendent. An agreement under which the union committee performs the functions of fiscal agent may be renewed for a period not to exceed 3 years. Each renewal may be approved only in accordance with the procedures described in this section. [2005, c. 130, §3 (NEW).]

SECTION HISTORY
2005, c. 130, §3 (NEW).

Chapter 109: UNION SCHOOLS

§2101. UNION SCHOOLS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2007, c. 240, Pt. XXXX, §§19, 20 (AMD). 2011, c. 678, Pt. C, §2 (RP).

§2102. FINANCING OF UNION SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 135, §§1,2 (AMD). 1989, c. 700, §A46 (AMD). 1991, c. 824, §A31 (AMD). 2011, c. 678, Pt. C, §2 (RP).

§2103. DISSOLUTION OF UNION SCHOOL

(REPEALED)

SECTION HISTORY
1991, c. 864, §1 (NEW). 2011, c. 678, Pt. C, §2 (RP).

§2104. WITHDRAWAL FROM UNION SCHOOL

(REPEALED)

SECTION HISTORY
1991, c. 864, §1 (NEW). 2011, c. 678, Pt. C, §2 (RP).

Chapter 111: MUNICIPAL SCHOOLS

Subchapter 1: SCHOOL COMMITTEE

§2301. APPLICABILITY OF PROVISIONS TO CERTAIN TOWNS OR CITIES

Sections 2302, 2303 and 2305 do not apply to municipalities whose charters specify the methods of selection, recall and term of office of a school committee, nor to municipalities who revise their charters or adopt new charters under the "home rule" provisions of Title 30-A, chapter 111, with specifications for method of selection, recall and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee. [1987, c. 737, Pt. C, §§51, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 315, (AMD). 1983, c. 422, §13 (AMD). 1983, c. 816, §A12 (RP). 1985, c. 506, §A29 (RPR). 1987, c. 737, §§C51,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD).

§2302. ELECTION OF SCHOOL COMMITTEE MEMBERS

A municipality, not included in a school administrative district or a community school district which operates grades one to 12, shall elect at its annual meeting a school committee of 3 to hold office as provided in section 2305. The municipality shall fill vacancies in that committee at each subsequent annual meeting. [1983, c. 422, §14 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §14 (AMD).

§2303. ADDITIONAL SCHOOL COMMITTEE MEMBERS

Notwithstanding section 2302, a municipality may vote at its annual meeting to have up to 7 members on the school committee. [2007, c. 668, §27 (AMD).]

1. **Vote.** The municipality may vote to expand its school committee at:

A. Its annual meeting; or [1981, c. 693, §§ 5, 8 (NEW).]

B. A special town meeting held at least 30 days before the annual meeting, if a municipality has accepted Title 30-A, section 2528, relative to secret ballot. [2007, c. 668, §27 (AMD).]

[2007, c. 668, §27 (AMD) .]

2. **Election of additional members.** The municipality may, at its annual meeting, elect by ballot additional school committee members to serve with the members whose terms have not expired.

[2007, c. 668, §27 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 737, §§C52,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 2007, c. 668, §27 (AMD).

§2304. NEGLECT TO CHOOSE COMMITTEE

A municipality failing to elect members of the school committee shall forfeit not less than $30 nor more than $200. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2305. TERMS; VACANCIES; RESTRICTIONS

1. **Length of term.** School committee members shall be elected for staggered 3-year terms or, in municipalities with biennial elections, 4-year terms.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Commencement of term.** The term of newly elected school board members shall start as determined under section 1003.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Vacancy.** A vacancy on a school committee shall be declared:

A. When the term of office of a member expires; [1981, c. 693, §§5, 8 (NEW).]

B. When a member changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency; [1981, c. 693, §§5, 8 (NEW).]

C. On the death of a member; [1987, c. 866, §4 (AMD).]

D. When a member resigns; or [1987, c. 866, §4 (AMD).]

E. Except in municipalities having a municipal charter, when a member is absent without excuse from 3 consecutive regular committee meetings, the committee may declare that a vacancy exists. [1987, c. 866, §5 (NEW).]

[1987, c. 866, §§4, 5 (AMD) .]

4. **Filling a vacancy.** A vacancy may be filled:

A. By the school committee within 30 days. The term of a member appointed by the school committee to fill a vacancy shall expire at the next annual meeting; or [1983, c. 485, §19 (AMD).]

B. Whenever the remaining members of the school committee fail to appoint a person to fill a vacancy, by election at a town meeting called for the purpose. [1983, c. 806, §25 (AMD).]

[1983, c. 806, §25 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 485, §19 (AMD). 1983, c. 806, §25 (AMD). 1987, c. 866, §§4, 5 (AMD).

§2306. SERVICE WITHOUT PAY

School committee members shall serve without pay, unless otherwise voted by the town. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2307. SCHOOL BUDGETS

Notwithstanding any other law, municipal school budgets developed after January 1, 2008 must follow the same school budget requirements as regional school units pursuant to chapter 103-A, except as described in subsections 1 and 2. A municipal school unit is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to chapter 103-A. A municipality has the same authority to commit property taxes as provided in section 1487. [2011, c. 655, Pt. E, §1 (AMD).]

1. **Budget meeting.** In charter municipalities the budget meeting required by section 1485, subsection 3 must be a meeting of the municipal council or other municipal legislative body established by the charter with authority to approve the budget.

[2007, c. 668, §28 (NEW); 2007, c. 668, §55 (AFF) .]

2. **Municipal charter.** In charter municipalities where the municipal charter confers upon a municipal council or other municipal legislative body the authority to determine the total amount of the school budget and confers upon the school committee or school board the authority to direct the expenditure of those funds for school purposes, the municipal council or other municipal legislative body shall determine the total amount of the school budget to be submitted to a budget validation referendum and the school committee or school board shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format.

[2007, c. 668, §28 (NEW); 2007, c. 668, §55 (AFF) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §21 (NEW). 2007, c. 668, §28 (AMD). 2007, c. 668, §55 (AFF). 2011, c. 655, Pt. E, §1 (AMD).

Subchapter 2: INCORPORATED SCHOOL DISTRICT

§2351. SCHOOL DISTRICT MEETINGS

1. **District meetings.** Where the inhabitants and territory of a single municipality constitute an incorporated school district, and the charter of the district contains no provisions for the calling and holding of meetings of the district, meetings of the school district shall be called by the municipal officers, in the manner provided by law for the calling of town meetings, on written request signed by trustees or other executive officers of the district.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Municipal meetings.** A lawfully called meeting of the inhabitants of the municipality shall be a lawful meeting of the school district for the transaction of school district business. If the business of the school district has been transacted at a lawfully called meeting of the inhabitants, the meeting is declared to be a legal and valid meeting of the school district, and all votes passed and all actions taken at that meeting which would have been legal had the meeting been a lawfully called meeting of the school district, are ratified and declared legal.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2352. SCHOOL MONEY PAID BY MUNICIPALITIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §15 (AMD). 1983, c. 806, §26 (RP).

Chapter 112: PUBLIC CHARTER SCHOOLS

§2401. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2011, c. 414, §5 (NEW).]

1. **At-risk pupil.** "At-risk pupil" means a pupil who has an economic or academic disadvantage that requires special services and assistance to enable the student to succeed in educational programs. "At-risk pupil" includes, but is not limited to, pupils who are members of economically disadvantaged families, pupils who are identified as having special educational needs, pupils who are limited in English proficiency, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency.

[2011, c. 414, §5 (NEW) .]

2. **Authorizer.** "Authorizer" means an entity empowered under this chapter to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee and monitor public charter schools and decide whether to renew, not renew or revoke charter contracts.

[2011, c. 414, §5 (NEW) .]

2-A. **Catchment area.** "Catchment area" means the geographic area from which a public charter school expects to draw the majority of its students, which may not be smaller than the combined enrollment areas of the 2 closest noncharter public schools serving students of the same grade levels as the applicant is proposing to serve, or the geographic area within a radius of 20 miles extending from the public charter school, whichever is smaller.

[2011, c. 570, §2 (NEW) .]

3. **Charter contract.** "Charter contract" means a performance-based contract for a fixed term between a public charter school and an authorizer that describes performance expectations, defines operational responsibilities and outlines the autonomy and accountability for each party to the contract.

[2011, c. 414, §5 (NEW) .]

4. **Conversion public charter school.** "Conversion public charter school" means a public charter school that existed as a noncharter public school before becoming a public charter school.

[2011, c. 414, §5 (NEW) .]

5. **Education service provider.** "Education service provider" means an education management organization, charter management organization, school design provider or any other partner entity with whom a public charter school intends to contract for a limited scope of education services and resources, including education design, implementation or management.

[2011, c. 414, §5 (NEW) .]

6. **Governing board.** "Governing board" means the independent board of a public charter school that is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application.

[2011, c. 414, §5 (NEW) .]

7. **Local school board.** "Local school board" means a school board exercising management and control of a school administrative unit other than a public charter school formed under this chapter.

[2011, c. 414, §5 (NEW) .]

8. **Noncharter public school.** "Noncharter public school" means a public school other than a school formed pursuant to this chapter.

[2011, c. 414, §5 (NEW) .]

9. **Public charter school.** "Public charter school" means a public school formed pursuant to this chapter that:

A. Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum and instruction; [2011, c. 414, §5 (NEW).]

B. Is governed by a board that is independent of a school administrative unit; [2011, c. 414, §5 (NEW).]

C. Is established and operated under the terms of a charter contract between the governing board and its authorizer in accordance with this chapter; [2011, c. 414, §5 (NEW).]

D. Is a school to which parents choose to send their children; [2011, c. 414, §5 (NEW).]

E. Provides a program of education that:

(1) Includes one or more of the following: preschool, prekindergarten and any grade or grades from kindergarten to grade 12;

(2) May include a focus on students with special needs, such as at-risk pupils, English language learners or students involved with the juvenile justice system;

(3) May include a specific academic approach or theme, such as:

(a) Vocational and technical training;

(b) Natural resources and the environment;

(c) Farming, fishing and forestry;

(d) Foreign language and culture;

(e) Visual and performing arts;

(f) Science, mathematics and technology; and

(g) Project-based learning, experiential learning or online instruction; [2011, c. 414, §5 (NEW).]

F. Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and [2011, c. 414, §5 (NEW).]

G. Operates under the oversight of the authorizer from which its charter contract is granted and in accordance with its charter contract. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

10. **Start-up public charter school.** "Start-up public charter school" means a public charter school that did not exist as a noncharter public school prior to becoming a public charter school.

[2011, c. 414, §5 (NEW) .]

11. **Virtual public charter school.** "Virtual public charter school" means a public charter school that offers education services predominantly through an online program.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §2 (AMD).

§2402. PUBLIC CHARTER SCHOOLS AUTHORIZED

Charter schools may be established as public schools pursuant to this chapter to improve pupil learning by creating more high-quality schools with high standards for pupil performance; to close achievement gaps between high-performing and low-performing groups of public school students; to increase high-quality educational opportunities within the public education system; to provide alternative learning environments for students who are not thriving in traditional school settings; to create new professional opportunities for teachers and other school personnel; to encourage the use of different, high-quality models of teaching and other aspects of schooling; and to provide students, parents, community members and local entities with expanded opportunities for involvement in the public education system. [2011, c. 414, §5 (NEW).]

SECTION HISTORY
2011, c. 414, §5 (NEW).

§2403. ROLE OF THE DEPARTMENT; COMMISSIONER; RULES

1. **Information and technical assistance.** The department shall disseminate information on how to form and operate a public charter school and on how to enroll in a public charter school once the school is created. The department may provide assistance and guidance to authorizers in developing effective authorization and oversight procedures.

[2011, c. 414, §5 (NEW) .]

2. **Applications for federal funds.** The department may apply for assistance from the federal charter school grant program on behalf of potential and actual public charter schools in the State.

[2011, c. 414, §5 (NEW) .]

3. **Use of federal funds.** If the department receives a grant from the federal charter school grant program on behalf of potential and actual public charter schools, the grant must be used according to the applicable federal law and primarily for planning and start-up grants to public charter school organizers and for such activities as:

A. Providing information and technical assistance to potential and actual public charter school organizers and authorizers; and [2011, c. 414, §5 (NEW).]

B. Allocating funds to support the work of potential and actual authorizers. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

4. **Principles and professional standards.** The department shall establish policies and practices consistent with nationally recognized principles and professional standards for authorizers of public charter schools, including standards relating to:

A. Organizational capacity and infrastructure; [2011, c. 414, §5 (NEW).]

B. Soliciting and evaluating applications; [2011, c. 414, §5 (NEW).]

C. Performance contracting; [2011, c. 414, §5 (NEW).]

D. Ongoing public charter school oversight and evaluation; and [2011, c. 414, §5 (NEW).]

E. Charter renewal decision making. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

5. **Investigation and sanction of authorizers.** Consistent with the policies and practices established in subsection 4, the department may investigate and, as appropriate, institute sanctions in response to deficiencies in authorizer performance or legal compliance. In addition to any other sanction instituted, the commissioner may suspend a deficient authorizer's authority to issue new charters or renew existing charters until the commissioner is satisfied that the deficiencies have been corrected.

[2011, c. 570, §3 (AMD) .]

6. **Rules.** The department shall adopt major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this chapter.

[2011, c. 414, §5 (NEW) .]

7. **Reports.** Four years after public charter schools have been in operation, the commissioner shall issue to the Governor, the Legislature and the public a report on the State's public charter school program, drawing from the annual reports submitted by every authorizer pursuant to section 2405, subsection 4, as well as any

additional relevant data compiled by the commissioner up to the school year ending in the preceding calendar year. The report must include an assessment of the public charter school program's successes, challenges and areas for improvement in meeting the purposes of this chapter and any suggested changes in state law or policy necessary to strengthen the public charter school program. The commissioner shall issue a similar report after 8 years of operation of public charter schools.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §3 (AMD).

§2404. PUBLIC CHARTER SCHOOL ELIGIBILITY; ENROLLMENT

1. **Eligibility.** Any student residing in the State is eligible to apply to a public charter school.

[2011, c. 414, §5 (NEW) .]

2. **Enrollment.** A public charter school shall enroll students in accordance with this subsection.

A. Public charter school organizers shall include all segments of the populations served by the existing noncharter public schools in their area in their recruitment efforts. [2011, c. 414, §5 (NEW).]

B. A public charter school shall enroll all students who wish to attend the school, unless the number of students exceeds the enrollment capacity of a program, class, grade level or building. [2011, c. 414, §5 (NEW).]

C. Except as provided in paragraphs H, I and K, if capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process. A list maintained to fill potential vacancies may be carried over to the succeeding year. [2015, c. 448, §3 (AMD).]

D. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 5% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation, except that if 5% of a school administrative unit's noncharter public school students per grade level is less than one, a public charter school may enroll one student of the school administrative unit per grade level in each of the first 3 years. [2015, c. 448, §3 (AMD).]

E. For a school administrative unit with an enrollment of more than 500 students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 10% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation. [2011, c. 414, §5 (NEW).]

F. A public charter school may limit enrollment to pupils within a given age group or grade level and may be organized around a special emphasis, theme or concept as stated in the school's application for a charter contract pursuant to section 2407. [2011, c. 414, §5 (NEW).]

G. A public charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that noncharter public school. [2015, c. 448, §4 (AMD).]

H. A public charter school shall give enrollment preference to pupils enrolled in the public charter school the previous school year and to siblings of pupils already enrolled in the public charter school. [2011, c. 414, §5 (NEW).]

I. A public charter school may give enrollment preference to children of a public charter school's founders, governing board members and full-time employees, as long as they constitute no more than 10% of the school's total student population. [2011, c. 414, §5 (NEW).]

J. A public charter school may enroll students from outside the State if space is available. [2011, c. 414, §5 (NEW).]

[2015, c. 448, §§3, 4 (AMD) .]

3. **Discrimination prohibited.** A public charter school may not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, income level, disabling condition, proficiency in the English language or academic or athletic ability, except that nothing in this subsection may be construed to limit the formation of a public charter school that is dedicated to focusing education services on at-risk pupils, students with disabilities and students who pose such severe disciplinary problems that they warrant a specific education program.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2015, c. 448, §§3, 4 (AMD).

§2405. AUTHORIZERS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **Eligible authorizers.** The following groups may become authorizers of public charter schools:

A. A local school board with regard to creating a public charter school within the boundaries of the school administrative unit governed by that local school board; [2011, c. 414, §5 (NEW).]

B. The commission under subsection 8; and [2011, c. 414, §5 (NEW).]

C. A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards. [2011, c. 570, §4 (AMD).]

[2011, c. 570, §4 (AMD) .]

2. **Powers and duties.** An authorizer may:

A. Solicit, invite and evaluate applications from organizers of proposed public charter schools; [2011, c. 414, §5 (NEW).]

B. Approve applications that meet identified educational needs; [2011, c. 414, §5 (NEW).]

C. Deny applications that do not meet identified educational needs; [2011, c. 414, §5 (NEW).]

D. Create a framework to guide the development of charter contracts; [2011, c. 414, §5 (NEW).]

E. Negotiate and execute sound charter contracts with each approved public charter school; [2011, c. 414, §5 (NEW).]

F. Monitor the performance and compliance of public charter schools; and [2011, c. 414, §5 (NEW).]

G. Determine whether each charter contract merits renewal or revocation. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

3. **Principles and professional standards.** An authorizer shall develop and maintain policies and practices consistent with nationally recognized principles and professional standards for authorizing public charter schools, including standards relating to:

A. Organizational capacity and infrastructure; [2011, c. 414, §5 (NEW).]

B. Soliciting and evaluating applications; [2011, c. 414, §5 (NEW).]

C. Performance contracting; [2011, c. 414, §5 (NEW).]

D. Ongoing public charter school oversight and evaluation; and [2011, c. 414, §5 (NEW).]

E. Charter renewal decision making. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

4. **Reporting and evaluation.** An authorizer shall submit to the commissioner and the Legislature an annual report within 90 days of the end of each school fiscal year summarizing:

A. The authorizer's strategic vision for chartering and progress toward achieving that vision; [2011, c. 414, §5 (NEW).]

B. The performance of all operating public charter schools overseen by the authorizer, according to the performance measures and expectations specified in the charter contracts; [2011, c. 414, §5 (NEW).]

C. The status of the authorizer's public charter school portfolio of approved charter applications, identifying all public charter schools within that portfolio as:

(1) Approved, but not yet open;

(2) Operating;

(3) Renewed;

(4) Transferred;

(5) Terminated;

(6) Closed; or

(7) Never opened; [2011, c. 570, §5 (AMD).]

D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and [2011, c. 570, §5 (AMD).]

E. The total amount of funds collected from each public charter school the authorizer authorized pursuant to subsection 5, paragraph B and the costs incurred by the authorizer to oversee each public charter school. [2011, c. 570, §6 (NEW).]

[2015, c. 448, §5 (AMD) .]

5. **Funding of authorizers.** To cover costs for overseeing public charter schools in accordance with this chapter, an authorizer may:

A. Expend its own resources, seek grant funds and establish partnerships to support its public charter school office and activities; and [2011, c. 414, §5 (NEW).]

B. Charge up to 3% of annual per-pupil allocations received by each public charter school it authorizes. These funds must be used to cover the costs for an authorizer to oversee its public charter schools. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

6. **Conflicts of interest.** An employee, trustee, agent or representative of an authorizer may not simultaneously serve as an employee, trustee, agent, representative, vendor or contractor of a public charter school of that authorizer.

[2011, c. 414, §5 (NEW) .]

7. **Services purchased from authorizer.** A public charter school may not be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

A. A public charter school may, at its discretion, choose to purchase services from its authorizer. In such event, the public charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the authorizer and any service fees to be charged to the public charter school. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

8. **Maine Charter School Commission.** The Maine Charter School Commission, established under Title 5, section 12004-G, subsection 10-D, is referred to in this chapter as "the commission."

A. The commission consists of 7 members appointed by the state board for 3-year terms. The commission shall elect a chair and such other officers as may be necessary to conduct its business. Four members constitute a quorum.

(1) Three members must be members of the state board, and those 3 members shall nominate the other 4 members who must be approved by a majority vote of the state board.

(2) Members appointed to the commission must have diverse professional experience in education, social services, youth training, business startup and administration, accounting and finance, strategic planning and nonprofit governance. The following provisions apply to the appointment of the 4 other members nominated and appointed by state board members pursuant to subparagraph (1):

(a) In appointing members to the commission, the state board shall give proper consideration to candidates with experience in a noncharter public school in the State in one of the following positions: school board member, superintendent, teacher and special education director;

(b) The state board shall ensure that the joint standing committee of the Legislature having jurisdiction over education matters has an opportunity to meet and interview the candidate or candidates nominated for the commission;

(c) Within 10 days of meeting with the candidate or candidates, the joint standing committee of the Legislature having jurisdiction over education matters shall deliver to the state board its written appraisal of the strengths and weaknesses of the candidate or candidates; and

(d) The state board shall consider the appraisal of the joint standing committee of the Legislature having jurisdiction over education matters prior to appointing a candidate or candidates to the commission.

(3) A commission member may not serve more than 3 consecutive terms, but may serve again after not serving on the commission for at least one term.

(4) A commission member may receive an amount equal to the legislative per diem and be reimbursed for expenses.

(5) A commission member who is a member of the state board serves on the commission only during that person's membership on the state board. Upon expiration of that person's state board membership, the position on the commission becomes vacant and must be filled in the manner

provided for filling vacancies. The term of a member who is approved by the state board and reviewed by the joint standing committee of the Legislature having jurisdiction over education matters ends on June 30th of the final year of the member's term.

(6) A vacancy on the commission must be filled in the same manner as the position in which the vacancy occurs is regularly filled, including, if applicable, a review by the joint standing committee of the Legislature having jurisdiction over education matters. A vacancy is filled for the remainder of the unexpired term. If the person serves more than 1 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation set forth in subparagraph (3).

(7) A member of the commission may be removed for failure to perform the duties of office, as specified in commission rules, by a majority vote of the state board. [2013, c. 368, Pt. JJJJ, §2 (AMD).]

B. The commission shall adopt rules for the organization and operation of the commission and to develop, implement and refine its procedures for authorizing public charter schools in this State. Rules adopted by the commission pursuant to this paragraph before June 30, 2014 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning June 30, 2014, rules adopted by the commission pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011, c. 570, §7 (AMD).]

C. The commission shall, in keeping with its authorizing responsibilities:

(1) Engage professional and administrative staff, separate from the department;

(2) Convene stakeholder groups and engage experts; and

(3) Seek and receive state, federal and private funds. [2011, c. 414, §5 (NEW).]

D. The commission is the sole authorizer in this State for virtual public charter schools, except that a local school board may authorize a public charter school within its jurisdiction that integrates online and on-site instruction. [2011, c. 414, §5 (NEW).]

[2013, c. 368, Pt. JJJJ, §2 (AMD) .]

9. (TEXT EFFECTIVE UNTIL 7/1/22) (TEXT REPEALED 7/1/22) **Transition period.** The public charter school program set out in this chapter must begin with a 10-year transition period, beginning on the effective date of this chapter. During the transition period, the commissioner shall register the charters approved by all authorizers in chronological order by date of approval under this chapter. During the transition period, only 10 public charter schools may be approved by the commission. Once the cap is reached, the commissioner may not accept further registrations from the commission and only local school boards and collaboratives of local school boards may approve charters until the end of the transition period.

This subsection is repealed July 1, 2022.

[2011, c. 570, §8 (AMD) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §§4-8 (AMD). 2013, c. 368, Pt. JJJJ, §2 (AMD). 2015, c. 54, §1 (AMD). 2015, c. 448, §5 (AMD).

§2406. REQUEST FOR PROPOSALS

1. **Issuance.** To invite, solicit, encourage and guide the development of high-quality public charter school applications, an authorizer shall issue and broadly publicize requests for proposals. The content and dissemination of the requests for proposals must be consistent with the purposes and requirements of this chapter.

[2011, c. 414, §5 (NEW) .]

2. **Content.** An authorizer's request for proposals must contain information outlined in this subsection.

A. A request for proposals must present the authorizer's strategic vision for and interests in chartering. [2011, c. 414, §5 (NEW).]

B. Authorizers may give priority to proposals that expand opportunities for children who are not realizing their full potential, who may be disaffected or disengaged in their current education situations and who may be at risk of failure academically, socially, economically or personally. Authorizers may encourage proposals that include a specific academic approach or theme to address the diverse educational needs of communities in the State. A request for proposals must include a clear statement of any priority or preference the authorizer wishes to grant to particular types of applications. Notwithstanding an authorizer's statement of any priority or preference, an authorizer shall consider each application submitted to it based on the merits of that particular application. [2011, c. 414, §5 (NEW).]

C. A request for proposals must include or otherwise direct applicants to the performance framework that the authorizer has developed for public charter school oversight and evaluation in accordance with section 2409. [2011, c. 414, §5 (NEW).]

D. A request for proposals must include the criteria and standards that will guide the authorizer's decision to approve or deny an application. [2011, c. 414, §5 (NEW).]

E. A request for proposals must state clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful public charter school. [2011, c. 414, §5 (NEW).]

F. A request for proposals must require applications to provide or describe thoroughly, at a minimum, all of the following essential elements of the proposed public charter school plan:

(1) The proposed public charter school's vision, including:

(a) An executive summary;

(b) The mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school hopes to serve; and

(c) Evidence of need and community support for the proposed public charter school, including information on discussions with the school administrative unit where the public charter school will be located concerning recruitment and operations of the public charter school and possible collaboration with nearby school administrative units;

(2) The proposed public charter school's governance plan, including:

(a) Background information on proposed board members and any assurances or certifications required by the authorizer;

(b) Proposed governing bylaws;

(c) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff and any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(d) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team and any other entities shown on the organization chart;

(e) Identification of the proposed founding governing board members and, if identified, the proposed school leader or leaders; and

(f) Background information on the school's leadership and management team, if identified;

(3) The proposed public charter school's plan of organization, including:

(a) The location or geographic area of the school and the proposed catchment area of the school, which may not be designed to exclude areas with high rates of poverty, English language learners, at-risk students or students with disabilities;

(b) The grades to be served each year for the full term of the charter;

(c) Minimum, planned and maximum enrollment per grade per year for the term of the charter;

(d) The school's proposed calendar and sample daily schedule;

(e) Plans and timelines for student recruitment and enrollment, including lottery procedures;

(f) Explanations of any partnerships or contractual relationships central to the school's operations or mission;

(g) The school's proposals for providing transportation, food service and other significant operational or ancillary services;

(h) A facilities plan, including backup or contingency plans if appropriate;

(i) A detailed school start-up plan, identifying tasks, timelines and responsible individuals; and

(j) A closure protocol, outlining orderly plans and timelines for transitioning students and student records as described in section 2411, subsection 8, paragraph C and for appropriately disposing of school funds, property and assets in the event of school closure;

(4) The proposed public charter school's finances, including:

(a) A description of the school's financial plan and policies, including financial controls and audit requirements;

(b) Start-up and 3-year budgets with clearly stated assumptions;

(c) Start-up and first-year cash-flow projections with clearly stated assumptions;

(d) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(e) A description of the insurance coverage the school proposes to obtain;

(5) The proposed public charter school's student policy, including:

(a) The school's plans for identifying and successfully serving students with the wide range of learning needs and styles typically found in noncharter public schools of the sending area;

(b) The school's plans for compliance with applicable laws, rules and regulations; and

(c) The school's student discipline plans and policies, including those for special education students;

(6) The proposed public charter school's academic program, including:

(a) A description of the academic program aligned with the statewide system of learning results under section 6209;

(b) A description of the school's instructional design, including the type of learning environment, such as classroom-based or independent study, class size and structure, curriculum overview, teaching methods and research basis;

(c) The school's plan for using internal and external assessments to measure and report student progress on the measures and metrics of the performance framework developed by the authorizer in accordance with section 2409; and

(d) A description of cocurricular or extracurricular programs and how they will be funded and delivered; and

(7) The proposed public charter school's staff policy, including:

(a) A staffing chart for the school's first year and a staffing plan for the term of the charter;

(b) Plans for recruiting and developing school leadership and staff;

(c) The school's leadership and teacher employment policies, including performance evaluation plans; and

(d) Opportunities and expectations for parent involvement. [2015, c. 448, §6 (AMD).]

G. With respect to the conversion of an existing noncharter public school to public charter school status, in addition to the other requirements of this subsection, the request for proposals must require applicants to demonstrate support for the proposed conversion public charter school by submitting 2 petitions, one signed by a majority of teachers in the existing noncharter public school and the other signed by a majority of parents of students in the existing noncharter public school.

If the school to be converted is the only public school option for students in the school administrative unit, the request for proposals must additionally require that the conversion be approved by voters in that school administrative unit. [2011, c. 414, §5 (NEW).]

H. With respect to a proposed public charter school that intends to contract with an education service provider for a limited scope of education or management services, in addition to the other requirements of this subsection, the request for proposals must require applicants to:

(1) Explain how and why the education service provider was selected;

(2) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(3) Provide information on the proposed duration of the service contract; roles and responsibilities; scope of services and resources to be provided by the education service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the education service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(4) Provide a draft of the proposed service contract;

(5) Explain the relationship between the governing board, the school's leadership and management team and the education service provider, specifying how the governing board and the school's leadership and management team will monitor and evaluate the performance of the education service provider, the internal controls that will guide the relationship and how the governing board and the school's leadership and management team will ensure fulfillment of performance expectations;

(6) Provide a statement of assurance that the governing board and the school's leadership and management team is legally and operationally independent from the education service provider; and

(7) Disclose and explain any existing or potential conflicts of interest between the governing board, the school's leadership and management team and the education service provider or any affiliated business entities.

Nothing in this paragraph prohibits a virtual public charter school from entering into a contract with an education service provider for education design, implementation or comprehensive management of the virtual public charter school program. [2011, c. 414, §5 (NEW).]

[2015, c. 448, §6 (AMD) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §9 (AMD). 2015, c. 448, §6 (AMD).

§2407. CHARTER APPLICATIONS

1. **Application.** An applicant for approval as a public charter school must submit an application as set out in this section. An applicant may submit an application only to an authorizer that has issued a request for proposals in accordance with section 2406. An applicant may submit a proposal for a particular public charter school to no more than one authorizer at a time. The purposes of the application are to present the proposed public charter school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans and provide the authorizer a clear basis for assessing the applicant's plans and capacities.

[2011, c. 414, §5 (NEW) .]

2. **Conversion of existing noncharter public schools.** A noncharter public school or public school program may apply to its local school board to become a conversion public charter school.

[2011, c. 414, §5 (NEW) .]

3. **Start-up schools.** An application for a start-up public charter school may be submitted by a nonprofit, nonreligious organization. If the organizers of a start-up public charter school have been affiliated with a previous school or education program, they must form a separate nonprofit organization in this State to be eligible for state and federal grants.

[2011, c. 414, §5 (NEW) .]

4. **Application review process.** In reviewing and evaluating applications, authorizers shall employ procedures, practices, criteria and standards consistent with nationally recognized principles and standards for authorizing high-quality public charter schools.

A. The application review process must include, at a minimum, substantive participation by a team of reviewers who collectively possess appropriate academic expertise and operational experience with public charter schools. [2011, c. 414, §5 (NEW).]

B. The application review process must include a thorough evaluation of each application, an in-person interview with the applicant and a public hearing. [2011, c. 414, §5 (NEW).]

C. In deciding whether to approve applications, authorizers shall:

(1) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful public charter school;

(2) Base decisions on documented evidence collected through the application review process; and

(3) Follow charter-granting policies and practices that are transparent, based on merit and avoid conflicts of interest or any appearance of a conflict of interest. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

5. **Approval; denial.** No later than 90 days after the deadline set by the authorizer for the filing of applications, an authorizer shall render a decision on each application. The authorizer shall make and announce all charter decisions in a meeting open to the public.

A. An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter contract may be executed. [2011, c. 414, §5 (NEW).]

B. If the authorizer denies an application, the authorizer shall clearly state, for public record, its reasons for denial. An applicant may subsequently reapply to that authorizer or apply to any other authorizer in the State. [2011, c. 414, §5 (NEW).]

C. Within 10 days of rendering a decision on an application, the authorizer shall report to the commissioner and the Legislature the action it has taken. The authorizer shall provide a copy of the report to the applicant at the same time that the report is submitted to the commissioner and the Legislature. [2015, c. 54, §2 (AMD).]

D. The commissioner shall register the charters approved by all chartering authorities in chronological order by date of approval. [2011, c. 414, §5 (NEW).]

E. An approved application may not serve as a school's charter contract. [2013, c. 272, §1 (AMD).]

F. A decision on an application must be conveyed in writing to the applicant. A decision may grant approval or conditional approval or reject the application and must include written reasons for the decisions. [2013, c. 272, §1 (AMD).]

[2015, c. 54, §2 (AMD) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2013, c. 272, §1 (AMD). 2015, c. 54, §2 (AMD).

§2408. CHARTER CONTRACTS

1. **Charter contracts.** When an application is approved, a charter contract must be executed in accordance with this section.

A. After approval of an application and no later than 60 days prior to the opening date of the public charter school, the authorizer and the governing board shall execute a charter contract that sets forth:

(1) Performance provisions describing the academic and operational performance expectations and measures by which the public charter school will be judged;

(2) Administrative provisions articulating the administrative relationship between the authorizer and the public charter school, including each party's rights and duties; and

(3) A description of the standards and processes under which the authorizer may pursue revocation of the charter contract. [2011, c. 570, §10 (AMD).]

B. The performance provisions set forth in a charter contract under paragraph A must include but need not be limited to applicable federal and state accountability requirements. [2011, c. 414, §5 (NEW).]

C. The performance provisions set forth in a charter contract under paragraph A may be refined or amended by mutual agreement of the parties to the charter contract after the public charter school is operating and has collected baseline achievement data for its enrolled students. [2011, c. 414, §5 (NEW).]

D. A charter contract must be signed by a designated representative of the authorizer and of the public charter school's governing board. [2011, c. 414, §5 (NEW).]

E. A public charter school may not commence operations without a charter contract executed in accordance with this section and approved in a meeting open to the public. [2011, c. 414, §5 (NEW).]

[2011, c. 570, §10 (AMD) .]

2. **Virtual public charter schools.** The charter contract of a virtual public charter school must require the governing board to:

A. Provide each student enrolled in the virtual public charter school with online courses that meet or exceed state standards and all instructional materials required for the student's participation in the school; [2011, c. 414, §5 (NEW).]

B. Ensure that the persons who operate the virtual public charter school on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school; [2011, c. 414, §5 (NEW).]

C. Ensure that a parent of each student verifies the number of hours of educational activities completed by the student each school year; and [2011, c. 414, §5 (NEW).]

D. Adopt a plan by which the governing board provides:

(1) Frequent, ongoing monitoring to ensure and verify that each student is participating in the virtual public charter school, including synchronous contact between teachers and students and between teachers and parents to ensure and verify student participation and learning;

(2) Regular instructional opportunities in real time that are directly related to the virtual public charter school's curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(3) Verification of ongoing student attendance in the virtual public charter school;

(4) Verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of student course work; and

(5) Administration to all students in a proctored setting of all applicable assessments as required by the State. [2011, c. 414, §5 (NEW).]

Nothing in this subsection prohibits a virtual public charter school from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

Only students enrolled in a virtual public charter school as full-time students may be reported in the virtual public charter school's average pupil count to the department for the purposes of receiving local, state and federal funds.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §10 (AMD).

§2409. PUBLIC CHARTER SCHOOL PERFORMANCE FRAMEWORK

1. **Performance framework.** The performance provisions of a charter contract must be based on a performance framework developed by the authorizer that sets forth the academic and operational performance indicators that will guide the authorizer's evaluations of each public charter school.

[2011, c. 414, §5 (NEW) .]

2. **Data elements.** The performance framework developed under subsection 1 must include, at a minimum, indicators for:

A. Student academic proficiency; [2011, c. 414, §5 (NEW).]

B. Student academic growth; [2011, c. 414, §5 (NEW).]

C. Achievement gaps in both proficiency and growth between major student subgroups; [2011, c. 414, §5 (NEW).]

D. Attendance; [2011, c. 414, §5 (NEW).]

E. Recurrent enrollment from year to year; [2011, c. 414, §5 (NEW).]

F. With respect to high school, postsecondary readiness; [2011, c. 414, §5 (NEW).]

G. Financial performance and sustainability; [2011, c. 414, §5 (NEW).]

H. Governing board performance and stewardship; and [2011, c. 414, §5 (NEW).]

I. Parent and community engagement. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

3. **Annual performance targets.** Annual performance targets must be set by a public charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal and state requirements and authorizer expectations.

[2011, c. 414, §5 (NEW) .]

4. **Data disaggregation.** The performance framework developed under subsection 1 must require the disaggregation of all student performance data by major student subgroups.

[2011, c. 414, §5 (NEW) .]

5. **Reports for multiple campuses.** With respect to a public charter school that contains multiple campuses operating under a single charter contract or overseen by a single governing board, the performance framework developed under subsection 1 must require the performance of each campus to be reported separately and must hold each campus independently accountable for its performance.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW).

§2410. OVERSIGHT

1. **Data collection; monitoring.** For each public charter school it oversees, the authorizer is responsible for collecting, analyzing and reporting all data from state assessments in accordance with the performance framework developed under section 2409, subsection 1. An authorizer shall monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing all data to support ongoing evaluation according to the charter contract.

[2011, c. 414, §5 (NEW) .]

2. **Notification of unsatisfactory performance or compliance.** In the event that a public charter school's performance or legal compliance appears unsatisfactory, the authorizer shall promptly provide written notice to the public charter school of perceived problems and provide reasonable opportunity for the school to remedy the problems.

[2011, c. 570, §11 (AMD) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §11 (AMD).

§2411. CHARTER TERM AND RENEWAL

1. **Initial charter term.** The term for an initial charter may not commence before July 1, 2012. An initial charter must be granted for a term of 5 operating years. The charter term commences on the public charter school's first day of operation. An approved public charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the public charter school requires an

opening delay of more than one school year, the public charter school must request an extension from its authorizer. The authorizer may grant or deny the extension depending on the particular public charter school's circumstances.

[2011, c. 414, §5 (NEW) .]

2. **Charter renewal term.** A charter may be renewed for successive terms of 5 years, although an authorizer may grant a renewal for a term not to exceed 15 years based on the performance, demonstrated capacities and particular circumstances of each public charter school. If a charter is renewed for more than 5 years, the authorizer shall still issue a public charter school performance report every 5 years as called for by subsection 3. An authorizer may grant renewal with specific conditions for necessary improvements to a public charter school.

[2011, c. 414, §5 (NEW) .]

3. **Authorizer renewal responsibilities.** No later than June 30th of a public charter school's 4th year of operation under each 5-year term of a charter contract, the authorizer shall issue a public charter school performance report. If the charter of the public charter school is expiring, the authorizer shall offer charter renewal application guidance to the school.

A. The performance report required in this subsection must summarize the public charter school's performance record to date, based on the data required by this chapter and the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the school that may jeopardize its position in seeking renewal if not timely rectified. The school must be given the opportunity to respond to the performance report and submit any corrections or clarifications for the report. [2011, c. 414, §5 (NEW).]

B. The renewal application guidance required by this subsection must include or refer explicitly to the criteria and standards that will guide the authorizer's renewal decisions, which must be based on the performance framework under section 2409 set forth in the charter contract and consistent with this chapter. The renewal application guidance must, at a minimum, require and provide an opportunity for the public charter school to:

(1) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) Describe improvements undertaken or planned for the school; and

(3) Detail the school's plans for the next charter term. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

4. **Renewal application.** No later than September 30th of a public charter school's 5th year of operation under a term of a charter contract or September 30th of a public charter school's final authorized year of operation under a term of a charter contract, the governing board of a public charter school seeking renewal shall submit a renewal application to the authorizer pursuant to any renewal application guidance offered by the authorizer under subsection 3.

[2011, c. 414, §5 (NEW) .]

5. **Renewal decision.** An authorizer shall rule by resolution on a renewal application under this section no later than 45 days after the filing of the renewal application. In making charter renewal decisions, every authorizer shall:

A. Ground its decisions in evidence of the public charter school's performance over the term of the charter in accordance with the performance framework under section 2409 set forth in the charter contract; [2011, c. 414, §5 (NEW).]

B. Ensure that data used in making renewal decisions are available to the public charter school and the public; and [2011, c. 414, §5 (NEW).]

C. Provide a public report summarizing the evidence basis for each decision. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

6. **Charter revocation and nonrenewal.** A decision by an authorizer to revoke or not to renew the charter of a public charter school must be made in accordance with this subsection.

A. A charter may be revoked at any time or not renewed if the authorizer determines that the public charter school failed to comply with the provisions of this chapter or:

(1) Committed a material violation of any of the terms, conditions, standards or procedures required under this chapter or the charter contract;

(2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(3) Failed to meet generally accepted standards of fiscal management; or

(4) Violated any provision of law from which the school was not exempted. [2011, c. 414, §5 (NEW).]

B. If an authorizer revokes or does not renew a charter, the authorizer shall clearly state, in a resolution of its governing entity, the reasons for the revocation or nonrenewal. [2011, c. 414, §5 (NEW).]

C. The authorizer shall include in the charter contract a description of the standards and processes under which the authorizer may pursue revocation of the charter contract. The processes must comply with section 2410, subsection 2 and provide an opportunity for the public charter school to be heard prior to a decision on revocation. [2011, c. 570, §12 (NEW).]

[2011, c. 570, §12 (AMD) .]

7. **Notification to commissioner and the Legislature.** Within 10 days of taking action to renew, not renew or revoke a charter under this section, the authorizer shall report to the commissioner and the Legislature the action taken and shall provide a copy of the report to the public charter school at the same time that the report is submitted to the commissioner and the Legislature. The report must include a copy of the governing entity of the authorizer's resolution setting forth the action taken and reasons for the decision.

[2015, c. 54, §3 (AMD) .]

8. **School closure and dissolution.** If a public charter school closes for any reason:

A. The authorizer shall oversee and work with the closing public charter school to ensure timely notification to parents, orderly transition of students and student records and proper disposition of school funds, property and assets in accordance with the requirements of this chapter; [2015, c. 448, §7 (AMD).]

B. The assets of the public charter school must be distributed first to satisfy outstanding payroll obligations for employees of the public charter school and then to creditors of the public charter school. Any remaining funds must be paid to the Treasurer of State to the credit of the General Fund. If the assets of the public charter school are insufficient to pay all parties to whom the public charter school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law; and [2015, c. 448, §7 (AMD).]

C. Education records for students transitioning to new schools must be transferred as required in section 6001-B. Education records for a person who for any reason, including graduation, will not be attending a public school in the State after closure of the public charter school must be transferred to the last

school administrative unit of residence on record at the public charter school for that student and must be maintained by that school administrative unit in the same manner as education records of other resident students. [2015, c. 448, §7 (NEW).]

[2015, c. 448, §7 (AMD) .]

9. **Charter transfers.** A charter contract and its oversight may not be transferred from one authorizer to another before the expiration of the charter contract term except by mutual agreement of all parties.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §12 (AMD). 2015, c. 54, §3 (AMD). 2015, c. 448, §7 (AMD).

§2412. OPERATIONS

1. **Legal status.** Notwithstanding any provision of law to the contrary, to the extent that any provision of this chapter is inconsistent with any other state or local law, rule or regulation, the provisions of this chapter govern and are controlling.

A. A public charter school is subject to all federal laws and authorities, to local law not inconsistent with this chapter and to the charter contract. [2011, c. 414, §5 (NEW).]

B. A charter contract may include one or more schools, to the extent approved by the authorizer and consistent with applicable law. Each public charter school that is part of a charter contract must be separate and distinct from any others. [2011, c. 414, §5 (NEW).]

C. A single governing board may be issued one or more charter contracts. Each public charter school operating under its own contract is a discrete legal entity, separate and distinct from any others. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

2. **Local educational agency status.** The following provisions govern the status of public charter schools as local educational agencies.

A. In the case of a public charter school authorized by a local school board:

(1) The school administrative unit in which the public charter school is located remains the local educational agency and the public charter school is a school within that local educational agency;

(2) The public charter school receives services, resources and support in the same manner as other school administrative unit noncharter public schools, except that the public charter school is treated as a local educational agency for purposes of applying for competitive federal grants; and

(3) The school administrative unit retains responsibility for special education and serves students in public charter schools in a manner consistent with local educational agency obligations under applicable federal, state and local law and the charter contract. [2011, c. 414, §5 (NEW).]

B. In the case of a public charter school authorized by the commission:

(1) The public charter school functions for all purposes as a local educational agency and is a school administrative unit independent of the school administrative unit in which the school is located. School administrative unit status does not preclude a public charter school from developing links to local school districts for services, resources and programs, by mutual agreement or by formal contract;

(2) To the extent permitted by federal, state or local laws, the public charter school is responsible for meeting the requirements of local educational agencies under applicable federal, state and local laws, including those relating to special education, receipt of funds and compliance with funding requirements; and

(3) To the extent permitted by federal, state or local laws, the public charter school has primary responsibility for special education at the school, including identification and provision of service, and is responsible for meeting the needs of enrolled students with disabilities. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

3. **Powers of public charter schools.** A public charter school has all the powers necessary for carrying out the terms of its charter contract, including the powers to:

A. Receive and disburse funds for school purposes; [2011, c. 414, §5 (NEW).]

B. Contract or cooperate with noncharter public schools for service for students with special needs, English language learner students and other specialized populations, as well as for mutually agreed administrative services; [2011, c. 414, §5 (NEW).]

C. Secure appropriate insurance and enter into contracts and leases, free from prevailing wage laws; [2011, c. 414, §5 (NEW).]

D. Contract with an education service provider for a limited scope of education services and resources related to the management and operation of the public charter school, as long as the public charter school's governing board retains authority over the oversight and management of the public charter school; [2011, c. 414, §5 (NEW).]

E. Incur debt in reasonable anticipation of the receipt of public or private funds, except that an authorizer is not responsible for any debt incurred by the public charter school; [2011, c. 414, §5 (NEW).]

F. Pledge, assign or encumber its assets to be used as collateral for loans or extensions of credit; [2011, c. 414, §5 (NEW).]

G. Solicit and accept any gifts or grants for public charter school purposes subject to applicable laws and the terms of its charter contract; [2011, c. 414, §5 (NEW).]

H. Acquire real property for use as its facility or facilities from public or private sources; and [2011, c. 414, §5 (NEW).]

I. Sue and be sued in its own name. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

4. **General requirements.** A public charter school is subject to the general requirements set out in this subsection.

A. A public charter school may not discriminate against any person on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin or on any other basis that would be unlawful if done by a noncharter public school. [2011, c. 414, §5 (NEW).]

B. A public charter school may not engage in any religious practices in its educational program, admissions or employment policies or operations. [2011, c. 414, §5 (NEW).]

C. A public charter school may not charge tuition and may only charge such fees as may be imposed by other noncharter public schools in the State. A public charter school may charge tuition to an out-of-state student admitted to the school on a space-available basis. [2011, c. 414, §5 (NEW).]

D. A public charter school must have a plan that describes how the school will provide transportation for its students who reside in the school's catchment area and what assistance, if any, it will provide to meet the transportation needs of its students who reside outside the catchment area of the school. [2011, c. 570, §13 (AMD).]

E. The powers, obligations and responsibilities set forth in a charter contract may not be delegated or assigned by either party, except as provided in section 2411, subsection 9. [2011, c. 414, §5 (NEW).]

[2011, c. 570, §13 (AMD) .]

5. **Applicability of other laws, rules and regulations.** The applicability of other laws, rules and regulations to public charter schools is as set out in this subsection.

A. Public charter schools are subject to the same civil rights and health and safety requirements applicable to other noncharter public schools in the State, except as otherwise specifically provided in this chapter. [2011, c. 414, §5 (NEW).]

B. Public charter schools are subject to the same student assessment and accountability requirements applicable to other noncharter public schools in the State, but nothing in this chapter precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures. [2011, c. 414, §5 (NEW).]

C. Governing boards are subject to and must comply with sections 1002 and 1004 in the same manner as school boards and Title 1, chapter 13. [2011, c. 570, §14 (AMD).]

D. Except as provided in this chapter and its charter contract, a public charter school is exempt from all statutes and rules applicable to a noncharter public school, a local school board or a school administrative unit. School administrative units may not interpret this paragraph as reducing their obligation to provide education for their residents. [2011, c. 414, §5 (NEW).]

E. A public charter school is exempt from the restrictions normally associated with any state-funded categorical education funding program. [2011, c. 414, §5 (NEW).]

F. Employees and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to other noncharter public schools. [2011, c. 414, §5 (NEW).]

G. Public charter schools are subject to the same federal and state laws, regulations and rules regarding special education as noncharter public schools. Notwithstanding any law or rule to the contrary, a public charter school takes over responsibility for special education for a student transferring to the public charter school on the first day of school at the public charter school unless the public charter school and the transferring school agree to an earlier date. [2011, c. 570, §15 (NEW).]

H. A public charter school student's eligibility for and the funding of the student's career and technical education programming are the same as if the student were attending school within that student's resident school administrative unit. If the public charter school is located outside the student's resident school administrative unit, the public charter school is responsible for ensuring that the student is transported to the career and technical education center or to a location from which the student will be transported to the career and technical education center by the resident school administrative unit, the career and technical education region or the career and technical education center. [2011, c. 570, §15 (NEW).]

I. Except as provided in subparagraph (2), the commissioner may grant a public charter school a waiver of one or more requirements applicable to the public charter school upon receipt of an application from the public charter school that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years. A public charter school may submit an application for a waiver to the commissioner only upon receiving prior approval from the public charter school's authorizer of the same waiver request.

(1) Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver to the public charter school.

(2) A public charter school may not apply to the commissioner for a waiver of any of the following requirements:

(a) Civil rights and health and safety requirements as described in paragraph A;

(b) Student assessment and accountability requirements as described in paragraph B;

(c) Conflict of interest and public records and proceedings requirements as described in paragraph C;

(d) Criminal history record checks and fingerprinting requirements as described in paragraph F; and

(e) Special education requirements as described in paragraph G.

(3) By February 1st of each year, the commissioner shall report the number of waivers requested and the number granted and the reason for each waiver request for the prior year to the joint standing committee of the Legislature having jurisdiction over education matters and post the report on the department's publicly accessible website. [2013, c. 216, §1 (NEW).]

J. Public charter schools are subject to the same proficiency-based diploma standards set forth in section 4722-A and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4. [2015, c. 40, §1 (NEW).]

K. A public charter school that operates a public preschool program must comply with department rules for basic school approval standards for public preschool programs in accordance with section 4271, subsection 4 and section 4502, subsection 9. [2015, c. 40, §1 (NEW).]

L. Public charter schools are subject to the educator effectiveness requirements in chapter 508 applicable to noncharter public schools in the State. [2015, c. 448, §8 (NEW).]

[2015, c. 448, §8 (AMD) .]

6. **Teachers.** This subsection governs teacher employment in a public charter school.

A. A public charter school must comply with applicable federal laws and regulations regarding the qualification of teachers and other instructional staff. [2011, c. 414, §5 (NEW).]

B. All full-time teachers in a public charter school must either hold an appropriate teaching certificate or become certified within 3 years of the date they are hired, except for those with an advanced degree, professional certification or unique expertise or experience in the curricular area in which they teach. [2011, c. 414, §5 (NEW).]

C. Teachers at a public charter school may choose to bargain collectively in accordance with this paragraph.

(1) Teachers who are employees of the public charter school have the same rights as other teachers in public education to organize and bargain collectively. Bargaining units at the public charter school must be separate from other bargaining units, such as a district bargaining unit. Staff at noncharter public schools converting to public charter schools have a right to employment benefits as stated in applicable collective bargaining agreements or they may vote to be represented in alternative ways.

(3) Teachers who are employees of the public charter school may not be required to be members of any existing collective bargaining agreement between a school administrative unit and its employees. A public charter school may not interfere with civil service laws or other applicable rules protecting the rights of employees to organize and be free from discrimination. [2011, c. 570, §16 (AMD).]

[2011, c. 570, §16 (AMD) .]

7. **External audit.**

[2011, c. 570, §17 (RP) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §§13-17 (AMD). 2013, c. 216, §1 (AMD). 2015, c. 40, §1 (AMD). 2015, c. 448, §8 (AMD).

§2412-A. AUDITS

1. **External audit.** A public charter school shall adhere to generally accepted accounting principles and shall annually engage an external auditor to do an independent audit of the public charter school's finances. The public charter school shall submit the audit to its authorizer and to the department. The audit must include the following:

A. An accounting of all revenues and expenditures; [2011, c. 570, §18 (NEW).]

B. A determination of whether proper budgetary controls are in place; [2011, c. 570, §18 (NEW).]

C. A determination of whether the annual financial data submitted to the authorizer and to the department is correct; [2011, c. 570, §18 (NEW).]

D. An audit of any federal programs in accordance with applicable federal law; and [2011, c. 570, §18 (NEW).]

E. Any other information that the commissioner requires. [2011, c. 570, §18 (NEW).]

[2011, c. 570, §18 (NEW) .]

2. **Fiscal year.** The fiscal year of an audit is from July 1st to June 30th, except that audits of federal programs must conform to federal requirements.

[2011, c. 570, §18 (NEW) .]

3. **Auditors.** Audits must be conducted by qualified certified public accountants or public accountants licensed by the Board of Accountancy.

[2011, c. 570, §18 (NEW) .]

4. **Initial report to commissioner.** On or before November 1st, a public charter school shall provide the commissioner with:

A. A written determination of whether proper budgetary controls are in place; [2011, c. 570, §18 (NEW).]

B. A written determination of whether the annual financial data submitted to the department is correct, including submission of an audited reconciliation of the annual financial data prepared and certified by the external auditor; and [2011, c. 570, §18 (NEW).]

C. A written determination as to whether the public charter school has complied with applicable provisions of the Essential Programs and Services Funding Act. [2011, c. 570, §18 (NEW).]

[2011, c. 570, §18 (NEW) .]

5. **Records.** A public charter school shall keep financial records and accounts for 7 years after the end of the fiscal year and shall make them available to the external auditor and any other person upon request.

[2011, c. 570, §18 (NEW) .]

6. **Report to commissioner.** Within 6 months after the end of an audit under subsection 1, a public charter school shall provide the commissioner with:

A. An audit report; [2011, c. 570, §18 (NEW).]

B. An accounting of all revenues and expenditures; [2011, c. 570, §18 (NEW).]

C. Written assurance that the audit has been conducted in accordance with applicable state and federal laws relating to financial and compliance audits; and [2011, c. 570, §18 (NEW).]

D. Any other information that the commissioner requires. [2011, c. 570, §18 (NEW).]

[2011, c. 570, §18 (NEW) .]

7. **Corrective action plan.** The commissioner shall review the annual audit under subsection 1 of a public charter school and determine if the public charter school should develop a corrective action plan for any audit issues specified in the annual audit. A corrective action plan must address those audit findings and management comments and recommendations that have been identified by the commissioner, and the plan must be filed within the timeline established by the commissioner. The public charter school shall provide assurances to the commissioner that the public charter school has implemented its corrective action plan within the timeline established by the commissioner. If the public charter school has not met the conditions for filing a corrective action plan or providing assurances that the public charter school has implemented the plan, the commissioner may withhold monthly subsidy payments from the public charter school in accordance with section 6801-A.

[2011, c. 570, §18 (NEW) .]

SECTION HISTORY
2011, c. 570, §18 (NEW).

§2413. FUNDING

1. **Enrollment count.** Students enrolled in and attending public charter schools must be reported to the department, for attendance and funding purposes, as provided in department rules.

[2011, c. 414, §5 (NEW) .]

2. **Revenue provisions.** State and local operating funds follow each student to the public charter school attended by the student, except that the school administrative unit of the student's residence may retain up to 1% of the per-pupil allocation described in this subsection to cover associated administrative costs.

A. For each public charter school student, the school administrative unit in which the student resides must forward the per-pupil allocation to the public charter school attended by the student as follows.

(1) The per-pupil allocation amount is the EPS per-pupil rate for the school administrative unit in which the student resides, as calculated pursuant to section 15676, based on the student’s grade level and adjusted as appropriate for economic disadvantage and limited English proficiency pursuant to section 15675, subsections 1 and 2. Debt service and capital outlays may not be included in the calculation of these per-pupil allocations. The department shall adopt rules governing how to calculate these per-pupil allocations, including those for targeted funds for assessment technology and kindergarten to grade 2 programs.

(2) For students attending public charter schools, the school administrative unit of residence shall forward the per-pupil allocations described in subparagraph (1) directly to the public charter school attended. These per-pupil allocations must be forwarded to each public charter school on a quarterly basis, as follows. For each fiscal year, allocations must be made in quarterly payments on September 1st, December 1st, March 1st and June 1st. The September and December payments must be based on the identity and number of students enrolled or anticipated to be enrolled in the

public charter school at the opening of school for that school year. The number of students may not exceed the maximum enrollment approved in the charter contract for that year unless a waiver is obtained from the authorizer. The March and June payments must be based on the identity and number of students enrolled in the public charter school on February 1st.

(3) For transportation expenses, the average per-pupil expense in each school administrative unit of residence must be calculated and an amount equal to a proportion, up to but not more than 100%, of that per-pupil allocation amount must be forwarded to the public charter school attended on the same basis as the per-pupil allocations for operating funds. The percentage of that per-pupil expense must be determined by the authorizer of the public charter school and must be based on the cost of transportation services provided by the public charter school to the student.

(4) The department shall pay to the public charter school any additional allocation assigned to the public charter school for gifted and talented students pursuant to section 15681-A, subsection 5 in the year in which the allocation is assigned.

A school administrative unit is not required to send funds to a public charter school for a student enrolled in the public charter school's preschool or prekindergarten program if the school administrative unit of the student's residence does not offer that program to its own residents. [2013, c. 272, §2 (AMD).]

B. The following provisions govern special education funding.

(1) For each enrolled special education pupil, a public charter school must receive the average additional allocation calculated by the department under section 15681-A, subsection 2 for each school administrative unit for its special education students. These allocations must be paid on the same basis as the per-pupil allocations for operating funds.

(2) The school administrative unit of residence shall pay directly to the public charter school any federal or state aid attributable to a student with a disability attending the public charter school in proportion to the level of services for the student with a disability that the public charter school provides directly or indirectly.

(3) The department shall pay to the public charter school any additional allocation assigned to the public charter school because of a high-cost in-district placement in accordance with section 15681-A, subsection 2, paragraph B in the year in which the allocation is assigned.

(4) The school administrative unit of residence shall pay to the public charter school any additional allocation assigned to the unit because of a high-cost out-of-district placement in accordance with section 15681-A, subsection 2, paragraph C in the year in which the allocation is assigned to the school administrative unit.

(5) If the public charter school in which the student is enrolled was authorized by a local school board or a collaborative of local school boards, the funds under this paragraph must be paid to the local school board that authorized the public charter school or to the designated school board of the collaborative, rather than directly to the public charter school. The local school board or boards that authorized the charter school are responsible for ensuring that special education services are provided to students in that school, pursuant to section 2412, subsection 2, paragraph A. [2011, c. 570, §19 (AMD).]

C. Except as otherwise provided in this chapter, the State shall send applicable federal funds directly to public charter schools attended by eligible students. Public charter schools with students eligible for funds under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq. must receive and use these funds in accordance with federal and state law. During the first year of operation, a public charter school must receive Title I funds on the basis of an estimated enrollment of eligible students, as agreed with its authorizer. [2011, c. 414, §5 (NEW).]

D. A public charter school may receive gifts and grants from private sources in any manner that is available to a school administrative unit. [2011, c. 414, §5 (NEW).]

E. A public charter school may not levy taxes or issue bonds secured by tax revenues. [2011, c. 414, §5 (NEW).]

F. In the event of the failure of the school administrative unit to make payments required by this section, the Treasurer of State shall deduct from any state funds that become due to the school administrative unit an amount equal to the unpaid obligation. The Treasurer of State shall pay over the amount to the public charter school upon certification by the department. The department shall adopt rules to implement the provisions of this paragraph. [2011, c. 414, §5 (NEW).]

G. Any money received by a public charter school from any source and remaining in the school's accounts at the end of any budget year remains in the school's accounts for use by the school during subsequent budget years and may not revert to the authorizer or to the State. [2011, c. 414, §5 (NEW).]

H. Nothing in this chapter may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school may accept gifts, donations or grants of any kind made to the school and expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor except that a gift, donation or grant may not be accepted if subject to a condition that is contrary to any provision of law or term of the charter contract. [2011, c. 414, §5 (NEW).]

I. [2011, c. 570, §19 (RP).]

J. The department may establish a method of transferring funds to public charter schools that is an alternative to the method provided in this subsection. [2011, c. 414, §5 (NEW).]

[2013, c. 272, §2 (AMD) .]

3. **Funding for public charter schools authorized by the commission.** Beginning with fiscal year 2015-16, this section no longer applies to public charter schools authorized by the commission.

[2015, c. 54, §4 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2011, c. 570, §19 (AMD). 2011, c. 679, §2 (AMD). 2013, c. 272, §2 (AMD). 2015, c. 54, §4 (AMD).

§2413-A. FUNDING FOR PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION

Beginning with fiscal year 2015-16, this section applies to public charter schools authorized by the commission. [2015, c. 54, §5 (NEW).]

1. **Pupil count.** Students enrolled in and attending public charter schools must be reported to the department, for attendance and funding purposes, as provided in section 15683-B, subsection 2 and department rules amended or adopted pursuant to this chapter.

[2015, c. 54, §5 (NEW) .]

2. **Revenue provisions.** State allocation funds follow each student to the public charter school attended by the student.

A. For each public charter school, the total allocation must be determined as follows.

(1) The total allocation must be calculated pursuant to section 15683-B, based on the student's grade level and adjusted as appropriate for economically disadvantaged students and limited English proficiency students pursuant to section 15675, subsections 1 and 2. Debt service and capital

outlays may not be included in the calculation of these allocations. The department shall adopt rules governing how to calculate per-pupil allocations, including those for targeted funds for assessment, technology and kindergarten to grade 2 programs.

(2) For students attending public charter schools, the payments for public charter schools must be made pursuant to section 15683-B, subsection 6.

(3) For transportation expenses, the transportation operating allocation must be the statewide per-pupil essential programs and services transportation operating allocation multiplied by pupil counts determined under section 15683-B, subsection 2, paragraph A multiplied by the percentage established by the commission for the public charter school based on the cost of transportation services provided by the public charter school to the student, but not to exceed 100%.

(4) The department shall pay to the public charter school any additional allocation assigned to the public charter school for gifted and talented students pursuant to section 15681-A, subsection 5 in the year in which the allocation is assigned. [2015, c. 54, §5 (NEW).]

B. The following provisions govern special education funding.

(1) For each enrolled special education student, a public charter school must receive the average additional allocation calculated by the department under section 15681-A, subsection 2 for its special education students. These allocations must be paid on the same basis as the per-pupil allocations for operating funds.

(2) The department shall pay directly to a public charter school any federal or state aid attributable to a student with a disability attending the public charter school in proportion to the level of services for the student with a disability that the public charter school provides directly or indirectly.

(3) The department shall pay to a public charter school any additional allocation assigned to the public charter school because of a high-cost in-district special education placement in accordance with section 15681-A, subsection 2, paragraph B in the year in which the allocation is assigned as an adjustment to the public charter school's state contribution.

(4) The department shall pay to a public charter school any additional allocation assigned to the school administrative unit because of a high-cost out-of-district special education placement in accordance with section 15681-A, subsection 2, paragraph C in the year in which the allocation is assigned. [2015, c. 54, §5 (NEW).]

C. Except as otherwise provided in this chapter, the State shall send applicable federal funds directly to public charter schools attended by eligible students. Public charter schools with students eligible for funds under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq. must receive and use these funds in accordance with federal and state law. During the first year of operation, a public charter school must receive Title I funds on the basis of an estimated enrollment of eligible students, as determined by its authorizer. [2015, c. 54, §5 (NEW).]

D. A public charter school may receive gifts and grants from private sources in any manner that is available to a school administrative unit. [2015, c. 54, §5 (NEW).]

E. A public charter school may not levy taxes or issue bonds secured by tax revenues. [2015, c. 54, §5 (NEW).]

F. Any money received by a public charter school from any source and remaining in the school's accounts at the end of any budget year remains in the school's accounts for use by the school during subsequent budget years and may not revert to the authorizer or to the State. [2015, c. 54, §5 (NEW).]

G. Nothing in this chapter may be construed to prohibit any person or organization from providing funding or other assistance for the establishment or operation of a public charter school. The governing board of a public charter school may accept gifts, donations or grants of any kind made to the school and

expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor except that a gift, donation or grant may not be accepted if subject to a condition that is contrary to any provision of law or term of the charter contract. [2015, c. 54, §5 (NEW).]

H. A public charter school may receive payment pursuant to paragraph A for students residing in the unorganized territory based on the state average EPS per-pupil rate as defined in section 15672, subsection 7-A. A special education student residing in the unorganized territory must be treated the same as a resident student from a school administrative unit for special education costs pursuant to paragraph B. The responsibility for providing a free, appropriate public education for a special education student passes to the charter school in which the student enrolls. As with other resident school administrative units in accordance with section 15681-A, subsection 2, paragraph B, the department shall pay for high-cost in-district students. [2015, c. 54, §5 (NEW).]

[2015, c. 54, §5 (NEW) .]

SECTION HISTORY
2015, c. 54, §5 (NEW).

§2414. FACILITIES

1. **Facilities; property.** A public charter school may acquire facilities and property in accordance with this subsection.

A. A public charter school has a right of first refusal to purchase or lease at or below fair market value a closed noncharter public school facility or property or unused portions of a noncharter public school facility or property located in a school administrative unit from which it draws its students if the school administrative unit decides to sell or lease the noncharter public school facility or property. The school administrative unit may not require purchase or lease payments that exceed the fair market value of the property. [2011, c. 414, §5 (NEW).]

B. A public charter school may negotiate and contract with a school administrative unit, the governing body of a state college or university or public community college or any other public or for-profit or nonprofit private entity for the use of a school building. [2011, c. 414, §5 (NEW).]

C. Library, community service, museum, performing arts, theater, cinema, church, community college, college and university facilities may provide space to public charter schools within their facilities under their preexisting zoning and land use designations. [2011, c. 414, §5 (NEW).]

D. A public charter school may purchase or lease at or below fair market value part or all of any surplus or unused state-owned facility or property located in the State. The state agency in control of the facility may not require purchase or lease payments that exceed the fair market value of the property. [2011, c. 414, §5 (NEW).]

E. The same zoning rules that apply to other noncharter public schools apply to public charter schools. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

2. **Inspection; building code.** The municipality in which a facility of a public charter school is located is the agency that has jurisdiction for the purposes of inspection of the facility and issuance of a certificate of occupancy for the facility. If the facility is located in an unorganized area of the State, the county has jurisdiction for those purposes. A facility of a public charter school is subject to the same building codes, regulations and fees that apply to other noncharter public schools.

[2011, c. 414, §5 (NEW) .]

3. **Taxes.** A facility, or portion thereof, used to house a public charter school is exempt from property taxes.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW).

§2415. MISCELLANEOUS

1. **Transfer of credits.** If a student who was previously enrolled in a public charter school enrolls in another noncharter public school in this State, the school to which the student transfers must accept credits earned by the student in courses or instructional programs at the public charter school in a uniform and consistent manner and according to the same criteria that are used to accept academic credits from other noncharter public schools.

[2011, c. 414, §5 (NEW) .]

2. **Access to extracurricular and interscholastic activities.** A public charter school is eligible for statewide interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. If a public charter school applies for and receives written approval from the superintendent of a school administrative unit or the superintendent's designee, who may withhold such approval, the public charter school is eligible for school administrative unit-sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. If a public charter school student applies for and receives written approval from the superintendent of the school administrative unit of the noncharter public school or the superintendent's designee, who may withhold such approval, the public charter school student is eligible to participate in extracurricular activities not offered by the student's public charter school at the noncharter public school within the attendance boundaries of which the student's custodial parent or legal guardian resides or the noncharter public school from which the student withdrew for the purpose of attending a public charter school. The superintendent of the school administrative unit or the superintendent's designee may withhold approval only if the public charter school the student attends provides the same extracurricular or interscholastic activity or if the noncharter public school does not have the capacity to provide the public charter school student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the superintendent of the school administrative unit or the superintendent's designee shall provide a written explanation to the public charter school student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. If a public charter school student is allowed to participate in the noncharter public school's extracurricular activities, the public charter school student is eligible for extracurricular activities at the noncharter public school subject to eligibility standards applied to full-time students of the noncharter public school. A school administrative unit or noncharter public school may not impose additional requirements on a public charter school student to participate in extracurricular activities that are not imposed on full-time students of the noncharter public school. Public charter school students must pay the same fees as other students to participate in extracurricular or cocurricular activities. For each public charter school student who participates in an extracurricular or cocurricular activity at a noncharter public school, the public charter school must pay a reasonable share of the noncharter public school's costs for the activity, as determined through negotiations between the schools involved.

[2013, c. 601, §1 (AMD) .]

3. **Retirement.** A public charter school may establish a retirement plan or plans for employees. If a public charter school chooses to set up a plan with the Maine Public Employees Retirement System, the public charter school may establish a participating local district plan with the Maine Public Employees Retirement System under Title 5, chapter 425.

[2011, c. 414, §5 (NEW) .]

SECTION HISTORY
2011, c. 414, §5 (NEW). 2013, c. 601, §1 (AMD).

Chapter 113: SHARED SERVICE AGREEMENTS

§2501. SHARED SERVICE AGREEMENTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1999, c. 683, §1 (AMD). 2009, c. 154, §1 (RP).

Chapter 113-A: REGIONAL EDUCATION COOPERATIVES

§2511. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 154, §2 (NEW).]

1. **Cooperative.** "Cooperative" means a regional education cooperative formed pursuant to this chapter.

[2009, c. 154, §2 (NEW) .]

2. **Cooperative agreement.** "Cooperative agreement" means an agreement between school administrative units that form a regional education cooperative to share the responsibility for and cost of the delivery of specified educational functions and support services in a region such as, without limitation:

A. Alternative education programs; [2009, c. 154, §2 (NEW).]

B. Special education programs or support services; [2009, c. 154, §2 (NEW).]

C. Public preschool programs or 2-year kindergartens pursuant to chapter 203; [2009, c. 154, §2 (NEW).]

D. Gifted and talented education programs pursuant to chapter 311; [2009, c. 154, §2 (NEW).]

E. Online learning and distance education programs; [2009, c. 154, §2 (NEW).]

F. Postsecondary education options pursuant to chapter 208-A; [2009, c. 154, §2 (NEW).]

G. Adult education programs pursuant to chapter 315; [2009, c. 154, §2 (NEW).]

H. Purchasing or contracting for goods or services; [2009, c. 154, §2 (NEW).]

I. Staff training or professional development; [2009, c. 154, §2 (NEW).]

J. Technology or technology support services; [2009, c. 154, §2 (NEW).]

K. Accounting, payroll and financial management; [2009, c. 154, §2 (NEW).]

L. Transportation routing and vehicle maintenance; [2009, c. 154, §2 (NEW).]

M. Food service planning and purchasing; and [2009, c. 154, §2 (NEW).]

N. Energy management and facilities maintenance. [2009, c. 154, §2 (NEW).]

[2009, c. 154, §2 (NEW) .]

3. **Cooperative board.** "Cooperative board" means the governing body with the powers and duties set forth in this chapter for a regional education cooperative.

[2009, c. 154, §2 (NEW) .]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2512. REGIONAL EDUCATION COOPERATIVES

The school boards of 2 or more school administrative units in existence as of July 1, 2009 may file an application to the commissioner for the purpose of entering a cooperative agreement to form a regional education cooperative. A cooperative is governed by a cooperative board formed and operating in accordance with this chapter. The participation of school administrative units in any of the specified educational functions or support services included in the cooperative agreement is voluntary. A cooperative board may designate school administrative unit personnel or service providers to provide the specified educational functions or support services included in the cooperative agreement. The cooperative board must include one school board member from each school administrative unit participating in the cooperative. The voting method established by the cooperative board may not include a method in which the board members cast weighted votes. The application for the cooperative must designate the lead school administrative unit for the cooperative. The superintendent of the lead school unit shall serve as a nonvoting, ex officio member of the cooperative board and shall administer the cooperative agreement and serve as fiscal agent for the cooperative board. [2009, c. 154, §2 (NEW).]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2513. APPLICATION; APPROVAL; RATIFICATION

1. **Application.** An application under section 2512 for a cooperative must be in a form and contain such information as required by the commissioner, including, but not limited to:

A. The identification of the school administrative units that are applying to form the cooperative; [2009, c. 154, §2 (NEW).]

B. The identification of the lead school administrative unit; [2009, c. 154, §2 (NEW).]

C. The specified educational functions and support services to be provided by the cooperative, including the identification of the school administrative units that will participate in each specified educational function or support service and the number of students or staff to be served in each school administrative unit that is participating in each specified educational function or support service to be carried out by the cooperative; [2009, c. 154, §2 (NEW).]

D. The duration of the cooperative agreement; [2009, c. 154, §2 (NEW).]

E. The cost estimate or operational budget for the specified educational functions or support services to be carried out; [2009, c. 154, §2 (NEW).]

F. The method of providing the specified educational functions or support services and the designation of school administrative unit personnel or service providers who will provide the specified educational functions or support services; [2009, c. 154, §2 (NEW).]

G. The method of sharing costs among the school administrative units; and [2009, c. 154, §2 (NEW).]

H. The projected cost savings for the cooperative agreement and the method for redistributing cost savings among the school administrative units. [2009, c. 154, §2 (NEW).]

[2009, c. 154, §2 (NEW) .]

2. **Approval.** If the commissioner finds that an application under section 2512 contains the information required to be submitted pursuant to subsection 1, the commissioner shall notify each school administrative unit participating in the cooperative agreement that, pending ratification as set forth in subsection 3, the cooperative is approved pursuant to this chapter. The commissioner shall keep a register of cooperatives that have been approved and ratified pursuant to this chapter.

[2009, c. 154, §2 (NEW) .]

3. **School board ratification.** If the commissioner finds that an application for a cooperative is approved pursuant to subsection 2, the cooperative must be approved by a majority of the members of the school board of each school administrative unit involved in the cooperative before the cooperative becomes effective.

[2009, c. 154, §2 (NEW) .]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2514. COOPERATIVE AGREEMENT

1. **Duration of cooperative agreement.** A cooperative agreement that has been ratified pursuant to section 2513 is valid for the fiscal year beginning July 1st following the ratification vote and ends June 30th of the calendar year that coincides with the expiration date included in the cooperative agreement.

[2009, c. 154, §2 (NEW) .]

2. **Renewal of cooperative.** A cooperative may be renewed only upon ratification by a majority of the members of each school board involved in the cooperative in accordance with this chapter.

[2009, c. 154, §2 (NEW) .]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2515. FINANCE

1. **State-local allocation.** Expenses incurred under a cooperative agreement may be reported by the participating school administrative units as per-pupil amounts not related to staffing in addition to the items listed in section 15680.

[2009, c. 154, §2 (NEW) .]

2. **Administrative costs.** Costs for carrying out a cooperative agreement must be shared in accordance with the terms of the cooperative agreement, but costs of administration of the cooperative may not exceed 10% of the total budget of the cooperative agreement.

[2009, c. 154, §2 (NEW) .]

3. **Cost savings.** School administrative units that enter into a cooperative agreement shall share any identified cost savings in accordance with the method for redistributing cost savings set forth in the cooperative agreement. For the purposes of this chapter, the cost savings achieved are those cost savings directly associated with the categories of the specified educational functions and support services carried out in a region in accordance with a cooperative agreement for the delivery of prekindergarten to grade 12 education when comparing the base year costs to the costs in the subsequent fiscal year and adjusting for inflation.

[2009, c. 154, §2 (NEW) .]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2516. EXISTING AGREEMENTS

A shared service agreement between 2 or more school administrative units established in accordance with former chapter 113 or an interlocal agreement between 2 or more school administrative units established in accordance with Title 30-A, chapter 115 may remain in effect after July 1, 2009. Notwithstanding any other provision of law to the contrary, a shared service agreement or interlocal agreement in existence on the effective date of this section may be extended or modified by the parties to the agreement. [2009, c. 154, §2 (NEW).]

SECTION HISTORY
2009, c. 154, §2 (NEW).

§2517. DEVELOPMENT OF INTERLOCAL AGREEMENTS

Nothing contained in this chapter may be construed to prevent a school administrative unit from entering an interlocal agreement in accordance with Title 30-A, chapter 115 with other school administrative units and, whenever possible, with local and county governments and State Government to achieve efficiencies and reduce costs in the delivery of specified educational functions or support services. [2009, c. 154, §2 (NEW).]

SECTION HISTORY
2009, c. 154, §2 (NEW).

Chapter 114: REGIONAL COLLABORATION

§2601. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 240, Pt. XXXX, §22 (NEW).]

1. **Administrative, instructional and noninstructional functions.** "Administrative, instructional and noninstructional functions" includes, but is not limited to, system administration, school administration, special education, transportation and buses and facilities maintenance.

[2007, c. 240, Pt. XXXX, §22 (NEW) .]

2. **Collaborative agreement.** "Collaborative agreement" means an agreement to share the responsibility for and cost of the delivery of certain administrative, instructional and noninstructional functions. "Collaborative agreements" includes, but is not limited to:

A. Shared purchasing or contract agreements; [2007, c. 240, Pt. XXXX, §22 (NEW).]

B. Agreements for shared staff or staff training, including collaborative programs and support services; [2015, c. 251, §1 (AMD).]

C. Agreements to share technology or technology support; [2007, c. 240, Pt. XXXX, §22 (NEW).]

D. Agreements to provide special education programs and support services; [2007, c. 240, Pt. XXXX, §22 (NEW).]

E. Agreements to share accounting, payroll and financial management services; [2007, c. 240, Pt. XXXX, §22 (NEW).]

F. Agreements to coordinate transportation routing and vehicle maintenance; [2007, c. 240, Pt. XXXX, §22 (NEW).]

G. Agreements to share food service planning and purchasing; and [2007, c. 240, Pt. XXXX, §22 (NEW).]

H. Agreements to coordinate energy and facilities management. [2007, c. 240, Pt. XXXX, §22 (NEW).]

[2015, c. 251, §1 (AMD) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §22 (NEW). 2015, c. 251, §1 (AMD).

§2602. DEVELOPMENT OF COLLABORATIVE AGREEMENTS

A school administrative unit may enter into collaborative agreements with other school administrative units and, whenever possible, with local and county governments and State Government or with any public institution of higher education or nonprofit corporation, to achieve efficiencies and reduce costs in the delivery of administrative, instructional and noninstructional functions. [2015, c. 251, §2 (AMD).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §22 (NEW). 2015, c. 251, §2 (AMD).

§2603. COLLABORATIVE AGREEMENTS BETWEEN PREVIOUS EDUCATION UNITS

A collaborative agreement between 2 or more previous education units may remain in effect after July 1, 2008. Notwithstanding any other provision of law to the contrary, collaborative agreements in existence on the effective date of this section may be extended or modified by the parties to the collaborative agreement. [2007, c. 240, Pt. XXXX, §22 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §22 (NEW).

Chapter 114-A: FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES

§2651. FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES

1. **Fund created.** The Fund for the Efficient Delivery of Educational Services, referred to in this chapter as "the fund" is created to assist in financing the cost of local and regional initiatives to improve educational opportunity and student achievement through more efficient delivery of educational programs and services. The fund is a dedicated, nonlapsing account within the department.

[2015, c. 251, §3 (AMD) .]

2. **Use of fund.** The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities, including such groups that have entered into a collaborative agreement pursuant to chapter 114, to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of collaborative programs and educational services; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit, municipality or county without the need for additional grants from the fund or other sources.

[2015, c. 251, §4 (AMD) .]

3. **Grant criteria.** Grants must be awarded on a competitive basis, in accordance with procedures and criteria set forth in rules adopted by the department. The rules must give priority to projects that:

A. Involve 2 or more school administrative units, municipalities, counties or a combination of these entities; [2011, c. 446, §1 (NEW).]

B. Are sufficiently developed to be implemented in a short period of time after the award of the grant; [2011, c. 446, §1 (NEW).]

B-1. Facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency in meeting educational standards; [2015, c. 251, §5 (NEW).]

C. Expand access to high-quality professional development initiatives aligned with evidence-based best practices that can be linked to improvements in student learning and expansion of opportunities for professional growth for teachers and principals pursuant to chapter 508; more fully integrate educational technology and expand access to online and digital learning opportunities; improve management and use of data to enhance instruction and increase student achievement; broaden access to opportunities for career and technical education; expand access to early college opportunities for high school students; or increase student choice; or [2015, c. 251, §6 (AMD).]

D. Implement projects that have demonstrated significant and sustainable savings in the cost of delivering educational services and improving student achievement. [2011, c. 446, §1 (NEW).]

[2015, c. 251, §§5, 6 (AMD) .]

4. **Sources of money.** The fund consists of amounts appropriated or allocated by the State and any gifts or grants made to the department for the purpose of deposit in the fund.

[2011, c. 446, §1 (NEW) .]

5. **Rules.** Rules adopted or amended by the department to implement this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 251, §7 (AMD) .]

SECTION HISTORY
2011, c. 446, §1 (NEW). 2013, c. 303, §1 (AMD). 2015, c. 251, §§3-7 (AMD).

Chapter 115: CONTRACTS FOR SCHOOL PRIVILEGES

§2701. AUTHORITY TO CONTRACT FOR SCHOOL PRIVILEGES

The legislative body of a school administrative unit other than a school administrative district, which does not maintain any of the grades from kindergarten to grade 12, may authorize its school board to contract with another school for school privileges for all or a part of its resident students in those grades for a term of 2 to 10 years. [1985, c. 797, §17 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §17 (AMD).

§2702. ACCEPTANCE OF CONTRACT STUDENTS

The legislative body of any nearby school administrative unit or the board of trustees of a nearby private school approved for tuition purposes may agree to accept contract students. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2703. CONTRACT

The governing bodies of the sending units and receiving school shall establish a contract. [1981, c. 693, §§5, 8 (NEW).]

1. **Specific provisions.** The contract:

A. Shall specify the duration of the contract from 2 to 10 years; [1985, c. 797, §18 (AMD).]

B. May include the establishment of a joint committee if the receiving school is a private school; [1981, c. 693, §§5, 8 (NEW).]

C. Shall include other provisions parties deem necessary; [1981, c. 693, §§5, 8 (NEW).]

D. Must be ratified by a majority vote of each of the governing bodies party to the contract; and [2001, c. 1, §22 (COR).]

E. Must meet any additional requirements set forth in rules established by the commissioner and must be filed with the commissioner. Contracts with private schools must be approved by the commissioner. [2001, c. 1, §23 (COR).]

[2001, c. 1, §§22, 23 (COR) .]

2. **Tuition.** Tuition shall be determined under chapter 219.

[1985, c. 797, §19 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A6,A25 (AMD). 1985, c. 797, §§18,19 (AMD). RR 2001, c. 1, §§22,23 (COR). 2001, c. 454, §§8,9 (AMD).

§2704. JOINT COMMITTEE

A joint committee if established pursuant to section 2703: [1983, c. 806, §27 (AMD).]

1. **Membership.** Shall have an equal number of school board members and board of trustee members;

[1981, c. 693, §§5, 8 (NEW) .]

2. **Powers and duties.** Shall have the following powers and duties:

A. To select and employ teachers for the private school; [1981, c. 693, §§5, 8 (NEW).]

B. To fix teachers' salaries; [1981, c. 693, §§5, 8 (NEW).]

C. To arrange the course of study; [1981, c. 693, §§5, 8 (NEW).]

D. To supervise the instruction; and [1981, c. 693, §§5, 8 (NEW).]

E. To adopt, amend and enforce rules pertaining to other educational activities of the private school; and [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Secretary ex officio.** Shall have the superintendent of the school administrative unit in which the private school is located serve as the secretary ex officio if the school administrative unit in which the private school is located is represented on the joint committee. If the school administrative unit in which the private school is located is not a member of the joint committee, the joint committee shall select a superintendent from one of its participating school administrative units as secretary ex officio.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 806, §27 (AMD).

Chapter 117: PRIVATE SCHOOLS

Subchapter 1: BASIC SCHOOL APPROVAL

§2901. REQUIREMENT FOR BASIC SCHOOL APPROVAL

A private school may operate as an approved private school for meeting the requirement of compulsory school attendance under section 5001-A if it: [2005, c. 2, §12 (COR).]

1. **Hygiene, health, safety.** Meets the standards for hygiene, health and safety established by applicable law and rule; and

[1985, c. 797, §20 (AMD) .]

2. Is either:

A. A private school approved for tuition purposes that enrolls at least 60% publicly funded students that is currently accredited by a commission on independent schools of a New England association of schools and colleges in fulfillment of its standards of accreditation and indicators and that also meets the applicable requirements of the system of learning results established in section 6209; or [2015, c. 40, §2 (AMD).]

B. Meets applicable requirements of this Title pertaining to private schools and the department's requirements for approval for attendance purposes adopted under section 2902. [1985, c. 797, §21 (AMD).]

[2015, c. 40, §2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §§20,21 (AMD). RR 2005, c. 2, §12 (COR). 2015, c. 40, §2 (AMD).

§2902. STATE REQUIREMENTS

Private schools approved for attendance purposes by the department shall: [1981, c. 693, §§5, 8 (NEW).]

1. **Immunization.** Comply with the immunization provisions under chapter 223, subchapter 2;

[2015, c. 329, Pt. A, §3 (AMD) .]

2. **Language of instruction.** Use English as the language of instruction except as specified under section 4701;

[1991, c. 824, Pt. B, §5 (AMD) .]

3. **Courses required by law.** Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, 4722-A, 4723 and 4724.

[2015, c. 40, §3 (AMD) .]

4. **Commissioner's basic curriculum.** Provide instruction in the basic curriculum established by rule by the commissioner under section 4704 and in alignment with the system of learning results established in section 6209;

[2001, c. 454, §10 (AMD) .]

5. **Certified teachers.** Employ only certified teachers;

[1981, c. 693, §§5, 8 (NEW) .]

6. **Secondary schools.** For private secondary schools:

A. Meet the requirements of a minimum school year under section 4801; [1981, c. 693, §§5, 8 (NEW).]

B. Provide a school day of sufficient length to allow for the operation of its approved education program; [1981, c. 693, §§5, 8 (NEW).]

C. Have a student-teacher ratio of not more than 30 to one; [1981, c. 693, §§5, 8 (NEW).]

D. Include not less than 2 consecutive grades from 9 to 12; and [1981, c. 693, §§5, 8 (NEW).]

E. Maintain adequate, safely protected records; [1997, c. 266, §4 (AMD).]

[1997, c. 266, §4 (AMD) .]

7. **Approval rules.** Meet the requirements applicable to the approval of private schools for attendance purposes adopted jointly by the state board and the commissioner;

[1999, c. 669, §2 (AMD) .]

8. **Release of student records.** Upon the request of a school unit, release copies of all student records for students transferring from the private school to the school unit;

[2001, c. 452, §5 (AMD) .]

9. **Medication.** Meet the requirements for administering medication under section 254, subsection 5; and

[2001, c. 452, §6 (AMD) .]

10. **Reintegration planning.** Meet the requirements for administering reintegration planning under section 254, subsection 12.

[2001, c. 452, §7 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §§22-24 (AMD). 1991, c. 824, §B5 (AMD). 1997, c. 266, §§4-6 (AMD). 1999, c. 669, §§2-4 (AMD). 2001, c. 452, §§5-7 (AMD). 2001, c. 454, §10 (AMD). 2011, c. 669, §2 (AMD). 2015, c. 40, §3 (AMD). 2015, c. 329, Pt. A, §3 (AMD).

§2903. GOVERNING BODY REQUIREMENTS

Nothing in this subchapter shall restrict the authority of the governing body of a private school to require additional subjects to be taught in their school. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2904. REMOVAL OF BASIC APPROVAL

1. **Commissioner may remove basic approval.** Notwithstanding any other provision of law, the commissioner may remove basic approval from any private school for failure to meet applicable approval requirements.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Procedural requirements.** Whenever a school fails to meet these requirements the commissioner shall:

A. Give due notice; and [1981, c. 693, §§5, 8 (NEW).]

B. Hold a hearing. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Hearing.** The hearing on removal of basic approval shall be in accordance with the applicable provisions of the Maine Administrative Procedure Act, Title 5, chapter 375 and rules of the state board adopted pursuant to section 405, subsection 3, paragraph E.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

§2905. NONRENEWAL OF BASIC APPROVAL

The decision of the commissioner on nonrenewal of basic approval of any school applying for renewal shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and rules adopted by the State Board of Education under section 405, subsection 3, paragraph E. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§2906. ACCREDITATION

Any private school which chooses the accreditation method of approval shall make available to the commissioner on a timely basis all accreditation reports on the school and shall notify the commissioner promptly upon a determination that the school is not accredited or is on probation. [1983, c. 859, Pt. A, §§ 7, 25 (NEW).]

SECTION HISTORY
1983, c. 859, §§A7,A25 (NEW).

§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; [1987, c. 250, (NEW).]

B. An established educational plan; [1987, c. 250, (NEW).]

C. A written curriculum with appropriate goals, objectives and instructional strategies; [1987, c. 250, (NEW).]

D. Specific instructional time commensurate with the educational activities planned; [1987, c. 250, (NEW).]

E. Facilities that comply with state health, safety and fire codes; [1987, c. 250, (NEW).]

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; [1989, c. 700, Pt. A, §47 (AMD).]

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; [1987, c. 250, (NEW).]

H. Established written emergency and safety procedures, including periodic fire drills whenever appropriate; [1987, c. 250, (NEW).]

I. The unique up-to-date equipment necessary to the services provided; [1987, c. 250, (NEW).]

J. A demonstrated commitment to work cooperatively with state public schools in an effort to meet the specific aspiration needs of Maine students; and [1987, c. 250, (NEW).]

K. Scholarship assistance to the State's youth. [1987, c. 250, (NEW).]

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

[1987, c. 250, (NEW); 1989, c. 700, Pt. A, §47 (AMD) .]

2. **Approval.** 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.

[1987, c. 250, (NEW) .]

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.

[1987, c. 250, (NEW) .]

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

[1987, c. 250, (NEW) .]

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.

[1987, c. 250, (NEW) .]

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

[1987, c. 250, (NEW) .]

SECTION HISTORY
1987, c. 250, (NEW). 1989, c. 700, §A47 (AMD).

Subchapter 2: APPROVAL FOR THE RECEIPT OF PUBLIC FUNDS BY PRIVATE SCHOOLS

§2951. APPROVAL FOR TUITION PURPOSES

A private school may be approved for the receipt of public funds for tuition purposes only if it: [2005, c. 153, §2 (AMD).]

1. **Basic approval.** Meets the requirements for basic school approval under subchapter I;

[1981, c. 693, §§5, 8 (NEW) .]

2. **Nonsectarian.** Is a nonsectarian school in accordance with the First Amendment of the United States Constitution;

[1981, c. 693, §§5, 8 (NEW) .]

3. **Incorporated.** Is incorporated under the laws of the State of Maine or of the United States;

[1985, c. 797, §25 (AMD) .]

4. **Reports and audits.**

[1983, c. 859, Pt. A, §§8, 25 (RP) .]

5. **Additional requirements.** Complies with the reporting and auditing requirements in sections 2952 and 2953 and the requirements adopted pursuant to section 2954;

[1997, c. 266, §7 (AMD) .]

6. **Student assessment.** Any school that enrolls 60% or more publicly funded students, as determined by the previous year's October and April average enrollment, shall participate in the statewide assessment program to measure and evaluate the academic achievements of students; and

[1997, c. 266, §8 (AMD) .]

7. **Release of student records.** Upon the request of a school unit, release copies of all student records for students transferring from the private school to the school unit.

[1997, c. 266, §9 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A8-A9,A25 (AMD). 1985, c. 797, §§25-27 (AMD). 1997, c. 266, §§7-9 (AMD). 2005, c. 153, §2 (AMD).

§2952. REPORT TO COMMISSIONER

A private school receiving state funds, either directly or indirectly, and a private school approved for tuition and attendance purposes shall annually, in accordance with time schedules established by the commissioner, report to the commissioner the information the commissioner may require. [2005, c. 153, §3 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §28 (AMD). 2005, c. 153, §3 (AMD).

§2953. AUDIT

1. **Annual audit.**

[2011, c. 171, §6 (RP) .]

2. **Special audit.** Audits by the State Auditor may be requested by 3 or more duly elected and qualified officers of the private school. This audit must be conducted at the expense of the requesting school except when the audit is determined necessary by the commissioner.

[2005, c. 153, §4 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 153, §4 (AMD). 2011, c. 171, §§5, 6 (AMD).

§2954. RULES OF COMMISSIONER

The commissioner may adopt rules regarding tuition charges, accounting, audits, contracts and other aspects of schooling privileges arranged between a private school and school administrative units. [1985, c. 797, §28 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A10,A25 (AMD). 1985, c. 797, §28 (AMD).

§2955. PENALTY FOR NONCOMPLIANCE

Private schools approved for tuition purposes that have not complied with this chapter may not receive tuition payments from any school administrative unit. [2005, c. 153, §5 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A11,A25 (AMD). 2005, c. 153, §5 (AMD).

Subchapter 3: SPECIFIC EDUCATION PROGRAMS

§3001. SCHOOLS FOR CHILDREN WITH DISABILITIES

Private schools that operate programs for children with disabilities shall conform to the applicable provisions of this chapter and chapters 301 and 303. [2005, c. 662, Pt. A, §7 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 662, §A7 (AMD).

§3002. CAREER AND TECHNICAL EDUCATION

The commissioner may contract with a private school, which is serving one or more municipalities in lieu of a public secondary school, for the conduct of career and technical education courses that meet the same standards for approval as those conducted in public secondary schools. [2011, c. 679, §3 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 397, §D3 (REV). 2011, c. 679, §3 (AMD).

Subchapter 4: PRIVATE SCHOOLS SERVING NONRESIDENTS

§3051. NON-MAINE STUDENTS

Schools which enroll only students whose parents are not residents of the State shall meet all health and safety requirements of the State applicable to private schools. [1983, c. 859, Pt. A, §§ 12, 25 (RPR).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A12,A25 (RPR).

Subchapter 5: PUBLICLY SUPPORTED PRIVATE SECONDARY SCHOOL ADVISORY COUNCIL

§3061. PUBLICLY SUPPORTED PRIVATE SECONDARY SCHOOL ADVISORY COUNCIL

(REPEALED)

SECTION HISTORY
2007, c. 342, §2 (NEW). 2011, c. 344, §21 (RP).

Chapter 119: UNORGANIZED TERRITORY

Subchapter 1: GENERAL PROVISIONS

§3201. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Unorganized territory.** "Unorganized territory" means territory not part of a municipality.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Unorganized unit.** "Unorganized unit" means an unorganized township, gore, strip, tract, surplus, point, patent, peninsula, island, deorganized town or plantation or any other distinct portion of the unorganized territory.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3202. RULES

The commissioner may adopt rules to carry out this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 2: SCHOOL PRIVILEGES

§3251. SCHOOL PRIVILEGES IN THE UNORGANIZED TERRITORIES

Subject to such reasonable rules as the commissioner may adopt, all persons who have attained the age of 5 years on October 15th and have not reached 20 years of age before the start of the school year and who reside with a parent in the unorganized territory or who are resident emancipated minors or residents at least 18 years old are eligible to attend elementary and secondary schools and to receive appropriate special education and related services without charge to themselves or their parents. Education must be provided in alignment with the system of learning results as established in section 6209 under the direction of the commissioner and must meet the general standards for elementary and secondary schooling and special education established pursuant to this Title. [2001, c. 454, §11 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §2 (AMD). 2001, c. 454, §11 (AMD).

§3252. ELEMENTARY PUPILS

1. **Elementary school privileges provided.** The commissioner may provide elementary schooling for resident children by establishing and maintaining such elementary schools as may seem advisable or by sending these children as tuition students to elementary schools elsewhere in the State.

[1985, c. 490, §3 (RPR) .]

2. **Admission by receiving school.** Tuition students sent to a public school shall be admitted by the receiving school officials upon receipt of a notice of intention from the commissioner.

[1985, c. 490, §3 (RPR) .]

3. **Benefits.** Tuition students shall be entitled to all privileges and benefits and shall be subject to the same rules as students residing in the receiving school administrative unit.

[1985, c. 490, §3 (RPR) .]

4. **Tuition.** The commissioner shall pay tuition for each tuition student in the amount approved as the receiving administrative unit's official tuition cost pursuant to section 5804 or 7302.

[2007, c. 424, §1 (AMD) .]

4-A. **Targeted funds.**

[2011, c. 678, Pt. F, §1 (RP) .]

5. **Transportation and board.** The costs of transportation or board for students under this section may be paid in full or in part by the commissioner except that the commissioner may not provide or reimburse parents for providing transportation of students over roads that have not been accepted by the county as public roads or do not meet Department of Transportation standards. Beginning with fiscal year 2009-10, the commissioner may not reimburse parents for the transportation of a student.

[2007, c. 541, Pt. C, §1 (AMD) .]

6. **Studies outside the country.** The commissioner may in his discretion make special arrangements for children in the unorganized territory to attend a public school in the adjoining territory of the Province of Quebec and may pay tuition for those students.

[1985, c. 490, §3 (RPR) .]

7. **Exception.**

[1985, c. 490, §3 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §3 (RPR). 2005, c. 12, §QQQQ1 (AMD). 2005, c. 635, §1 (AMD). 2007, c. 424, §1 (AMD). 2007, c. 541, Pt. C, §1 (AMD). 2011, c. 678, Pt. F, §1 (AMD).

§3253. SECONDARY STUDENTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §4 (RP).

§3253-A. SECONDARY STUDENTS

1. **Tuition student.** Any eligible resident student who may be judged by the commissioner to be qualified may attend as a tuition student any secondary school in the State approved for tuition purposes to which he or she may gain entrance.

[1985, c. 490, §5 (NEW) .]

2. **Benefits.** Tuition students shall be entitled to all privileges and benefits and shall be subject to the same rules as resident students of a receiving school administrative unit or other enrolled students of a receiving private school.

[1985, c. 490, §5 (NEW) .]

3. **Tuition.** Notwithstanding section 5805, subsection 2 and section 5809, the commissioner shall pay tuition for each tuition student in an amount equal to the official tuition rate approved pursuant to section 5805, subsection 1 for the receiving school for nonresident students enrolled in secondary schools or special education or career and technical education programs as long as the student maintains a satisfactory standard of deportment and scholarship. The commissioner shall pay tuition for each tuition student in an amount equal to the official tuition rate approved pursuant to section 7302 for the receiving school for nonresident students enrolled in special education programs, as long as the student maintains a satisfactory standard of deportment and scholarship.

[2007, c. 424, §2 (RPR) .]

3-A. **Targeted funds.**

[2009, c. 213, Pt. XX, §1 (RP) .]

4. **Transportation or board.** The costs of transportation or board for students under this section may be paid in full or in part by the commissioner except that the commissioner may not provide or reimburse parents for providing transportation of students over roads that have not been accepted by the county as public roads or do not meet Department of Transportation standards. Beginning with fiscal year 2009-10, the commissioner may not reimburse parents for the transportation of a student.

[2007, c. 541, Pt. C, §2 (AMD) .]

SECTION HISTORY

1985, c. 490, §5 (NEW). 1985, c. 603, §1 (AMD). 2005, c. 12, §QQQQ2 (AMD). 2005, c. 397, §D3 (REV). 2005, c. 635, §2 (AMD). 2007, c. 424, §2 (AMD). 2007, c. 541, Pt. C, §2 (AMD). 2009, c. 213, Pt. XX, §1 (AMD).

§3254. OTHER STUDENTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §6 (RP).

§3254-A. OTHER EDUCATIONAL PROGRAMS

1. **Special education programs.** The commissioner shall provide special education and related services to all children with disabilities of the unorganized territory in accordance with the provisions of chapter 303, except that the commissioner shall carry out the duties of school administrative units and superintendents as described in that chapter.

[2005, c. 662, Pt. A, §8 (AMD) .]

2. **Preschool programs.** The commissioner may establish preschool programs for handicapped children between the ages of 3 and 5 years or contract with school administrative units to provide the programs.

[1985, c. 490, §7 (NEW) .]

3. **Other programs.** The commissioner may establish evening schools, day schools, classes and educational programs for persons over 16 years of age residing in the unorganized territory and not attending school. Students in these schools or programs shall be subject to the same conditions and rules as students in other similar schools or programs established pursuant to this Title.

[1985, c. 490, §7 (NEW) .]

SECTION HISTORY
1985, c. 490, §7 (NEW). 2005, c. 662, §A8 (AMD).

§3255. CHILDREN ON GOVERNMENT RESERVATIONS

The commissioner may make special arrangements to provide elementary school privileges in cooperation with the Federal Government for children residing with a parent or legal guardian at a light station, fog warning station, lifesaving station or other place within a United States government reservation. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 2-A: COMPULSORY SCHOOL ATTENDANCE

§3271. COMPULSORY ATTENDANCE AT SCHOOL

1. **Required attendance.** Persons residing in the unorganized territory who are at least 7 and under 17 years of age shall attend a public day elementary or secondary school or an approved private school during the time it is in session.

[1985, c. 490, §8 (NEW) .]

2. **Alternative instruction.** Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal.

A. The person is enrolled in an approved special education program. [1985, c. 490, §8 (NEW).]

B. The person obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner. [2007, c. 667, §4 (AMD).]

C. [1989, c. 415, §3 (RP).]

[2007, c. 667, §4 (AMD) .]

3. **Exceptions.** Attendance at school or an alternative education program is not required of:

A. A person who has graduated from high school before the person's 17th birthday; [2007, c. 667, §5 (AMD).]

B. A person who is at least 15 years old, has completed the 9th grade and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner; and [1989, c. 415, §4 (AMD).]

C. A person who has been adjudged a truant and has been excused from attendance pursuant to procedures established by the commissioner. [2011, c. 614, §8 (AMD).]

[2011, c. 614, §8 (AMD) .]

SECTION HISTORY
1985, c. 490, §8 (NEW). 1989, c. 415, §§3,4 (AMD). 2007, c. 667, §§4, 5 (AMD). 2011, c. 614, §8 (AMD).

§3272. TRUANCY; EXCUSABLE ABSENCES

1. **Truancy.**

[2011, c. 614, §9 (RP) .]

2. **Truancy.** A person is truant if:

A. The person is required to attend school or alternative instruction and has completed grade 6 under this chapter and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or [2007, c. 304, §1 (NEW).]

B. The person is required to attend school or alternative instruction and is at least 7 years of age and has not completed grade 6 under this chapter and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year. [2011, c. 2, §17 (COR).]

[2011, c. 2, §17 (COR) .]

3. **Excusable absence.** A person's absence is excused when the absence is for the following reasons:

A. Personal illness; [1985, c. 490, §8 (NEW).]

B. An appointment with a health professional that must be made during the regular school day and the absence has prior approval; [2007, c. 304, §2 (AMD).]

C. Observance of a recognized religious holiday when the observance is required during the regular school day and the absence has prior approval; [2007, c. 304, §2 (AMD).]

D. A family emergency; or [1985, c. 490, §8 (NEW).]

E. A planned absence for a personal or educational purpose that has prior approval. [2007, c. 304, §2 (AMD).]

[2007, c. 304, §2 (AMD) .]

4. **Adult responsibility.** Any adults having a person of compulsory school age under their control shall cause the person to attend school as provided in this section.

[1985, c. 490, §8 (NEW) .]

SECTION HISTORY
1985, c. 490, §8 (NEW). 1989, c. 415, §5 (AMD). 2007, c. 304, §§1, 2 (AMD). RR 2011, c. 2, §17 (COR). 2011, c. 614, §§9, 10 (AMD).

§3273. ENFORCEMENT

1. **Civil violations.** A parent who has control of a person who is truant under section 3272, subsection 2 and who is primarily responsible for that person's truancy commits a civil violation under this chapter.

A. [1989, c. 415, §6 (RP).]

B. [1989, c. 415, §6 (RP).]

C. [1989, c. 415, §6 (RP).]

[2011, c. 614, §11 (AMD) .]

2. **Jurisdiction.** The District Court shall have jurisdiction over these violations.

[1989, c. 415, §7 (AMD) .]

3. **Process.** Service of the petition on the parent shall be in accordance with the Maine Rules of Civil Procedure.

[1989, c. 415, §8 (RPR) .]

4. **Penalties.**

[1989, c. 415, §9 (RP) .]

5. **Disposition.** The court may order injunctive relief of one or more of the following actions against any person who commits a civil violation under subsection 1:

A. Ordering the offender to comply with this chapter; [1989, c. 415, §10 (NEW).]

B. Ordering the offender to take specific action to ensure the student's attendance at school; [1989, c. 415, §10 (NEW).]

C. Enjoining the offender from engaging in specific conduct which interferes with or may interfere with the student's attendance at school; or [1989, c. 415, §10 (NEW).]

D. Ordering the offender to undergo counseling by a professional selected by the offender, with the court's approval, or by the court. The counselor shall submit a written evaluation to the court and to the offender. [1989, c. 415, §10 (NEW).]

[1989, c. 415, §10 (NEW) .]

6. **Fine.** For a civil violation under this section, the court may impose a fine not to exceed $250, all or part of which may be suspended upon the offender's compliance with a court order under this section.

[2007, c. 304, §4 (NEW) .]

SECTION HISTORY
1985, c. 490, §8 (NEW). 1985, c. 797, §§29,30 (AMD). 1989, c. 415, §§6-10 (AMD). 2007, c. 304, §§3, 4 (AMD). 2011, c. 614, §11 (AMD).

Subchapter 3: COMMISSIONER'S POWERS

§3301. GENERAL POWERS

The commissioner shall have the following general powers. [1981, c. 693, §§5, 8 (NEW).]

1. **Agents.** The commissioner may appoint agents for the unorganized territory to act as attendance officers and perform such other school duties as are delegated to them by the commissioner.

[1985, c. 490, §9 (AMD) .]

2. **Special attendance officers.** The commissioner may appoint special attendance officers for the unorganized territory.

[1985, c. 490, §9 (AMD) .]

3. **School buildings.**

[1985, c. 490, §9 (RP) .]

4. **Disposal of property.**

[1985, c. 490, §9 (RP) .]

5. **Employment of personnel.** The commissioner shall employ teachers, administrators and other personnel as necessary to provide schooling and to care for the school property in the unorganized territory.

[1985, c. 490, §9 (NEW) .]

6. **Contracting authority.** The commissioner may make all contractual arrangements deemed necessary to provide elementary, secondary, special education and career and technical education outside the unorganized territory in other schools of the State.

[1985, c. 490, §9 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

7. **Payment of board.** In each case where application for the payment of board for an eligible student is made, the commissioner shall determine if board is necessary. The commissioner shall approve all boarding arrangements prior to making payments. Payments for board shall be made for a period of not less than one school month upon receipt of a satisfactory attendance record for the student from a responsible school official.

[1985, c. 490, §9 (NEW) .]

8. **Closing school.** The commissioner may not close a school in the unorganized territory except in accordance with procedures and standards established by the department by rule. The rules must provide for a public hearing in the area served by a school prior to the date of the proposed closure of the school. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2005, c. 30, §1 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §9 (AMD). 2005, c. 30, §1 (AMD). 2005, c. 397, §D3 (REV).

§3302. GENERAL LAWS APPLICABLE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §10 (RP).

§3302-A. CARE OF SCHOOL PROPERTY

The commissioner shall have charge of all school property in the unorganized territory. [1985, c. 490, §11 (NEW).]

1. **School buildings.** The commissioner shall hold and manage the schools of the unorganized territory and provide custody and care, including all necessary repairs, changes and additions to the buildings.

[1985, c. 490, §11 (NEW) .]

2. **Books and equipment.** The commissioner shall furnish each school with the books and equipment necessary for the course of study offered in the schools and shall provide students in each school with school books and necessary apparatus without expense to them or their parents. The commissioner shall assure that all necessary school books, apparatus and supplies are seasonably distributed to each school, accurately accounted for and economically used.

[1985, c. 490, §11 (NEW) .]

3. **Ownership of school buildings.** School buildings not privately owned in the unorganized territory are declared to be the property of the State and held in trust for the unorganized territory.

[1985, c. 490, §11 (NEW) .]

4. **Use of school property.** The commissioner may rent or lease any unused school building or portion of a building for school-related purposes for any purpose which would not interfere with the school programs. The proceeds of the rentals or leases shall be paid to the Unorganized Territory Education and Services Fund established in Title 36, chapter 115.

[1985, c. 603, §2 (AMD) .]

5. **Disposal of property.** The commissioner may sell, transfer or dispose of school property, books or equipment in the unorganized territory. The proceeds of any sale, transfer or disposal shall be paid to the Unorganized Territory Education and Services Fund established in Title 36, chapter 115.

[1985, c. 603, §2 (AMD) .]

6. **Applicability of general laws relating to illegal conduct.** Sections 6804 and 6807 shall apply to the unorganized territory, except that the commissioner shall stand in place of the school administrative unit. To enforce these laws, action may be brought in the District Court or the Superior Court. All forfeitures collected as part of such enforcement actions shall be deposited to the Unorganized Territory School Fund, except that an amount not to exceed the costs of prosecution may be paid, upon court order, to the county treasury.

[1985, c. 490, §11 (NEW) .]

SECTION HISTORY
1985, c. 490, §11 (NEW). 1985, c. 603, §2 (AMD).

§3303. STUDENT CENSUS

By April 1st of each year, the commissioner shall determine the number, names and ages of all students of eligible age in the unorganized territory who have not graduated from high school. [1985, c. 490, §12 (RPR).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §12 (RPR).

§3304. TUITION STUDENTS IN UNORGANIZED UNITS

A school board may, when it seems advantageous and in the best interest of the students concerned, arrange for students who are entitled to school privileges in its school administrative unit, to attend schools maintained by the State in the unorganized territory, subject to the terms and conditions the commissioner may determine. [1981, c. 693, §§5, 8 (NEW).]

1. **Charges.**

[1997, c. 535, §1 (RP) .]

1-A. **Charges.** The per pupil tuition charge must be an amount equal to the state average expenditure per elementary pupil during the preceding year, as determined annually by the commissioner pursuant to section 5804, or the receiving school administrative unit's actual expenditure per elementary pupil for the preceding year as calculated by the commissioner, whichever is less.

[2005, c. 115, §1 (AMD) .]

2. **Income credited.** The tuition income shall be credited to the Unorganized Territory School and Capital Working Funds for the fiscal year in which it is earned.

[1985, c. 490, §13 (AMD) .]

3. **Payments.** The school board shall pay, prior to June 30th of the school year for which a schooling agreement is made any sums agreed on and shall charge these sums to the appropriations of money raised in that school administrative unit.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §13 (AMD). 1997, c. 535, §§1,2 (AMD). 2005, c. 115, §1 (AMD).

§3305. TAKING OF LAND

The following provisions apply to taking land for school purposes in the unorganized territory. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Taking.** The commissioner may designate, lay out and take a schoolhouse lot not to exceed 3 acres, after 30 days written notice to the owner, if:

A. The owner refuses to sell; [1981, c. 693, §§ 5, 8 (NEW).]

B. The commissioner determines the price is unreasonable; or [1981, c. 693, §§ 5, 8 (NEW).]

C. The owner resides outside the State and has no authorized agent or attorney in the State. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Appraisal and payment.** Prior to a taking, the commissioner shall appraise the damages and pay or tender the damages to the owner. If the owner does not reside in the State, the commissioner shall deposit the damages with the Treasurer of State for the owner's use.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Reversion to owner.** If the State does not erect a school building on the lot within 3 years from the date of taking, the lot shall revert to the owner, the owner's heirs or assigns.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Enlargement or extension of lot.** The commissioner may extend or enlarge a schoolhouse lot by purchase or otherwise, on the terms and conditions and in the manner the commissioner determines proper, or by the exercise of eminent domain or property rights. Using eminent domain, the commissioner may not take more than 25 acres for one project. In using eminent domain, the commissioner is governed by Title 35-A, chapter 65. Land taken may not be within 50 feet of a dwelling.

[1993, c. 494, §2 (AMD) .]

5. **Fencing.** When a schoolhouse lot or playground requires fencing, the commissioner shall fence it.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Appeals.** If the owner is aggrieved at the location of the lot or the damages awarded, that owner may apply to the State Tax Assessor within 3 months. The State Tax Assessor may change the location and assess the damages. If the damages are increased or the location changed, the State shall pay the damages and costs, otherwise the costs shall be paid by the applicant.

[1983, c. 806, §29 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §29 (AMD). 1993, c. 494, §2 (AMD).

Subchapter 4: FINANCING

§3351. UNORGANIZED TERRITORY SCHOOL FUND AND UNORGANIZED TERRITORY SCHOOL CONTINGENCY FUND

1. **Appropriation by the Legislature.** The Legislature shall appropriate money to the Unorganized Territory School and Capital Working Funds.

[1985, c. 490, §14 (AMD) .]

2. **Expenditures by the commissioner.** The commissioner may expend amounts necessary to carry out this chapter from the Unorganized Territory School and Capital Working Funds and for a purpose necessary for the schooling of children in the unorganized territory, including:

A. Salaries, board and traveling expenses of teachers, supervisors and other employees; [1985, c. 490, §14 (AMD).]

B. Conferences, training programs and professional improvement of teachers and other employees; [1985, c. 490, §14 (AMD).]

C. Fuel and janitor service; [1981, c. 693, §§5, 8 (NEW).]

D. Tuition, board and transportation of elementary and secondary school students; [1981, c. 693, §§5, 8 (NEW).]

E. Text and reference books, school apparatus and supplies, leases or rentals of lots or school buildings; [1981, c. 693, §§5, 8 (NEW).]

F. Minor repairs to school buildings or equipment; [1981, c. 693, §§5, 8 (NEW).]

G. Services, expenses and fees of agents, attendance officers and clerical assistants; [1981, c. 693, §§5, 8 (NEW).]

H. Office expenses and utility service; [1981, c. 693, §§5, 8 (NEW).]

I. School medical and dental services; [1981, c. 693, §§5, 8 (NEW).]

J. The erection, equipping, major repair, remodeling or alteration of schoolhouses and other requisite buildings; [1981, c. 693, §§5, 8 (NEW).]

K. The purchase of lots or buildings for school purposes or faculty housing; [1981, c. 693, §§5, 8 (NEW).]

L. The purchase, equipment and repair of school buses; and [1985, c. 490, §14 (AMD).]

M. For any other necessary capital expenses for providing schools in the unorganized territory. [1985, c. 603, §3 (AMD).]

[1985, c. 603, §3 (AMD) .]

3. **Balances.**

[1985, c. 603, §4 (RP) .]

3-A. **Balance carried forward.** The commissioner may carry forward any remaining unexpended balance in the accounts established for the purpose of the schooling of children in the unorganized territories from one fiscal year to the next fiscal year.

[1991, c. 528, Pt. I, §2 (NEW); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. I, §2 (NEW) .]

4. **Gifts and bequests.** The Treasurer of State may accept gifts, bequests and other funds from public or private agencies, subject to any conditions approved by the commissioner, to be credited to the Unorganized Territory Education and Services Fund established by Title 36, chapter 115. A gift, bequest or grant made for a particular designated project shall be credited to the Unorganized Territory Education and Services Fund.

[1985, c. 603, §5 (AMD) .]

5. **Short-term investments.**

[1985, c. 603, §6 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §14 (AMD). 1985, c. 603, §§3-6 (AMD). 1991, c. 528, §I2 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I2 (AMD).

Subchapter 5: ORGANIZATION AND DEORGANIZATION

§3401. ORGANIZATION OF UNORGANIZED UNIT

If an unorganized unit becomes organized as a municipality or plantation, it shall, within 5 years of the date of organization, pay to the Treasurer of State for each school building within its limits erected or remodeled prior to August 20, 1951, a sum to be determined by the commissioner from records kept by the commissioner of the cost of these buildings, lots and improvements. The sum shall be credited to the General Fund. A municipality or plantation dissatisfied with the sum determined by the commissioner may, after a vote taken by the municipality or plantation at a regular or special meeting called for the purpose, appeal to the Governor. The Governor's decision shall be final. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3402. DEORGANIZATION OF AN ORGANIZED UNIT

If a municipality or plantation becomes deorganized by the Legislature, all school property in that municipality shall become the property of the State and under the charge of the commissioner, as is other school property in the unorganized territory. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3403. FAILURE OF CIVIL ORGANIZATION

1. **Failure of organization.** If the civil organization of a municipality or plantation becomes defunct, through failure to hold the annual meeting, failure to fill vacancies in necessary offices or in any other manner, and until the municipality or plantation recovers its civil organization or it is deorganized by the Legislature, the commissioner shall:

A. Assume charge of all school property within its area; [1981, c. 693, §§5, 8 (NEW).]

B. Require an accounting of all municipal or plantation school funds; and [1981, c. 693, §§5, 8 (NEW).]

C. Provide schools for children between 5 and 20 years of age whose parents are residents of the municipality or plantation. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **School privileges.** The commissioner may provide school privileges under the supervision of an agent of the unorganized territory or a special agent appointed for this purpose.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Expenses.** The expense of these school privileges shall be paid from the appropriation for schools in the unorganized territory.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Recovery of expenses.** If a municipality or plantation recovers its civil organization within 2 years, the expenses paid under subsection 3, on the recommendation of the commissioner, shall be deducted by the Treasurer of State from school funds that may subsequently become payable to the municipality. The Treasurer of State shall credit these deductions to the Unorganized Territory School and Working Capital Funds.

[1985, c. 490, §15 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §15 (AMD).

Chapter 121: MAINE-NEW HAMPSHIRE INTERSTATE SCHOOL COMPACT

Article 1: GENERAL PROVISIONS

§3601. ENTERS

The State of Maine enters into the following compact with the state of New Hampshire subject to the terms and conditions stated in this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3602. STATEMENT OF POLICY

It is the purpose of this compact to increase the educational opportunities within the states of Maine and New Hampshire by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of Maine and New Hampshire may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as set forth. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3603. REQUIREMENT OF CONGRESSIONAL APPROVAL

This compact shall not become effective until approved by the United States Congress. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3604. DEFINITIONS

The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context: [1981, c. 693, §§5, 8 (NEW).]

1. **Commissioner.** "Commissioner" shall refer to the Commissioner of Education.

[1989, c. 700, Pt. A, §48 (AMD) .]

2. **Elementary school.** "Elementary school" shall mean a school which includes all grades from kindergarten or grade one through not less than grade 6 nor more than grade 8.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Interstate board.** "Interstate board" shall refer to the board serving an interstate school district.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Interstate school district.** "Interstate school district" and "interstate district" shall mean a school district composed of one or more school districts located in the State of Maine associated under this compact with one or more school districts located in the state of New Hampshire and may include either the elementary schools, the secondary schools, or both.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Joint action.** "Joint action" where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Maine board.** "Maine board" shall refer to the Maine State Board of Education.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Member school district.** "Member school district" and "member district" shall mean a school administrative unit located either in Maine or New Hampshire which is included within the boundaries of a proposed or established interstate school district.

[1981, c. 693, §§5, 8 (NEW) .]

8. **New Hampshire board.** "New Hampshire board" shall refer to the New Hampshire state board of education.

[1981, c. 693, §§5, 8 (NEW) .]

9. **Professional staff personnel.** "Professional staff personnel" and "instructional staff personnel" shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counselors, special education personnel, school nurses, therapists, teachers, and other certificated personnel.

[1981, c. 693, §§5, 8 (NEW) .]

10. **Secondary school.** "Secondary school" shall mean a school which includes all grades beginning no lower than grade 7 and no higher than grade 12.

[1981, c. 693, §§5, 8 (NEW) .]

11. **Warrant.** "Warrant" or "warning" means the same for both states.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 700, §A48 (AMD).

Article 2: PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT

§3605. CREATION OF PLANNING COMMITTEE

The Maine and New Hampshire commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least 2 voters from each of a group of 2 or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June 30th of the 3rd year following his or her appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee may be disqualified because he or she is at the same time a member of another planning board or committee created under this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly. [1983, c. 806, §30 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §30 (AMD).

§3606. OPERATING PROCEDURES OF PLANNING COMMITTEE

Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3607. DUTIES OF INTERSTATE SCHOOL DISTRICT PLANNING COMMITTEE

It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: To study the advisability of establishing an interstate school district in accordance with the standards set forth in section 3602, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods

of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3608. RECOMMENDATIONS AND PREPARATION OF ARTICLES OF AGREEMENT

An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following: [1981, c. 693, §§5, 8 (NEW).]

1. **Name.** The name of the interstate school district.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Districts.** The member districts which shall be combined to form the proposed interstate school district.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Board.** The number, composition, method of selection and terms of office of the interstate school board, provided that:

A. The interstate school board shall consist of an odd number of members, not less than 5 nor more than 15; [1981, c. 693, §§5, 8 (NEW).]

B. The terms of office shall not exceed 3 years; [1981, c. 693, §§5, 8 (NEW).]

C. Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen; [1981, c. 693, §§5, 8 (NEW).]

D. The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed nonpartisan ballot; [1981, c. 693, §§5, 8 (NEW).]

E. Subject to the foregoing, provision may be made for the election of one or more members at large. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Grades.** The grades for which the interstate school district shall be responsible.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Properties and schools.** The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Operating expenses.** The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Debts.** The indebtedness of any member district which the interstate district is to assume.

[1981, c. 693, §§5, 8 (NEW) .]

8. **Capital expenses.** The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

[1981, c. 693, §§5, 8 (NEW) .]

9. **State aid.** The manner in which state aid, available under the laws of either Maine or New Hampshire, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

[1981, c. 693, §§5, 8 (NEW) .]

10. **Amendments.** The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

[1981, c. 693, §§5, 8 (NEW) .]

11. **Operating responsibilities.** The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

[1981, c. 693, §§5, 8 (NEW) .]

12. **Other matters.** Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

A. The method of allocating the cost of transportation between the interstate district and member districts: [1981, c. 693, §§5, 8 (NEW).]

B. The nomination of individual school directors to serve until the first annual meeting of the interstate school district. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

§3609. HEARINGS

If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in Maine, and at least one public hearing thereon within the proposed interstate school district in New Hampshire. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than 15 days, not counting the date of publication and not counting the date of the hearing, before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3610. APPROVAL BY STATE BOARDS

After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in section 3611. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the section 3611. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3611. ADOPTION BY MEMBER DISTRICTS

Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within 10 days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the Superior Court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the checklist by a ballot substantially in the following form:

> "Shall the school district accept the provisions of the Maine and New Hampshire Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of ..... and ....., etc., in accordance with the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?"
>
> Yes ( ) No ( )

[1981, c. 693, §§5, 8 (NEW).]

If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district. [1981, c. 693, §§5, 8 (NEW).]

If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance. [1981, c. 693, §§5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1981, c. 693, §§5, 8 (NEW). 1981, c. 693, §§5, 8 (NEW).

§3612. RESUBMISSION

If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with section 3611. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either discharge the planning committee, or refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 3: POWERS OF INTERSTATE SCHOOL DISTRICTS

§3613. POWERS

1. **Powers.** Each interstate school district shall be a body corporate and politic, with power to:

A. Acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries; [1981, c. 693, §§ 5, 8 (NEW).]

B. Sue and be sued, subject to the limitations of liability hereinafter set forth; [1981, c. 693, §§ 5, 8 (NEW).]

C. Have a seal and alter the same at pleasure; [1981, c. 693, §§ 5, 8 (NEW).]

D. Adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the 2 states; [1981, c. 693, §§ 5, 8 (NEW).]

E. Acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools; [1981, c. 693, §§ 5, 8 (NEW).]

F. Enter into contracts and incur debts; [1981, c. 693, §§ 5, 8 (NEW).]

G. Borrow money for the purposes set forth, and to issue its bonds or notes therefor; [1981, c. 693, §§ 5, 8 (NEW).]

H. Make contracts with and accept grants and aid from the United States, the State of Maine, the State of New Hampshire, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and coorperation; [1981, c. 693, §§ 5, 8 (NEW).]

I. Employ such assistants, agents, servants and independent contractors as it shall deem necessary or desirable for its purposes; and [1981, c. 693, §§ 5, 8 (NEW).]

J. Take any other action which is necessary or appropriate in order to exercise any of the foregoing powers. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 4: DISTRICT MEETINGS

§3614. GENERAL

Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3615. ELIGIBILITY OF VOTERS

Any resident who would be eligible to vote at a meeting of a member district being held at the same time shall be eligible to vote at a meeting of the interstate district. The town clerks in each Maine member district and the supervisors of the checklist of each New Hampshire district shall respectively prepare a checklist of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3616. WARNING OF MEETINGS

A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of 10 or more voters in the district, presented to the directors or to one of them, at least 25 days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3617. POSTING AND PUBLICATION OF WARRANT

The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least 20 days, not counting the date of posting and the date of meeting, before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least 10 days, not counting the date of publication and not counting the date of the meeting, before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3618. RETURN OF WARRANT

The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him or her in the records of the interstate school district. [1983, c. 806, §31 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §31 (AMD).

§3619. ORGANIZATION MEETING

The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within 60 days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his or her designate, shall preside in the first instance, and the following business shall be transacted: [1983, c. 806, §32 (AMD).]

1. **Temporary moderator and clerk.** A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Officers.** A moderator, a clerk, a treasurer and 3 auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Date of annual meeting.** The date for the annual meeting shall be established.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Expenses.** Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys and educational or other consultants or experts.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Other business.** Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §32 (AMD).

§3620. ANNUAL MEETINGS

An annual meeting of the district shall be held between January 15th and June 1st of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Officers.** Necessary officers shall be elected.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Appropriation.** Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July 1st.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Other business.** Such other business as may properly come before the meeting.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3621. SPECIAL MEETINGS

A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by 5% or more of the voters based on the checklists as prepared for the last preceding meeting, setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 338 or RSA 197.3 which would otherwise require the approval of the New Hampshire Superior Court. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3622. CERTIFICATION OF RECORDS

The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and, where required, for filing with a secretary of state. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3623. METHOD OF VOTING AT SCHOOL DISTRICT MEETINGS

Voting at meetings of interstate school districts shall take place as follows: [1981, c. 693, §§ 5, 8 (NEW).]

1. **School directors.** A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Other votes.** Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes, the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 5: OFFICERS

§3624. OFFICERS; GENERAL

The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and 3 auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his or her duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person may be eligible to any district office unless he or she is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director. [1983, c. 806, §33 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §33 (AMD).

§3625. BOARD OF DIRECTORS

1. **How chosen.** Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as set forth. No person may be disqualified to serve as a member of an interstate board because he or she is at the same time a member of the school board of a member district.

[1983, c. 806, §34 (AMD) .]

2. **Term.** Interstate school directors shall be elected for terms in accordance with the articles of agreement.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Duties of board of directors.** The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Organization.** The clerk of the district shall warn a meeting of the board of school directors to be held within 10 days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §34 (AMD).

§3626. CHAIRMAN OF THE BOARD

The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him or her. [1983, c. 806, §35 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §35 (AMD).

§3627. VICE-CHAIRMAN OF THE BOARD OF DIRECTORS

The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He or she shall represent a member district in a state other than that represented by the chairman. He or she shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him or her by the interstate board. [1983, c. 806, §36 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §36 (AMD).

§3628. SECRETARY OF THE BOARD

The secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his or her other duties. The secretary of the interstate board, or the interstate district clerk, if so appointed, shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him or her by the board. [1983, c. 806, §37 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §37 (AMD).

§3629. MODERATOR

The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He or she may prescribe rules of procedure; but such rules may be altered by the district. He or she may administer oaths to district officers in either state. [1983, c. 806, §38 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §38 (AMD).

§3630. CLERK

The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3631. TREASURER

The treasurer shall have custody of all of the moneys belonging to the district and shall pay out the same only upon the order of the interstate board. He or she shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he or she shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He or she shall furnish to the interstate directors, statements from his or her books and submit his or her books and vouchers to them and to the district auditors for examination whenever so requested. He or she shall make all returns called for by laws relating to school districts. Before entering on his or her duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1st to the following June 30th. [1983, c. 806, §39 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §39 (AMD).

§3632. AUDITORS

At the organization meeting of the district, 3 auditors shall be chosen, one to serve for a term of one year, one to serve for a term of 2 years and one to serve for a term of 3 years. After the expiration of each original term, the successor shall be chosen for a 3-year term. At least one auditor shall be a resident of Maine, and one auditor shall be a resident of New Hampshire. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3633. SUPERINTENDENT

The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§3634. VACANCIES

Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 6: APPROPRIATION AND APPORTIONMENT

§3635. BUDGET

Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3636. APPROPRIATION

The interstate board of directors shall present the budget report at the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3637. APPORTIONMENT OF APPROPRIATION

Subject to the provisions of article VII, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time: [1981, c. 693, §§5, 8 (NEW).]

1. **Taxable property.** All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

[1981, c. 693, §§5, 8 (NEW) .]

2. **Resident membership.** All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

[1981, c. 693, §§5, 8 (NEW) .]

3. **Combined formula.** A formula based on any combination of the foregoing factors. The term "fair market value of taxable property" shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

The term "fair market value of taxable property" shall mean the equalized grand list of a Maine member district, as determined by the Maine Bureau of Revenue Services.

Such assessed valuation and grand list may be further adjusted, by elimination of certain types of taxable property from one or the other or otherwise, in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"Average daily resident membership" of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

[1981, c. 693, §§5, 8 (NEW); 1997, c. 526, §14 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1997, c. 526, §14 (AMD).

§3638. SHARE OF MAINE MEMBER DISTRICT

The interstate board shall certify the share of a Maine member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3639. SHARE OF NEW HAMPSHIRE MEMBER DISTRICT

The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 7: BORROWING

§3640. INTERSTATE DISTRICT INDEBTEDNESS

Indebtedness of an interstate district shall be a general obligation of the district and shall be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under Maine or New Hampshire law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not withdrawn. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3641. TEMPORARY BORROWING

The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate district and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose

of financing capital projects. Such temporary borrowing shall be evidence by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this section shall be payable within one year in the case of notes under clause (1) and 3 years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3642. BORROWING FOR CAPITAL PROJECTS

An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of 10% of the total fair market value of taxable property in its member districts as defined in article VI. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this section. Bonds or notes issued under this section shall mature in equal or diminishing installments of principal payable at least annually commencing no later than 2 years and ending not later than 30 years after their dates. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3643. AUTHORIZATION

An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3644. SALE OF BONDS AND NOTES

Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the 2 required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3645. PROCEEDS OF BONDS

Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3646. STATE AID PROGRAMS

As used in this section the term "initial aid" shall include Maine and New Hampshire financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Maine construction aid under Title 20, section 3457. As used in this section, the term "long-term aid" shall include Maine and New Hampshire financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Maine school building aid under Title 20, section 3457. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. [1981, c. 693, §§ 5, 8 (NEW).]

When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a Maine share and a New Hampshire share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate district bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed 50% of the amount of the New Hampshire share as determined above. Maine aid shall be available with respect to the amount of the Maine share as though it were funds voted by a Maine school district. Payments of Maine aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Maine long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Maine shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of 45% if there are 3 or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Maine long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Maine may at any time change their state school aid programs that are in existence when this

compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3647. TAX EXEMPTION

Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 8: TAKING OVER OF EXISTING PROPERTY

§3648. POWER TO ACQUIRE PROPERTY OF MEMBER DISTRICT

The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3649. VALUATION

The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways: [1981, c. 693, §§ 5, 8 (NEW).]

1. **In articles of agreement.** A valuation set forth in the articles of agreement or the amendment.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Appraisal.** By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first 2 appraisers.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3650. REIMBURSEMENT TO MEMBER DISTRICT

The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Lump sum.** By one lump sum, appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Installments.** In installments over a period of not more than 20 years, each of which is appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Agreement.** By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

[1981, c. 693, §§ 5, 8 (NEW) .]

The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 9: AMENDMENTS TO ARTICLES OF AGREEMENT

§3651. ADOPTION

Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Planning committee functions.** Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Voting.** If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of 2/3 of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **As one body.** In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Application.** No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Article 10: APPLICABILITY OF NEW HAMPSHIRE LAWS

§3652. GENERAL SCHOOL LAWS

With respect to the operation and maintenance of any school of the district located in New Hampshire, New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3653. NEW HAMPSHIRE STATE AID

A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3654. CONTINUED EXISTENCE OF NEW HAMPSHIRE MEMBER SCHOOL DISTRICT

A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3655. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE

The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or

at the last and usual place of abode of one of the directors who resides in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3656. EMPLOYMENT

Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers retirement system, the New Hampshire state employees retirement system, the New Hampshire workers' compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows: [1987, c. 769, Pt. A, §59 (AMD).]

1. **Teachers in New Hampshire member district.** A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers retirement system, even though assigned to teach in an interstate school in Maine.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Professional or instructional staff members.** Employees of interstate districts designated as professional or instructional staff members, as defined in article I, may elect to participate in the teachers retirement system of either the State of New Hampshire or the State of Maine but in no case will they participate in both retirement systems simultaneously.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Duties of superintendent.** It shall be the duty of the superintendent in an interstate district to:

A. Advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement systems; [1981, c. 693, §§5, 8 (NEW).]

B. See that each teacher or professional staff employee selects the retirement system of his or her choice at the time his or her contract is signed; [1983, c. 806, §40 (AMD).]

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his or her jurisdiction so that each may be enrolled in the retirement system of his or her preference. [1983, c. 806, §40 (AMD).]

[1983, c. 806, §40 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 806, §40 (AMD). 1987, c. 769, §A59 (AMD).

Article 11: APPLICABILITY OF MAINE LAWS

§3657. GENERAL SCHOOL LAWS

With respect to the operation and maintenance of any school of the district located in Maine, the provisions of Maine law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the superintendent shall be exercised and discharged by the interstate district superintendent. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3658. MAINE STATE AID

A Maine school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expense of the Maine member district, and as though the Maine member district pupils attending the interstate schools were attending a Maine unit. Such state aid shall be paid to the Maine member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3659. CONTINUED EXISTENCE OF MAINE SCHOOL DISTRICTS

A Maine school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Maine member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Maine member school district and held or disposed of according to law. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3660. SUIT AND SERVICE OF PROCESS IN MAINE

The courts of Maine shall have the same jurisdiction over the districts as though a Maine member district were a party instead of the interstate district. The service necessary to institute suit in Maine shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Maine, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3661. EMPLOYMENT

Each employee of an interstate district assigned to a school located in Maine shall be considered an employee of a Maine school district for the purpose of the Maine Public Employees Retirement System, the Maine workers' compensation law, and any other laws relating to the regulation of employment or the provision of benefits for employees of Maine school districts except as follows: [1987, c. 769, Pt. A, §60 (AMD); 2007, c. 58, §3 (REV).]

1. **Teachers in Maine member district.** A teacher in a Maine member district may elect to remain a member of the Maine Public Employees Retirement System, even though assigned to teach in an interstate school in New Hampshire.

[1981, c. 693, §§5, 8 (NEW); 2007, c. 58, §3 (REV) .]

2. **Professional or instructional staff members.** Employees of interstate districts designated as professional or instructional staff members, as defined in article I, may elect to participate in the Maine Public Employees Retirement System or the teachers' retirement system of the State of New Hampshire but in no case will they participate in both retirement systems simultaneously.

[1981, c. 693, §§5, 8 (NEW); 2007, c. 58, §3 (REV) .]

3. **Duties of superintendent.** It shall be the duty of the superintendent in an interstate district to:

A. Advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; [1981, c. 693, §§5, 8 (NEW).]

B. See that each teacher or professional staff employee selects the retirement system of his or her choice at the time his or her contract is signed; [1983, c. 806, §41 (AMD).]

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference. [1981, c. 693, §§5, 8 (NEW).]

[1983, c. 806, §41 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 806, §41 (AMD). 1987, c. 769, §A60 (AMD). 2007, c. 58, §3 (REV).

Article 12: MISCELLANEOUS PROVISIONS

§3662. STUDIES

Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3663. TEXTBOOKS

Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3664. TRANSPORTATION

The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3665. LOCATION OF SCHOOLHOUSES

In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Maine. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Maine, the Maine law relating to schoolhouses shall apply. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3666. FISCAL YEAR

The fiscal year of each interstate district shall begin on July 1st of each year and end on June 30th of the following year. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3667. IMMUNITY FROM TORT LIABILITY

Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have undertaken such liability under RSA 221:7 relating to workers' compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under Maine laws relating to workers' compensation or Maine laws relating to the procurement of liability insurance by a governmental agency. [1987, c. 769, Pt. A, §61 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 769, §A61 (AMD).

§3668. ADMINISTRATIVE AGREEMENT BETWEEN COMMISSIONERS OF EDUCATION

The commissioners of education of New Hampshire and Maine may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the 2 state departments of education, in which any conflicts between the 2 states in procedure, regulations, and administrative practices may be resolved. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3669. AMENDMENTS

Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3670. INCONSISTENCY OF LANGUAGE

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the 2 states. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§3671. SEPARABILITY

If any of the provisions of this compact or legislation enabling the same shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof, and to this end the provisions of this compact are declared to be severable. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Part 3: ELEMENTARY AND SECONDARY EDUCATION

Chapter 201: GENERAL PROVISIONS

§4001. FACILITIES

The following provisions shall apply to school facilities. [1981, c. 693, §§5, 8 (NEW).]

1. **Maintenance and repairs.** A school administrative unit shall repair, improve and maintain its facilities with funds from its own budget.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Erect buildings.** A school administrative unit may raise money to erect and equip school buildings.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Lease.** A school administrative unit may lease facilities and other property.

A. The term of a lease must be at least equal to the period during which similar property of the unit is used. A lease may not exceed a term of 10 years. [1999, c. 81, §2 (AMD).]

B. A lease of classroom space shall provide for its exclusive use by the unit during the period of instruction. A lease may provide for the nonexclusive use of other property, but that property may be used for housing only in emergencies. [1983, c. 485, §20 (AMD).]

C. Leased property shall be considered property of the unit in all respects. [1981, c. 693, §§5, 8 (NEW).]

D. A lease may not be eligible for the state school subsidy unless it is approved by the commissioner before it is signed. [1981, c. 693, §§5, 8 (NEW).]

[1999, c. 81, §2 (AMD) .]

3-A. **Long-term leases authorized.** Notwithstanding the provisions of subsection 3, paragraph A, the school committee of the Town of Blue Hill is authorized to lease for school purposes, for one or more terms of up to 99 years each, the existing site of the Blue Hill Consolidated School and up to 20 acres of adjacent land and any buildings located thereon, on terms and conditions as may be approved by the Blue Hill School Committee, and during the term or terms of any leases which may be entered into by the Blue Hill School Committee, the leased premises shall constitute school property for all purposes including, without limitation, school construction projects, provided that any school construction projects on the leased premises shall be subject to the requirements of chapter 609 and its successor provisions.

[1989, c. 474, (NEW) .]

4. **Financing.** School administrative units may, with approval of the legislative body, arrange financing for maintenance of plant and minor remodeling.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Capital reserve fund.** School administrative units may establish a capital reserve fund for maintenance of plant and minor remodeling.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Insurance.** School administrative units shall carry fire insurance and allied coverage in the amount of the replacement cost of any school construction project. The commissioner may adjust the amount of coverage required if insurance cannot be obtained at a reasonable cost.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Maintenance and capital improvement program.** A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities.

[2013, c. 506, §7 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §20 (AMD). 1989, c. 474, (AMD). 1997, c. 787, §§2,3 (AMD). 1999, c. 81, §§2,3 (AMD). 2013, c. 506, §7 (AMD).

§4002. SCHOOLBOOKS, APPARATUS AND APPLIANCES

The following provisions shall apply to schoolbooks, apparatus and appliances. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Free schoolbooks.** A school administrative unit shall provide its students with schoolbooks and necessary apparatus and appliances at the expense of the school administrative unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Purchased textbooks.** The parent of a student may buy required textbooks for that student's exclusive use.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Rules.** A school board may adopt rules for distributing and preserving schoolbooks, apparatus and appliances provided by the unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4003. WATER SUPPLY

If a school building of a school administrative unit is supplied by a water supply operated by the school administrative unit and which serves only the school buildings under the control of the school board, the water supply shall not be considered a public water supply under Title 22, sections 2651 and 2652. The school board shall ensure that this water supply meets standards set by the Department of Health and Human Services for private water supplies of schools. [1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 689, §B6 (REV).

§4003-A. HAZARDOUS CHEMICALS

The commissioner shall establish rules governing the purchase and storage of hazardous chemicals in schools. [2005, c. 2, Pt. D, §16 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2005, c. 2, §D16 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§4004. FENCING

Schoolhouse lots and playgrounds that require fencing shall be fenced by the municipality or school administrative unit. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4005. GIFTS

School administrative units may receive and expend gifts for educational purposes. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4006. CLOSING SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §16 (RP).

§4007. SECRET SOCIETIES PROHIBITED

Secret societies shall be prohibited as follows. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Prohibition.** Secret fraternities or societies in or associated with public schools shall be prohibited.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Enforcement.** School boards shall enforce this section.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Penalty.** School boards may expel or otherwise discipline any student for failure or refusal to comply with this section.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4008. PRIVILEGED COMMUNICATIONS

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Client" means a person who has actively sought or is in the process of seeking professional help from a school counselor or school social worker. [1989, c. 396, §1 (AMD).]

B. "School counselor" means a person who is employed as a school counselor in a school setting and who:

(1) Is certified as a school counselor by the department; or

(2) Possesses a minimum of a master's degree in an approved program in guidance and counseling. [1981, c. 693, §§5, 8 (NEW).]

C. "School social worker" means a person who is employed as a school social worker in a school setting and who:

(1) Is licensed as a social worker by the State Board of Social Worker Licensure; or

(2) Possesses a bachelor's degree and has been granted a conditional license from the State Board of Social Worker Licensure. [1989, c. 396, §2 (NEW).]

[1989, c. 396, §§1, 2 (AMD) .]

2. **Privileged communication.** A school counselor or school social worker may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with the parent, guardian or a person or agency having legal custody of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor or social worker.

[1989, c. 396, §3 (AMD) .]

3. **Exceptions.** This section shall not apply to the extent that disclosure of information is necessary:

A. To comply with Title 22, chapter 1071; and [1983, c. 781, §1 (AMD).]

B. To report to an appropriate authority or to take appropriate emergency measure when:

(1) The client's condition requires others to assume responsibility for the client; or

(2) There is clear and imminent danger to the client or others. [1983, c. 806, §42 (AMD).]

[1983, c. 806, §42 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW). 1983, c. 485, §21 (AMD). 1983, c. 781, §1 (AMD). 1983, c. 806, §42 (AMD). 1989, c. 396, §§1-3 (AMD).

§4009. CIVIL LIABILITY

The following provisions apply to civil liability. [1981, c. 693, §§5, 8 (NEW).]

1. **Reasonable force.** A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:

A. Control the disturbing behavior; or [1981, c. 693, §§5, 8 (NEW).]

B. Remove the person from the scene of the disturbance. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Exceptions.** Subsection 1 shall not apply to the intentional or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Effect on civil liability.** This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Emergency medical treatment.** Notwithstanding any other provision of any public or private and special law, any nonlicensed agent or employee of a school or school administrative unit who renders first aid, emergency treatment or rescue assistance to a student during a school program may not be held liable for injuries alleged to have been sustained by that student or for the death of that student alleged to have occurred as a result of an act or omission in rendering such aid, treatment or assistance. This subsection does not apply to injuries or death caused willfully, wantonly or recklessly or by gross negligence on the part of the agent or employee.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5, 8 (NEW).

§4010. PLEDGE OF ALLEGIANCE

A school administrative unit shall allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day in which students are required to attend. A school administrative unit may not require a student to recite the Pledge of Allegiance. [2011, c. 162, §1 (NEW).]

§4010. Employment reference immunity

(As enacted by PL 2011, c. 397, §1 is REALLOCATED TO TITLE 20-A, SECTION 4011)

SECTION HISTORY
RR 2011, c. 1, §26 (RAL). 2011, c. 162, §1 (NEW). 2011, c. 397, §1 (NEW).

§4011. EMPLOYMENT REFERENCE IMMUNITY

(REALLOCATED FROM TITLE 20-A, SECTION 4010)

An employee of a school administrative unit who discloses information about a former employee's job performance or work record to a prospective employer of the former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. "Clear and convincing evidence of lack of good faith" means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law. [2011, c. 1, §26 (RAL).]

SECTION HISTORY

RR 2011, c. 1, §26 (RAL).

§4012. UNIFORMS WORN BY MEMBERS OF MILITARY AND PUBLIC SAFETY PERSONNEL

A member of the United States Armed Forces, the Maine National Guard or a public safety agency, including but not limited to a firefighter, police officer, emergency medical technician, game warden, forest ranger and park ranger, when visiting a school in that person's official capacity may not be denied access to a publicly supported secondary school or secondary public charter school solely because that person is wearing a uniform. [2013, c. 450, §1 (NEW).]

SECTION HISTORY
2013, c. 450, §1 (NEW).

Chapter 202: CLOSING AND DISPOSITION OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL BUILDINGS

§4101. DEFINITIONS

For the purposes of this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1983, c. 422, §17 (NEW).]

1. **School board.** "School board" includes boards of directors within school administrative districts, school committees within other types of school administrative units and cooperative boards within career and technical education regions. It also includes trustees of special school districts, as defined in section 1, subsection 34.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

2. **School building.** "School building" means, but is not limited to, any real property or structure used or useful for schools and playgrounds, including facilities for physical education.

[1983, c. 422, §17 (NEW) .]

3. **School year.** "School year" is the fiscal year commencing on July 1st and ending on June 30th.

[1983, c. 422, §17 (NEW) .]

SECTION HISTORY
1983, c. 422, §17 (NEW). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

§4102. CLOSING OF A SCHOOL BUILDING

The closing of a school building by a school administrative unit may only occur under the following conditions. [1983, c. 422, §17 (AMD).]

1. **Replaced by new building.** The school building has been replaced by other school buildings as part of a school construction project that has been approved by the state board or the commissioner in accordance with chapter 609.

[1999, c. 206, §3 (AMD) .]

2. **Condemned.** The school building has been condemned and ordered closed by local or state officials for health and safety reasons.

[1983, c. 422, §17 (AMD) .]

3. **Lack of need.** The building has been deemed to be unnecessary or unprofitable to maintain by the governing body of the administrative unit. Before a building may be closed under this subsection, a report shall be filed with the commissioner. The report shall contain, at a minimum, the following:

A. Projection of the number of students in the affected area over the next 5 school years, including a projection of the educational programs which they will need; [1983, c. 422, §17 (NEW).]

B. Manner in which the continuation of the educational programs for the affected students will be provided; [1983, c. 422, §17 (NEW).]

C. Effective date on which the closing will take place; [1983, c. 422, §17 (NEW).]

D. Projection of additional transportation or other related services; [1983, c. 422, §17 (NEW).]

E. Existence of any other outstanding financial commitments, including debt service, related to the school building along with a retirement schedule of payments to meet the commitments; [1983, c. 422, §17 (NEW).]

F. Proposed disposition of the school building; [1983, c. 422, §17 (NEW).]

G. Financial impact of closing the school building; and [1983, c. 422, §17 (NEW).]

H. Statement of reasons why the school building is being closed. [1983, c. 422, §17 (NEW).]

[1983, c. 422, §17 (NEW) .]

4. **Voter approval.** Before a school board may close a school building pursuant to subsection 3, voter approval shall be obtained as follows.

A. Elementary schools in school administrative districts, regional school units and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1512 for regional school units. [2011, c. 171, §7 (AMD).]

B. Secondary schools in school administrative districts, regional school units and community school districts may be closed only if approved by the voters in accordance with the procedures set out in section 1512 for regional school units.

[2011, c. 171, §7 (AMD).]

B-1. Elementary or secondary schools in school administrative units that are not school administrative districts, regional school units or community school districts may be closed without voter approval, unless the school board is presented with a written petition, within 30 days of the board's decision to close the school, by 10% of the number of voters in the school administrative unit who voted at the last gubernatorial election, in which case a special referendum must be called pursuant to:

(1) Section 1351 for school administrative districts;

(2) Title 30-A, sections 2528 to 2532, for community school districts, except the school board shall issue a warrant specifying that the municipalities within the district place the petitioned article on the ballot, and shall prepare and furnish the required number of ballots for carrying out the election; and

(3) Title 21-A and Title 30-A, respectively, for cities and towns. [2011, c. 171, §7 (NEW).]

C. The article to be used shall be substantially in the following form:

"Article: Shall the school committee of ..... (name of town) (the board of directors of School Administrative District No. .....) be authorized to close ..... (name of school)?

Yes..... No.....

The additional cost of keeping the school open has been estimated by the school committee (board of directors) to be $ ..... ." [1983, c. 422, §17 (NEW).]

[2011, c. 171, §7 (AMD) .]

SECTION HISTORY
1983, c. 422, §17 (NEW). 1985, c. 161, §2 (AMD). 1987, c. 737, §§C53,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1999, c. 206, §3 (AMD). 2007, c. 240, Pt. XXXX, §23 (AMD). 2007, c. 539, Pt. C, §1 (AMD). 2007, c. 539, Pt. C, §23 (AFF). 2007, c. 599, §1 (AMD). 2007, c. 599, §3 (AFF). 2011, c. 171, §§7, 8 (AMD).

§4103. DISPOSAL OR OTHER USE OF REAL PROPERTY CLOSED FOR SCHOOL PURPOSES

The following shall control the disposition or other use of school buildings which have been closed pursuant to section 4102. [1983, c. 422, §17 (NEW).]

1. **Control.** The school building shall remain under the control of the school board.

[1983, c. 422, §17 (NEW) .]

2. **Lease, use of proceeds.** The school board may lease the building for its fair rental value if there is a reasonable likelihood that the building will be needed again for educational purposes.

A. Leases not to exceed 4 years may be entered and may be renewed at the end of any lease period if the school board determines there is still a reasonable likelihood that the building will be needed again for educational purposes. [1983, c. 422, §17 (NEW).]

B. The proceeds from the lease shall be used in the following order:

(1) To cover the maintenance costs on the building;

(2) To reduce any outstanding indebtedness on the building; and

(3) To meet educational expenses which have been approved by the legislative body of the administrative unit in the ordinary budgetary process. [1983, c. 422, §17 (NEW).]

C. Any renovations to a leased building shall be compatible with its reuse as a school building. [1983, c. 422, §17 (NEW).]

[1983, c. 422, §17 (NEW) .]

3. **Transfer to municipality.** The school board may transfer control or ownership of the building which does not have any anticipated use as a school building to the municipal officers or inhabitants of the town or towns.

A. The receiving town or towns, if they accept the transfer, shall be liable for any outstanding indebtedness. [1983, c. 422, §17 (NEW).]

B. If the receiving town or towns are part of a school administrative district or a community school district, then:

(1) If the building had been transferred by the town or towns to the district, the district may require the town or towns to pay the district any debt service expended on the building by the district over the 5 school years prior to the transfer of the building to the town or towns, minus their apportionment of that debt service; or

(2) If the building had been constructed by the district, the district may require the receiving town or towns to pay the district a sum equal to the fair market value of the building, minus the town or town's apportioned share in the building, to be determined in accordance with the cost-sharing formula in effect at the time of the transfer. [1983, c. 422, §17 (NEW).]

C. Notwithstanding any other provision of law, the receiving town or towns may use the building for municipal purposes. [2001, c. 586, §1 (NEW).]

[2001, c. 586, §1 (AMD) .]

4. **Sale of school building.** The school board of the school administrative unit may sell the school building on the open market if it determines that it will have no future use for the building and they have offered to transfer control or ownership to the municipal officers of the town or towns in which the building is located and the municipal officers have not accepted the transfer of control or ownership to the municipal officers or the inhabitants of the town or towns. If the school board is unable to sell the school building on the open market after a reasonable period of time, not to exceed 2 years, then it may attempt to sell the building through sealed bids.

A. Sealed bids shall be solicited a minimum of 60 days prior to being opened. Appropriate notices shall be published in local news media. [1983, c. 422, §17 (NEW).]

B. The proceeds from the sale of the building shall be disbursed in accordance with section 4104. [1983, c. 422, §17 (NEW).]

C. The school board of a school administrative unit may convey title to any and all school buildings, regardless of whether they are held in the names of the inhabitants of a municipality, a school administrative district, a community school district, a career and technical education region or a union school. [1991, c. 2, §58 (COR); 2003, c. 545, §5 (REV).]

[1991, c. 2, §58 (COR); 2003, c. 545, §5 (REV) .]

5. **Demolition of building.** If the school committee or board of directors determines that it has no future use for a building, if it determines the property could be better used for other educationally related purposes without the building and if the legislative body of the unit approves, the school committee or board of directors may demolish the building on the site and retain the site. The school board may also demolish the building if it has been condemned by local or state officials for health and safety reasons, regardless of whether the site will be retained or sold.

[1983, c. 422, §17 (NEW) .]

SECTION HISTORY
1983, c. 422, §17 (NEW). RR 1991, c. 2, §58 (COR). 2001, c. 586, §1 (AMD). 2003, c. 545, §5 (REV).

§4104. PROCEEDS FROM SALE OF SCHOOL BUILDING

The proceeds from the sale of school buildings, which were not transferred pursuant to section 4103, subsection 3, shall be utilized in the following manner. [1983, c. 422, §17 (NEW).]

1. **General.** If the school building was built by the administrative unit, then the proceeds shall be used solely for educational purposes as approved by the unit's legislative body in the normal budgetary approval process.

[1983, c. 422, §17 (NEW) .]

2. **School administrative district and community school district.** If the building was transferred by a member town to a school administrative district or a community school district, the proceeds of the sale, minus any expenses related to the sale or any outstanding indebtedness, shall be credited to the town in which the facility is located and shall be used to offset the town's share of the educational expenses for the district. If the school administrative district or the community school district has made major renovations or additions which meet the definition of a school construction project, as set forth in section 15901, subsection 4, the town shall be credited with only those proceeds of the sale which are attributable to the appraised value of the original school building at the time of the sale.

[1983, c. 422, §17 (NEW) .]

3. **Outstanding indebtedness.** If a building has outstanding indebtedness, then the proceeds of its sale shall be used to retire the unit's debt service on the building and the balance of the proceeds shall be placed in a sinking fund to reduce future debt service payments. Any balance of the proceeds after the debt has been retired may be used in accordance with the conditions set forth in subsections 1 and 2.

[1983, c. 422, §17 (NEW) .]

4. **Part of school construction project.** If the school building has been replaced by a new building as part of a school construction project, the proceeds from the sale or lease of the building shall be used to retire the debt service on the new building, unless the property has been transferred pursuant to subsection 2.

[1983, c. 422, §17 (NEW) .]

SECTION HISTORY
1983, c. 422, §17 (NEW).

Chapter 203: ELEMENTARY SCHOOLS

Subchapter 1: APPROVAL AND ACCREDITATION

§4201. APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A13,A25 (RP). 1985, c. 142, §1 (AMD).

§4202. REMOVAL OF BASIC APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A13,A25 (RP). 1985, c. 142, §1 (AMD).

§4203. NONRENEWAL OF BASIC APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A13,A25 (RP). 1985, c. 142, §1 (AMD).

§4204. ACCREDITATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §43 (AMD). 1983, c. 859, §§A14,A25 (RP). 1983, c. 862, §53 (AMD). 1985, c. 142, §1 (AMD). 1985, c. 506, §§A30,31 (RP).

§4205. PRIVATE SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A15,A25 (RP). 1985, c. 142, §1 (AMD).

Subchapter 2: EARLY CHILDHOOD EDUCATIONAL PLANS FOR CHILDREN IN PRESCHOOL TO GRADE 2

§4251. INTENT

The intent of this subchapter is to encourage school administrative units to place an increased emphasis on instruction and curriculum for all children beginning at 4 years of age in public preschool programs to grade 2. This subchapter is not intended as a method of financing existing efforts but as a way of encouraging the development of new or expanded programs. [2015, c. 267, Pt. C, §1 (AMD).]

SECTION HISTORY
1983, c. 576, §1 (NEW). 1989, c. 548, §2 (AMD). 2015, c. 267, Pt. C, §1 (AMD).

§4252. PROGRAM

The initiatives local units may elect to develop may include, but not be limited to, one or more of the following: [1983, c. 576, §1 (NEW).]

1. **Class size.** Reduce the class size in all classrooms;

[2015, c. 267, Pt. C, §2 (AMD) .]

2. **Teacher training.** Provide training programs for teachers in screening, educational diagnosis, program prescription or program development;

[1983, c. 576, §1 (NEW) .]

3. **Screening.** Establish or expand preschool or early childhood screening programs and the development of individualized educational prescription based on the findings of the screening;

[1983, c. 576, §1 (NEW) .]

4. **Programs for children 4 years of age and 5 years of age.** Encourage the development of public preschool programs or 2-year kindergartens in conformity with section 5201, subsection 2, paragraph C and other appropriate programs to address the needs of children 4 years of age and 5 years of age;

[2007, c. 141, §3 (AMD) .]

5. **Multigrade classrooms.** Establish classroom units of more than one grade level;

[1989, c. 548, §4 (AMD) .]

6. **Learning environment.** Develop a learning environment which would encourage each student to learn and progress at that student's own functional level;

[1989, c. 548, §4 (AMD) .]

7. **Transition.** Facilitate the transition of children from preschool programs to public school programs;

[2015, c. 183, §1 (AMD) .]

8. **Family outreach.** Provide family outreach and support programs designed to improve parent-school relations and parenting skills; and

[2015, c. 183, §1 (AMD) .]

9. **Early childhood statewide assessments.** The use of early childhood statewide assessment tools pursuant to chapter 222 to inform instruction and to communicate effectively with parents. An early childhood statewide assessment must avoid inappropriate use of assessment information; specifically, the assessment may not result in labeling children, restricting kindergarten entry or predicting children's future academic and life success.

[2015, c. 183, §2 (NEW) .]

SECTION HISTORY
1983, c. 576, §1 (NEW). 1989, c. 548, §§3-5 (AMD). 2007, c. 141, §3 (AMD). 2015, c. 183, §§1, 2 (AMD). 2015, c. 267, Pt. C, §2 (AMD).

§4253. LOCAL EARLY CHILDHOOD PROGRAMS

(REPEALED)

SECTION HISTORY
1983, c. 576, §1 (NEW). 1989, c. 548, §6 (AMD). 1997, c. 534, §1 (AMD). 2007, c. 141, §4 (RP).

§4253-A. MODEL PROGRAM GRANTS

(REPEALED)

SECTION HISTORY
1989, c. 548, §7 (NEW). 1997, c. 534, §2 (RP).

§4254. FUNDING

1. **Allowable costs.** Allowable costs are the cost of implementing approved plans; these costs may be added to the school unit's subsidizable costs under chapter 606-B.

[2005, c. 2, Pt. D, §17 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **First and 2nd years.**

[1997, c. 534, §3 (RP) .]

3. **Third and subsequent years.**

[1997, c. 534, §3 (RP) .]

SECTION HISTORY
1983, c. 576, §1 (NEW). 1989, c. 548, §8 (AMD). 1997, c. 534, §3 (AMD). 2005, c. 2, §D17 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§4255. COORDINATED EARLY CHILDHOOD PROGRAMS FOR CHILDREN 4 YEARS OF AGE

(REPEALED)

SECTION HISTORY
2005, c. 368, §1 (NEW). 2007, c. 141, §5 (RP).

Subchapter 3: PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§4271. START-UP FUNDING FOR PUBLIC PRESCHOOL PROGRAMS

1. **Start-up funding.** To the extent the State provides adequate start-up funding, school administrative units may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. For the purposes of this subchapter, "start-up funding" means a one-time, start-up grant awarded to a qualified school administrative unit that submits an implementation plan that is approved by the department for the operation of a new or expanded public preschool program.

[2013, c. 581, §3 (NEW) .]

2. **Allowable costs.** Beginning with the 2015-2016 school year and for each subsequent school year, the State may provide start-up funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter.

[2013, c. 581, §3 (NEW) .]

3. **Grant funds.** Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner may provide start-up funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose and must include $4,000,000 annually in revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino

table games pursuant to section 15671, subsection 5-A. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this subchapter.

[2013, c. 581, §3 (NEW) .]

4. **Qualifications; rules.** To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program. The qualifications established for implementation plans must contain standards and best practices for public preschool programs and must encourage a school administrative unit to demonstrate coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 4 years of age in accordance with this subchapter and rules adopted by the commissioner. In awarding grants under this section, the commissioner shall give priority to a qualified school administrative unit that has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following order of preference:

A. The first preference must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and [2013, c. 581, §3 (NEW).]

B. The 2nd preference must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program. [2013, c. 581, §3 (NEW).]

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of start-up funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2013, c. 581, §3 (NEW) .]

5. **Application for federal public preschool funds.** The department may apply for assistance from the Federal Government for the development of public preschool programs for children 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide any federal funds received to qualified school administrative units as part of the start-up funding provided for the development and operation of public preschool programs under this section. If federal funds are used as part of the start-up funds to operate new or expanded public preschool programs, the students enrolled in these programs must be considered subsidizable pupils for purposes of state subsidy calculations pursuant to chapter 606-B.

[2013, c. 581, §3 (NEW) .]

SECTION HISTORY
2013, c. 581, §3 (NEW).

Chapter 205: SECONDARY SCHOOLS

Subchapter 1: APPROVAL AND ACCREDITATION

§4401. APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A16,A25 (RP). 1985, c. 142, §1 (AMD).

§4402. REMOVAL OF BASIC APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §44 (AMD). 1983, c. 859, §§A17,A25 (RP). 1985, c. 142, §1 (AMD).

§4403. NONRENEWAL OF BASIC APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A18,A25 (RP). 1985, c. 142, §1 (AMD).

§4404. ACCREDITATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A18,A25 (RP). 1985, c. 142, §1 (AMD).

§4405. PRIVATE SCHOOLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A18,A25 (RP). 1985, c. 142, §1 (AMD).

§4406. JUNIOR HIGH SCHOOL DEFINED

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §45 (AMD). 1983, c. 859, §§A19,A25 (RP). 1983, c. 862, §54 (AMD). 1985, c. 142, §1 (AMD). 1985, c. 506, §§A32,33 (RP).

Chapter 206: ELEMENTARY AND SECONDARY SCHOOLS

Subchapter 1: BASIC SCHOOL APPROVAL

§4501. DUTY OF SCHOOL UNITS

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. To the extent the State provides adequate start-up funding, a school administrative unit may offer

an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2018-2019 school year. [2013, c. 581, §4 (AMD).]

1. **Assessment.** The commissioner shall adopt rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten, which may be used by school administrative units in addition to other quality assessments school administrative units determine to be necessary beginning with the 2016-2017 school year. The uniform common statewide assessment must be designed to measure student comprehension of academic content and mastery of related skills and cover such areas as physical health and motor development; social and emotional development; learning styles; language and literacy; and general cognition. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2013, c. 581, §4 (NEW) .]

2. **Grant funds.** Beginning with the 2015-2016 school year, in accordance with this section, the department, if funds are available, shall award grants pursuant to section 4271 to each qualified school administrative unit equal to the school administrative unit's allowable costs to implement the approved plan to develop and operate a new or expanded public preschool program. Grant funds must be used to fund the allowable costs of the implementation plan not otherwise subsidized by the State.

[2013, c. 581, §4 (NEW) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 1985, c. 797, §31 (AMD). 2007, c. 141, §6 (AMD). 2013, c. 581, §4 (AMD).

§4502. SCHOOL APPROVAL REQUIREMENTS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. **General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. Each school administrative unit shall prepare and implement a comprehensive education plan that is aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. The comprehensive education plan must include a plan for transitioning to proficiency-based graduation in accordance with section 4722-A. This plan must also address all other plans required by the department.

[2011, c. 669, §3 (AMD) .]

2. **Curriculum requirements.** Schools must meet all curriculum requirements established in chapter 207-A. Schools that offer public preschool programs shall demonstrate curriculum practice for those programs that implements the Maine early childhood learning guidelines and is appropriate for the age and development level of the children.

[2009, c. 313, §1 (AMD) .]

3. **School year.** Schools shall comply with section 4801.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

4. **Staff qualifications.** School boards shall employ only teachers and other educational personnel who are properly certified in accordance with certification rules adopted pursuant to chapter 502 and other professional personnel who hold appropriate professional licenses issued by the State.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

4-A. **Affirmative action plan.** Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13 and plans for in-service training programs on gender equity for teachers, administrators and school boards. The unit shall submit any update of the plan annually to the commissioner.

[2013, c. 506, §8 (AMD) .]

4-B. **Economic discrimination.** A school board may consider the economic conditions within its geographical area of jurisdiction in assigning pupils to schools within a school administrative unit or a centralized education program but may not make assignments solely on the basis of economic condition.

[1993, c. 644, §1 (NEW) .]

5. **Other requirements.** The state board and the commissioner shall jointly adopt basic school approval rules governing school administrative units and elementary and secondary schools. These rules must set minimum requirements in the following areas, incorporating such requirements as are established by statute:

A. Instructional time, including a minimum school day and week; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

B. Staffing, including student-teacher ratios that permit maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12; [2009, c. 313, §2 (AMD).]

C. Physical facilities, incorporating the school construction rules of the state board; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

D. Requirements for equipment and libraries; [2009, c. 313, §2 (AMD).]

E. Minimum school size, but including recognition of geographically isolated schools; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

F. Grade and program organization; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

G. Assessment and evaluation of student performance; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

H. Student personnel services, including guidance and counseling and, notwithstanding any rules adopted by the department, comprehensive guidance plans to be approved by the commissioner; [2009, c. 313, §2 (AMD).]

I. Records, record keeping and reporting requirements; [1983, c. 859, Pt. A, §§20, 25 (NEW).]

J. Health, sanitation and safety requirements, including compliance with section 6302; [1991, c. 181, §1 (AMD).]

K. School improvement; [1997, c. 428, §1 (AMD).]

L. [2001, c. 454, §13 (RP).]

L-1. A plan for training and development of all personnel that is aligned with the system of learning results as established in section 6209; [2001, c. 454, §14 (NEW).]

M. The use of time-out areas, administered in accordance with requirements adopted by the department and with this paragraph. The use of a time-out area is subject to the following:

(1) The time-out area must be well ventilated and sufficiently lighted. The time-out area may not be locked; and

(2) The time-out area must be designed to ensure the safety of the student so that the student is supervised by a professional staff member in the room or can be observed from outside of the time-out area and can be heard by a person supervising the time-out area; [2009, c. 313, §2 (AMD).]

N. Preparation of a written local policy and implementation of training for all unlicensed personnel who administer medication in accordance with the requirements under section 254, subsection 5; [2007, c. 141, §8 (AMD).]

O. Preparation of a written local policy and implementation of training for all guidance counselors and school personnel who administer reintegration planning pursuant to section 254, subsection 12, who participate in a reintegration team and who have access to confidential criminal justice information regarding juveniles pursuant to section 1055, subsection 12; and [2007, c. 141, §9 (AMD).]

P. Provision of family outreach and support programs designed to improve parent-school relations and parenting skills consistent with section 4252, subsection 8. [2007, c. 141, §10 (NEW).]

[2009, c. 313, §2 (AMD) .]

5-A. **Application.**

[2009, c. 313, §3 (RP) .]

5-B. **Suicide awareness education and training.** Each school administrative unit shall develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel in accordance with this subsection.

A. Beginning in the 2014-2015 school year for high schools and in the 2015-2016 school year for elementary and middle schools, a one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all school personnel. School personnel shall complete the training module by the commencement of the school year or, for those employees who are newly hired, within 6 months from the beginning of employment. Suicide prevention awareness education must be repeated every 5 years. [2013, c. 53, §1 (NEW).]

B. Beginning in the 2014-2015 school year, a one-day course in suicide prevention and intervention training that will result in at least 2 school personnel trained in suicide prevention and intervention must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit. Additional trained school personnel above the minimum of 2 must receive the training if the number of students in the school administrative unit is above 1,000 as follows:

(1) For 1,001 to 1,500 students, one additional school employee;

(2) For 1,501 to 2,000 students, 2 additional school personnel;

(3) For 2,001 to 2,500 students, 3 additional school personnel;

(4) For 2,501 to 3,000 students, 4 additional school personnel;

(5) For 3,001 to 3,500 students, 5 additional school personnel;

(6) For 3,501 to 4,000 students, 6 additional school personnel;

(7) For 4,001 to 4,500 students, 7 additional school personnel;

(8) For 4,501 to 5,000 students, 8 additional school personnel;

(9) For 5,001 to 5,500 students, 9 additional school personnel;

(10) For 5,501 to 6,000 students, 10 additional school personnel;

(11) For 6,001 to 6,500 students, 11 additional school personnel;

(12) For 6,501 to 7,000 students, 12 additional school personnel;

(13) For 7,001 to 7,500 students, 13 additional school personnel; and

(14) For 7,501 or more students, 14 additional school personnel.

Suicide prevention and intervention training must be repeated every 5 years. [2013, c. 53, §1 (NEW).]

C. Suicide prevention awareness education and suicide prevention and intervention training under this subsection must conform to national guidelines adopted by organizations that offer best practices, research-based training. [2013, c. 53, §1 (NEW).]

D. Training pursuant to this subsection must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under chapters 501 and 502. [2013, c. 53, §1 (NEW).]

The department shall adopt rules to implement this subsection. The rules must include, but are not limited to, implementation standards for suicide prevention awareness education and for suicide prevention and intervention training. Standards adopted for suicide prevention awareness education must be made available on the department's publicly accessible website. Rules adopted pursuant to this subsection before July 1, 2014 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2014, rules adopted by the department pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2013, c. 53, §1 (NEW) .]

5-C. **Child sexual abuse prevention education and response.** Beginning in the 2017-2018 school year, a school administrative unit that operates a public preschool program or an elementary school shall adopt a written local policy for child sexual abuse prevention education and response that is consistent with the model policy developed by the commissioner pursuant to section 254, subsection 18.

[2015, c. 292, §2 (NEW) .]

6. **Annual report on comprehensive education plan.** The superintendent shall make an annual report of progress on the comprehensive education plan, developed pursuant to subsection 1, to the citizens of the school administrative unit. The school board shall annually review and approve the plan. The superintendent shall certify progress on the plan to the commissioner on an annual basis and shall submit to the commissioner a copy of the minutes of the school board meeting at which the school board reviewed and approved the plan.

[2011, c. 669, §4 (AMD) .]

7. **Juvenile corrections facilities.** An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming and discharge planning and related transition services provided to juveniles who are released from juvenile correctional facilities and enrolled in public schools in the State. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and education matters on the results of the review by January 15th of each year.

[2001, c. 452, §11 (AMD) .]

8. **Waivers.** The commissioner may grant a school administrative unit a waiver of one or more school approval requirements upon receipt of an application from the school administrative unit that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years.

A. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver. [2011, c. 669, §5 (NEW).]

B. (TEXT EFFECTIVE UNTIL 7/1/20) (TEXT REPEALED 7/1/20) A request to waive the requirement for a transition plan to proficiency-based graduation in accordance with section 4722-A by January 1, 2017 must include specific information about the reason for the waiver request and a date by which the proficiency-based graduation requirement will be met. Any waiver granted by the commissioner under this paragraph must require an annual report to the commissioner on the school administrative unit's progress toward meeting the requirements of section 4722-A. This paragraph is repealed July 1, 2020. [2011, c. 669, §5 (NEW).]

C. (TEXT EFFECTIVE UNTIL 7/1/20) (TEXT REPEALED 7/1/20) The commissioner shall provide a report to the joint standing committee of the Legislature having jurisdiction over education matters by February 1st annually on the number of waivers provided pursuant to paragraph B, including the reasons for the waivers granted. The commissioner shall promptly post the annual report submitted pursuant to this paragraph on the department's publicly accessible website.

This paragraph is repealed July 1, 2020. [2011, c. 669, §5 (NEW).]

[2011, c. 669, §5 (AMD) .]

9. **Public preschool programs for children 4 years of age.** To the extent the State provides adequate start-up funding for a public preschool program for children 4 years of age, a school administrative unit that does not have a public preschool program for children 4 years of age may develop a public preschool program implementation plan for children 4 years of age for submission to and approval by the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources; [2007, c. 141, §11 (NEW).]

B. Consideration of the extended child care needs of working parents; and [2007, c. 141, §11 (NEW).]

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community. [2007, c. 141, §11 (NEW).]

Beginning with the 2015-2016 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required under this subsection.

[2013, c. 581, §5 (AMD) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 1985, c. 774, §§4,11 (AMD). 1989, c. 415, §11 (AMD). 1989, c. 889, §7 (AMD). 1991, c. 9, §II2 (AMD). 1991, c. 181, §1 (AMD). 1991, c. 622, §§X1-3 (AMD). 1991, c. 824, §A32 (AMD). 1993, c. 644, §1 (AMD). 1995, c. 527, §§1-3 (AMD). 1997, c. 428, §§1-3 (AMD). 1997, c. 696, §§1,2 (AMD). 1999, c. 669, §§5-7 (AMD). 1999, c. 770, §§1,2 (AMD). 1999, c. 790, §N1 (AMD). 2001, c. 452, §§8-11 (AMD). 2001, c. 454, §§12-16 (AMD). 2007, c. 141, §§7-11 (AMD). 2009, c. 313, §§1-3 (AMD). 2011, c. 669, §§3-5 (AMD). 2013, c. 53, §1 (AMD). 2013, c. 506, §8 (AMD). 2013, c. 581, §5 (AMD). 2015, c. 292, §2 (AMD).

§4503. SECONDARY SCHOOL ORGANIZATIONS

1. **Two years.** A secondary school shall include not fewer than 2 consecutive grades from grades 9 to 12.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

2. **Junior high school or middle school.** A junior high school or middle school is a school that maintains a diversified program of studies of 2 or more consecutive grades from grades 6 to 9, which meets basic school approval and applicable curriculum requirements. A junior high school or middle school may be maintained in connection with or as part of an approved secondary school.

[2009, c. 313, §4 (AMD) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 2009, c. 313, §4 (AMD).

§4504. IMPLEMENTATION AND ENFORCEMENT

1. **Implementation.** The commissioner shall determine which schools and school units are in compliance with the basic school approval standards, in accordance with the procedures of the basic school approval rules and the provisions of this Title.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

2. **Comprehensive review.** The commissioner shall conduct a comprehensive review of a school administrative unit in accordance with the school assistance process established in section 6210, based on a review of the school administrative unit's comprehensive education plan and student achievement data, or as part of an inspection in accordance with section 258-A.

[2009, c. 313, §5 (AMD) .]

3. **Rules.** Basic school approval rules shall be adopted and enforced in accordance with section 6801-A and the Maine Administrative Procedure Act, Title 5, chapter 375.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 1991, c. 622, §X4 (AMD). 1993, c. 435, §4 (AMD). 1993, c. 435, §14 (AFF). 1995, c. 527, §4 (AMD). 1997, c. 696, §3 (AMD). 2001, c. 454, §17 (AMD). 2005, c. 446, §1 (AMD). 2009, c. 313, §5 (AMD).

Subchapter 2: ACCREDITATION

§4511. ACCREDITATION REQUIREMENTS

1. **General authorization.** The state board and the commissioner shall jointly adopt rules establishing accreditation standards for secondary and elementary schools of the State.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

2. **Intent.** Accreditation standards are intended to encourage excellence in school programs. The rules shall include such components as the quality and variety of instructional programs, the credentials, experience and general performance of staff and adequacy of school facilities.

[1983, c. 859, Pt. A, §§20, 25 (NEW) .]

3. **Specific requirements.** In addition to standards that are adopted in subsection 1, accreditation standards shall include, but not be limited to, the following.

A. The school has a clearly written statement reflective of the needs, beliefs and values of the school community. It is supported by stated goals and objectives and is consistent with the district's philosophy. [1987, c. 395, Pt. A, §66 (RPR).]

B. The school is effectively managed and provides leadership that promotes the achievement of educational excellence. [1987, c. 395, Pt. A, §66 (RPR).]

C. The school demonstrates evidence of a well planned and periodically evaluated curriculum which has consistently resulted in exemplary educational programming. [1987, c. 395, Pt. A, §66 (RPR).]

D. The school demonstrates a carefully coordinated effort to provide instructional processes which have consistently resulted in a learning environment which promotes excellence. A variety of instructional techniques is used by a majority of the teachers. [1987, c. 395, Pt. A, §66 (RPR).]

E. The school has a carefully planned staff development program guided by sound educational theory that promotes exemplary practices. [1987, c. 395, Pt. A, §66 (RPR).]

F. The school has a climate which promotes individual self-esteem, high expectations for achievement and a positive attitude toward learning. [1987, c. 395, Pt. A, §66 (RPR).]

G. The school has a collaboratively planned community relations program which promotes close cooperation between the school and the community toward the achievement of the school's goals and objectives. [1987, c. 395, Pt. A, §66 (RPR).]

H. The school facility offers an effective setting for the delivery of high quality programs and services. [1987, c. 395, Pt. A, §66 (RPR).]

I. [1987, c. 395, Pt. A, §66 (RP).]

J. The school demonstrates evidence of sufficient capacity through multiple pathways as set out in section 4703 for students to reach proficiency in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209. [2015, c. 489, §1 (NEW).]

[2015, c. 489, §1 (AMD) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 1987, c. 395, §A66 (AMD). 2015, c. 489, §1 (AMD).

§4512. IMPLEMENTATION

1. **Accreditation optional.** Any approved school may, through its school board, apply for accreditation.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

2. **Implementation.** The commissioner shall determine which schools and school units meet the requirements of accreditation, in accordance with adopted rules and this Title.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

3. **Comprehensive reviews.** The commissioner shall, on a one-year to 5-year cycle, make a comprehensive review of each accredited school to determine whether the school is continuing to meet the accreditation standards.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

4. **Rules.** Accreditation rules shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

5. **Accreditation process.** All school administrative units operating a secondary school shall undergo the state accreditation process on a 5-year cycle as established by the commissioner starting in the 1989-90 school year. Upon request from a secondary school, the commissioner shall have the authority to grant a waiver from the accreditation process. The commissioner shall grant a waiver on the basis of extenuating circumstances as defined by rule.

[1987, c. 395, Pt. A, §67 (AMD) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD). 1987, c. 395, §A67 (AMD).

§4513. COOPERATIVE EFFORT

The rules may also establish alternate procedures for accreditation of secondary schools jointly with the New England Association of Schools and Colleges or its successor. [1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD).

§4514. COSTS OF ACCREDITATION PROCESS

The commissioner may require that schools applying for state accreditation pay the direct costs of the advisory committee, such as housing and meals of visiting committees, but these costs may not include the actual costs, salaries or general overhead expenses of the department. [1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD).

§4515. ACCREDITATION; EVALUATION AND RECOMMENDATION

The commissioner shall confer accreditation to those schools which meet established accreditation standards in accordance with the procedures established by rule. [1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

A school may not be accredited until it has been evaluated and recommended for accreditation by an advisory committee of qualified personnel, including persons from outside the department. [1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD).

§4516. RULES

1. **Adoption of rules.** Accreditation rules shall be adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

2. **Advisory committee.** The commissioner, with the approval of the state board, shall appoint an advisory committee of professional and lay people to advise him in the adoption of accreditation standards.

[1983, c. 859, Pt. A, §§ 20, 25 (NEW) .]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW). 1985, c. 142, §1 (AMD).

§4517. WAIVER OF REQUIREMENTS

(REPEALED)

SECTION HISTORY
1991, c. 622, §X5 (NEW). 1995, c. 527, §5 (AMD). 1997, c. 696, §4 (AMD). 1999, c. 790, §N2 (AMD). 2009, c. 313, §6 (RP).

Subchapter 3: GUIDANCE AND TECHNICAL ASSISTANCE

§4520. GUIDANCE AND TECHNICAL ASSISTANCE BY THE DEPARTMENT

The commissioner shall provide guidance and technical assistance to school personnel, consistent with available resources, to aid them in meeting basic school approval requirements and established accreditation standards and to achieve general improvement in such areas as curriculum, school management, teaching and student assessment. This assistance may be given by departmental staff and by school approval specialists employed for limited periods. [1983, c. 859, Pt. A, §§ 20, 25 (NEW).]

SECTION HISTORY
1983, c. 859, §§A20,A25 (NEW).

Chapter 207: CURRICULUM

§4601. BASIC CURRICULUM

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §46 (AMD). 1983, c. 859, §§C4,C7 (RP). 1983, c. 862, §55 (AMD). 1985, c. 506, §§A34,35 (AMD).

§4602. LANGUAGES OF INSTRUCTION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §47 (AMD). 1983, c. 859, §§C4,C7 (RP).

§4603. INDUSTRIAL EDUCATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§C4,C7 (RP).

§4604. DRIVER EDUCATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§C4,C7 (RP). 1987, c. 216, §1 (AMD). 1989, c. 502, §A54 (AMD).

§4605. AGRICULTURAL AND NATURAL RESOURCE EDUCATION; CURRICULA AND RESOURCE MATERIALS

(REPEALED)

SECTION HISTORY
1983, c. 532, §3 (NEW). 1983, c. 859, §§C4,C7 (RP).

Chapter 207-A: INSTRUCTION

Subchapter 1: GENERAL REQUIREMENTS

§4701. ENGLISH AS LANGUAGE OF INSTRUCTION

The language of instruction in elementary and secondary schools shall meet these requirements. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

1. **Basic language.** The basic language of instruction in all schools shall be the English language.

[1983, c. 859, Pt. C, §§ 5, 7 (NEW) .]

2. **Exceptions.** A school may provide instruction in a language other than English in the following circumstances, subject to approval of the commissioner:

A. Transitional instruction using bilingual techniques may be provided to students of limited proficiency in English; and [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

B. Schools may also establish bilingual programs for the purpose of providing proficiency in both English and a 2nd language. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

[1983, c. 859, Pt. C, §§ 5, 7 (NEW) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW).

§4702. SPECIAL EDUCATION

Elementary and secondary schools shall provide special education and related services in accordance with chapters 301 and 303. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW).

§4703. INSTRUCTION FOR INDIVIDUAL STUDENTS

Elementary and secondary schools shall provide students with opportunities for learning in multiple pathways that may include the following: [2009, c. 313, §7 (AMD).]

1. **Career and technical education.** Career and technical education;

[2009, c. 313, §7 (NEW) .]

2. **Alternative education programs.** Alternative education programs;

[2009, c. 313, §7 (NEW) .]

3. **Apprenticeships.** Apprenticeships;

[2009, c. 313, §7 (NEW) .]

4. **Career academies.** Career academies;

[2009, c. 313, §7 (NEW) .]

5. **Advanced placements.** Advanced placements;

[2009, c. 313, §7 (NEW) .]

6. **Online courses.** Online courses;

[2009, c. 313, §7 (NEW) .]

7. **Adult education.** Adult education;

[2009, c. 313, §7 (NEW) .]

8. **Dual enrollment.** Dual enrollment; or

[2009, c. 313, §7 (NEW) .]

9. **Gifted and talented programs.** Gifted and talented programs.

[2009, c. 313, §7 (NEW) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 2009, c. 313, §7 (AMD).

§4704. COURSES PRESCRIBED BY THE COMMISSIONER

The commissioner shall prescribe by rule the basic courses of study that are in alignment with the system of learning results as established in section 6209 for the elementary and secondary schools, consistent with the requirements of this chapter, and may include minimum time requirements and performance standards. [2001, c. 454, §18 (AMD).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 2001, c. 454, §18 (AMD).

§4705. COURSES PRESCRIBED BY LOCAL BOARDS

The school board of each school administrative unit may prescribe instructional requirements in addition to minimum state requirements, subject to approval by the commissioner. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW).

§4706. INSTRUCTION IN AMERICAN HISTORY, MAINE STUDIES AND MAINE NATIVE AMERICAN HISTORY

Instruction in American history, government, citizenship and Maine studies must be aligned with the parameters for essential instruction and graduation requirements established under section 6209. [2009, c. 313, §8 (AMD).]

1. **American history.** American history, government and citizenship, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, must be taught in and required for graduation from all elementary and secondary schools, both public and private.

[2009, c. 313, §9 (AMD) .]

2. **Maine studies.** Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, must be taught. A required component of Maine studies is Maine Native American studies, which must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6209, subsection 4. The Maine Native American studies must address the following topics:

A. Maine tribal governments and political systems and their relationship with local, state, national and international governments; [2003, c. 510, Pt. B, §5 (RPR).]

B. Maine Native American cultural systems and the experience of Maine tribal people throughout history; [2003, c. 510, Pt. B, §5 (RPR).]

C. Maine Native American territories; and [2003, c. 510, Pt. B, §5 (RPR).]

D. Maine Native American economic systems. [2003, c. 510, Pt. B, §5 (RPR).]

[2003, c. 510, Pt. B, §5 (RPR) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 1991, c. 655, §4 (AMD). 2001, c. 403, §1 (AMD). 2001, c. 454, §§19,20 (AMD). 2001, c. 667, §A42 (AMD). 2003, c. 510, §B5 (AMD). 2009, c. 313, §§8,9 (AMD).

§4707. INSTRUCTION IN BRAILLE AND NEMETH CODE

Schools may offer instruction in Braille and Nemeth Code as part of the school curriculum. When Braille or Nemeth Code courses are offered, schools shall determine appropriate credit for completion of those courses. [1989, c. 80, (NEW).]

SECTION HISTORY
1989, c. 80, (NEW).

§4708. GRADES FINAL

When grades are given for any course of instruction offered by a school, the grade awarded to a student is the grade determined by the teacher of the course and the determination of a student's grade by that teacher, in the absence of clerical or mechanical mistake, fraud, bad faith or incompetence, is final. [1991, c. 248, (NEW).]

SECTION HISTORY
RR 1991, c. 1, §25 (COR). 1991, c. 248, (NEW). 1991, c. 292, §1 (NEW).

§4709. BLIND STUDENTS; INSTRUCTION IN BRAILLE

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Braille" means the system of reading and writing through touch, commonly known as standard English Braille. [1991, c. 292, §1 (NEW).]

B. "Student" means any student who is blind or any student eligible for special education services for the visually impaired. [1991, c. 292, §1 (NEW).]

[1991, c. 292, §1 (NEW) .]

2. **Level of instruction; individualized education plan.** Instruction in Braille reading and writing for a student who has been evaluated as needing Braille through the individualized education plan should be sufficient to enable each student to communicate effectively and efficiently at that student's intellectual level. The individualized education plan for each student who has been evaluated as needing Braille must specify:

A. The method of implementation utilizing Braille as a primary mode of learning through integration with normal classroom activities; and [1991, c. 292, §1 (NEW).]

B. The level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan. [1991, c. 292, §1 (NEW).]

[1991, c. 292, §1 (NEW) .]

3. **Certification.**

[2013, c. 506, §9 (RP) .]

SECTION HISTORY
RR 1991, c. 1, §25 (RNU). 1991, c. 292, §1 (NEW). 2013, c. 506, §9 (AMD).

§4710. KINDERGARTEN TO GRADE 12 INTERVENTIONS

By the school year that begins in the fall of 2012 all school administrative units shall develop and implement a system of interventions for kindergarten to grade 12 that provide each student who is not progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements with different learning experiences or assistance to achieve the standard. The interventions must be specific, timely and based upon ongoing formative assessments that continuously monitor student progress. [2009, c. 313, §10 (NEW).]

SECTION HISTORY
2009, c. 313, §10 (NEW).

§4710-A. AGRICULTURAL STUDIES

1. **Agricultural studies.** Agricultural studies may be taught in and infused or integrated into the curriculum of public and private elementary and secondary schools. Agricultural studies may address, but need not be limited to:

A. The importance of agriculture in the State's history and development; [2013, c. 106, §1 (NEW).]

B. The connections between the farm and daily life; [2013, c. 106, §1 (NEW).]

C. The economics of agriculture and its importance to the State's economy; [2013, c. 106, §1 (NEW).]

D. The importance of knowing where food comes from and the ecology of growing food; and [2013, c. 106, §1 (NEW).]

E. The importance of eating healthy food and its role in combating childhood obesity. [2013, c. 106, §1 (NEW).]

A school offering agricultural studies may make use of resources and materials developed and provided by the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council in accordance with Title 7, chapter 8-D.

[2013, c. 106, §1 (NEW) .]

SECTION HISTORY
2013, c. 106, §1 (NEW).

§4710-B. DYSLEXIA SCREENING

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alphabet knowledge" means the ability to name, distinguish shapes of, write and identify the sounds of the letters of the alphabet. [2015, c. 338, §1 (NEW).]

B. "Decoding" means the ability to apply knowledge of letter-sound relationships. [2015, c. 338, §1 (NEW).]

C. "Dyslexia" means a condition that is neurological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and in relation to the provision of effective classroom instruction; the secondary consequences of dyslexia may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. [2015, c. 338, §1 (NEW).]

D. "Encoding" means the ability to put ideas into messages to be delivered to and understood by other people. [2015, c. 338, §1 (NEW).]

E. "Phonological and phonemic awareness" means awareness of the phonological structure of words. [2015, c. 338, §1 (NEW).]

F. "Rapid naming" means the ability to connect visual and verbal information by giving appropriate names to common objects, colors, letters and digits. [2015, c. 338, §1 (NEW).]

G. "Sound-symbol recognition" means the ability to understand the relationship between symbols or combinations of symbols and the sounds they make. [2015, c. 338, §1 (NEW).]

[2015, c. 338, §1 (NEW) .]

2. **Dyslexia screening.** Beginning in the 2016-2017 school year, a school administrative unit shall screen for dyslexia students from kindergarten to grade 2 who have difficulty, as identified by a classroom teacher, in an area described in paragraphs A to F. The screening of a student must include an examination of the student's:

A. Phonological and phonemic awareness; [2015, c. 338, §1 (NEW).]

B. Sound-symbol recognition; [2015, c. 338, §1 (NEW).]

C. Alphabet knowledge; [2015, c. 338, §1 (NEW).]

D. Decoding skills; [2015, c. 338, §1 (NEW).]

E. Rapid naming skills; and [2015, c. 338, §1 (NEW).]

F. Encoding skills. [2015, c. 338, §1 (NEW).]

[2015, c. 338, §1 (NEW) .]

3. **Dyslexia coordinator.** There is created within the department the position of dyslexia coordinator to assist the department in complying with the provisions of this section and the general education interventions required in the department's special education rules as they pertain to students struggling with reading or showing early indicators of reading difficulty. The dyslexia coordinator must have a background in reading and language difficulties, including dyslexia, and in language and literacy. The dyslexia coordinator shall develop before March 1, 2016 and update annually thereafter a plan that:

A. Implements dyslexia awareness training for teachers; [2015, c. 338, §1 (NEW).]

B. Implements professional development in evidence-based screening practices; and [2015, c. 338, §1 (NEW).]

C. Identifies needs of school administrative units for implementing evidence-based practices and response to scientific, research-based intervention strategies for reading and language-based learning difficulties. [2015, c. 338, §1 (NEW).]

[2015, c. 338, §1 (NEW) .]

SECTION HISTORY
2015, c. 338, §1 (NEW).

Subchapter 2: ELEMENTARY AND JUNIOR HIGH SCHOOLS OR MIDDLE SCHOOLS

§4711. ELEMENTARY COURSE OF STUDY

The basic course of study for the elementary schools must provide for the instruction of all students in career and education development, English language arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. [2009, c. 313, §11 (AMD).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 2001, c. 454, §21 (AMD). 2009, c. 313, §11 (AMD).

§4712. JUNIOR HIGH SCHOOL OR MIDDLE SCHOOL COURSE OF STUDY

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. [2009, c. 313, §12 (NEW).]

SECTION HISTORY
2009, c. 313, §12 (NEW).

Subchapter 3: SECONDARY SCHOOLS

§4721. GENERAL REQUIREMENT

1. **Comprehensive program of instruction.** A secondary school shall provide a comprehensive program of instruction of at least 2 years in length, which must meet the requirements of this chapter and the parameters for essential instruction and graduation requirements established under section 6209. The program must include instruction for all students in career and education development, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing arts and world languages.

[2009, c. 313, §13 (NEW) .]

2. **Secondary school organization and delivery of instruction.** A secondary school shall provide a structure that allows for student achievement of the parameters for essential instruction and graduation requirements established under section 6209 in multiple pathways as set out under section 4703.

[2009, c. 313, §13 (NEW) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 2001, c. 454, §22 (AMD). 2009, c. 313, §13 (RPR).

§4722. HIGH SCHOOL DIPLOMA STANDARDS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/20)
(WHOLE SECTION TEXT REPEALED 7/1/20)

A secondary school shall provide a comprehensive program of instruction leading to a high school diploma as set out in section 4721. The commissioner shall develop rules for the transition between the requirements of this section and the parameters for essential instruction and graduation requirements established under section 6209. [2009, c. 313, §14 (AMD).]

1. **Minimum instructional requirements.** A comprehensive program of instruction must include a minimum 4-year program that meets the curriculum requirements established by this chapter and any other instructional requirements established by the commissioner and the school board.

[2009, c. 313, §15 (AMD) .]

2. **Required subjects.** Courses in the following subjects shall be provided in separate or integrated study programs to all students and required for a high school diploma:

A. English--4 years; [1983, c. 859, Pt. C, §§5, 7 (NEW).]

B. Social studies and history, including American history, government, civics and personal finance--2 years; [2013, c. 244, §1 (AMD).]

C. Mathematics--2 years; [1983, c. 859, Pt. C, §§5, 7 (NEW).]

D. Science, including at least one year of laboratory study--2 years; and [1983, c. 859, Pt. C, §§5, 7 (NEW).]

E. Fine arts, which may include art, music, forensics or drama--one year. [1983, c. 859, Pt. C, §§5, 7 (NEW).]

[2013, c. 244, §1 (AMD) .]

2-A. **Implementation of multiple pathways and opportunities.** Students may demonstrate achievement of the standards through multiple pathways as set out under section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service.

[2013, c. 176, §1 (AMD) .]

3. **Satisfactory completion.** A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection 1-B, who successfully meet the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

[2013, c. 439, §3 (AMD) .]

4. **Exception.** A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education or a secondary school student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 may be eligible to receive a high school diploma from the secondary school the student last attended, although the student may not meet the graduation requirements of this Title.

[2013, c. 318, §1 (AMD) .]

5. **Advanced study.** Nothing in this chapter may prevent the award of a diploma to a student who has completed all diploma requirements in fewer than 4 years of study.

[1983, c. 859, Pt. C, §§5, 7 (NEW) .]

6. **Exception for certain veterans.** A secondary school may award a high school diploma to a person who meets all of the following requirements. A diploma may be awarded posthumously.

A. The person or the person's family must apply to the secondary school for the diploma. [2001, c. 85, §1 (NEW).]

B. The person must either:

(1) Have attended the secondary school or attended a secondary school in the geographic area now served by the secondary school; or

(2) Currently reside in the geographic area served by the secondary school. [2001, c. 85, §1 (NEW).]

C. The person must have left secondary school:

(1) Before or during World War II to serve in the Armed Forces during World War II;

(2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict;

(3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; or

(4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3). [2013, c. 281, §1 (AMD).]

D. The person did not graduate or receive a high school diploma because of service in the Armed Forces. [2001, c. 85, §1 (NEW).]

E. The person received an honorable discharge or a certificate of honorable service from the Armed Forces. [2001, c. 85, §1 (NEW).]

For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period of December 7, 1941 to August 16, 1945.

[2013, c. 281, §1 (AMD) .]

7. **Applicability of requirements; transition to proficiency-based diploma.** Except as provided in section 4722-A, this section applies to the granting of diplomas to secondary school students before January 1, 2017.

[2011, c. 669, §6 (NEW) .]

8. **Repeal.** This section is repealed July 1, 2020.

[2011, c. 669, §6 (NEW) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 1989, c. 230, (AMD). 1991, c. 716, §7 (AMD). 2001, c. 85, §1 (AMD). 2001, c. 454, §§23,24 (AMD). 2003, c. 545, §6 (REV). 2005, c. 446, §2 (AMD). 2005, c. 662, §A9 (AMD). 2007, c. 451, §2 (AMD). 2009, c. 313, §§14-17 (AMD). 2011, c. 25, §1 (AMD). 2011, c. 294, §1 (AMD). 2011, c. 669, §6 (AMD). 2011, c. 686, §1 (AMD). 2013, c. 176, §1 (AMD). 2013, c. 244, §1 (AMD). 2013, c. 281, §1 (AMD). 2013, c. 318, §1 (AMD). 2013, c. 439, §3 (AMD).

§4722-A. PROFICIENCY-BASED DIPLOMA STANDARDS AND TRANSCRIPTS

Beginning January 1, 2017, a diploma indicating graduation from a secondary school must be based on student demonstration of proficiency as described in this section. The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit's plan for awarding diplomas meets the criteria for proficiency-based graduation under this section. [2011, c. 669, §7 (NEW).]

1. **Requirements for award of diploma.** In order to award to a student a diploma indicating graduation from secondary school, a school subject to the system of learning results established under section 6209 must:

A. [2015, c. 489, §2 (RP).]

A-1. Certify that the student has met all requirements specified by the governing body of the school administrative unit attended by the student; [2015, c. 489, §2 (NEW).]

B. Certify that the student has demonstrated proficiency in meeting state standards in all content areas of the system of learning results established under section 6209; [2015, c. 489, §2 (AMD).]

B-1. Phase in the following diploma requirements from the 2020-2021 school year to the 2024-2025 school year:

(1) For a student graduating in the graduating class of 2020-2021, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology and social studies;

(2) For a student graduating in the graduating class of 2021-2022, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least one additional content area of the student’s choice;

(3) For a student graduating in the graduating class of 2022-2023, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 2 additional content areas of the student’s choice;

(4) For a student graduating in the graduating class of 2023-2024, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 3 additional content areas of the student’s choice; and

(5) For a student graduating in the graduating class of 2024-2025 and for each subsequent graduating class, certify that the student has demonstrated proficiency in meeting the state standards in all content areas.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209. [2015, c. 489, §2 (NEW).]

C. Certify that the student has demonstrated proficiency in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209; and [2015, c. 489, §2 (AMD).]

D. [2015, c. 489, §2 (RP).]

E. Certify that the student has engaged in educational experiences relating to English language arts, mathematics and science and technology in each year of the student's secondary schooling. [2015, c. 489, §2 (NEW).]

[2015, c. 489, §2 (AMD) .]

2. **Method of gaining and demonstrating proficiency.** Students must be allowed to gain proficiency through multiple pathways, as described in section 4703, and must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher-designed or student-designed assessments, portfolios, performance, exhibitions, projects and community service.

[2013, c. 176, §2 (AMD) .]

3. **Exceptions.** Notwithstanding subsection 1, a student may be awarded a diploma indicating graduation from a secondary school in the following circumstances.

A. A student who is a child with a disability, as defined in section 7001, subsection 1-B, may meet the requirements of subsection 1 and become eligible for a diploma by demonstrating proficiency in state standards established in the system of learning results through performance tasks and accommodations that maintain the integrity of the standards as specified in the student's individualized education program by the student's individualized education program team pursuant to the requirements of chapter 301. [2015, c. 489, §2 (AMD).]

B. A student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education is eligible to receive a high school diploma from the secondary school the student last attended. [2015, c. 489, §2 (AMD).]

B-1. [2015, c. 489, §2 (RP).]

B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a student who has satisfactorily completed a state-approved career and technical education program of study and either met 3rd-party-verified national or state industry standards set forth in department rules established pursuant to section 8306-B or earned 6 credits in a dual enrollment career and technical education program formed pursuant to chapter 229 from a regionally accredited institution of higher education and who has successfully demonstrated proficiency in meeting state standards in the content areas and the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209, is eligible to receive a high school diploma from the secondary school the student last attended. A student may be awarded a high school diploma from the secondary school the student last attended in accordance with the phase-in of the following diploma requirements for the graduating class of 2020-2021 to the graduating class of 2023-2024:

(1) For a student graduating in the graduating class of 2020-2021, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics and social studies;

(2) For a student graduating in the graduating class of 2021-2022, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least one additional content area of the student's choosing;

(3) For a student graduating in the graduating class of 2022-2023, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 2 additional content areas of the student's choosing; and

(4) For a student graduating in the graduating class of 2023-2024 and in each subsequent graduating class, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 3 additional content areas of the student's choosing.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209. [2015, c. 489, §2 (NEW).]

C. [2013, c. 439, §4 (RP).]

D. A school administrative unit may award a high school diploma to a student who has met the standards set forth in a waiver request that was approved by the commissioner pursuant to section 4502, subsection 8. [2011, c. 669, §7 (NEW).]

E. A person may be awarded a high school diploma, including a posthumous award, if the person or a family member of the person applies to a secondary school and:

(1) The person:

(a) Attended a secondary school in the geographic area now served by the secondary school from which a diploma is requested; or

(b) Resides at the time of application for a diploma in the geographic area served by the secondary school from which a diploma is requested;

(2) The person did not graduate or receive a diploma from a secondary school because the person left secondary school to serve in the Armed Forces and served during the following periods:

(a) World War II, from December 7, 1941 to August 16, 1945;

(b) The Korean Conflict;

(c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or

(d) The period of wartime or peacetime after a period of wartime described in division (a), (b) or (c); and

(3) The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard and the merchant marine. [2015, c. 489, §2 (AMD).]

[2015, c. 489, §2 (AMD) .]

4. **Grants; contingent extension of full implementation.** During the period of transition to proficiency-based graduation in accordance with this section, the department, if funds are available, shall make annual transition grants to each school administrative unit equal to 1/10 of 1% of the school administrative unit's total cost of education calculated under section 15688, subsection 1 to be used in the manner determined by the school administrative unit to fund the costs of the transition not otherwise subsidized by the State through the 2014-2015 school year. The date for implementation of the awarding of diplomas based on student demonstration of proficiency as described in this section is extended one year for each year for which transition grants are not made available to a school administrative unit or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels. Beginning in the 2015-2016 school year to the 2020-2021 school year, the department, if funds are available, shall make annual transition grants to each school administrative unit that operates schools equal to 1/9 of 1% of the school administrative unit's total cost of education calculated under section 15688, subsection 1 to be used in the manner determined by the school administrative unit to fund the costs of the transition not otherwise subsidized by the State, including the transition to proficiency-based graduation in accordance with this section and the proficiency-based reporting and credentials requirements in accordance with section 6209, subsection 3-A.

[2015, c. 489, §2 (AMD) .]

5. **Transcripts and certification of content area proficiency.** In addition to maintaining a high school transcript for each student, a school administrative unit shall certify each student's content area proficiency and may award a certificate of content area proficiency to a student for each content area in the system of learning results established under section 6209 in which the student has demonstrated proficiency. Certification of content area proficiency must be included with the student's permanent academic transcript, and a student may use certification of content area proficiency as an official credential of academic achievement for the purposes of employment and postsecondary education. When a school administrative unit certifies content area proficiency, it shall report these certifications of content area proficiency to the department, and the department shall collect and aggregate these data as evidence of progress towards high school graduation goals.

(Subsection 5 as enacted by PL 2015, c. 367, §1 is REALLOCATED TO TITLE 20-A, SECTION 4722-A, SUBSECTION 6)

[2015, c. 489, §2 (AMD) .]

6. (REALLOCATED FROM T. 20-A, §4722-A, sub-§5) **Implementation of proficiency-based diplomas and transcripts.** Beginning in the 2016-2017 school year, the department shall annually collect and report data on the progress of public schools and public charter schools towards the implementation of proficiency-based diplomas and transcripts in relation to the ongoing transition plan required pursuant to section 4502, subsection 1, including the number of students graduating with proficiency-based diplomas, the number of students concluding their high school careers proficient in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209 and the number of students certified as ready for college and careers. By January 15, 2017, and annually thereafter, the department shall provide an annual report of the data collected for the prior school year to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the annual report on its publicly accessible website.

[2015, c. 489, §2 (AMD) .]

7. **Rulemaking.** The commissioner shall develop rules to accomplish the purposes of this section. Rules adopted by the commissioner under this section must:

A. Allow local flexibility and innovation in developing consistent graduation standards, enable school administrative units to continue current progress aligned with the phase-in of the standards and proficiency requirements in subsection 1, paragraph B-1 and subsection 3, paragraph B-2 and describe standard criteria for ensuring equal educational opportunities for students; [2015, c. 489, §2 (NEW).]

B. Allow the commissioner to identify the manner in which the opportunities for learning in multiple pathways of career and technical education programs may be used to satisfy certain components of the system of learning results established under section 6209; and [2015, c. 489, §2 (NEW).]

C. Address the appropriate placement of students in career and technical education programs while ensuring that all students be exposed to all the content areas of the system of learning results established under section 6209 through the 10th year of their studies. [2015, c. 489, §2 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 489, §2 (NEW) .]

SECTION HISTORY
2011, c. 669, §7 (NEW). 2013, c. 176, §2 (AMD). 2013, c. 281, §2 (AMD). 2013, c. 318, §2 (AMD). 2013, c. 439, §4 (AMD). RR 2015, c. 1, §14 (COR). 2015, c. 267, Pt. C, §3 (AMD). 2015, c. 342, §1 (AMD). 2015, c. 367, §1 (AMD). 2015, c. 489, §2 (AMD).

§4723. HEALTH AND PHYSICAL EDUCATION

The secondary course of study shall include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW).

§4724. COMPUTER INSTRUCTION

Instruction in the use and application of computer skills shall be available to secondary school students. Each school administrative unit shall develop, with the approval of the commissioner, standards for computer literacy, proficiency and performance levels which shall be required for graduation. [1983, c. 859, Pt. C, §§ 5, 7 (NEW).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW).

§4725. CAREER AND TECHNICAL INSTRUCTION

Each school administrative unit operating a secondary school shall provide career and technical instruction through a career and technical education center or region in accordance with chapter 313. [1991, c. 2, §59 (COR); 2003, c. 545, §§5,6 (REV).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). RR 1991, c. 2, §59 (COR). 2003, c. 545, §§5,6 (REV).

§4726. WORLD LANGUAGES

Each school administrative unit: [1985, c. 178, (AMD).]

1. **Required to offer.** Shall offer one 2-year sequence in a world language; and

[2007, c. 259, §1 (AMD) .]

2. **Encouraged to offer.** Is encouraged to offer one or more additional world languages as part of its secondary school program.

[2007, c. 259, §1 (AMD) .]

3. **American sign language.**

[1991, c. 279, §3 (RP) .]

American sign language is a world language and may be offered to fulfill the requirements of this section. [2007, c. 259, §1 (AMD).]

For purposes of this section, "world language" means a language, either ancient or modern, that is used or has been used for written, oral or signed communication in the multilingual and multicultural worldwide community. [2007, c. 259, §1 (NEW).]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 1985, c. 178, (RPR). 1991, c. 279, §3 (AMD). 2007, c. 259, §1 (AMD).

§4727. ADDITIONAL INSTRUCTION

Secondary schools may provide additional instruction in career and technical education and other subjects not included within the career and technical education courses of study operating pursuant to chapter 313. [2003, c. 2, §34 (COR).]

SECTION HISTORY

1983, c. 859, §§C5,C7 (NEW). 1991, c. 716, §§6,7 (AMD). RR 2003, c. 2, §34 (COR).

§4728. DRIVER EDUCATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 2009, c. 313, §18 (RP).

§4729. ALTERNATIVE EDUCATION PROGRAMS

A school administrative unit may establish one or more alternative education programs that are in alignment with the system of learning results established in section 6209 as alternatives to the regular course of study, including options allowed in sections 5104-A and 8605, to meet the needs of at-risk students. [2007, c. 667, §6 (AMD).]

1. **Coordination.** These programs shall operate as part of the elementary or secondary school program.

[1983, c. 859, Pt. C, §§5, 7 (NEW) .]

2. **Alternative schedules.** Alternative education programs may allow students to attend school part-time. Alternative education programs may be scheduled apart from the regular school day.

[2007, c. 667, §6 (AMD) .]

SECTION HISTORY
1983, c. 859, §§C5,C7 (NEW). 1989, c. 415, §12 (AMD). 2001, c. 454, §25 (AMD). 2007, c. 667, §6 (AMD).

Chapter 208: POST-SECONDARY ENROLLMENT OPTIONS ACT

§4751. CITATION

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4752. DEFINITIONS

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4753. ELIGIBILITY; NOTIFICATION; RULES

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4754. DISSEMINATION OF INFORMATION

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4755. CREDITS

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4756. FINANCIAL ARRANGEMENT

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4757. LIMIT; STATE OBLIGATION

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4758. SPACE; ASSISTANCE

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4759. GUIDELINES; IMPLEMENTATION

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

§4760. EVALUATION

(REPEALED)

SECTION HISTORY
1987, c. 523, §1 (NEW). 1997, c. 758, §1 (RP).

Chapter 208-A: POSTSECONDARY ENROLLMENT

§4771. ELIGIBLE INSTITUTION AND SEMESTER; DEFINED

As used in this chapter, unless the context otherwise indicates, "eligible institution" means the institutions of the University of Maine System, the Maine Community College System and the Maine Maritime Academy. "Semester" means the fall, spring or summer term of an academic year. [2007, c. 240, Pt. VVV, §1 (AMD).]

SECTION HISTORY

1997, c. 758, §2 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2007, c. 240, Pt. VVV, §1 (AMD).

§4772. POSTSECONDARY COURSES; STUDENT ELIGIBILITY

A secondary school student may be eligible to receive state subsidy for postsecondary courses, as specified in section 4775, if the following requirements are satisfied: [1997, c. 758, §2 (NEW).]

1. **Availability.** The eligible institution has space available for the secondary school student;

[1997, c. 758, §2 (NEW) .]

2. **Academic standing.** Unless granted a waiver by the eligible institution, the student is maintaining a minimum secondary school grade point average of at least 3.0 on a scale of 4.0, or the equivalent of a "B" average, as determined by the school unit;

[2005, c. 519, Pt. XX, §1 (AMD) .]

3. **Course prerequisites.** The eligible institution has determined that the student has satisfactorily completed all course prerequisites;

[1997, c. 758, §2 (NEW) .]

4. **School approval.** The school unit approves;

[2005, c. 519, Pt. XX, §2 (AMD) .]

5. **Parental approval.** The student's parent approves; and

[2005, c. 519, Pt. XX, §2 (AMD) .]

6. **Recommendation.** The student has received a recommendation to take a postsecondary course or courses at an eligible institution from the student's school administration or one of the student's secondary school teachers following an assessment of the student by the school administration.

[2005, c. 519, Pt. XX, §3 (NEW) .]

SECTION HISTORY
1997, c. 758, §2 (NEW). 2005, c. 519, §§XX1-3 (AMD).

§4772-A. STUDENT ELIGIBILITY; EXCEPTION

A secondary school student who does not meet the requirements of section 4772, subsection 2 is eligible under this chapter if that student: [1999, c. 495, §1 (NEW).]

1. **Enrolled as junior.** Is enrolled in grade 11 or higher in the student's school unit;

[1999, c. 1, §25 (COR) .]

2. **Recommendation.** Has received a recommendation to take a postsecondary course or courses at an eligible institution from the student's school administration or from a teacher at the student's school following an assessment of the student by the school administration; and

[2005, c. 519, Pt. XX, §4 (AMD) .]

3. **Approval.** Has been approved for participation in a course or courses by an eligible institution.

[1999, c. 495, §1 (NEW) .]

SECTION HISTORY
RR 1999, c. 1, §25 (COR). 1999, c. 495, §1 (NEW). 2005, c. 519, §XX4 (AMD).

§4772-B. STUDENTS RECEIVING HOMESCHOOL INSTRUCTION

A student is eligible to receive a state subsidy for postsecondary courses, as specified in section 4775, if the student is receiving home instruction in a program that meets the requirements of section 5001-A, subsection 3, paragraph A, subparagraph (4) and the eligible institution: [2013, c. 400, §1 (NEW).]

1. **Space available.** Has space available for the student;

[2013, c. 400, §1 (NEW) .]

2. **Course prerequisites.** Has determined that the student has satisfactorily completed all course prerequisites; and

[2013, c. 400, §1 (NEW) .]

3. **Academic fitness.** Reviews all requested evidence of the student's academic fitness and gives its approval for the student to take the requested course or courses.

[2013, c. 400, §1 (NEW) .]

A student who meets the requirements of this section is eligible to participate in postsecondary courses at an eligible institution under this section, subject to the requirements and conditions of sections 4774 to 4776. Notwithstanding section 15672, subsection 32, a student described in this section is considered to be a subsidizable pupil for purposes of receiving the subsidy provided in this chapter. [2013, c. 400, §1 (NEW).]

SECTION HISTORY
2013, c. 400, §1 (NEW).

§4773. DISSEMINATION OF INFORMATION

School administrative units shall provide general information concerning postsecondary education options available to parents and students. [1997, c. 758, §2 (NEW).]

SECTION HISTORY
1997, c. 758, §2 (NEW).

§4774. CREDITS

1. **High school credit.** A school administrative unit may grant academic credit toward a high school diploma to a student who successfully completes a course under this chapter.

[1997, c. 758, §2 (NEW) .]

2. **Postsecondary credit.** The eligible institution shall grant full credit to any student who successfully completes a course at the eligible institution under this chapter. The course must apply to graduation requirements at the eligible institution in which it was taken or be transferable to another eligible institution on an equal basis with a course taken by any other student at the eligible institution.

[1997, c. 758, §2 (NEW) .]

SECTION HISTORY
1997, c. 758, §2 (NEW).

§4775. PAYMENT; APPROPRIATIONS

The department shall pay 50% of the in-state tuition for the first 6 credit hours taken each semester by a student at an eligible institution and up to 12 credit hours per academic year. The eligible institution may not make any additional tuition charges for the course but may impose fees and charges, other than tuition, that are ordinarily imposed on students not covered by this chapter. Funds appropriated to the department to carry out the purposes of this chapter must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools. [2013, c. 368, Pt. C, §2 (AMD).]

SECTION HISTORY
1997, c. 758, §2 (NEW). 2013, c. 368, Pt. C, §2 (AMD).

§4776. DISTRIBUTION OF AVAILABLE FUNDING

Not more than 10% of the total funding available to the department for postsecondary education, either through a direct appropriation for postsecondary education under this chapter or as part of the ongoing funds included in the appropriation for general purpose aid for local schools, may be used for secondary students to take a postsecondary course during the summer term. [2007, c. 240, Pt. VVV, §2 (NEW).]

SECTION HISTORY
2007, c. 240, Pt. VVV, §2 (NEW).

Chapter 209: SCHOOL DAYS, HOLIDAYS, SPECIAL OBSERVANCES

§4801. SCHOOL DAYS

The following provisions shall apply to school days. [1981, c. 693, §§5, 8 (NEW).]

1. **Number.** A school administrative unit shall make provision for the maintenance of all of its schools for at least 180 days a year. At least 175 days shall be used for instruction. In meeting the requirement of a 180-day school year, no more than 5 days may be used for in-service education of teachers, administrative meetings, parent-teacher conferences, records' days and similar activities.

A. The commissioner may reduce or waive the minimum number of days required on application from a school board. The commissioner may authorize an equivalent number of hours to be substituted for days for a limited time period upon application from a school board. The application must be supported in writing with a statement of the reasons for the request. [2009, c. 87, §1 (AMD).]

A-1. [1993, c. 349, §45 (RP).]

B. Notwithstanding any other section of the statutes, school committees, with the approval of the commissioner, may adopt or amend rules necessary to implement an extended school year at the local level. The commissioner may make appropriate adjustments, not to exceed the allowable subsidy, to insure fair and equitable treatment in the distribution of state aid. [1981, c. 693, §§5, 8 (NEW).]

C. Notwithstanding this subsection, the commissioner shall promulgate a rule to provide that local school units may allow secondary school students to graduate up to 5 school days prior to the regular end of the school year. [1985, c. 624, (NEW).]

D. A school administrative unit, operating under a plan approved by the commissioner, may provide for the use of up to 5 of the 175 instructional days required by this section to be used for screening incoming first year students for the purpose of identifying children with disabilities and students at risk of school failure as required by state or federal law. [2005, c. 662, Pt. A, §10 (AMD).]

E. [2013, c. 506, §10 (RP).]

F. A school administrative unit operating under a plan approved by the commissioner may provide for a one-hour extension of the school day for up to 25 days in a school year. Notwithstanding the required number of school days under this subsection, 5 one-hour extensions may be counted as one additional school day. A school administrative unit may, with the approval of the commissioner pursuant to rules adopted in accordance with this subsection, implement extended days pursuant to this paragraph only for the purpose of making up school days missed due to weather or emergency closures. [2015, c. 60, §1 (NEW).]

[2015, c. 60, §1 (AMD) .]

2. **Equal terms.** A school administrative unit shall operate all its schools so that their regular annual sessions are as equal in length as practicable.

[1981, c. 693, §§5, 8 (NEW) .]

2-A. **Regional school calendars; plan; rules.** To be eligible for state subsidy, each school administrative unit and private school approved for tuition purposes shall work with affiliated units, as defined in section 8301-A, subsection 1, in its career and technical education center or school administrative units in its career and technical education region to develop and approve a regional school calendar that aligns the school calendars of sending schools with the school calendars of career and technical education programs in the region. The plan for a regional school calendar must meet the following requirements.

A. There may not be more than 5 instructional days on which one or more of the school calendars of the school administrative units affiliated with a career and technical education center or one or more of the school calendars of the school administrative units within a career and technical education region are not aligned with the regional school calendar. [2011, c. 686, §2 (AMD).]

B. When career and technical education centers or regions overlap, there must be common calendars for each of the schools in those overlapping areas. [2011, c. 686, §2 (AMD).]

C. The authority for approving the regional school calendar must be within the school boards of the local school administrative units. [2003, c. 617, §1 (NEW).]

D. Regional school calendars for Aroostook County may have provisions for waivers of the number of dissimilar days for purposes of agricultural harvesting. [2011, c. 686, §2 (AMD).]

D-1. The commissioner, in accordance with rules adopted pursuant to this subsection, may authorize regional school calendars that do not comply with paragraph A if the commissioner determines that all school administrative units in the region have plans and will implement those plans to ensure compliance with paragraph F, notwithstanding the dissimilar calendar days. [2011, c. 686, §2 (NEW).]

E. Plans for regional school calendars that comply with this subsection must be approved and implemented in time for the 2013-2014 school year. [2011, c. 686, §2 (AMD).]

F. All career and technical education students must be given access to career and technical education programs for the entire instructional time required for those programs by department rules. [2011, c. 686, §2 (NEW).]

The commissioner shall adopt rules to establish requirements for regional school calendars. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2011, c. 686, §2 (AMD) .]

3. **Noncompliance.** A school administrative unit which fails to comply with this section may not receive its state school subsidy until it provides for future compliance.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 624, (AMD). 1989, c. 128, (AMD). 1991, c. 121, §A4 (AMD). 1991, c. 622, §DD2 (AMD). 1993, c. 349, §45 (AMD). 2003, c. 617, §1 (AMD). 2005, c. 662, §A10 (AMD). 2009, c. 87, §1 (AMD). 2011, c. 686, §2 (AMD). 2013, c. 506, §10 (AMD). 2015, c. 60, §1 (AMD).

§4802. HOLIDAYS

The following provisions shall apply to school holidays. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Unconditional holidays.** Public schools shall close on the following days:

A. Patriot's Day, the 3rd Monday in April; [1981, c. 693, §§ 5, 8 (NEW).]

B. Memorial Day, last Monday in May or May 30th if the Federal Government designates that date; [1981, c. 693, §§ 5, 8 (NEW).]

C. Independence Day, July 4th; [1981, c. 693, §§ 5, 8 (NEW).]

D. Labor Day, the first Monday in September; [1981, c. 693, §§ 5, 8 (NEW).]

E. Columbus Day,the 2nd Monday in October; [1981, c. 693, §§ 5, 8 (NEW).]

F. Veteran's Day, November 11th; [1981, c. 693, §§ 5, 8 (NEW).]

G. Thanksgiving Day, as designated by the Governor; [1985, c. 787, §4 (AMD).]

H. Christmas Day, December 25th; and [1985, c. 787, §5 (AMD).]

I. Martin Luther King, Jr. Day, the 3rd Monday in January. [1985, c. 787, §6 (NEW).]

[1985, c. 787, §4-6 (AMD) .]

2. **Conditional holidays.** Public schools shall close on the following days unless the school board votes to keep its schools open and observe the day with special exercises as defined in section 4803:

A. New Years Day, January 1st; and [1981, c. 693, §§ 5, 8 (NEW).]

B. Washington's Birthday, the 3rd Monday in February. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 787, §§4-6 (AMD).

§4803. SPECIAL OBSERVANCE DAYS

Days marked by special observances shall be established as follows: [1981, c. 693, §§ 5, 8 (NEW).]

1. **January 1st.** January 1st, if the school board votes to keep schools open;

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Washington's Birthday.** Washington's Birthday, the 3rd Monday in February, if the school board votes to keep schools open. The day shall be observed with appropriate exercises;

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Lincoln's Birthday.** Lincoln's Birthday shall be observed by studying the life and character of Abraham Lincoln during part of the school day;

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Arbor Day, as designated by the Governor.** Arbor Day shall be observed for the purpose designated by the Governor;

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Alcohol Awareness Day.** Alcohol Awareness Day, the first Monday in December, shall be observed by studying for at least 45 minutes, a constructive approach toward the use of alcohol and the problems and dangers of alcohol abuse upon the individual, the family and society. The commissioner shall prepare appropriate materials for this observance.

[1985, c. 41, §2 (RPR) .]

6. **John F. Kennedy Day.** John F. Kennedy Day, November 2nd, shall be observed by studying the life and character of John F. Kennedy during part of the school day;

[1981, c. 693, §§ 5, 8 (NEW) .]

7. **Martin Luther King Day.**

[1985, c. 787, §7 (RP) .]

8. **Statehood Day.** Statehood Day, March 15th, as specified in Title 1, section 116; and

[1981, c. 693, §§ 5, 8 (NEW) .]

9. **Poetry Day.** Poetry Day, October 15th, as specified in Title 1, section 112.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 41, §2 (AMD). 1985, c. 787, §7 (AMD).

§4804. SUNDAY HOLIDAYS

When a holiday or special observance falls on a Sunday, the following Monday shall be considered the holiday or day of special observance. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§4805. OTHER SPECIAL OBSERVANCES

Other special observances shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Flag.** It shall be the duty of instructors to impress upon the youth by suitable references and observances the significance of the flag, to teach them the cost, the object and principles of our government, the inestimable sacrifices made by the founders of our Nation, the important contribution made by all who have served in the armed services of our country since its inception and to teach them to love, honor and respect the flag of our country that costs so much and is so dear to every true American citizen.

[1985, c. 103, §3 (AMD) .]

2. **Period of silence.** The school board of a school administrative unit may require, at the commencement of the first class of each day in all grades in all public schools in their unit, that the teacher in charge of the room in which each class is held shall announce that a period of silence shall be observed for reflection or meditation and during that period silence shall be maintained and no activities engaged in.

[1981, c. 693, §§5, 8 (NEW) .]

3. **American History Month.** American History Month is the month of February, in accordance with Title 1, section 113.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Maine Cultural Heritage Week.** Maine Cultural Heritage Week is the week containing March 15th, in accordance with Title 1, section 118.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Arbor Week.** Arbor Week is the 3rd full week in May, in accordance with Title 1, section 111-A.

[1981, c. 693, §§5, 8 (NEW) .]

6. **National Women's History Week.** National Women's History Week is the week containing March 8th, in accordance with Title 1, section 122.

[1983, c. 719, §2 (NEW) .]

7. **Maine Business Women's Week.** Maine Business Women's Week is the 3rd full week in October in accordance with Title 1, section 124.

[1985, c. 31, §2 (NEW) .]

8. **Deaf Culture Week.** Deaf Culture Week is the last full week in September in accordance with Title 1, section 132.

[1991, c. 279, §4 (NEW) .]

9. **Religious holidays.** A public school may acknowledge religious holidays by conveying a message of pluralism and freedom of belief in some manner or form that does not endorse religion. In determining whether an acknowledgement endorses religion, school officials shall consider the context in which the acknowledgement appears or occurs.

[1993, c. 581, §1 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 719, §2 (AMD). 1985, c. 31, §2 (AMD). 1985, c. 103, §3 (AMD). 1991, c. 279, §4 (AMD). 1993, c. 581, §1 (AMD).

Chapter 211: ATTENDANCE

Subchapter 1: ATTENDANCE

§5001. COMPULSORY ATTENDANCE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §22 (AMD). 1983, c. 806, §48 (RP).

§5001-A. COMPULSORY ATTENDANCE

Attendance at school shall be required of persons in the State as follows. [1983, c. 806, §49 (NEW).]

1. **Requirement.** Persons 7 years of age or older and under 17 years shall attend a public day school during the time it is in regular session.

[1983, c. 806, §49 (NEW) .]

2. **Exceptions.** Attendance at school shall not be required of the following:

A. A person who graduates from high school before that person's 17th birthday; [1983, c. 806, §49 (NEW).]

B. A person who has:

(1) Reached the age of 15 years or completed the 9th grade;

(2) Permission to leave school from that person's parent;

(3) Been approved by the principal for a suitable program of work and study or training;

(4) Permission to leave school from the school board or its designee; and

(5) Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner; [2009, c. 330, §1 (AMD).]

C. [2003, c. 688, Pt. H, §3 (AFF); 2003, c. 688, Pt. H, §2 (RP).]

D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner; or [2009, c. 330, §2 (AMD).]

E. A person enrolled in an online learning program or course, unless the person is enrolled in a virtual public charter school as defined in section 2401, subsection 11. [2015, c. 448, §9 (AMD).]

[2015, c. 448, §9 (AMD) .]

3. **Alternatives to attendance at public day school.** Alternatives to attendance at public day school are as follows.

A. Equivalent instruction alternatives are as follows.

(1) A person is excused from attending a public day school if the person obtains equivalent instruction in:

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c-1) A home instruction program that complies with the requirements of subparagraph (4); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student is credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(4) The following provisions govern a home instruction program.

(a) The student's parent or guardian shall provide a written notice of intent to provide home instruction simultaneously to the school officials of the administrative unit in which the student resides and to the commissioner within 10 calendar days of the beginning of home instruction. The notice must contain the following information:

(i) The name, signature and address of the student's parent or guardian;

(ii) The name and age of the student;

(iii) The date the home instruction program will begin;

(iv) A statement of assurance that indicates the home instruction program will provide at least 175 days annually of instruction and will provide instruction in the following subject areas: English and language arts, math, science, social studies, physical education, health education, library skills, fine arts and, in at least one grade from grade 6 to 12, Maine studies. At one grade level from grade 7 to 12, the student will demonstrate proficiency in the use of computers; and

(v) A statement of assurance that indicates that the home instruction program will include an annual assessment of the student's academic progress that includes at least one of the forms of assessment described in division (b).

(b) On or before September 1st of each subsequent year of home instruction, the student's parent or guardian shall file a letter with the school officials of the administrative unit in which the student resides and the commissioner stating the intention to continue providing home instruction and enclose a copy of one of the following forms of annual assessment of the student's academic progress:

(i) A standardized achievement test administered through the administrative unit in which the student resides or through other arrangements approved by the commissioner. If the test is administered through the administrative unit in which the student resides, that administration must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(ii) A test developed by the school officials of the administrative unit in which the student resides appropriate to the student's home instruction program, which must be agreed to by the school officials of the administrative unit prior to submission of the written notice of intent to provide home instruction;

(iii) A review and acceptance of the student's progress by an identified individual who holds a current Maine teacher's certificate;

(iv) A review and acceptance of the student's progress based on, but not limited to, a presentation of an educational portfolio of the student to a local area homeschooling support group whose membership for this purpose includes a currently certified Maine teacher or administrator; or

(v) A review and acceptance of the student's progress by a local advisory board selected by the superintendent of the administrative unit in which the student resides that includes one administrative unit employee and 2 home instruction tutors. For the purpose of this subdivision, a "home instruction tutor" means the parent, guardian or other person who acts or will act as a primary teacher of the student in the home instruction program. This provision must be agreed to by the school officials of the administrative unit in which the student resides prior to submission of the written notice of intent to provide home instruction.

(c) Dissemination of any information filed under this subparagraph is governed by the provisions of section 6001; the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g (2002); and the federal Education for All Handicapped Children Act of 1975, 20 United States Code, Sections 1401 to 1487 (2002), except that "directory information," as defined by the federal Family Educational Rights and Privacy Act of 1974, is confidential and is not subject to public disclosure unless the parent or guardian specifically permits disclosure in writing or a judge orders otherwise. Copies of the information filed under this subparagraph must be maintained by the student's parent or guardian until the home instruction program concludes. The records must be made available to the commissioner upon request.

(d) If the home instruction program is discontinued, students of compulsory school age must be enrolled in a public school or an equivalent instruction alternative as provided for in this paragraph. The receiving school shall determine the placement of the student. At the secondary level, the principal of the receiving school shall determine the value of the prior educational experience toward meeting the standards of the system of learning results as established in section 6209. [2007, c. 111, §1 (AMD).]

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605. [1989, c. 415, §14 (AMD).]

C. [1991, c. 622, Pt. G, §§4, 31, 33 (AFF); 1991, c. 622, Pt. G, §3 (RP).]

[2007, c. 111, §1 (AMD) .]

4. **Excusable absence.** A person's absence is excused when the absence is for the following reasons:

A. Personal illness; [1983, c. 806, §49 (NEW).]

B. An appointment with a health professional that must be made during the regular school day; [1983, c. 806, §49 (NEW).]

C. Observance of a recognized religious holiday when the observance is required during the regular school day; [1983, c. 806, §49 (NEW).]

D. A family emergency; [2007, c. 451, §3 (AMD).]

E. A planned absence for a personal or educational purpose that has been approved; or [2007, c. 451, §4 (AMD).]

F. Education disruption resulting from homelessness, unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or some other out-of-district placement that is not otherwise authorized by either an individualized education plan or other education plan or a superintendent's agreement developed in accordance with

section 5205, subsection 2. This paragraph does not apply to a student who is out of school for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for planned hospitalization or recovery. [2007, c. 451, §5 (NEW).]

[2007, c. 451, §§3-5 (AMD) .]

5. **Adult responsibility.** An adult having a person of compulsory school age under that adult's control shall cause the person to attend school as provided in this section.

[1989, c. 415, §15 (AMD) .]

6. **Noncompliance.**

[1989, c. 415, §16 (RP) .]

7. **Purpose.** Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.

[1989, c. 415, §17 (NEW) .]

SECTION HISTORY
1983, c. 806, §49 (NEW). 1983, c. 862, §56 (AMD). 1985, c. 123, §§1,2 (AMD). 1987, c. 114, (AMD). 1989, c. 415, §§13-17 (AMD). 1989, c. 537, (AMD). 1991, c. 602, §§1,2 (AMD). 1991, c. 602, §4 (AFF). 1991, c. 622, §G3 (AMD). 1991, c. 622, §§G4,31,33 (AFF). 1995, c. 610, §2 (AFF). 2003, c. 181, §1 (AMD). 2003, c. 533, §1 (AMD). 2003, c. 688, §§H1,2 (AMD). 2003, c. 688, §H3 (AFF). 2007, c. 111, §1 (AMD). 2007, c. 451, §§3-5 (AMD). 2009, c. 330, §§1-3 (AMD). 2015, c. 448, §9 (AMD).

§5002. ALTERNATE PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §50 (RPR). 1989, c. 415, §18 (RP).

§5003. ADMINISTRATION

1. **School board's responsibility.** School boards shall administer this chapter.

[1983, c. 806, §51 (AMD) .]

2. **Rules.** School boards shall adopt rules to carry out this chapter and shall file a copy with the commissioner.

[1983, c. 806, §51 (AMD) .]

3. **Commissioner's responsibility.** The commissioner shall guide school boards in adopting these rules.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §51 (AMD).

§5004. WORK PERMITS

Superintendents shall issue and revoke work permits for minor students as provided in Title 26, chapter 7. [1991, c. 655, §5 (NEW).]

SECTION HISTORY
1991, c. 655, §5 (NEW).

Subchapter 1-A: EQUIVALENT INSTRUCTION PROGRAMS

§5021. STANDARDS FOR PARTICIPATION IN PUBLIC SCHOOLS BY STUDENTS ENROLLED IN EQUIVALENT INSTRUCTION PROGRAMS

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in a home instruction program under section 5001-A, subsection 3, paragraph A, subparagraph (4) for a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory. [2005, c. 151, §1 (AMD).]

1. **Participation in regular classes.** A student receiving home instruction may enroll in specific day school classes at the appropriate public school if each of the following conditions is met.

A. The student or the student's parent or guardian, on the student's behalf, applies in writing to and receives written approval from the superintendent or the superintendent's designee. Approval may not be unreasonably withheld. [1995, c. 610, §1 (NEW).]

B. The student can demonstrate prior satisfactory academic achievement consistent with school unit policy and procedures applicable to all students. [1995, c. 610, §1 (NEW).]

C. The student shall comply with behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may withhold credit or terminate participation. [1995, c. 610, §1 (NEW).]

D. Transportation must be provided by the parent or guardian or student. The student may use the same transportation as all other students in the school unit, as long as additional expenses are not incurred. [1995, c. 610, §1 (NEW).]

E. The student shall complete all assignments and tests as required of all students in the class. [1995, c. 610, §1 (NEW).]

F. A home-schooled student may audit a course in accordance with established local policy at the appropriate public school under the following conditions.

(1) The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the superintendent or the superintendent's designee to audit a specific course or courses. Participation may not be unreasonably withheld.

(2) The student agrees to meet established behavioral, disciplinary, attendance and other classroom rules applicable to all students. If a student fails to comply, the school may terminate participation. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

2. **Academic credit.** A student receiving home-school instruction must receive academic credit subject to the following requirements.

A. Academic credit for individual courses must be awarded if the student meets required academic standards applicable to all students enrolled in the same course. [1995, c. 610, §1 (NEW).]

B. Academic credit must be awarded for successful completion of alternative instruction opportunities sponsored by the school and available to all students. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

3. **Special education services.** A student receiving home-school instruction is eligible for special education services, as provided under federal regulations, in accordance with section 5001-A and relevant department procedures and standards.

[1995, c. 610, §1 (NEW) .]

4. **Participation in cocurricular activities.** A student receiving home-school instruction is eligible to participate in cocurricular activities sponsored by the local school unit provided the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. Participation may not be unreasonably withheld. [1995, c. 610, §1 (NEW).]

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

5. **Participation in extracurricular activities.** Students receiving home-school instruction are eligible to try out for extracurricular activities sponsored by the local school unit, provided the student applies in writing, if the following requirements are satisfied.

A. The student agrees to abide by equivalent rules of participation as are applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met. [1995, c. 610, §1 (NEW).]

B. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the school unit. [1995, c. 610, §1 (NEW).]

C. The student meets equivalent academic standards as those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met. [1995, c. 610, §1 (NEW).]

D. The student abides by the same transportation policy as regularly enrolled students participating in the activity. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

6. **Use of school facilities and equipment.** A student receiving home-school instruction may use public school facilities and equipment on the same basis as regularly enrolled students if the following conditions are met:

A. Use does not disrupt regular school activities; [1995, c. 610, §1 (NEW).]

B. Use is approved by the school principal in accordance with established school policy; [1995, c. 610, §1 (NEW).]

C. Use does not create additional expense to the school unit; [1995, c. 610, §1 (NEW).]

D. Use is directly related to the student's academic program; and [1995, c. 610, §1 (NEW).]

E. Use of potentially hazardous areas, such as shops, laboratories and the gymnasium, is supervised by a qualified employee of the school administrative unit. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

7. **Use of school textbooks and library books.** Subject to availability, a student receiving home instruction may use school textbooks if the number of particular copies are sufficient and library books owned by the school unit subject to the following conditions:

A. Use does not disrupt regular student, staff or special program functions; [1995, c. 610, §1 (NEW).]

B. The student's sign-out period for a library book is the same as that applicable to regularly enrolled students; [1995, c. 610, §1 (NEW).]

C. The student may sign out a textbook for a period not to exceed one year; and [1995, c. 610, §1 (NEW).]

D. The parent or guardian and student agree to reimburse the school unit for lost, unreturned or damaged library books and textbooks and for consumable supplies used. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

8. **Reimbursement for students enrolled in equivalent instruction programs.** A school administrative unit is entitled to receive state subsidy for any student who receives instruction through one or more on-site academic courses from a public school but is not a full-time student. A school administrative unit that sends any tuition student to another school administrative unit or to a private school approved pursuant to chapter 219 is also entitled to receive state subsidy under this subsection. The rate of reimbursement must be established in increments of 0.25 full-time equivalent status up to 1.0 full-time equivalent status based on the average amount of time per day that a student receives on-site academic services from a public school. School administrative units shall keep an accurate count of the number of students receiving on-site academic services and shall include the full-time equivalency status of these students in the annual count of students attending school in accordance with section 6004.

[1999, c. 439, §1 (NEW) .]

SECTION HISTORY
1995, c. 610, §1 (NEW). 1999, c. 439, §1 (AMD). 2003, c. 181, §2 (AMD). 2005, c. 151, §1 (AMD).

§5021-A. STANDARDS FOR PARTICIPATION IN PUBLIC SCHOOLS BY STUDENTS ENROLLED IN EQUIVALENT INSTRUCTION PROGRAMS IN PRIVATE SCHOOLS

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in an equivalent instruction program. For the purposes of this section, "student enrolled in an equivalent instruction program" means a student otherwise eligible to attend school in that school administrative unit, including a student who resides in the unorganized territory, when the student is enrolled in an equivalent instruction program in a private school that is recognized as an equivalent instruction alternative under section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b). [2013, c. 428, §1 (AMD).]

1. **Participation in cocurricular activities.** A student enrolled in an equivalent instruction program is eligible to participate in cocurricular activities sponsored by the local school unit as long as the following requirements are met.

A. The student or the student's parent or guardian, on behalf of the student, applies in writing to and receives written approval from the principal of the school or the principal's designee. The principal or the principal's designee may withhold approval only if the school does not have the capacity to provide the student with the opportunity to participate in the cocurricular activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. [2013, c. 428, §2 (AMD).]

B. The student agrees to meet established behavioral, disciplinary, attendance and other rules applicable to all students. [2011, c. 456, §1 (NEW).]

C. The private school the student attends does not provide the same cocurricular activity. [2013, c. 428, §3 (NEW).]

[2013, c. 428, §§2, 3 (AMD) .]

2. **Participation in extracurricular and interscholastic activities.** A student enrolled in an equivalent instruction program is eligible to try out for extracurricular and interscholastic activities sponsored by the local school unit as long as the following requirements are satisfied.

A. The student applies for and receives written approval from the principal of the school or the principal's designee, who may withhold such approval only if the school does not have the capacity to provide the student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the principal or the principal's designee must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. [2013, c. 428, §4 (AMD).]

B. The student agrees to abide by rules of participation equivalent to those applicable to regularly enrolled students participating in the activity and provides evidence that the rules of participation are being met. [2011, c. 456, §1 (NEW).]

C. The student complies with the same physical examination, immunization, insurance, age and semester eligibility requirements as regularly enrolled students participating in the activity. All required documentation must be made available upon request by the local school unit. [2011, c. 456, §1 (NEW).]

D. The student meets academic standards equivalent to those established for regularly enrolled students participating in the activity and provides evidence that the academic standards are being met. [2011, c. 456, §1 (NEW).]

E. The student abides by the same transportation policy as regularly enrolled students participating in the activity. [2011, c. 456, §1 (NEW).]

F. The private school the student attends does not provide the same extracurricular or interscholastic activity. [2013, c. 428, §5 (NEW).]

[2013, c. 428, §§4, 5 (AMD) .]

SECTION HISTORY
2011, c. 456, §1 (NEW). 2013, c. 428, §§1-5 (AMD).

§5022. ADMISSION TO REGULAR PROGRAM

1. **Placement.** A student who has been receiving home-school instruction and who seeks admission to the regular school program must be placed in a grade commensurate with the level of the student's academic achievement. Placement must be guided by the following.

A. Grade level placement is determined by the locally designated appropriate school staff, based upon but not limited to such factors as the student's completed curricula and record of achievement, conferencing with the student's parent or guardian and administration of tests, if determined necessary. [1995, c. 610, §1 (NEW).]

B. The final grade level placement decision is based upon local school unit policy and procedures. That decision may be appealed to the school unit superintendent and, if desired, subsequently to the local school board, whose decision is final. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

2. **High school course credits and diploma eligibility.** The following standards govern the awarding of course credits and a graduation diploma to a student receiving home-school instruction who seeks admission to the public high school.

A. A student shall earn high school credits for satisfactory completion of courses in the public high school pursuant to section 5021, subsection 2, paragraph A. [1995, c. 610, §1 (NEW).]

B. A student may earn credit for course work completed through home-school instruction if the principal determines both in advance and upon completion of the course that the course satisfies the requirements for awarding the credit. The principal may direct that the student undergo a test or tests to assist in making a determination relative to the awarding of credit. [1995, c. 610, §1 (NEW).]

C. Requests for transfer credit for equivalent instruction completed at nonapproved private schools, at private schools that elect not to meet requirements under section 2901 or through other equivalent instruction programs must be evaluated on the merits of the documentation provided. The principal and guidance staff shall conduct these evaluations on request by the student or the student's parent or guardian. The principal may direct that the student undergo a test or tests to assist in making a determination relative to the awarding of credit under this paragraph. [2003, c. 271, §1 (AMD).]

D. Awarding of a high school diploma by the local school is conditioned upon the student's demonstration of having satisfied all course credit and other requirements established by the local school board. The local board of directors may establish resident credit requirements as a precondition for the awarding of a local school unit diploma. [2003, c. 271, §1 (AMD).]

[2003, c. 271, §1 (AMD) .]

SECTION HISTORY
1995, c. 610, §1 (NEW). 2003, c. 271, §1 (AMD).

§5023. STANDARDS FOR PARTICIPATION WHEN TUITION PAYMENT IS REQUIRED

When the local public school unit does not provide academic instruction for specific grade levels, the following applies for students enrolled in an approved program of equivalent instruction. [1995, c. 610, §1 (NEW).]

1. **Class participation.** The home-schooled student or the student's parent or guardian shall request authorization from the resident local school unit to apply to another school unit for permission to participate in classes or activities in that other school unit.

[1995, c. 610, §1 (NEW) .]

2. **Tuition payment.** Tuition payments for home-schooled student participation in a local school unit, including attendance at a career and technical education center or a career and technical education region, other than the applicant's resident district is the responsibility of the home-schooled student, the student's parent or guardian or the student's resident school administrative unit, in accordance with local school unit policy. Participation may not be unreasonably withheld.

[1995, c. 610, §1 (NEW); 2003, c. 545, §5 (REV) .]

3. **Participation eligibility.** A tuitioned home-schooled student is subject to the rules relating to eligibility for participation in cocurricular or extracurricular activities as may apply at the receiving school unit.

[1995, c. 610, §1 (NEW) .]

4. **Interscholastic activities.** A tuitioned home-schooled student attending classes in more than one receiving school unit is not eligible for participation in interscholastic activities at any local school unit.

[1995, c. 610, §1 (NEW) .]

SECTION HISTORY
1995, c. 610, §1 (NEW). 2003, c. 545, §5 (REV).

§5024. LOCAL SCHOOL UNIT POLICY

Each school administrative unit shall develop and adopt a policy consistent with this subchapter. Establishment and administration of the local school unit policy is subject to the following. [1995, c. 610, §1 (NEW).]

1. **Policy.** Local school unit policy must be submitted to and placed on file in the department by January 1, 1997.

[1995, c. 610, §1 (NEW) .]

2. **Implementation.** Locally approved policy is implemented and administered by the local school unit.

[1995, c. 610, §1 (NEW) .]

3. **Provision of information.** At the request of the student or the student's parent or guardian, public schools shall make available to home-schooled students, in a form determined by the school, information regarding access to public school resources and services, participation in public school activities and attendance at public schools. This information must include:

A. Requirements regarding initial health and developmental screening for motor skills, vision, hearing and immunization; and [1995, c. 610, §1 (NEW).]

B. Criteria for participation of home-schooled students in curricular, cocurricular and extracurricular activities. [1995, c. 610, §1 (NEW).]

[1995, c. 610, §1 (NEW) .]

4. **Appeals.** Appeals from administration and application of the local school unit policy are heard by the local school unit's school board, whose decision is final and binding.

[1995, c. 610, §1 (NEW) .]

SECTION HISTORY
1995, c. 610, §1 (NEW).

§5025. COMPLIANCE

Appeals that question the local school unit's policy compliance with this subchapter must be made to the commissioner, whose decision is final and binding. [1995, c. 610, §1 (NEW).]

SECTION HISTORY
1995, c. 610, §1 (NEW).

Subchapter 1-B: HIGH SCHOOL GRADUATION RATE

§5031. HIGH SCHOOL GRADUATION RATE

1. **Goal.** It is the goal of the State to achieve a graduation rate of 90% by the end of the 2015-2016 school year for each publicly supported secondary school. In addition to calculating the 4-year adjusted cohort graduation rate following the procedures outlined in 34 Code of Federal Regulations, Section 200.19, the department shall also calculate and record for each publicly supported secondary school:

A. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, the 5-year adjusted cohort graduation rate; [2011, c. 614, §12 (NEW).]

B. Beginning with the graduation rate reported for school year 2012-2013 and for each school year thereafter, the 6-year adjusted cohort graduation rate; and [2011, c. 614, §12 (NEW).]

C. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, other descriptors of academic success for school-age students on a statewide aggregate basis, including the rates of attainment of a:

(1) Department of Education diploma as described under section 257-A;

(2) High school equivalency diploma as described under section 257; and

(3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult education program as described in chapter 315. [2013, c. 439, §5 (AMD).]

The department shall adopt rules specifying that the methods used to calculate publicly supported secondary school graduation rates through the 2015-2016 school year must include calculations for 5-year and 6-year adjusted cohort graduation rates under paragraphs A and B and other descriptors of academic success under paragraph C.

[2013, c. 439, §5 (AMD) .]

2. **Technical assistance.** The department shall provide forms to publicly supported secondary schools for reporting graduation rates. The commissioner shall provide technical assistance to publicly supported secondary schools in the State that have not attained a graduation rate of 80% by the end of the 2012-2013 school year. Publicly supported secondary schools that do not meet the 80% graduation rate by the end of the 2012-2013 school year shall provide the commissioner with a copy of the action plan developed under section 5103, subsection 5 no later than December 31, 2013. The action plan may include the steps necessary to achieve a graduation rate of 90% by the end of the 2015-2016 school year.

[2009, c. 626, §1 (NEW) .]

3. **Rules.** The department shall adopt rules specifying the method to be used to calculate publicly supported secondary school graduation rates through 2016 and dates by which graduation rates must be reported to the department. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A and must be provisionally adopted and submitted to the Legislature for review no later than January 14, 2011.

[2009, c. 626, §1 (NEW) .]

SECTION HISTORY
2009, c. 626, §1 (NEW). 2011, c. 614, §12 (AMD). 2013, c. 439, §5 (AMD).

Subchapter 2: TRUANTS

§5051. HABITUAL TRUANCY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§52,53 (AMD). 1989, c. 415, §19 (AMD). 1995, c. 124, §1 (AMD). 1999, c. 198, §§1,2 (AMD). 2003, c. 533, §2 (RP).

§5051-A. TRUANCY

1. **Truant.** A student is truant if the student is subject to section 5001-A and:

A. [2007, c. 304, §5 (RP).]

B. Has completed grade 6 and has the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year; or [2007, c. 304, §5 (AMD).]

C. Is at least 7 years of age and has not completed grade 6 and has the equivalent of 7 full days of unexcused absences or 5 consecutive school days of unexcused absences during a school year. [2007, c. 304, §5 (NEW).]

[2011, c. 614, §13 (AMD) .]

2. **Procedures; written notice; referral.** This subsection governs the procedure to be followed when a student is truant.

A. [2011, c. 614, §13 (RP).]

A-1. The principal, upon determining that a student is truant under subsection 1, shall notify the superintendent of the student's truancy within 5 school days of the last unexcused absence. [2011, c. 614, §13 (NEW).]

A-2. A student who is determined truant under subsection 1 must be referred to the school's student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 to determine the cause of the truancy and assess the effect of the student's absences, as well as any future absences for the student. If it is determined that a negative effect exists, the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 shall develop an intervention plan to address the student's absences and the negative effect of these absences. An intervention plan may include, but is not limited to:

(1) Frequent communication between the teacher and the family;

(2) Changes in the learning environment;

(3) Mentoring;

(4) Student counseling;

(5) Tutoring, including peer tutoring;

(6) Placement into different classes;

(7) Consideration of multiple pathways as described under section 4703;

(8) Attendance contracts;

(9) Referral to other agencies for family services; and

(10) Other interventions, including, but not limited to, referral to the school attendance coordinator, student assistance team or dropout prevention committee.

Failure of the student or the student's parents to appear at scheduled meetings does not preclude the school administrators from implementing an intervention plan to address the student's truancy. [2011, c. 614, §13 (NEW).]

B. [2011, c. 614, §13 (RP).]

B-1. The superintendent shall develop procedures to refer a student who is truant to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 in accordance with this section. These procedures may include, but are not limited to:

(1) Identifying school personnel responsible for notifying the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system when a student is truant;

(2) A process for referral of a student who is truant, including identifying school personnel responsible for inviting the parents and the student to participate in any meeting that results from this referral;

(3) A timeline for setting up a meeting and developing an intervention plan under paragraph A-2;

(4) A plan for dealing with future absences of a student who is truant; and

(5) A plan for reporting of the results of the intervention plan developed pursuant to paragraph A-2. [2011, c. 614, §13 (NEW).]

C. If the intervention plan developed pursuant to paragraph A-2 is unable to correct the truancy of the child, the superintendent shall serve or cause to be served upon the parent in hand or by registered mail a written notice that attendance of the child at school is required by law. The notice must:

(1) State that the student is required to attend school pursuant to section 5001-A;

(2) Explain the parent's right to inspect the student's attendance records, attendance coordinator's reports and principal's reports;

(3) Explain that the failure to send the student to school and maintain the student in regular attendance is a civil violation in accordance with section 5053-A and will jeopardize the student's status in the grade that the student is in;

(4) State that the superintendent may notify the local law enforcement department of a violation of section 5053-A and the Department of Health and Human Services of a violation under subsection 1, paragraph C; and

(5) Outline the plan developed to address the student's truancy and the steps that have been taken to implement that plan. [2011, c. 614, §13 (AMD).]

D. Prior to notifying the local law enforcement department under paragraph E, the superintendent shall schedule at least one meeting as required in paragraph B-1 and may invite a local prosecutor. [2011, c. 614, §13 (AMD).]

E. If, after 3 school days after service of the notice referred to in paragraph C, the student remains truant and the parent and student refuse to attend the meeting scheduled according to paragraph D, the superintendent shall report the facts of the unlawful absence to the local law enforcement department, which may proceed with an action to enforce section 5053-A against the parent unless the student is at once placed in an appropriate school or otherwise meets the requirements under section 5001-A. [2011, c. 614, §13 (AMD).]

F. When a student is determined to be truant and in violation of section 5001-A and the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710 and the superintendent have made a good faith attempt to meet the requirements of paragraph B-1, the superintendent shall notify the school board of the student's truancy. [2011, c. 614, §13 (AMD).]

[2011, c. 614, §13 (AMD) .]

3. **Reports.** This subsection applies to reports of truancy.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report must:

(1) Identify the number of truants in the school administrative unit in the preceding school year;

(2) Describe the unit's efforts to deal with truancy;

(3) Account for actions brought under this section including the number of truants reported to the student assistance team or the school personnel designated by the superintendent in accordance with the school administrative unit's intervention system under section 4710; and

(4) Include any other information on truancy requested by the commissioner. [2011, c. 614, §13 (AMD).]

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report must aggregate the information provided by superintendents under paragraph A and must evaluate the effect of state laws on the incidence of truancy. [2003, c. 533, §3 (NEW).]

[2011, c. 614, §13 (AMD) .]

SECTION HISTORY
2003, c. 533, §3 (NEW). 2007, c. 304, §§5-7 (AMD). 2011, c. 614, §13 (AMD).

§5052. ATTENDANCE OFFICERS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 415, §20 (RP).

§5052-A. ATTENDANCE COORDINATORS

The following provisions apply to attendance coordinators. [1989, c. 415, §21 (NEW).]

1. **Appointment.** The following provisions apply to the appointment of attendance coordinators.

A. A superintendent shall appoint an attendance coordinator or coordinators. [2011, c. 614, §14 (AMD).]

B. Vacancies must be filled as they occur. [2011, c. 614, §14 (AMD).]

[2011, c. 614, §14 (AMD) .]

2. **Qualifications.** An attendance coordinator must be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.

[2011, c. 614, §14 (AMD) .]

3. **Duties.** The duties of an attendance coordinator include, but are not limited to, the following:

A. Interviewing a student whose attendance is irregular and meeting with the student and the parents to determine the cause of the irregular attendance and filing a written report with the principal; [2011, c. 614, §14 (AMD).]

B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants; [2007, c. 143, §1 (AMD).]

C. Serving as a member of the dropout prevention committee in accordance with section 5103; and [2007, c. 143, §1 (AMD).]

D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under section 5001-A. [2011, c. 614, §14 (AMD).]

[2011, c. 614, §14 (AMD) .]

4. **Department assistance.** The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout Prevention and Alternative Education.

[2011, c. 614, §14 (AMD) .]

SECTION HISTORY
1989, c. 415, §21 (NEW). 2007, c. 143, §1 (AMD). 2011, c. 614, §14 (AMD).

§5053. ENFORCEMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §54 (AMD). 1989, c. 415, §§22-25 (AMD). 2003, c. 533, §4 (RP).

§5053-A. ENFORCEMENT

1. **Civil violation.** If a parent has control of a student who is truant under section 5051-A, subsection 1 and that parent is primarily responsible for that truancy, that parent commits a civil violation for which a fine of not more than $250 may be adjudged, all or part of which may be suspended upon the parent's compliance with a court order under subsection 2.

[2011, c. 614, §15 (AMD) .]

2. **Dispositions.** The court may also order a parent adjudicated as violating subsection 1 to take specific action to ensure the child's attendance at school; comply with the intervention plan developed in accordance with section 5051-A, subsection 2, paragraph A-2; participate in a parent-training class; attend school with the child; perform community service hours at the school; or participate in counseling or other services as appropriate.

[2011, c. 614, §16 (AMD) .]

3. **Notice required.** Notice must be provided to the parent pursuant to section 5051-A, subsection 2, paragraph C before a prosecution for violating subsection 1 may be brought against the parent.

[2003, c. 533, §5 (NEW) .]

4. **Prima facie proof.** Evidence that shows that the parent received the notice under section 5051-A, subsection 2 and that the child has accumulated 10 cumulative full days of absences or 5 consecutive school days of absences that are not justified under the established attendance policies of the school administrative unit is prima facie proof that the parent is primarily responsible for the child's truancy or the parent failed to take corrective measures for the child's truancy.

[2011, c. 614, §17 (AMD) .]

5. **Defense.** It is a defense to a prosecution under subsection 1 that the parent has exercised reasonable diligence in attempting to cause a child in the parent's custody to attend school or that the administrators of the child's school did not perform their duties as required by law.

[2003, c. 533, §5 (NEW) .]

6. **Process.** Service of a summons on the parent pursuant to subsection 1 must be in accordance with the Maine Rules of Civil Procedure.

[2003, c. 533, §5 (NEW) .]

7. **Jurisdiction.** The District Court has jurisdiction over violations under subsection 1.

[2003, c. 533, §5 (NEW) .]

SECTION HISTORY
2003, c. 533, §5 (NEW). 2007, c. 304, §§8, 9 (AMD). 2011, c. 614, §§15-17 (AMD).

§5054. EMPLOYMENT OF TRUANTS PROHIBITED

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is truant as defined in this subchapter without a release from the student's supervising superintendent of schools is subject to the penalty provided in Title 26, section 781. [2011, c. 614, §18 (AMD).]

SECTION HISTORY
1989, c. 415, §26 (NEW). 2011, c. 614, §18 (AMD).

Subchapter 3: DROPOUTS

§5101. STATEMENT OF PURPOSE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 415, §27 (RP).

§5102. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, a "dropout" means any person who has withdrawn for any reason except death, or been expelled from school before graduation or completion of a program of studies and who has not enrolled in another educational institution or program. [1989, c. 415, §28 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 415, §28 (AMD).

§5103. DROPOUT PREVENTION COMMITTEE

The following provisions apply to the dropout prevention committee. [1989, c. 415, §29 (RPR).]

1. **Committee.** Each superintendent, with school board approval, shall annually establish a separate dropout prevention committee for each individual school unit under the superintendent's supervision.

[1989, c. 415, §29 (RPR) .]

2. **Membership.** The dropout prevention committee shall be composed of the following members:

A. A member of the school board selected by that board; [1989, c. 415, §29 (RPR).]

B. A school administrator selected by the superintendent; [1989, c. 415, §29 (RPR).]

C. A teacher and a school counselor selected by the school administrative unit's teacher organization; [1989, c. 415, §29 (RPR).]

D. A parent selected by the unit's organized parent group, or, if no organized parent group exists, by the school board; [1989, c. 415, §29 (RPR).]

E. A school attendance coordinator from the district selected by the superintendent; [1989, c. 415, §29 (RPR).]

F. A high school student selected by the dropout prevention committee members selected in paragraphs A to E; [1989, c. 415, §29 (RPR).]

G. A dropout selected by the dropout prevention committee members selected in paragraphs A to E; and [1989, c. 415, §29 (RPR).]

H. A community resident of the district selected by the dropout prevention committee members selected in paragraphs A to E. [1989, c. 415, §29 (NEW).]

A dropout prevention committee may increase its membership by majority vote.

[1989, c. 415, §29 (RPR) .]

3. **Terms and vacancies.** Members shall serve in accordance with policy established by the school board.

[1989, c. 415, §29 (RPR) .]

4. **Chair.** The dropout prevention committee shall select a chair from among its members.

[1989, c. 415, §29 (RPR) .]

5. **Responsibilities.** The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

(1) Study the problem of dropouts and truancy and the need for alternative education programs, kindergarten to grade 12;

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L-1. [2011, c. 614, §19 (AMD).]

B. The dropout prevention committee shall consider the following when developing its plan:

(1) Reasons why students drop out of school;

(2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for alternative education programs, counseling and referral;

(3) Education of teachers and administrators about the dropout problem;

(4) Use of human services programs to help dropouts;

(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and

(6) Discriminatory practices and attitudes within the school administrative unit. [2007, c. 667, §7 (AMD).]

C. [1989, c. 415, §29 (RP).]

[2011, c. 614, §19 (AMD) .]

6. **Annual report.** The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.

[1989, c. 415, §29 (RPR) .]

7. **Department assistance.** The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.

[1989, c. 415, §29 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 415, §29 (RPR). RR 2001, c. 1, §24 (COR). 2007, c. 667, §7 (AMD). 2011, c. 614, §19 (AMD).

§5104. PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 415, §30 (RP).

§5104-A. ALTERNATIVE EDUCATION PROGRAMS OUTSIDE THE SCHOOL ADMINISTRATIVE UNIT

1. **Alternative education programs.** If the superintendents approve, a school administrative unit may enroll a student in an alternative education program in another school administrative unit or in an approved private alternative education program.

[2007, c. 667, §8 (AMD) .]

2. **Student count.** A student properly approved for enrollment under subsection 1 must be counted as a 1.0 student on school administrative unit counts for each semester, or its equivalent, of alternative education program.

[2007, c. 667, §8 (AMD) .]

3. **Rules.** The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to administer this section.

[1989, c. 415, §31 (NEW) .]

SECTION HISTORY
1989, c. 415, §31 (NEW). 2007, c. 667, §8 (AMD).

Subchapter 4: TECHNICAL ASSISTANCE

§5151. TECHNICAL ASSISTANCE FOR TRUANTS, DROPOUT PREVENTION AND REINTEGRATION AND ALTERNATIVE EDUCATION

The commissioner shall provide technical assistance regarding truancy, dropouts and reintegration and alternative education programs. To do this, the commissioner shall employ at least one consultant whose responsibility is to cover the area of truancy, dropouts and alternative education. [2013, c. 368, Pt. KK, §1 (AMD).]

1. **Qualifications.** Any consultant must be knowledgeable in the problems of truancy, dropouts and reintegration and policies and programs.

[2013, c. 368, Pt. KK, §2 (AMD) .]

2. **Duties.** The consultant shall:

A. Provide technical assistance to school administrative units and private schools approved for tuition purposes to establish alternative education programs; [2007, c. 667, §9 (AMD).]

B. Develop screening tools for early identification of potential dropouts; [1985, c. 774, §5 (NEW).]

C. Act as a clearinghouse for information on alternative education programs in the State, on exemplary programs in other states and on research pertaining to the subject, and promote effective programs; [1985, c. 774, §5 (NEW).]

D. Function as a liaison among the commissioner, department staff, advisory committee and school administrative units and private schools as it pertains to truants, dropouts and reintegration, alternative education programs, alternative learning and adult education; [2007, c. 667, §9 (AMD).]

E. Develop model curricula and programs for alternative education schools and programs; [2007, c. 667, §9 (AMD).]

F. Assess and provide for the evaluation of alternative education programs consistent with the standards established by the commissioner; [2007, c. 667, §9 (AMD).]

G. Develop training programs for superintendents, principals and school attendance officers to improve effectiveness in performance of their duties as pertains to truants, dropouts and reintegration and alternative education programs; [2007, c. 667, §9 (AMD).]

H. Develop and submit a plan on behalf of the commissioner for the joint standing committee of the Legislature having jurisdiction over education and the state board on the prevalence of truancy and dropouts, assess alternative and adult education programs and prepare positive strategies to prevent and

remedy the problems identified, including reintegration planning for juvenile offenders who have been released from juvenile facilities and are enrolling in schools in the State; [2007, c. 667, §9 (AMD).]

I. Have the responsibility for preventive programs and alternative education programs; [2007, c. 667, §9 (AMD).]

J. Collect data on the scope of the dropout and truancy problem in the State, including data on the number of students who are expelled from school and the number who are readmitted to school after expulsion; [2011, c. 614, §20 (AMD).]

K. Evaluate the scope of the problem of dropouts and truants and programs and policies directed to meet it, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities and have enrolled in schools in the State; [2001, c. 452, §12 (AMD).]

L. Provide staff services to the advisory committee; and [1985, c. 774, §5 (NEW).]

M. Plan and coordinate programs and grant writing to stimulate programs and research on the problem of dropouts, truants, alternative education, alternative learning and adult education. [2007, c. 667, §9 (AMD).]

[2011, c. 614, §20 (AMD) .]

SECTION HISTORY
1985, c. 774, §5 (NEW). 2001, c. 452, §12 (AMD). 2007, c. 667, §9 (AMD). 2011, c. 614, §20 (AMD). 2013, c. 368, Pt. KK, §§1, 2 (AMD).

§5152. ADVISORY COMMITTEE

1. **Commissioner.** The commissioner shall appoint an advisory committee on truancy, dropouts and alternative education.

[1985, c. 774, §5 (NEW) .]

2. **Duties of the advisory committee, as appointed by the commissioner.** The advisory committee shall advise the commissioner on the development and implementation of state and local policies and programs that are needed to deal effectively with the incidence of truancy and dropouts in state schools. The committee should consider its mandate in a broad context to assess the causes of truancy and dropouts, the effectiveness of alternative education and prevention programs and the social and educational programs or changes needed to encourage students to remain in school, including reintegration planning and aftercare services provided for juvenile offenders who have been released from juvenile facilities in the State and have enrolled in schools in the State.

[2007, c. 667, §10 (AMD) .]

3. **Membership.** The advisory committee must have a broad membership reflecting the range of individuals and public and private institutions that are involved or interested in the problem and its solution. It must include representation from each of the following:

A. Teachers; [1985, c. 774, §5 (NEW).]

B. Elementary school principals; [1985, c. 774, §5 (NEW).]

C. Secondary school principals; [1985, c. 774, §5 (NEW).]

D. Guidance counselors; [1985, c. 774, §5 (NEW).]

E. Adult education teachers with experience in high school completion education; [1985, c. 774, §5 (NEW).]

F. Superintendents; [1985, c. 774, §5 (NEW).]

G. Administrators from private schools involved in alternative education programs; [2007, c. 667, §11 (AMD).]

H. Department of Health and Human Services; [2005, c. 397, Pt. A, §15 (AMD).]

I. [2005, c. 397, Pt. A, §16 (RP).]

J. Department of Corrections; [1985, c. 774, §5 (NEW).]

K. Department of Labor; [1985, c. 774, §5 (NEW).]

L. A local positive action committee on truancy, dropout and alternative education programs; [2007, c. 667, §11 (AMD).]

M. Representatives from the business community; and [1985, c. 774, §5 (NEW).]

N. Other individuals who the commissioner feels will contribute to the development of effective policies and programs. [1985, c. 774, §5 (NEW).]

Two of the representatives in paragraphs A to D must be directly involved in alternative education programs. There may be no more than 15 members on the committee.

[2007, c. 667, §11 (AMD) .]

4. **Term of office.** The members of the advisory committee shall serve for 2 years and may be reappointed.

[1985, c. 774, §5 (NEW) .]

5. **Expenses.** Members of the advisory committee shall be reimbursed for expenses only for attending meetings or performing other functions authorized by the committee.

[1985, c. 774, §5 (NEW) .]

6. **Annual reports.** The committee shall report annually by February 1st to the joint standing committee of the Legislature having jurisdiction over education.

[1985, c. 774, §5 (NEW) .]

SECTION HISTORY
1985, c. 774, §5 (NEW). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 2001, c. 354, §3 (AMD). 2001, c. 452, §13 (AMD). 2005, c. 397, §§A15,16 (AMD). 2007, c. 667, §§10, 11 (AMD).

§5153. RULES

The commissioner shall establish rules to implement this subchapter by January 1987. [1985, c. 774, §5 (NEW).]

SECTION HISTORY
1985, c. 774, §5 (NEW).

Subchapter 5: STUDENTS EXPERIENCING EDUCATION DISRUPTION

§5161. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 451, §6 (NEW).]

1. **Academic programming waiver.**

[2015, c. 329, Pt. A, §4 (RP) .]

1-A. **Academic programming agreement.** "Academic programming agreement" means an agreement between an interim program and a responsible school through which the responsible school agrees to accept the academic programming, credits and documentation of achievement of standards completed by a student in the interim program.

[2013, c. 439, §6 (NEW) .]

2. **Department of Education diploma.** "Department of Education diploma" means a diploma awarded under section 257-A.

[2013, c. 439, §7 (RPR) .]

2-A. **Education disruption.** "Education disruption" means disruption of the educational program of an elementary or secondary school student as a result of:

A. Homelessness or foster care placement; [2013, c. 439, §8 (NEW).]

B. Absence for 10 or more consecutive school days due to placement in an interim program; or [2013, c. 439, §8 (NEW).]

C. Enrollment in 3 or more schools or educational programs in a single school year. [2013, c. 439, §8 (NEW).]

"Education disruption" does not include an absence for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for a planned hospitalization or recovery or pursuant to a superintendent's determination developed in accordance with section 5205, subsection 2.

[2013, c. 439, §8 (NEW) .]

3. **Interim placement.**

[2015, c. 329, Pt. A, §4 (RP) .]

3-A. **Interim program.** "Interim program" means:

A. A youth development center; [2013, c. 439, §9 (NEW).]

B. A hospital or other facility for the purpose of unplanned medical or psychiatric treatment; or [2013, c. 439, §9 (NEW).]

C. Any other program or school approved by the department, except a program or school in which a student is placed pursuant to an individual education plan or a superintendent transfer under section 5205. [2013, c. 439, §9 (NEW).]

[2013, c. 439, §9 (NEW) .]

4. **Learning results.** "Learning results" means the system of learning results established pursuant to section 6209.

[2007, c. 451, §6 (NEW) .]

5. **Receiving school.**

[2015, c. 329, Pt. A, §4 (RP) .]

5-A. **Responsible school.** "Responsible school" means the school responsible for developing or updating a school work recognition plan.

[2013, c. 439, §10 (NEW) .]

6. **School work recognition plan.** "School work recognition plan" means a written plan that outlines how a student who is experiencing, or who has experienced, an education disruption will make and demonstrate progress toward achievement of learning results.

[2013, c. 439, §11 (RPR) .]

7. **Sending school.**

[2015, c. 329, Pt. A, §4 (RP) .]

8. **Statewide review team.**

[2015, c. 329, Pt. A, §4 (RP) .]

9. **Students who experience education disruption.**

[2013, c. 439, §12 (RP) .]

10. **Student.** "Student" means an elementary school or secondary school student.

[2013, c. 439, §13 (NEW) .]

SECTION HISTORY
2007, c. 451, §6 (NEW). 2013, c. 439, §§6-13 (AMD). 2015, c. 329, Pt. A, §4 (AMD).

§5162. SCHOOL WORK RECOGNITION PLAN

(REPEALED)

SECTION HISTORY
2007, c. 451, §6 (NEW). 2013, c. 439, §14 (RP).

§5163. CONTINUING EDUCATIONAL PROGRESS DURING AND AFTER EDUCATION DISRUPTION

1. **Education disruption due to interim program placement.** The responsible school at the time a student is placed in an interim program shall:

A. Within 5 school days of becoming aware of the placement:

(1) Make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; or

(2) Sign an academic programming agreement; and [2013, c. 439, §15 (NEW).]

B. Within 10 days of becoming aware of the placement, work with the student, the parent or guardian and others such as juvenile community corrections officers and community case managers to develop or update a school work recognition plan for the student. [2013, c. 439, §15 (NEW).]

[2013, c. 439, §15 (NEW) .]

2. **Responsibility after placement.** The responsible school for a student who is returning to educational programming following placement in an interim program shall:

A. If the responsible school is the same school as the school that was responsible during the placement, update the school work recognition plan at the time of return to educational programming to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the interim program or by the responsible school pursuant to an academic programming agreement; or [2013, c. 439, §15 (NEW).]

B. If the responsible school is a different school from the school that was responsible during the placement, review the student's records and the school work recognition plan developed and updated during the placement and update it to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the placement or by the responsible school pursuant to an academic programming agreement. [2013, c. 439, §15 (NEW).]

[2013, c. 439, §15 (NEW) .]

3. **Education disruption due to multiple transfers.** The responsible school at the time of a 3rd or subsequent educational enrollment in a school year shall:

A. Within 10 school days of the school's or program's becoming aware that the student is enrolling in the 3rd school or program in a school year, work with the student, parent or guardian and staff of other schools and programs in which the student participated to develop or update a school work recognition plan; and [2013, c. 439, §15 (NEW).]

B. Compile for the student the credits or other recognition received by the student to date, identify gaps between that compilation and the credits or recognition typically earned by the student's peers and identify options for the student to close those gaps, if possible. [2013, c. 439, §15 (NEW).]

[2013, c. 439, §15 (NEW) .]

4. **Education disruption due to homelessness or foster care placement.** The responsible school at the time of education disruption due to homelessness or foster care placement shall:

A. Within 5 school days of becoming aware of the education disruption due to homelessness or foster care placement, make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; and [2013, c. 439, §15 (NEW).]

B. Within 10 days of becoming aware of the education disruption due to homelessness or foster care placement, work with the student and the parent or guardian to develop or update a school work recognition plan for the student. [2013, c. 439, §15 (NEW).]

[2013, c. 439, §15 (NEW) .]

5. **Staff assistance.** For every student who experiences education disruption due to placement in an interim program, professional staff in the responsible school must be assigned to ensure the complete transfer of all records, grades and credits and all academic material, including an academic programming agreement, if applicable, from the interim program in which the student was placed to the responsible school no later than 5 school days after the student enrolls in the responsible school.

[2013, c. 439, §15 (NEW) .]

6. **Identification of responsible school.** For purposes of implementing this section:

A. The responsible school for a student at the time the student enters an interim program is the school in which the student is enrolled at the time of entrance to the interim program. If the student is not enrolled at the time of entrance to the interim program, the responsible school is the one in which the student would be enrolled pursuant to chapter 213; [2013, c. 439, §15 (NEW).]

B. The responsible school for a student during the placement is the same as the school described in paragraph A; [2013, c. 439, §15 (NEW).]

C. The responsible school for a student at the time the student returns to regular educational programming following placement is the school in which the student is enrolled or is entitled to be enrolled; [2013, c. 439, §15 (NEW).]

D. The responsible school for a student who enrolls in a 3rd or subsequent educational program in a single school year is the school in which the student enrolls; and [2013, c. 439, §15 (NEW).]

E. The responsible school for a student who experiences education disruption due to homelessness or foster care placement is the school in which the student is enrolled or is entitled to be enrolled. [2013, c. 439, §15 (NEW).]

[2013, c. 439, §15 (NEW) .]

SECTION HISTORY
2013, c. 439, §15 (NEW).

§5164. PLANNING FOR GRADUATION

If the student who experiences education disruption is between 16 years of age and 20 years of age, the school work recognition plan developed or updated following the education disruption must include a description of what the student must do in order to qualify to graduate with the student's peers or within a reasonable time thereafter. [2013, c. 439, §15 (NEW).]

If it is determined by the responsible school and the student that the student cannot meet the school's requirements for graduation, the responsible school shall provide the student information about applying for a Department of Education diploma and shall assist the student in making the application. [2013, c. 439, §15 (NEW).]

SECTION HISTORY
2013, c. 439, §15 (NEW).

Chapter 213: STUDENT ELIGIBILITY

§5201. AGE

The following provisions apply to enrollment in public elementary and secondary schools. [1981, c. 693, §§5, 8 (NEW).]

1. **Eligibility to enroll; school year.** A person meeting the minimum age requirements of subsection 2 or section 7001, subsection 1-B, paragraph B, and who has not reached 20 years of age before the start of the school year may enroll as a full-time or, with the consent of the school board, as a part-time student, in the public elementary and secondary schools where the student resides as defined in section 5202. The school year, for the purpose of this subsection, is defined as starting on July 1st and ending on the following June 30th.

[2005, c. 662, Pt. A, §11 (AMD) .]

2. **Minimum ages.** The following are minimum ages necessary for student enrollment in a school administrative unit.

A. [1993, c. 201, §1 (RP).]

B. A person who will be at least 5 years old on October 15th of the school year may enroll in school. [1993, c. 201, §1 (AMD).]

C. A person who will be at least 4 years of age on October 15th of the school year may enroll in a public preschool program prior to kindergarten if it is offered. [2007, c. 141, §12 (AMD).]

[2007, c. 141, §12 (AMD) .]

3. **Exceptions.** The following are exceptions to this section.

A. War veterans who have not completed high school before their 18th birthday may enroll in the public schools in the school administrative units where they reside until they graduate or until the end of the school year in which they reach the age of 25. [1983, c. 704, §2 (AMD).]

B. A person who has enrolled in a public kindergarten or grade one in another state may enroll in kindergarten or grade one, as the case may be, in the school administrative unit where the parent or guardian become residents. [1981, c. 693, §§5, 8 (NEW).]

C. A person who was enrolled in kindergarten in this State under paragraph B, may enroll in grade one upon satisfactory completion of kindergarten. [1981, c. 693, §§5, 8 (NEW).]

D. A person who was enrolled in a public kindergarten in another state and was promoted to grade one may enroll in grade one in the school administrative unit where the parent or guardian becomes a resident. [1981, c. 693, §§5, 8 (NEW).]

E. The eligibility for a child with a disability is governed by section 7001, subsection 1-A. [2005, c. 662, Pt. A, §12 (AMD).]

F. A person who obtains a waiver from the commissioner pursuant to section 5206 may enroll as a public secondary school student. [2003, c. 688, Pt. B, §4 (AMD).]

[2005, c. 662, Pt. A, §12 (AMD) .]

4. **Rules.** A school board may adopt rules to carry out this chapter.

[1983, c. 806, §55 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 704, §§1,2 (AMD). 1983, c. 806, §55 (AMD). 1985, c. 506, §A36 (AMD). 1993, c. 201, §1 (AMD). 2003, c. 116, §1 (AMD). 2003, c. 688, §B4 (AMD). 2005, c. 662, §§A11,12 (AMD). 2007, c. 141, §12 (AMD).

§5202. RESIDENCE

1. **Definitions.** For the purposes of this chapter, "parent" means the parent or guardian with legal custody.

[1983, c. 806, §56 (AMD) .]

2. **General rule.** A person is eligible to attend schools in the school administrative unit where the person's parent resides, where the person resides upon reaching the age of 18 years or upon becoming an emancipated minor. A federal installation shall be considered part of the school administrative unit in which it is located.

[1985, c. 789, §§ 3, 9 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§56,57 (AMD). 1985, c. 789, §§3,9 (AMD).

§5203. ELEMENTARY STUDENTS RIGHT TO ATTEND SCHOOL IN ANOTHER ADMINISTRATIVE UNIT

The following provisions govern the right of elementary students to attend school in another school administrative unit other than the one in which they are resident. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Units with an elementary school.** An elementary student may attend an approved private school or a public elementary school in any school administrative unit with the consent of the receiving school's school board. The student's parent or guardian shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parents reside of the name and grade of the accepted student.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Living remote from public schools in a school administrative unit.** Elementary students whose parents live remote from a public school in their school administrative unit may, with the consent of the school board in their unit, attend public school in an adjoining school administrative unit in Maine or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition and transportation.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Contract school.** Students whose parents reside in a school administrative unit which contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which their parents reside shall pay the costs of the contract and transportation.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Exception; no elementary school.** A school administrative unit that neither maintains an elementary school nor contracts for elementary school privileges pursuant to chapter 115 shall pay the tuition, in accordance with chapter 219, at the public school or the approved private school of the parent's choice at which the student is accepted.

[2007, c. 668, §29 (RPR) .]

5. **Units with 10 or fewer students.** Elementary students whose parents reside in a school administrative unit with a total April 1st resident student count of 10 or less may attend public school as tuition students in a nearby school administrative unit. The school board of the nearby school administrative unit shall accept the students if requested by the school board of the unit in which the students' parents reside. The school board where the students' parents reside shall pay tuition and transportation.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 668, §29 (AMD).

§5204. SECONDARY STUDENTS RIGHT TO ATTEND SCHOOL IN ANOTHER ADMINISTRATIVE UNIT

The following provisions govern the right of secondary students to attend school in another school administrative unit other than the one in which they are resident. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Units with a secondary school.** A secondary student may attend an approved private school or a public secondary school in any school administrative unit with the consent of the receiving school's school board. The student's parent or guardian shall pay the cost of tuition and transportation. The receiving school shall notify the superintendent of the school administrative unit where the student's parents reside of the name and grade of the accepted student.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Living remote from public schools in a school administrative unit.** Secondary students whose parents live remote from a public school in their school administrative unit may, with the consent of the school board in their unit, attend public school in an adjoining school administrative unit in Maine or a neighboring state if the adjoining unit accepts tuition students. The school administrative unit where the students' parents reside shall pay tuition.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Contract school.** Students whose parents reside in a school administrative unit which contracts for school privileges under section 2701 may attend the contract school. The school administrative unit in which their parents reside shall pay the cost of the contract.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **No secondary school.** A school administrative unit that neither maintains a secondary school nor contracts for secondary school privileges pursuant to chapter 115 shall pay the tuition, in accordance with chapter 219, at the public school or the approved private school of the parent's choice at which the student is accepted.

[2007, c. 668, §30 (AMD) .]

5. **Units with 10 or fewer students.** Secondary students whose parents reside in a school administrative unit with a total April 1st resident student count of 10 or less may attend public school as tuition students in a nearby school administrative unit. The school board of the nearby school administrative unit shall accept the students if requested by the school board of the unit in which the students' parents reside. The school board where the students' parents reside shall pay tuition.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Insufficient courses; time limitations.** If the secondary school does not offer 2 approved foreign language courses, then its students may attend another secondary school approved for tuition purposes to take the language courses provided that:

A. The receiving school accepts tuition students; [1981, c. 693, §§ 5, 8 (NEW).]

B. The students meet the qualifications for attending their own secondary school; and [1981, c. 693, §§ 5, 8 (NEW).]

C. The students have notified their own school administrative unit by April 1st, before the start of each school year, that they wish to take the foreign language not being offered by their school administrative unit. Their school administrative unit shall notify them on or before July 15th of that year when the language course will be offered in the next school year. [1983, c. 859, Pt. C, §§ 6, 7 (AMD).]

[1983, c. 859, Pt. C, §§ 6, 7 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§C6,C7 (AMD). 1985, c. 797, §32 (AMD). 2007, c. 668, §30 (AMD).

§5205. OTHER EXCEPTIONS TO THE GENERAL RESIDENCY RULES

The following exceptions apply in determining a student's right to attend a school in a school administrative unit other than the one in which the student has permanent residence. [1981, c. 693, §§5, 8 (NEW).]

1. **State wards.** A state ward shall be considered a resident of the unit where placed.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Other students not living at home.** A student other than a state ward, a state agency client or a homeless child, residing with another person who is not the student's parent, is considered a resident of the school administrative unit where the student resides if the superintendent of the unit determines that it is in the best interest of the student because that person is residing in the school administrative unit for other than just education purposes and:

A. It is undesirable and impractical for that student to reside with the student's parent; [2011, c. 502, §1 (AMD).]

B. [2011, c. 502, §1 (RP).]

C. There is a safety reason for the student not to reside with the student's parent; or [2011, c. 502, §1 (NEW).]

D. Other extenuating circumstances exist that justify residence in the unit. [2011, c. 502, §1 (NEW).]

If a person who is not the student's parent or legal guardian requests that a student be considered a resident under this subsection, the school administrative unit shall take reasonable steps to attempt to notify a parent or legal guardian of the request.

In determining whether it is in the best interest of the student to enroll in the school administrative unit, the superintendent shall consult with knowledgeable employees of relevant school administrative units that the superintendent considers appropriate.

The superintendent shall send written notice of the enrollment determination to the person making a request within 10 calendar days of receiving the request to enroll a student pursuant to this subsection. If the determination is to deny enrollment because the superintendent determines that enrollment in the school

administrative unit is not in the best interest of the student as provided in this subsection, the superintendent shall send to the person who made the request written notice of the denial of enrollment, the reason for the denial and the right to appeal to the commissioner.

The commissioner shall review the superintendent's determination on appeal by the student's parent or legal guardian or the person with whom the student is residing and shall make a decision within 7 calendar days of receiving the appeal. The commissioner's decision is final and binding. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

[2011, c. 502, §1 (AMD) .]

3. **Students placed by state agencies.** A student who is placed by a state agency in a residential placement other than a residential treatment center, as defined in section 1, subsection 24-A, paragraph D, subparagraph 3, is considered a resident of the school administrative unit where the residential placement is located.

A. [1997, c. 326, §2 (RP).]

B. [1997, c. 326, §2 (RP).]

[1997, c. 326, §2 (AMD) .]

3-A. **Students placed by the Department of Health and Human Services.** Notwithstanding subsection 3, a student who is placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, 122 Stat. 3949 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services, in consultation with the department and the school administrative units, shall determine which of the 2 units is appropriate and notify that unit in writing of its determination. The school administrative unit that provides public education for the student shall count the student as a resident student for subsidy purposes.

[2009, c. 508, §1 (NEW) .]

4. **Students living at light, fog warning or life stations.** A student living at any light, fog warning or lifesaving station shall be considered a resident of the school administrative unit where the student chooses to enroll.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Temporary residents.** A student who temporarily resides in a school administrative unit shall be considered a resident of that school unit if the student is living with a parent who, because of employment, moves from place to place. This subsection may not be construed to abridge that student's rights in the school administrative unit where the student permanently resides.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Transfer students.** The following provisions apply to transfers of students from one school administrative unit to another.

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

(1) They find that a transfer is in the student's best interest; and

(2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If either of the superintendents decides not to approve the transfer, that superintendent shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of that superintendent's determination. [2013, c. 456, §1 (AMD).]

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' determinations and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination. [2013, c. 456, §2 (AMD).]

C. The superintendents shall annually review any transfer under this subsection. [1981, c. 693, §§5, 8 (NEW).]

D. For purposes of the state school subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy. [1991, c. 365, §2 (AMD).]

E. A school administrative unit may not charge tuition for a transfer approved under this subsection. [1981, c. 693, §§5, 8 (NEW).]

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the superintendents' determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the parent of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination. The state board's decision is final and binding. [2013, c. 456, §3 (AMD).]

G. Notwithstanding paragraph D, if the commissioner or state board approves a transfer under this subsection and the student subject to the transfer is receiving special education services, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer. [2015, c. 448, §10 (NEW).]

A transfer under this subsection may not be made to a receiving school administrative unit that does not operate a public school that includes the grade level of the student whose parent requests the transfer, unless the superintendents of both the sending and receiving school administrative units approve the transfer.

[2015, c. 448, §10 (AMD) .]

6-A. **Interdistrict enrollment policies.** The school boards of 2 or more school administrative units may adopt mutual policies allowing the transfer of students, with parental approval, among the participating units. The policies must set forth procedures and standards governing the transfers, including but not limited to the school year or years in which the policy applies, application procedures and standards of responsibility for transportation and special education. Each school board adopting a policy under this subsection shall file a copy of the policy with the department prior to the effective date of that policy and shall provide timely notice

of the policy to residents of the school administrative unit governed by that school board. For the purposes of chapter 606-B, a student transferred under this subsection is considered a resident of the school administrative unit to which the student transferred.

[2011, c. 651, §1 (NEW) .]

7. **Homeless students.** Pursuant to section 261, the commissioner may adopt rules to ensure that each homeless student has unrestricted access to the free public education afforded by section 2, subsection 1. The rules must implement the requirements and policies of the McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 United States Code, Section 11431 et seq., and may be adopted as part of or in conjunction with the required state plan. The rules must include, but are not limited to, provisions for the resolution of disputes regarding the educational placement of homeless students according to the best interest of homeless students, provisions that homeless students receive services comparable to services offered to other students in the schools they attend, provisions to address transportation and health records as a barrier to school admission and other provisions required by United States Code, Title 42, Section 11431.

[2003, c. 477, §4 (AMD) .]

8. **Students attending Maine School of Science and Mathematics.** For purposes of subsidy calculation only, students attending the Maine School of Science and Mathematics are not considered residents of the sending school administrative unit.

[1993, c. 706, Pt. A, §3 (NEW) .]

9. **Foreign exchange student.** A student who is not a resident of the State is considered a resident of the school administrative unit where the student resides if the superintendent has approved the acceptance of the student as a foreign exchange student and the student is attending the school at public expense. For the purposes of this subsection, "foreign exchange student" means a student who has been approved for a J-1 visa to participate in the Exchange Visitor Program for secondary school students pursuant to the provisions of the federal Mutual Educational and Cultural Exchange Program under 22 United States Code, Chapter 33 and 22 Code of Federal Regulations, Section 62.25.

[2011, c. 678, Pt. E, §1 (NEW) .]

10. **Student who is not a resident.** Except for a student accepted as a foreign exchange student pursuant to subsection 9, a student who is not a resident of the State and who while not attending school resides and whose parents reside outside the State is not counted for purposes of essential programs and services under chapter 606-B.

[2011, c. 678, Pt. E, §1 (NEW) .]

11. **Students attending the Maine School for Marine Science, Technology, Transportation and Engineering.** For purposes of subsidy calculation only, students attending the Maine School for Marine Science, Technology, Transportation and Engineering are not considered residents of the sending school administrative unit.

[2015, c. 363, §3 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §33 (AMD). 1991, c. 365, §§1,2 (AMD). 1991, c. 608, §3 (AMD). 1993, c. 706, §A2 (AMD). 1997, c. 326, §2 (AMD). 2003, c. 477, §4 (AMD). 2009, c. 508, §1 (AMD). 2011, c. 502, §1 (AMD). 2011, c. 651, §1 (AMD). 2011, c. 678, Pt. E, §1 (AMD).

2013, c. 337, §§1, 2 (AMD). 2013, c. 356, §1 (AMD). 2013, c. 424, Pt. J, §1 (AMD). 2013, c. 456, §§1-3 (AMD). 2013, c. 561, §1 (AMD). 2015, c. 363, §3 (AMD). 2015, c. 448, §10 (AMD).

§5206. WAIVER

The superintendent may request that the commissioner approve on a case-by-case basis waivers of the age requirements under section 5201 to allow a student who has reached 20 years of age before the start of the school year to be enrolled as a public secondary school student. [2003, c. 116, §2 (NEW).]

SECTION HISTORY
2003, c. 116, §2 (NEW).

Chapter 215: TRANSPORTATION

§5401. TRANSPORTATION

The transportation of public school students shall be governed as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Municipal school units.** The superintendent of schools in a municipal school unit shall, with the approval of the school board, provide transportation for elementary school students and public preschool students a part of or the whole distance to and from the nearest suitable elementary school. The municipality may provide transportation for secondary level students.

[2007, c. 572, Pt. A, §2 (AMD) .]

2. **School administrative district.** The superintendent of schools in a school administrative district shall, with the approval of the school board, provide transportation for:

A. Elementary school students and public preschool students a part of or the whole distance to and from the nearest suitable school; and [2007, c. 572, Pt. A, §3 (AMD).]

B. Secondary school students a part of or the whole distance to the district's secondary school or to and from the secondary school in the school administrative unit or units with which the district has contracted for secondary school privileges. The school board may provide transportation for secondary school students attending other secondary schools. [1981, c. 693, §§5, 8 (NEW).]

[2007, c. 572, Pt. A, §3 (AMD) .]

3. **Community school district.** The community school district district school committee shall either:

A. Instruct the superintendent of schools to provide transportation for elementary and secondary school students and public preschool students all or a part of the way to and from the nearest suitable school; or [2007, c. 572, Pt. A, §4 (AMD).]

B. Provide transportation in accordance with a written agreement with the member school administrative units. [1981, c. 693, §§5, 8 (NEW).]

[2007, c. 572, Pt. A, §4 (AMD) .]

3-A. **Waiver for transportation of public preschool students.** The commissioner shall waive the requirement for school administrative units to provide transportation for public preschool students.

[2009, c. 213, Pt. C, §1 (NEW) .]

4. **Special education students.** Special education students shall be provided transportation:

A. As provided by chapter 301; or [1981, c. 693, §§5, 8 (NEW).]

B. To and from classes. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

5. **Secondary school students residing on islands.** A school administrative unit shall pay transportation charges over regular transportation lines for secondary school students who reside on islands if those islands are:

A. Within the school administrative unit; [1981, c. 693, §§5, 8 (NEW).]

B. Without a secondary school; and [1981, c. 693, §§5, 8 (NEW).]

C. Served by regular transportation lines. [1981, c. 693, §§5, 8 (NEW).]

The charges shall not exceed regular fares. The transportation line and the school board may by agreement establish school fares for these students at less than the regular fare.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Temporary residents and residents on state-owned property.** The commissioner shall reimburse a school administrative unit for approved transportation of students who reside on state-owned property located in towns of less than 100 residents or who are temporary residents, if those students reside more than 2 miles from the school.

A. A superintendent, with the approval of the school board, shall report these students to the commissioner. The report shall include any other information the commissioner requires. [1981, c. 693, §§5, 8 (NEW).]

B. The commissioner may direct the unit to provide transportation or board if transportation is deemed inadvisable. [1981, c. 693, §§5, 8 (NEW).]

C. On receiving a bill of expenses for transportation or board from a school administrative unit, the commissioner shall, in December, reimburse it for those expenses from the department appropriation for that purpose. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

7. **Remote location.** If a student resides in a location remote from and inaccessible to schools or public highways, the student's parents shall be responsible for providing transportation to a public highway or paying board for the student within walking distance of a school. Failure of the parent to provide transportation or board shall be considered a violation of the truancy law.

[1981, c. 693, §§5, 8 (NEW) .]

8. **Adult education.** A school administrative unit may provide transportation for adults to and from adult education programs as authorized under section 8611.

[1981, c. 693, §§5, 8 (NEW) .]

9. **Career and technical education.** The following provisions apply to transportation for career and technical education.

A. The sending school administrative unit shall provide transportation for its students to and from a career and technical education center or career and technical education satellite program. [2003, c. 2, §35 (COR).]

B. The cooperative board shall provide for the transportation of students to and from career and technical education programs operated by career and technical education regions, centers or satellites.

(1) Transportation may not be provided outside the career and technical education region, unless approved by the commissioner.

(2) State aid for transportation must be computed and paid to the administrative units of the region in the same proportion that the administrative unit contributes to the career and technical educational budget of the region. [2003, c. 2, §35 (COR).]

[2003, c. 2, §35 (COR) .]

10. **Duration.** Transportation shall be provided for the number of weeks that the school is open for instruction.

[1981, c. 693, §§5, 8 (NEW) .]

11. **Minimum distances.** A school board may establish the distance from a school that students must reside to receive transportation.

[1981, c. 693, §§5, 8 (NEW) .]

12. **Safety.** Transportation provided shall conserve the comfort, safety and welfare of the students conveyed. A responsible driver shall be in charge of the vehicle and shall have control over the conduct of the students while they are transported.

[1981, c. 693, §§5, 8 (NEW) .]

13. **Contract.** A superintendent may contract for transportation.

A. A contract may not exceed a period of 5 years, except that the commissioner may authorize a one-year extension of a 5-year contract when such an extension would be beneficial to a school administrative unit. [2003, c. 325, §1 (AMD).]

B. Authorization by the unit's governing body shall be required for contracts existing beyond one year. [1983, c. 485, §23 (AMD).]

C. In a school administrative district, the superintendent shall execute the contract with the approval of the board of directors. [1981, c. 693, §§5, 8 (NEW).]

D. The contract shall be submitted for bid in conformity with the procedures outlined in section 5402. [1983, c. 175, §1 (NEW).]

[2003, c. 325, §1 (AMD) .]

14. **Cost of service and equipment.** Transportation services and the purchase of new buses shall be accomplished in the most economical manner consistent with the welfare and safety of students.

[1981, c. 693, §§5, 8 (NEW) .]

15. **New bus purchases.** School bus purchases, contracts or leases shall be subject to approval by the commissioner.

A. The commissioner may not approve, in one year, more than $5,000,000 in expenditures for school bus purchases, excluding bus purchases made in accordance with paragraph C of this subsection. Annually, the Legislature shall review this limitation. [2001, c. 344, §5 (AMD).]

B. The commissioner shall encourage school administrative units, whenever possible, to purchase school buses from current funds rather than from short-term loans. [1981, c. 693, §§5, 8 (NEW).]

C. A school board may obtain a short-term loan or enter into a lease-purchase agreement to acquire school buses if the loan is approved by the unit's legislative body or if funds that can be used for the initial lease-purchase payment have been appropriated by the unit's legislative body. The term of a loan or a lease-purchase agreement may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning in fiscal year 2005-06, these expenditures must be subsidized in accordance with chapter 606-B. [2005, c. 2, Pt. D, §18 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. Expenditures approved for school bus purchases may not be included in expenditure limitations placed on school administrative units under this Title. [1981, c. 693, §§5, 8 (NEW).]

[2005, c. 2, Pt. D, §18 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

16. **Unorganized territory.** Payment of transportation or board costs of eligible students from the unorganized territory shall be made in accordance with chapter 119.

[1985, c. 490, §16 (AMD) .]

17. **Rules; federal or state requirements for public preschool transportation.** The department may adopt rules to implement the provisions of this section. Should the Federal Government or the State require transportation of public preschool children, the department shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 73, §1 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 175, §1 (AMD). 1983, c. 485, §23 (AMD). 1985, c. 490, §16 (AMD). 1985, c. 781, (AMD). RR 1991, c. 2, §60 (COR). 2001, c. 344, §§5,6 (AMD). 2001, c. 667, §C11 (AMD). RR 2003, c. 2, §35 (COR). 2003, c. 325, §1 (AMD). 2005, c. 2, §D18 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 572, Pt. A, §§2-5 (AMD). 2009, c. 213, Pt. C, §1 (AMD). 2015, c. 73, §1 (AMD).

§5402. BID PROCEDURE

The following shall apply to bids. [1983, c. 175, §2 (NEW).]

1. **Written bids.** Bids shall be in writing, sealed with outside envelope or wrapper plainly marked "Bid, not to be opened until (with appropriate date inserted)," and mailed to or filed with the superintendent of the unit.

[1983, c. 175, §2 (NEW) .]

2. **Time of opening.** A board member or employee of the school administrative unit may not open a bid until the appointed time.

[1983, c. 175, §2 (NEW) .]

3. **Public opening.** At the time and place stated in the public notice, and open to the public, all bids shall be opened by the superintendent or, in the superintendent's absence or disability, by any school board member designated for the purpose by the chairman of the school board.

[1983, c. 175, §2 (NEW) .]

4. **Reading.** If any citizens who are not school board members or employees of the school administrative unit, or if any representatives of the press are present, bids shall at the time either be made available for examination by them or shall be read aloud in a manner to be heard plainly by those in attendance.

[1983, c. 175, §2 (NEW) .]

5. **Exceptions.** The following contracts are exempt from the requirements of this section:

A. Contracts for bus services under $4,000; and [1983, c. 175, §2 (NEW).]

B. Contracts between school administration units. [1983, c. 175, §2 (NEW).]

[1983, c. 175, §2 (NEW) .]

SECTION HISTORY
1983, c. 175, §2 (NEW).

Chapter 217: BOARD

§5601. BOARD

1. **Elementary students.** In place of transportation, the school board may authorize the boarding of a student. That board:

A. Shall not exceed $40 per week; and [1981, c. 693, §§ 5, 8 (NEW).]

B. Shall be at a suitable place near an established school. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Secondary school students in remote school administrative units.** Any remote school administrative unit, including a coastal island which has no highway connection to the mainland, which does not maintain an approved secondary school shall pay for board for a student eligible to attend a secondary school.

A. Board shall not exceed an amount determined by the administrative unit or a prorated amount for a fraction of a week. It shall be paid only if:

(1) The commissioner determines that it is necessary that the student board away from home to attend a secondary school;

(2) The boarding arrangement is approved by the school board; and

(3) The commissioner approves the boarding arrangement in advance on a form provided for the purpose. [1981, c. 693, §§ 5, 8 (NEW).]

B. The Town of Cumberland may pay the tuition, transportation or board of a student whose parent resides on Chebeague Island for attendance at an approved secondary school. [1981, c. 693, §§ 5, 8 (NEW).]

C. Payment for board shall be made on receipt of a satisfactory attendance record at the end of a period no longer than one month. The payment shall be charged to the secondary school transportation account. [1981, c. 693, §§ 5, 8 (NEW).]

D. The superintendent shall, before September 1st annually, make a return for the preceding school year, under oath, to the commissioner on a form provided by the commissioner showing:

(1) The name and residence of each student for which board was paid;

(2) The amount paid; and

(3) The name and location of the school attended. [1983, c. 806, §58 (AMD).]

[1983, c. 806, §58 (AMD) .]

3. **Unorganized territory.** The commissioner may pay the board of students from the unorganized territory as provided in sections 3252 and 3253-A.

[1985, c. 797, §34 (RPR) .]

4. **Remote locations.** Students residing in remote locations shall be provided board in accordance with section 5401, subsection 7.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Temporary residents and residents on state-owned property.** The commissioner shall, in accordance with section 5401, subsection 6, reimburse a school administrative unit for approved board of students who reside on state-owned property located in towns of less than 100 residents.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §58 (AMD). 1985, c. 490, §17 (AMD). 1985, c. 797, §34 (AMD).

Chapter 219: TUITION

§5801. ACCEPTANCE OF TUITION STUDENTS

A school board may decide whether schools in its school administrative unit shall accept tuition students whose parents reside in another school administrative unit. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§5801-A. ACCEPTANCE OF TUITION STUDENTS; ONLINE LEARNING PROGRAMS

(REPEALED)

SECTION HISTORY
2011, c. 353, §1 (NEW). MRSA T. 20-A, §5801-A (RP).

§5802. RESIDENTS ON STATE-OWNED PROPERTY

The commissioner shall, in accordance with procedures established in section 5401, subsection 6, reimburse a school administrative unit for approved tuition for students who reside on state-owned property. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§5802-A. PILOT PROJECT FOR STATE WARDS

(REPEALED)

SECTION HISTORY
1989, c. 916, §1 (NEW). 2003, c. 689, §B6 (REV). 2013, c. 506, §11 (RP).

§5803. TWO YEARS' NOTICE

A school administrative unit which receives tuition students shall give at least 2 years' notice to a sending school administrative unit before discontinuing the acceptance of tuition students. The receiving unit shall file a copy of the notice with the commissioner. If the school board of a receiving unit fails to give a proper 2-year notice, the commissioner may take enforcement action as authorized by section 6801-A. [1985, c. 797, §35 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §35 (AMD).

§5804. ELEMENTARY SCHOOL STUDENTS

Tuition charged for elementary school students including students who attend public preschool programs must be as follows: [2009, c. 274, §9 (AMD).]

1. **Public schools.** The maximum tuition payments shall not exceed the receiving school administrative unit's per student cost for the preceding year as calculated by the commissioner. The school board of the sending unit may vote to pay a higher tuition rate.

[1983, c. 485, §24 (AMD) .]

2. **Private schools.** The tuition payment to a private school shall not exceed the average per student cost in all public elementary schools in the State for the previous year as computed by the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Debt service factor.** Notwithstanding subsection 1, beginning with the 1999-2000 school year, a school administrative unit may charge a debt service factor for newly incurred capital outlay and debt service, as defined in section 1, subsection 19-A. The debt service factor must be an amount agreed upon by both the sending and receiving units, with the approval of the commissioner, and may not exceed 10% of a school's legal tuition rate per student in any one year. The debt service factor adjustment must be limited to a period of time not to exceed the receiving unit's repayment period for newly incurred capital outlay and debt service. The percentage of the debt service factor must be proportional to the cost of the project and the number of tuition students.

[1997, c. 787, §4 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §24 (AMD). 1997, c. 787, §4 (AMD). 2009, c. 274, §9 (AMD).

§5805. SECONDARY SCHOOL STUDENTS; PUBLIC SCHOOLS

Tuition charges for secondary school students in public schools shall be governed by the following. [1981, c. 693, §§5, 8 (NEW).]

1. **Computation of tuition rate.** The tuition rate at a public secondary school shall be the sum of all expenditures divided by the number of students. These figures shall be determined as follows.

A. Expenditures shall be all expenditures for public secondary education for the period July 1st to June 30th of the year immediately before the school year for which the tuition charge is computed, except expenditures for:

(1) Special education;

(2) Career and technical education;

(3) Community services;

(4) Major capital outlay;

(5) Debt retirement; and

(6) Tuition and transportation. [1981, c. 693, §§5, 8 (NEW); 2005, c. 397, Pt. D, §3 (REV).]

B. The number of students shall be the average number of public secondary pupils enrolled on October 1st and April 1st of the same year. [1981, c. 693, §§5, 8 (NEW).]

C. The figure obtained by using the figures established in paragraphs A and B shall be divided by the average number of secondary students on October 1st and April 1st of the year immediately prior to the year for which the tuition charge is computed. [1981, c. 693, §§5, 8 (NEW).]

D. The tuition rate thus determined shall be adjusted by the average change in public secondary education costs for the 2 years immediately before the school year for which the tuition charge is computed. This adjustment shall be limited to a 6% increase. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

2. **Maximum allowable tuition.** The maximum allowable tuition charge by a public secondary school is the rate computed under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower. The school board of the sending unit may vote to pay a higher tuition rate.

[1997, c. 266, §10 (AMD) .]

3. **Maine School of Science and Mathematics.**

[1995, c. 368, Pt. LL, §1 (RP) .]

4. **Debt service factor.** Notwithstanding subsections 1 and 2, beginning with the 1999-2000 school year, a school administrative unit may charge a debt service factor for newly incurred capital outlay and debt service, as defined in section 1, subsection 19-A. The debt service factor must be an amount agreed upon by both the sending and receiving units, with the approval of the commissioner, and may not exceed 10% of a school's legal tuition rate per student in any one year. The debt service factor adjustment must be limited to a period of time not to exceed the receiving unit's repayment period for newly incurred capital outlay and debt service. The percentage of the debt service factor must be proportional to the cost of the project and the number of tuition students.

[1997, c. 787, §5 (NEW) .]

5. **Online learning program.**

[2011, c. 353, §2 (NEW); T. 20-A, §5805, sub-§5 (RP) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1993, c. 706, §A3 (AMD). 1995, c. 368, §LL1 (AMD). 1997, c. 266, §10 (AMD). 1997, c. 787, §5 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 353, §2 (AMD).

§5806. SECONDARY SCHOOL STUDENTS; PRIVATE SCHOOLS

Tuition charges for secondary school students in private schools shall be governed by the following. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Private schools.** Tuition rates for a private school shall be computed as provided under section 5805, subsection 1, except that expenditures and number of students shall be based on the expenditures and students of that school.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Maximum allowable tuition.** The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. From school year 2009-2010 to school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or $500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school’s tuition rate per student. For the 2014-2015 school year, a school administrative unit is not required to pay an insured value factor greater than 6% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in the 2015-2016 school year, a school administrative unit is not required to pay an insured value factor greater than the amount of the prior school year's insured value factor adjusted by a percentage equal to the percentage change in the state share percentage of the total cost of funding public education in the prior school year as determined by section 15671, subsection 7, paragraph C as compared to the applicable percentage for the current school year. In no case may the insured value factor be less than 6% or greater than 10% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay an insured value factor that exceeds the amount otherwise permitted by this subsection by no more than 5% of the school's tuition rate per student. For the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted under this section by an amount equal to the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012.

[2013, c. 497, §1 (RPR) .]

3. **Tuition charge above allowable maximum.** A private school may charge tuition above the allowable maximum established in subsection 2, to a maximum excess charge of 15% above the otherwise allowable maximum, in those cases when the private school has a tuition contract with a public school unit or in those cases when the student has an alternative choice for attending secondary school at the allowable maximum tuition rate. The amount above the allowable maximum may be paid in whole or in part by the school administrative unit if the legislative body of the administrative unit votes to authorize its school board to pay a higher tuition rate.

[1987, c. 816, Pt. KK, §16 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 463, (AMD). 1987, c. 816, §KK16 (AMD). 2007, c. 539, Pt. C, §2 (AMD). 2009, c. 213, Pt. C, §2 (AMD). 2009, c. 571, Pt. E, §8 (AMD). 2013, c. 368, Pt. C, §3 (AMD). 2013, c. 418, §1 (AMD). 2013, c. 497, §1 (AMD).

§5807. COST OF REMOVING ARCHITECTURAL BARRIERS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2013, c. 506, §12 (RP).

§5808. SCHOOLS OUTSIDE STATE

The tuition payment for students educated in whole in another state or country may not exceed the average per pupil cost in all secondary schools of this State. The legislative body of the school unit may vote to authorize its school board to pay a larger tuition rate. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§5809. STUDENTS ENROLLED IN CAREER AND TECHNICAL EDUCATIONAL PROGRAMS

Schools receiving tuition students who are enrolled in regular school day career and technical educational programs at career and technical education centers, satellites or career and technical education regions, under chapter 313, may charge a tuition rate up to 2/3 of the maximum tuition rate as computed under sections 5805 or 5806. The career and technical education center, satellite or region may charge a tuition rate of up to 1/3 of the maximum tuition rate as computed under section 5805 or 5806 for the student. [2003, c. 477, §5 (AMD); 2003, c. 545, §§5,6 (REV).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 716, §§6,7 (AMD). 1999, c. 75, §4 (AMD). 2003, c. 477, §5 (AMD). 2003, c. 545, §§5,6 (REV).

§5810. TUITION PAYMENTS TO RECEIVING SCHOOLS

The following provisions apply to tuition payments. [1981, c. 693, §§5, 8 (NEW).]

1. **Payment date.** Tuition shall be paid within 30 days of the billing date.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Nonpayment.** If tuition is not paid according to subsection 1, the superintendent of the school administrative unit, or the principal of the private school to whom payment is due, shall inform the commissioner. The commissioner shall pay the tuition due and shall deduct that amount from the state school subsidy to the school administrative unit owing tuition.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Online program tuition.**

[2011, c. 353, §3 (NEW); T. 20-A, §5810, sub-§3 (RP) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2011, c. 353, §3 (AMD).

§5811. STUDENTS IN UNORGANIZED TERRITORIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 490, §18 (RP).

§5812. SUMMER SCHOOL

The tuition charge for students enrolled in public summer schools shall be calculated as provided in section 8802. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§5813. DRIVER EDUCATION

Students may be charged a fee for driver education as provided under section 4604. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§5814. STUDENTS NOT RESIDING WITH PARENT OR GUARDIAN

Whenever a student is not residing with that student's parents or legal guardians because of a broken home or intolerable home conditions, the unit where the student attends school may apply to the commissioner for a determination regarding which unit shall pay the cost of educating such a student. The determination of the commissioner is binding upon the administrative units concerned. [1991, c. 365, §3 (AMD).]

In cases when the commissioner determines that a school unit must pay the tuition for a student described in this section who attends school in another unit, the student is considered a resident of the unit that pays tuition. If the student is not determined to be a tuition student, the student is considered a resident student in the school unit where the student is placed. If the superintendent of the unit in which the student is placed so requests, the subsidy for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy. [1991, c. 365, §3 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 365, §3 (AMD).

Chapter 221: SCHOOL RECORDS, AUDITS AND REPORTS

Subchapter 1: STUDENT RECORDS

§6001. DISSEMINATION OF INFORMATION

1. **Federal and state law.** The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, govern the dissemination of education records and personally identifiable information about students in public schools,

private schools approved by the department pursuant to chapter 117 and private schools recognized by the department as providing equivalent instruction pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b), as well as written notices of intent to provide equivalent instruction through home instruction and all education records of students receiving equivalent instruction through home instruction.

[2015, c. 97, §1 (AMD) .]

2. **Internet restrictions.** A public school may not publish on the Internet or provide for publication on the Internet any personal information about its students without first obtaining the written approval of those students' parents. For the purpose of this section, "personal information" means information that identifies a student, including, but not limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

[1999, c. 595, §2 (NEW) .]

3. **Dissemination of education records to criminal justice agencies.** A school may disseminate education records as defined in 20 United States Code, Section 1232 g(a)(4) regarding a juvenile if:

A. The juvenile has not been adjudicated as having committed a juvenile crime; [1999, c. 595, §2 (NEW).]

B. The education records are disseminated to:

(1) Criminal justice agencies; or

(2) Agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile and that have provided the school with a statement describing the purpose of the dissemination; and [1999, c. 595, §2 (NEW).]

C. The education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation. [1999, c. 595, §2 (NEW).]

Education records received under this subsection are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian.

[1999, c. 595, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 911, §1 (AMD). 1999, c. 17, §1 (AMD). 1999, c. 595, §2 (RPR). 2003, c. 181, §3 (AMD). 2015, c. 97, §1 (AMD).

§6001-A. PARENTAL ACCESS TO INFORMATION ON SCHOOL ACTIVITIES

1. **Parental notification.** Upon written request by a parent, a school administrative unit may provide written notification of all school activities and programs for which parental participation, involvement, notification or awareness is in the best interest of the student. A noncustodial parent may have access to information on school activities and programs upon written request and with the mutual agreement of the custodial parent and the school administrative unit.

[1997, c. 415, §4 (NEW) .]

2. **Exemption.** This section does not apply to a parent denied parental rights and responsibilities in a court order.

[1997, c. 415, §4 (NEW) .]

SECTION HISTORY
1997, c. 415, §4 (NEW).

§6001-B. TRANSFER OF EDUCATION RECORDS

1. **Education records must follow students who transfer.** Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from educational programs or schools for juveniles located in or operated by correctional facilities or out-of-state schools are also subject to this requirement. For a student who is placed in an interim program, as defined in section 5161, subsection 3-A, the responsible school pursuant to section 5163 shall send or electronically transfer pertinent records, including but not limited to academic and health information records, to the interim program no later than 5 school days after becoming aware that the student has entered the interim program.

[2013, c. 439, §16 (AMD) .]

2. **Transfer of records.** Upon application of a student to transfer to another school administrative unit in this State or to enroll at a school administrative unit in this State from an educational program or school for juveniles located in or operated by a correctional facility or a school outside of the State, and upon the written request of the superintendent of the school administrative unit into which the student seeks admission, school administrators at the school administrative unit from which the student is transferring shall provide all of the student's education records, including disciplinary records, attendance records, health records other than confidential health records for which consent for dissemination has not been obtained and special education records, to school administrators at the school administrative unit to which the student is seeking a transfer. Confidential health records may be provided under this subsection only if the school administrator at the school administrative unit from which the student is transferring receives the authorization or consent necessary for the dissemination of information contained in the following records:

A. Records concerning information on a person's HIV infection status, including the results of an HIV test, as those records are described in Title 5, section 19203-D; [2003, c. 472, §1 (NEW).]

B. Records concerning information on a person's alcohol and other drug abuse treatment as those records are described in Title 5, section 20047; [2003, c. 472, §1 (NEW).]

C. Records concerning information on a person's health care and treatment as those records are described in Title 22, section 1711-C; and [2003, c. 472, §1 (NEW).]

D. Records concerning information on a person's mental health treatment as those records are described in Title 34-B, section 1207. [2003, c. 472, §1 (NEW).]

[2003, c. 472, §1 (AMD) .]

3. **Determination of disciplinary status of student applying for transfer; discretion of school to accept student.** At the request of the superintendent of the school administrative unit into which a student seeks admission, the student's current or former school administrators shall provide, in a timely fashion, an oral or written report to the receiving school administrative unit indicating whether the student has been expelled or suspended or is the subject of an expulsion or suspension proceeding. In the case of a student who has been expelled or suspended or is the subject of an expulsion or suspension proceeding, the receiving

school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the conditions of the expulsion or suspension have been met.

[1999, c. 351, §3 (NEW) .]

3-A. **Determination of status of juvenile applying for admission; discretion of school to accept juvenile.** If the receiving school administrative unit receives information under Title 15, section 3308, subsection 7, paragraph B-1, subparagraph (3) and Title 34-A, section 1216, subsection 1, paragraph F that a student is not in compliance with a condition of an individualized plan for the juvenile's rehabilitation and that condition is relevant to the juvenile's reintegration into the school, the receiving school administrative unit may deny admission or participation in public school programs, facilities or activities as part of an equivalent instruction program pursuant to section 5021 until the school administrative unit is satisfied that the condition has been met.

[2003, c. 205, §8 (AMD) .]

4. **Notice to parents and guardians.** Prior to the start of the 2000-01 school year and each school year thereafter, a school administrative unit shall send a written notice to parents or guardians of every student enrolled in the school administrative unit that education records must be sent to a school administrative unit to which a student applies for transfer. Beginning with the 2001-2002 school year, an educational program or school for juveniles located in or operated by a correctional facility shall send a written notice to parents, guardians and custodians of every student enrolled in that educational program or school for juveniles located in or operated by the correctional facility that education records must be sent to a school administrative unit to which a student applies for transfer. The notice provided to parents, guardians and custodians must comply with the standards of the federal Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568.

[2001, c. 452, §14 (AMD) .]

SECTION HISTORY
1999, c. 351, §3 (NEW). 2001, c. 452, §14 (AMD). 2003, c. 205, §8 (AMD). 2003, c. 472, §1 (AMD). 2007, c. 451, §7 (AMD). 2013, c. 439, §16 (AMD).

§6002. RECORD OF BIRTH

The following provisions apply to a student's first enrollment. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Duty of students.** Students who enroll for the first time in a public school shall provide their teachers with official records of birth within 60 days of enrollment.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Duty of parent or guardian.** The following provisions apply to the duties of a parent or guardian.

A. A parent or guardian of a student who enrolls shall provide that student with an official record of birth. [1981, c. 693, §§ 5, 8 (NEW).]

B. A parent who refuses or unreasonably neglects to comply with paragraph A shall be fined not more than $5. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Duties of teachers, superintendents and other public officials.** The following are duties of teachers, superintendents and other public officials.

A. A teacher shall inform the superintendent of the school administrative unit of the name of any student who has not complied with subsection 1. [1981, c. 693, §§ 5, 8 (NEW).]

B. A superintendent shall inform the State Registrar of Vital Statistics of the name of a student who has not complied with subsection 1 and the name and address of the parent of that student. [1981, c. 693, §§ 5, 8 (NEW).]

C. The State Registrar of Vital Statistics shall file a complaint with the nearest District Court whenever the registrar believes that a parent has not complied with subsection 2. [1981, c. 693, §§ 5, 8 (NEW).]

D. The State Registrar of Vital Statistics shall provide file copies of any relevant records in the registrar's possession on the request of a parent of a student. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6003. STUDENT ATTENDANCE RECORDS

1. **Duty of school board.** A school board shall designate one or more persons to maintain accurate records of all students attending public schools in the unit.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Contents.** The attendance records shall contain the following information on each student:

A. Name; [1981, c. 693, §§ 5, 8 (NEW).]

B. Birth date; [1981, c. 693, §§ 5, 8 (NEW).]

C. Dates of entering and leaving school in the unit; [1981, c. 693, §§ 5, 8 (NEW).]

D. The number of days attended; and [1981, c. 693, §§ 5, 8 (NEW).]

E. The number of times late for school. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Access.** Attendance records shall be made available to the school board at any time.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Duty of record keeper.** The record keeper shall provide the school board with the information they request whenever they request it.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6004. STUDENT COUNTS

The following provisions apply to the annual counting of students. [1981, c. 693, §§5, 8 (NEW).]

1. **Duty of superintendent.** In accordance with time schedules established by the commissioner, the superintendent of each school administrative unit and the administrator of each private school shall inform the commissioner, in the format specified by and with the content required by the commissioner, of the number of students attending their schools and in the case of public schools the number of students residing in their school administrative unit. This information must be supplied on forms provided by the commissioner.

[2011, c. 171, §9 (AMD) .]

2. **Student count.** Students must be counted as follows.

A. A student residing in the school administrative unit may be considered in attendance on October 1st and April 1st if the student is attending school on that date. A student must be counted as a resident if the student meets the residence requirement of chapter 213 and must be counted for subsidy if the student meets the definition of "subsidizable pupils" under section 15672, subsection 32.

Excused absences and absences due to illness may not be considered absences under this subsection. [2011, c. 171, §9 (AMD).]

B. Students who attend school under section 5205, subsections 2, 3-A, 4, 5 and 6 must be counted in the school administrative unit in which they attend school. [2009, c. 508, §2 (AMD).]

C. [1989, c. 534, Pt. E, §2 (NEW); 1989, c. 596, Pt. E, §1 (RP).]

D. Private schools may report privately funded students on October 1st. All publicly funded students must be reported on October 1st and April 1st in the specified format and with the specific content and in accordance with the time schedules established by the commissioner. [2011, c. 171, §9 (NEW).]

[2011, c. 171, §9 (AMD) .]

3. **Online learning program.**

[2011, c. 353, §4 (NEW); T. 20-A, §6004, sub-§3 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §59 (AMD). 1983, c. 862, §57 (AMD). 1989, c. 534, §E2 (AMD). 1989, c. 596, §E1 (AMD). 2009, c. 508, §2 (AMD). 2011, c. 171, §9 (AMD). 2011, c. 353, §4 (AMD).

§6005. MAINE STATEWIDE LONGITUDINAL DATA SYSTEM

The department shall develop and maintain the Maine Statewide Longitudinal Data System, a continuing program of information management, the purpose of which is to compile, maintain and disseminate information concerning the educational histories, placement, employment and other measures of success of participants in state educational programs. [2011, c. 223, §1 (AMD).]

1. **Placement information.** A project conducted by the department that requires placement information must use information provided through the Maine Statewide Longitudinal Data System. The department shall implement an automated system that matches former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment and United States armed services records and shall implement procedures to identify the occupations of those former participants.

[2011, c. 223, §1 (AMD) .]

2. **Dissemination of education records.** The Maine Statewide Longitudinal Data System may not make public any information that could identify an individual or the individual's employer. The department must ensure that the purpose of obtaining placement information is to evaluate and improve education programs or to conduct research for the purpose of improving education services. Education records must be managed in compliance with the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g, referred to in this section as "FERPA." Personally identifiable information in an education record that is not directory information may be released to other agencies within State Government, including postsecondary institutions, only under a signed memorandum of understanding requiring compliance with FERPA.

[2009, c. 448, §1 (NEW) .]

3. **Notification and consent.**

[2011, c. 223, §1 (RP) .]

SECTION HISTORY
2009, c. 448, §1 (NEW). 2011, c. 223, §1 (AMD).

Subchapter 2: AUDITS

§6051. SCHOOL ADMINISTRATIVE UNITS

1. **Audit.** A school board shall provide for an annual audit of the school administrative unit. The audit shall include the following:

A. Accountability of all revenues and expenditures; [1985, c. 797, §36 (NEW).]

B. A determination of whether or not proper budgetary controls are in place; [1985, c. 797, §36 (NEW).]

C. A determination of whether or not the annual financial data submitted to the department is correct; [2007, c. 668, §31 (AMD).]

D. An audit of all federal programs in accordance with applicable federal law including a written determination that the audit has been conducted in accordance with applicable federal laws relating to financial and compliance audits as indicated in federal Office of Management and Budget circulars; [2011, c. 678, Pt. A, §1 (AMD).]

E. A determination as to whether the school administrative unit has complied with applicable provisions of the Essential Programs and Services Funding Act; [2009, c. 571, Pt. E, §9 (AMD).]

F. Any other information that the commissioner may require; [2009, c. 571, Pt. E, §10 (AMD).]

G. A determination of whether the school administrative unit has complied with transfer limitations between budget cost centers pursuant to section 1485, subsection 4; [2009, c. 571, Pt. E, §11 (NEW).]

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305-C, 1485, 1701-C and 2307; [2011, c. 678, Pt. A, §2 (AMD).]

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; [2013, c. 167, Pt. A, §3 (AMD).]

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 [2013, c. 167, Pt. A, §4 (AMD).]

K. A schedule of expenditures of federal awards. [2013, c. 167, Pt. A, §5 (NEW).]

[2013, c. 167, Pt. A, §§3-5 (AMD) .]

2. Fiscal year. The fiscal year of an audit shall be from July 1st to June 30th, except that audits of federal programs shall conform to federal requirements.

[1985, c. 797, §36 (RPR) .]

3. Auditors. Audits must be conducted by qualified certified public accountants or public accountants registered by the Board of Accountancy. The auditor shall review the audit with the school board.

[2011, c. 678, Pt. A, §5 (AMD) .]

4. Initial report to commissioner. On or before November 1st, the school board shall provide the commissioner with:

A. [2001, c. 344, §8 (RP).]

B. [2001, c. 344, §8 (RP).]

C. Written determination of whether or not proper budgetary controls are in place; [2001, c. 344, §8 (NEW).]

D. A written determination of whether or not the annual financial data submitted to the department is correct, including submission of an audited reconciliation of the annual financial data prepared and certified by the auditor; and [2007, c. 668, §32 (AMD).]

E. A written determination as to whether the school administrative unit has complied with applicable provisions of the Essential Programs and Services Funding Act. [2005, c. 683, Pt. A, §25 (AMD).]

[2007, c. 668, §32 (AMD) .]

5. Records. Financial records and accounts shall be kept for 7 years after the end of the fiscal year and shall be available to the auditors and any other upon request.

[1985, c. 797, §36 (RPR) .]

6. Report to commissioner. Within 6 months after the end of the audit period, the school board shall provide the commissioner with:

A. A copy of the audit report; [2001, c. 344, §9 (NEW).]

B. Accountability of all revenues and expenditures; [2001, c. 344, §9 (NEW).]

C. Written assurance that the audit has been conducted in accordance with applicable state and federal laws relating to financial and compliance audits; and [2001, c. 344, §9 (NEW).]

D. Any other information that the commissioner may require. [2001, c. 344, §9 (NEW).]

[2007, c. 668, §33 (AMD) .]

7. Exception. If a municipal school administrative unit meets all of the following eligibility criteria, then the municipal school administrative unit may file the annual municipal audit or audits in lieu of the annual audit required by this section:

A. The municipal school administrative unit does not operate a school or schools; [2009, c. 571, Pt. E, §14 (NEW).]

B. A school administrative unit audit is not necessary to meet federal audit requirements; and [2011, c. 678, Pt. A, §6 (AMD).]

C. The municipal school administrative unit files the municipal audit or audits that include the fiscal year specified in subsection 2. [2011, c. 678, Pt. A, §6 (AMD).]

D. [2011, c. 678, Pt. A, §7 (RP).]

[2011, c. 678, Pt. A, §§6, 7 (AMD) .]

8. **Corrective action plan.** The commissioner shall review the audits of the school administrative unit and determine if the school administrative unit should develop a corrective action plan for any audit issues specified in the annual audit. The corrective action plan must address those audit findings and management comments and recommendations that have been identified by the commissioner, and the plan must be filed within the timelines established by the commissioner. The school administrative unit shall provide assurances to the commissioner that the school administrative unit has implemented its corrective action plan within the timelines established by the commissioner. If the school administrative unit has not met the conditions for submitting a corrective action plan or providing assurances that the school administrative unit has implemented the plan, the commissioner may withhold monthly subsidy payments from the school administrative unit in accordance with section 6801-A.

[2009, c. 571, Pt. E, §15 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §36 (RPR). RR 1993, c. 1, §45 (COR). 2001, c. 344, §§7-9 (AMD). 2005, c. 683, §§A24,25 (AMD). 2007, c. 668, §§31-33 (AMD). 2009, c. 571, Pt. E, §§9-15 (AMD). 2011, c. 678, Pt. A, §§1-7 (AMD). 2013, c. 167, Pt. A, §§3-5 (AMD).

§6052. FEDERAL AUDITS

The following provisions apply to federal audits. [1981, c. 693, §§ 5, 8 (NEW).]

1. A school board of a school administrative unit which accepts federal funds shall hire auditors and pay out of available school funds or from federally allocated sums for any audit of federal programs.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Report to commissioner.** The auditor shall provide the commissioner with a copy of the audit.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Use of audit.** The commissioner may use these audits to provide the Federal Government with any information it requires.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 3: EMPLOYEE AND APPLICANT RECORDS

§6101. RECORD OF DIRECTORY INFORMATION

The following provisions apply to employee records. [1981, c. 693, §§5, 8 (NEW).]

1. **Contents.** A school administrative unit shall maintain a record of directory information on each employee as follows:

A. Name; [1981, c. 693, §§5, 8 (NEW).]

B. Dates of employment; [1981, c. 693, §§5, 8 (NEW).]

C. Regular and extracurricular duties, including all courses taught in that school administrative unit; [1981, c. 693, §§5, 8 (NEW).]

D. Post-secondary educational institutions attended; [1981, c. 693, §§5, 8 (NEW).]

E. Major and minor fields of study recognized by the post-secondary institutions attended; and [1997, c. 452, §1 (AMD).]

F. Degrees received and dates awarded. [1997, c. 452, §1 (AMD).]

G. [1997, c. 452, §2 (RP).]

[1997, c. 452, §§1, 2 (AMD) .]

2. **Access.** The following provisions apply to access of employee records.

A. The record of directory information shall be available for inspection and copying by any person. [1981, c. 693, §§5, 8 (NEW).]

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, must be kept confidential if it relates to the following:

(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;

(4) Credit information;

(5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

(6) Complaints, charges of misconduct, replies to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action;

(7) Social security number;

(8) The teacher action plan and support system documents and reports maintained for certification purposes; and

(9) Criminal history record information obtained pursuant to section 6103. [1995, c. 547, §4 (AMD).]

C. Any written record of a decision involving disciplinary action taken with respect to an employee by the governing body of the school administrative unit shall not be included within any category of confidential information set forth in paragraph B. [1981, c. 693, §§5, 8 (NEW).]

[1995, c. 547, §4 (AMD) .]

3. **Commissioner's review.** The commissioner shall have access to any of the records or documents designated as confidential in this section for carrying out the commissioner's duties pursuant to section 13020. Copies of any such records or documents shall simultaneously be provided to the employee.

The commissioner shall also have access to support system documents for carrying out the commissioner's certification and support system approval duties pursuant to chapter 502 and to other confidential employee records for carrying out the commissioner's school approval duties pursuant to chapter 206.

[1987, c. 620, §2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 470, §5 (AMD). 1983, c. 806, §60 (AMD). 1983, c. 862, §58 (AMD). 1985, c. 506, §A37 (AMD). 1987, c. 620, §§1,2 (AMD). 1995, c. 547, §§2-4 (AMD). 1997, c. 452, §§1,2 (AMD).

§6102. EMPLOYEE REVIEW

The following provisions apply to employee review of records. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Right to review.** An employee or former employee of a school administrative unit, or the employee's representative, is entitled to review the following documents and reports:

A. The employee's teacher action plan and other support system documents and reports maintained for certification purposes upon written request to the custodian designated to maintain those records; [1987, c. 620, §3 (NEW).]

B. The employee's personnel file on written request to the superintendent if the superintendent of schools has a personnel file for the employee; and [1987, c. 620, §3 (NEW).]

C. Any confidential records or documents provided to the commissioner pursuant to section 6101, subsection 3, if the records or documents were not simultaneously provided to the employee. [1987, c. 620, §3 (NEW).]

[1987, c. 620, §3 (AMD) .]

2. **Time and place.** Review of support system documents or a personnel file shall take place where the file is kept during normal school hours.

[1987, c. 620, §3 (AMD) .]

3. **Contents.** For purposes of this section, a "personnel file" includes, but is not limited to:

A. Formal or informal employee work evaluation compiled and maintained for employment purposes; and [1987, c. 620, §3 (AMD).]

B. Reports relating to the employee's character, credit, work habits, compensation and benefits. [1981, c. 693, §§ 5, 8 (NEW).]

[1987, c. 620, §3 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 620, §3 (AMD).

§6103. CRIMINAL HISTORY RECORD INFORMATION CONVICTION DATA

Beginning July 1, 2000, approval, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring approval, certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment.

Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999. [2015, c. 395, §1 (AMD).]

1. **Criminal history record information obtained; reliance.** The commissioner shall obtain criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization, approval or renewal.

[2013, c. 507, §10 (AMD) .]

2. **Issuance restriction.** Issuance of a certificate, authorization, approval or renewal to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.

[1997, c. 452, §3 (AMD) .]

3. **Confidentiality.** Any information obtained pursuant to this section is confidential. The results of criminal history record checks received by the commissioner are for official use only and may not be disseminated outside the department, except that the commissioner may outsource administrative functions of software document management according to federal outsourcing standards as described in 28 Code of Federal Regulations, Section 906.2 (2011) and allow access to these results for that purpose.

[2011, c. 521, §1 (AMD) .]

3-A. **Fees.** The Commissioner of Public Safety shall assess a fee set annually by the Commissioner of Education for each initial criminal history record check and a fee set annually by the Commissioner of Education for each renewal criminal history record check required by this section.

[2015, c. 395, §3 (AMD) .]

3-B. **Reimbursement of fee.**

[2013, c. 506, §13 (RP) .]

4. **Expenses.**

[2005, c. 457, Pt. CC, §2 (RP) .]

4-A. **Phase-in plan.** The fingerprinting and approval process established by this section for certain classes of individuals must be phased in as follows:

A. The fingerprinting and approval process must be phased in for all persons regularly employed in a school during the 1999-2000 school year who require department approval to continue in their positions and who have not been fingerprinted pursuant to this section prior to enactment of this subsection. The department shall issue each person a temporary approval card valid through a specified year from 2001 to 2004. Prior to July 1st of the year specified on the temporary approval card, the person must meet the requirements of this section. Once a person has met the requirements of this section, an approval card must be issued; [1999, c. 791, §4 (NEW).]

B. A person placed under contract by a school and subject to the requirements of this section, who has not been fingerprinted prior to the effective date of this subsection, must meet these requirements by July 1, 2002; [1999, c. 791, §4 (NEW).]

C. A person employed as a substitute who has not been fingerprinted prior to the effective date of this subsection must meet the requirements by July 1, 2002. Beginning with the 2003-2004 school year, a person employed as a substitute who needs fingerprinting and a criminal history record check pursuant to section 13011, subsection 8 must meet the requirements of this section within 8 weeks of employment by a school administrative unit. A person employed as a substitute who needs fingerprinting and a criminal history record check must be issued a temporary approval card by the department. The temporary approval card is valid for the first 8 weeks of employment, except that, for a person who has been fingerprinted pursuant to this section prior to the 20th day of employment and who has not received the results of the criminal history record check prior to the 9th week of employment, the temporary approval card remains valid until the commissioner determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification; and [2003, c. 184, §1 (AMD).]

D. A regular employee subject to the requirements of this section who begins work in a school after the effective date of this subsection must meet these requirements prior to the 20th day of employment. Beginning with the 2003-2004 school year, a regular employee who needs fingerprinting and a criminal history record check pursuant to section 13011, subsection 8 must meet the requirements of this section within 8 weeks of employment by a school administrative unit. A regular employee who needs fingerprinting and a criminal history record check must be issued a temporary approval card by the department. The temporary approval card is valid for the first 8 weeks of employment, except that, for a person who has been fingerprinted pursuant to this section prior to the 20th day of employment and who has not received the results of the criminal history record check prior to the 9th week of employment, the temporary approval card remains valid until the commissioner determines whether approval is granted or denied based on the criminal history record information obtained from the State Bureau of Identification. [2003, c. 184, §1 (AMD).]

[2003, c. 184, §1 (AMD) .]

5. **Criminal record information obtained from the Federal Bureau of Investigation.** The commissioner shall obtain other state and national criminal history record information from the Federal Bureau of Investigation for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Federal Bureau of Investigation within 24 months prior to the issuance of a certificate, authorization, approval or renewal.

[1997, c. 452, §3 (NEW) .]

6. **Fingerprinting.** The applicant shall submit to having fingerprints taken. The Maine State Police, upon payment by the applicant or any other entity required by law of the expenses specified in subsection 3-A, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police for purposes of this section must be paid over to the Treasurer of State for deposit in the State Police program, Other Special Revenue Funds account in the Department of Public Safety for the purpose of funding the costs of the Department of Public Safety to administer the criminal history record checks under this section.

[2015, c. 267, Pt. SSS, §2 (AMD) .]

7. **Use of criminal history record.** State and federal criminal history record information may be used for the purpose of screening educational personnel applicants by the commissioner in order to determine whether certification, authorization, approval or renewal of educational personnel is granted or maintained.

[1997, c. 452, §3 (NEW) .]

8. **Applicant's access to criminal history record check.** The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal record information pursuant to Title 16, section 709.

[2013, c. 267, Pt. B, §15 (AMD) .]

9. **Right of applicant and commissioner to remove fingerprints from fingerprint file.** Teachers or educational personnel whose certification, authorization or approval has expired and who have not applied for renewal of certification, authorization or approval may request in writing that the State Bureau of Identification remove their fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the requester's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester.

The commissioner may, without notice to an applicant, remove fingerprints from the fingerprint file maintained by the State Bureau of Identification when an applicant has had no active credential for 7 years. An applicant may renew a credential after that applicant's fingerprints have been removed from the fingerprint file upon submitting again to fingerprinting.

[2011, c. 521, §2 (AMD) .]

10. **Criminal History Record Check Fund.** The Criminal History Record Check Fund is created as a dedicated fund within the Department of Education for the transfer of funds from the Department of Public Safety to cover a portion of the cost of a position that issues certificates. The fund may not lapse, but must be carried forward to carry out the purposes of this chapter.

[2015, c. 267, Pt. SSS, §3 (AMD) .]

SECTION HISTORY
1995, c. 547, §5 (NEW). 1997, c. 452, §3 (AMD). 1999, c. 35, §§1,2 (AMD). 1999, c. 110, §§1,2 (AMD). 1999, c. 791, §§1-4 (AMD). 2003, c. 184, §1 (AMD). 2005, c. 457, §§CC1-4 (AMD). 2005, c. 519, §§I1,2 (AMD). 2011, c. 521, §§1, 2 (AMD). 2013, c. 267, Pt. B, §§14, 15 (AMD). 2013, c. 506, §13 (AMD). 2013, c. 507, §10 (AMD). 2015, c. 267, Pt. SSS, §§1-3 (AMD). 2015, c. 395, §§1-3 (AMD).

Subchapter 4: MISCELLANEOUS

§6151. ANNUAL REPORT

The following provisions apply to annual reports. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Duty of superintendent.** The superintendent under oath shall, on or before the date established by the commissioner, make an annual report to the commissioner. The report shall contain a full and complete return of all educational statistics required to be reported for the year ending June 30th.

[1983, c. 859, Pt. A, §§ 21, 25 (AMD) .]

2. **Penalty.** A school administrative unit whose superintendent fails to make the report shall be subject to the penalties of section 6801-A.

[1989, c. 414, §7 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A21,A25 (AMD). 1989, c. 414, §7 (AMD).

§6152. RULES

The commissioner shall adopt rules, consistent with federal and state laws, to carry out this subchapter which are consistent with federal and state requirements. [1989, c. 414, §8 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A22,A25 (AMD). 1989, c. 414, §8 (AMD).

Chapter 222: STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE

§6201. LEGISLATIVE INTENT

The Legislature finds that all students graduating from high school must be prepared for success in postsecondary education, careers and citizenship and that a statewide educational assessment program must be implemented. [2009, c. 313, §19 (AMD).]

There is a need for assessment information at both state and local levels to measure progress and ensure accountability regarding the implementation of the parameters for essential instruction and graduation requirements under section 6209 and in the department rules implementing that section and other curricular requirements. This must be accomplished through assessments to determine what each student knows and is able to demonstrate regarding the parameters for essential instruction and graduation requirements. [2009, c. 313, §19 (AMD).]

The assessment system must have the following objectives: [2009, c. 313, §19 (AMD).]

1. **Statewide assessment.** To provide information on the academic achievement and progress of Maine students;

[1983, c. 859, Pt. D, §§3, 4 (NEW) .]

2. **State goals.** To establish a process for a continuing evaluation of the system of learning results established in section 6209 and to aid in the development of educational policies, standards and programs;

[2001, c. 454, §28 (AMD) .]

3. **Local programs.** To provide school officials with information to assess the quality, effectiveness and appropriateness of educational materials and methods and curriculum needs, including remediation, interventions and enrichment in their schools;

[2009, c. 313, §19 (AMD) .]

4. **Individual students.** To provide school staffs with information about the individual students that may be used, with other information, to meet individual and education needs of the student. The statewide assessment program may not be the only criteria for judging student performance;

[2009, c. 313, §19 (AMD) .]

5. **Trends.** To identify year-to-year trends in student achievement; and

[1983, c. 859, Pt. D, §§3, 4 (NEW) .]

6. **Parents.** To provide parents with information about the achievements of their children.

[2009, c. 313, §19 (AMD) .]

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW). 2001, c. 454, §§27,28 (AMD). 2009, c. 313, §19 (AMD).

§6202. STATE ASSESSMENT PROGRAM ESTABLISHED; CONTENT

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students in grades 3 to 12 on the accountability standards set forth in section 6209 and in department rules implementing that section and other curricular requirements. The commissioner may elect to provide for the use of alternative measures of student achievement in grades 9 to 12. This assessment applies to students in the public elementary and secondary schools, in public charter schools, as that term is defined in section 2401, subsection 9, and in all private schools approved for tuition whose school enrollments include at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment. The assessment program must be adapted to meet the needs of children with disabilities as defined in section 7001, subsection 1-A or other students as defined under rules by the commissioner. [2015, c. 40, §4 (AMD).]

1. **Assessment in basic subjects.**

[2001, c. 454, §29 (RP) .]

1-A. **Interpretation.** The statewide assessment program results may be interpreted in a manner that takes into account the particular role within a school administrative unit of regional special education or regional alternative education programs or schools approved by the commissioner in accordance with chapter 113-A or section 7253. For these programs or schools, the results may be interpreted by assigning the student and the scores of the student to the school in the community where the student resides. The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 154, §3 (AMD) .]

2. **Additional subjects.**

[2001, c. 454, §29 (RP) .]

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW). 1985, c. 797, §37 (AMD). 2001, c. 454, §29 (AMD). 2005, c. 118, §1 (AMD). 2005, c. 446, §3 (AMD). 2005, c. 662, §A13 (AMD). 2009, c. 154, §3 (AMD). 2009, c. 313, §20 (AMD). 2015, c. 40, §4 (AMD).

§6202-A. LOCAL ASSESSMENT SYSTEM ESTABLISHED; CONTENT

(REPEALED)

SECTION HISTORY
2001, c. 454, §30 (NEW). 2003, c. 712, §2 (AMD). 2005, c. 446, §4 (AMD). 2005, c. 593, §§1,2 (AMD). 2007, c. 259, §2 (RP).

§6202-B. MULTIPLE MEASURES OF STUDENT ACHIEVEMENT

Each school administrative unit shall use multiple assessment methods to measure student achievement of the learning results set forth in section 6209 and in department rules implementing that section and other curricular requirements established in section 6209 to inform instruction and ensure students are making progress toward achieving the learning results set forth in section 6209 and in department rules implementing that section, other curricular requirements and the requirements of a common core course of study. [2007, c. 259, §3 (NEW).]

SECTION HISTORY
2007, c. 259, §3 (NEW).

§6203. IMPLEMENTATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW). 1985, c. 295, §29 (AMD). 1993, c. 252, §D2 (RP).

§6204. REPORTS

1. **State profile report.** The commissioner shall annually report the results of the state assessment program with regard to the general performance profile of the students of the state's elementary and secondary schools.

A. When a report is made under this subsection for purposes of comparative analysis, the reporting mechanisms and the categories reported shall be uniform for each school. [1987, c. 662, §1 (NEW).]

[1987, c. 662, §1 (AMD) .]

2. **School profile reports.** The commissioner shall also provide each participating school with a profile of student achievement based upon data from the assessment program.

A. Every profile provided under this subsection shall use reporting mechanisms and categories which are uniform for each school. [1987, c. 662, §2 (NEW).]

[1987, c. 662, §2 (AMD) .]

3. **Teacher evaluation.**

[2009, c. 646, §1 (RP) .]

SECTION HISTORY
1983, c. 859, Pt. D, §§3, 4 (NEW). 1987, c. 662, §§1, 2 (AMD). 2009, c. 646, §1 (AMD).

§6205. ASSESSMENT DATA

The department shall provide each school with assessment data on individual students. Such assessment data shall become part of the student's educational record and shall be made available to the parents of each student or student of majority age in accordance with local school policies. It shall be held confidential from unauthorized persons in accordance with the confidentiality provisions of this Title and federal law. [1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW).

§6206. EDUCATIONAL COSTS

Costs relating to the development of the state assessment program, printing, distribution, analysis and dissemination of results for each school administrative unit shall be paid by the department. [1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW).

§6207. OPTIONAL PARTICIPATION

Private schools approved for attendance purposes may participate in the assessment program, with the approval of the commissioner and upon payment of a fee established by the commissioner. The fee shall reflect the actual cost of the assessment. [1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

SECTION HISTORY
1983, c. 859, §§D3,D4 (NEW).

§6208. LEGISLATIVE INTENT

The Legislature finds that because all children can learn at significantly higher levels, it is essential that the Legislature, the State Board of Education, the Department of Education, school administrative units, educators and parents provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among State Government, school administrative units, educators, parents, business persons, and the community, school administrative units and educators can develop and teach to high standards that will enable students to become productive and fulfilled members of society. The Legislature further finds that the system of learning results set forth in section 6209 and in department rules implementing that section and other curricular requirements will serve as a foundation for education reform, will promote assessment of student learning, will reinforce accountability and will encourage equity. The Legislature, therefore, encourages the State Board of Education, the Department of Education and school administrative units to employ a high degree of creativity in developing content standards and performance indicators and to explore a wide range of programs and options so that the standards adopted will reflect the highest possible expectations and assessments will be of the highest possible quality. The ultimate goal and intent of the Legislature is to ensure that the State's schools will enable today's students to gain the knowledge and skills necessary for postsecondary education, career and citizenship. [2007, c. 259, §4 (AMD).]

SECTION HISTORY
1995, c. 649, §1 (NEW). 2007, c. 259, §4 (AMD).

§6209. SYSTEM OF LEARNING RESULTS ESTABLISHED

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, which may include a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, as set forth in this section and in department rules implementing this section and other curricular requirements. The department must establish accountability standards at all grade levels in the areas of mathematics; reading; and science and technology. The department shall establish parameters for essential instruction in English language arts; mathematics; science and technology; social studies; career and education development; visual and performing arts; health, physical education and wellness; and world languages. Only a public school, a public charter school as defined in section 2401, subsection 9 or a private school approved for tuition purposes that enrolls at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, is required to participate in the system of learning results set forth in this section and in department rules implementing this section and other curricular requirements. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system must be adapted to accommodate children with disabilities as defined in section 7001, subsection 1-B. [2015, c. 489, §3 (AMD).]

1. **Guiding principles.**

[2007, c. 259, §5 (RP) .]

1-A. **Accountability standards.** Each student must be assessed by means of a statewide assessment in the following areas:

A. Reading; [2007, c. 259, §5 (NEW).]

B. Mathematics; and [2007, c. 259, §5 (NEW).]

C. Science, in those content areas concerning cells and continuity and change. [2007, c. 259, §5 (NEW).]

[2007, c. 259, §5 (NEW) .]

2. **Parameters for essential instruction and graduation requirements.** Each school subject to the provisions of this section shall ensure sufficient opportunity and capacity through multiple pathways for all students to study and achieve proficiency in the areas of:

A. Career and education development; [2007, c. 259, §5 (AMD).]

B. English language arts; [1995, c. 649, §1 (NEW).]

C. World languages; [2007, c. 259, §5 (AMD).]

D. Health, physical education and wellness; [2007, c. 259, §5 (AMD).]

E. Mathematics; [1995, c. 649, §1 (NEW).]

F. Science and technology; [1995, c. 649, §1 (NEW).]

G. Social studies; and [1995, c. 649, §1 (NEW).]

H. Visual and performing arts. [1995, c. 649, §1 (NEW).]

[2015, c. 489, §4 (AMD) .]

3. **Career and education development; world languages; visual and performing arts.** By the end of the 2007-2008 school year, each local school administrative unit shall implement standards in the areas of career and education development, world languages and visual and performing arts. Notwithstanding any other provision of this chapter, the commissioner is authorized to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2011-2012.

[2007, c. 259, §5 (AMD) .]

3-A. **Transcripts.** A school subject to this section shall:

A. Maintain student transcripts containing certification of proficiency for each content area and guiding principle in the system of learning results pursuant to this section in which the student has demonstrated proficiency; [2015, c. 489, §5 (NEW).]

B. Certify on the basis of objective measures in the transcript a student's postsecondary readiness; and [2015, c. 489, §5 (NEW).]

C. Establish a transcript that meets the requirements of paragraphs A and B as an officially sanctioned credential of student learning for admission to a postsecondary education institution and employment in a business, trade or industry. [2015, c. 489, §5 (NEW).]

[2015, c. 489, §5 (NEW) .]

4. **Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to substantiate school certifications of postsecondary readiness.

[2015, c. 489, §6 (AMD) .]

SECTION HISTORY
1995, c. 649, §1 (NEW). 1999, c. 75, §5 (AMD). 2001, c. 454, §§31,32 (AMD). 2003, c. 712, §3 (AMD). 2005, c. 662, §A14 (AMD). RR 2007, c. 1, §8 (COR). 2007, c. 259, §5 (AMD). 2009, c. 647, §1 (AMD). 2013, c. 244, §2 (AMD). 2015, c. 40, §5 (AMD). 2015, c. 489, §§3-6 (AMD).

§6209-A. STATE VALIDATION

(REPEALED)

SECTION HISTORY
2005, c. 446, §5 (NEW). 2007, c. 259, §6 (AMD). 2013, c. 506, §14 (RP).

§6210. SCHOOL ASSISTANCE

The commissioner shall provide assistance to a school administrative unit when student performance in a school in the school administrative unit, or when a review of the comprehensive education plan conducted under section 4504, subsection 2, indicates that assistance is needed. This assistance must be based on a thorough review of the comprehensive education plan, as required in section 4502, subsection 1, and the

evidence of student performance provided by the school administrative unit's local assessment system. This may include assignment of an assistance team by the commissioner to work with the school administrative unit over a period of not less than one year. [2007, c. 259, §7 (AMD).]

SECTION HISTORY
2001, c. 454, §33 (NEW). 2005, c. 446, §6 (AMD). 2007, c. 259, §7 (AMD).

§6211. RULEMAKING

The commissioner shall develop rules to accomplish the purposes of this chapter. Rules adopted by the commissioner under this chapter must include guidelines and protocols to strengthen the capacity of school administrative units to ensure sufficient opportunity through multiple pathways for all students to achieve proficiency in meeting the state standards and guiding principles under the system of learning results established pursuant to section 6209. Rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2015, c. 489, §7 (AMD).]

SECTION HISTORY
2001, c. 454, §33 (NEW). 2015, c. 489, §7 (AMD).

§6212. INNOVATIVE, AUTONOMOUS PUBLIC SCHOOLS

A school administrative unit may establish and operate an innovative, autonomous public school. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school that exceed or differ from, but do not conflict with, applicable statutory and regulatory requirements. The school board shall propose, receive and allocate funding for an innovative, autonomous public school as part of the budget process for that school administrative unit in accordance with this Title. A school board may request waivers as necessary to implement an instructional model and associated curriculum that meet the standards of this section for innovation and autonomy. [2009, c. 616, §1 (NEW).]

1. **Open enrollment.** Any resident student in a school administrative unit is eligible to request enrollment in an innovative, autonomous public school. Enrollment may not be limited to a target population of students. A school board shall establish a method for selecting students when requests for enrollment exceed capacity. A school board may establish a process for determining the maximum enrollment from each municipality in the school administrative unit.

[2009, c. 616, §1 (NEW) .]

2. **More accountability for student achievement.** An innovative, autonomous public school must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system.

[2009, c. 616, §1 (NEW) .]

SECTION HISTORY
2009, c. 616, §1 (NEW).

§6213. INNOVATIVE PUBLIC SCHOOL ZONES AND INNOVATIVE PUBLIC SCHOOL DISTRICTS

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Innovative, autonomous public school" means an innovative, autonomous public school established pursuant to section 6212. [2013, c. 303, §2 (AMD).]

B. "Innovation plan" means a plan for the creation and operation of an innovative, autonomous public school, a teacher-led school or innovative zone or district as described in subsections 2, 3 and 4. [2013, c. 303, §2 (AMD).]

C. "Innovative public school district" or "district" means a school administrative unit in which all schools operated by the school administrative unit are innovative, autonomous public schools or teacher-led schools included in an innovation plan approved pursuant to this section and implemented by the school board. [2013, c. 303, §2 (AMD).]

D. "Innovative public school zone" or "zone" means 2 or more innovative, autonomous public schools or teacher-led schools operated by a school administrative unit that share common interests, such as their geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a school board implements an innovation plan approved pursuant to this section. [2013, c. 303, §2 (AMD).]

E. "Public school" has the same meaning as in section 1, subsection 24. [2011, c. 446, §2 (NEW).]

F. "Teacher-led school" means a public school in which teachers employed at the school are responsible for the decision making and governance of the school. [2013, c. 303, §2 (NEW).]

[2013, c. 303, §2 (AMD) .]

2. **School-initiated innovation plan.** A public school or a group of 2 or more public schools in a school administrative unit may submit to its school board an innovation plan. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school or teacher-led school that is not in conflict with applicable statutory and regulatory requirements.

A. A school board shall receive and review each innovation plan submitted pursuant to this subsection. The school board shall either approve or disapprove the innovation plan within 60 days after receiving the plan. [2011, c. 446, §2 (NEW).]

B. If the school board rejects the innovation plan, it shall provide to the public school or public schools that submitted the plan a written explanation of the basis for its decision. A public school or public schools may submit an amended innovation plan at any time. [2011, c. 446, §2 (NEW).]

C. If the school board approves the plan, it shall proceed to seek the commissioner's approval of the public school or public schools as an innovative, autonomous public school, a teacher-led school, an innovative public school zone or an innovative public school district pursuant to subsection 9. [2013, c. 303, §2 (AMD).]

[2013, c. 303, §2 (AMD) .]

3. **Board-initiated innovation plan.** A school board may initiate and collaborate with one or more public schools within the school administrative unit to create one or more innovation plans. In creating an innovation plan, the school board shall ensure that each public school that would be affected by the plan has the opportunity to participate collaboratively in the creation and implementation of the plan.

[2011, c. 446, §2 (NEW) .]

4. **Innovation plan.** An innovation plan must include the following information:

A. A statement of the mission of the school, zone or district and why designation as a school, zone or district would enhance the ability of the school, zone or district to achieve its mission; [2011, c. 446, §2 (NEW).]

B. A description of the innovations the school, zone or district would implement, which may include, but are not limited to, innovations in school staffing, curriculum and assessment; school calendar; use of financial and other resources; and the recruitment, employment, evaluation and compensation of teachers, administrators and other staff employed by the school; [2011, c. 446, §2 (NEW).]

C. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations; [2011, c. 446, §2 (NEW).]

D. A listing of the programs, policies and practices within the school, zone or district that would be affected by the innovations identified by the school, zone or district and the manner in which they would alter current programs, policies and practices. The programs, policies or practices may include, but are not limited to:

(1) A description of any research-based educational program to be implemented;

(2) The length of the school day and the school year;

(3) The student promotion and graduation policies;

(4) The assessment plan;

(5) The budget; and

(6) The staffing plan. [2011, c. 446, §2 (NEW).]

E. A description of any statutory requirements applicable to public schools or school administrative unit policy requirements that would need to be waived for the school, zone or district to implement the identified innovations; [2011, c. 446, §2 (NEW).]

F. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations; [2011, c. 446, §2 (NEW).]

G. An identification of the strategic partnerships, including partnerships with business, industry, postsecondary education institutions, nonprofit educational organizations and other educational entities, that the school, zone or district expects to develop in implementing its identified innovation; [2011, c. 446, §2 (NEW).]

H. An estimate of the cost savings and increased efficiencies, if any, the school, zone or district expects to achieve in implementing the identified innovations; [2011, c. 446, §2 (NEW).]

I. A description of the strategies that the school, zone or district expects to implement in the future to secure and maintain the resources necessary to sustain the identified innovations; [2011, c. 446, §2 (NEW).]

J. A provision for the continuation and assignment of collective bargaining agreements as they apply to the school, zone or district for the duration of those agreements and the continuation of representational rights; [2011, c. 446, §2 (NEW).]

K. A provision for the continuation of continuing contract rights under section 13201; and [2011, c. 446, §2 (NEW).]

L. Any additional information required by the school board. [2011, c. 446, §2 (NEW).]

[2011, c. 446, §2 (NEW) .]

5. **Additional information.** An innovation plan, whether submitted by one or more public schools or created by a school board through collaboration with one or more public schools, must include the following information:

A. A description of how innovations in the schools in the zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and [2011, c. 446, §2 (NEW).]

B. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the zone or district. [2011, c. 446, §2 (NEW).]

[2011, c. 446, §2 (NEW) .]

6. **Prohibited acts.** An employee of a public school or school administrative unit may not be discriminated against by the school board, the superintendent or any other administrator of the school administrative unit or by any employee organization, officer of the organization or member of the organization for exercising or not exercising the rights provided for under this section. An employee of a school administrative unit or an officer or member of an employee organization may not impede, restrain or coerce an employee of a public school or school administrative unit to keep that employee from exercising the rights provided for under this section or cause an employer to impede, restrain or coerce an employee to keep that employee from exercising the rights provided for under this section.

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a public employee or a group of public employees in the free exercise of their rights pursuant to Title 26, chapter 9-A to voluntarily join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under Title 26.

[2011, c. 446, §2 (NEW) .]

7. **Innovations.** In considering or creating an innovation plan, each school board may consider innovations in the following areas:

A. Curriculum and academic standards and assessments; [2011, c. 446, §2 (NEW).]

B. Accountability measures, including, but not limited to, expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but are not limited to:

(1) Use of graduation or exit examinations;

(2) Use of end-of-course examinations;

(3) Use of formative assessments that measure student growth over time;

(4) Use of multiple measures of student achievement;

(5) Measuring the percentage of students continuing on to postsecondary education; and

(6) Measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate from a postsecondary educational institution; [2011, c. 446, §2 (NEW).]

C. Provision of services, including, but not limited to, special education services; services for gifted and talented students; services for students with limited English proficiency; educational services for students at risk of academic failure, expulsion or dropping out; and support services provided by the Department of Health and Human Services or the Department of Corrections to a state ward or to a state agency client; [2011, c. 446, §2 (NEW).]

D. Teacher recruitment, training, preparation and professional development; [2011, c. 446, §2 (NEW).]

E. Teacher employment; [2011, c. 446, §2 (NEW).]

F. Performance expectations and evaluation procedures for teachers and principals; [2011, c. 446, §2 (NEW).]

G. Compensation for teachers, principals and other school personnel, including, but not limited to, performance pay plans, total compensation plans and innovations with regard to retirement and other benefits; [2011, c. 446, §2 (NEW).]

H. School governance and the roles, responsibilities and expectations of principals; and [2011, c. 446, §2 (NEW).]

I. Preparation and counseling of students for transition to postsecondary education or the workforce. [2011, c. 446, §2 (NEW).]

[2011, c. 446, §2 (NEW) .]

8. **Gifts, grants and donations.** A school, zone or district may seek and accept public and private gifts, grants and donations to offset the costs of developing and implementing an innovation plan. Any gift, grant or donation received pursuant to this subsection must be approved by the school board prior to the receipt of the gift, grant or donation.

[2011, c. 446, §2 (NEW) .]

9. **Commissioner's approval.** A school board shall submit school, zone or district innovation plans approved pursuant to subsection 4, paragraph J to the commissioner.

A. Within 60 days after receiving an innovation plan for a school, zone or district, the commissioner shall approve the innovation plan unless the commissioner concludes that the plan:

(1) Is likely to result in a decrease in academic achievement in the innovative school, zone or district; or

(2) Is not fiscally feasible. [2011, c. 446, §2 (NEW).]

B. If the commissioner does not approve the innovation plan, the commissioner shall provide to the school board a written explanation of the basis for the decision. The school board may submit an amended innovation plan for the commissioner's approval at any time. [2011, c. 446, §2 (NEW).]

Nothing in this subsection may prevent or may be construed to prevent the commissioner from approving an innovation plan to create an innovative public school district when the innovation plan is created by a school board for a school administrative unit that operates only one innovative, autonomous public school or teacher-led school.

[2013, c. 303, §3 (AMD) .]

10. **Commissioner's waiver.** Upon approval of an innovation plan for a school, zone or district, the commissioner shall waive requirements of any statutes or rules specified in the approved innovation plan as they pertain to the innovative school, zone or district, except that the commissioner may not waive requirements pertaining to:

A. School administrative unit employee participation in the Maine Public Employees Retirement System; [2011, c. 446, §2 (NEW).]

B. The standards established by the school board for awarding a high school diploma as set forth in chapter 207-A, subchapter 3; [2011, c. 446, §2 (NEW).]

C. The statewide assessment program established under this chapter to measure student achievement of the content standards in the system of learning results set forth in this chapter and in department rules implementing this chapter and other curricular requirements established by the school board; [2011, c. 446, §2 (NEW).]

D. The applicable federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70; and [2011, c. 446, §2 (NEW).]

E. The legal obligations and duties that a school administrative unit implementing an innovation plan owes to its employees prior to the formation of a district or zone, including but not limited to those obligations and duties arising under federal or state law, collective bargaining agreements and individual employment contracts, including but not limited to:

(1) Continued recognition of all bargaining agents that represent any bargaining units of employees who are employed by a school administrative unit implementing an innovation plan; and

(2) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a school administrative unit implementing an innovation plan. [2011, c. 446, §2 (NEW).]

Except as otherwise provided in this subsection, the commissioner may not waive any requirements of any law or rule specified in the approved innovation plan for an innovative school, zone or district if the law or rule relates to the implementation of or requirements for any program or grant for which the school administrative unit is receiving funds appropriated or allocated for the support of public school activities. The commissioner may waive any requirements of any law or rule that relates to the implementation of or requirements for any program or grant only if the funding for the program or grant is no longer allocated to the school administrative unit.

[2011, c. 446, §2 (NEW) .]

11. **State subsidy.** Designation as a school, zone or district may not affect the allocation of state subsidy for the school administrative unit as calculated pursuant to chapter 606-B.

[2011, c. 446, §2 (NEW) .]

12. **Revisions to innovation plan; changes to waivers.** If the school board, in collaboration with one or more public schools pursuant to subsection 3, revises an innovation plan as provided in subsection 9, paragraph B, the school board may request additional waivers or changes to existing waivers of the requirements of laws and rules as necessary to accommodate the revisions to the innovation plan, and the commissioner shall grant the request unless the commissioner concludes that the waivers or changes to existing waivers would be likely to result in a decrease in academic achievement in the school, zone or district, or would not be fiscally feasible.

A. In requesting a new waiver or a change to an existing waiver, the school board must demonstrate the consent of a majority of the teachers and a majority of the administrators employed at each school that is affected by the new or changed waiver. [2011, c. 446, §2 (NEW).]

B. Except as otherwise provided in this section, a waiver from the requirements of a law or rule that is granted pursuant to this section continues to apply to a school, zone or district as long as the school, zone or district continues to be designated as a school, zone or district. [2011, c. 446, §2 (NEW).]

[2011, c. 446, §2 (NEW) .]

13. **Exemption from school district reorganization requirements.** Notwithstanding chapter 103-A, a school administrative unit that has been approved by the commissioner as an innovative public school district is exempt from the requirements to reorganize as a regional school unit or as a member entity of an alternative organizational structure and may not be assessed a penalty as a nonconforming school administrative unit pursuant to section 15696.

[2011, c. 446, §2 (NEW) .]

14. **Performance review.** Three years after the commissioner approves an innovation plan for a school, zone or district, and every 3 years thereafter, the school board shall review the level of performance of the school, zone or district and determine whether the school, zone or district is achieving or making adequate progress toward achieving the academic performance results identified in the innovation plan of the school,

zone or district. The school board, in collaboration with the school, zone or district, may revise the innovation plan as necessary to improve or continue to improve academic performance at the school, zone or district. Any revisions to the innovation plan require the consent of a majority of the teachers and a majority of the administrators employed at each affected school.

A. Following review of a school's performance, if the school board finds that the academic performance of students enrolled in the school is not improving at a sufficient rate, the school board may revoke the designation of the school as an innovative, autonomous public school or teacher-led school. [2013, c. 303, §4 (AMD).]

B. Following review of the performance of a zone or district, if a school board finds that the academic performance of students enrolled in one or more of the schools included in the zone or district is not improving at a sufficient rate, the school board may remove the underperforming school or schools from the zone or district or may revoke the designation of the zone or district as an innovative public school zone or innovative public school district. [2011, c. 446, §2 (NEW).]

[2013, c. 303, §4 (AMD) .]

15. **Annual report.** By March 1, 2012, and each year thereafter, the commissioner shall submit to the Governor and to the joint standing committee of the Legislature having jurisdiction over education matters a report concerning the schools, zones and districts. At a minimum, the report must include:

A. The number of school administrative units designated as innovative districts in the preceding academic year and the total number of innovative districts in the State; [2011, c. 446, §2 (NEW).]

B. The number of innovative, autonomous public schools, the number of teacher-led schools and the number of innovative public school zones and innovative public school districts, including the number of schools in each zone and district and the number of students served in the schools and zones, expressed as a total number and as a percentage of the students enrolled in the district; [2013, c. 303, §5 (AMD).]

C. An overview of the innovations implemented in each school, zone and district; [2011, c. 446, §2 (NEW).]

D. An overview of the academic performance of the students served in schools, zones and districts, including a comparison between the academic performance of the students before and after implementation of the innovations; [2011, c. 446, §2 (NEW).]

E. Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of school administrative units and school boards to implement innovations; and [2011, c. 446, §2 (NEW).]

F. Any information requested by the Governor or a member of the joint standing committee of the Legislature having jurisdiction over education matters. [2011, c. 446, §2 (NEW).]

The commissioner shall promptly post the annual report submitted pursuant to this section on the department's publicly accessible website.

[2013, c. 303, §5 (AMD) .]

SECTION HISTORY
2011, c. 446, §2 (NEW). 2013, c. 303, §§2-5 (AMD).

§6214. SCHOOL ACCOUNTABILITY SYSTEM; ANNUAL REPORTS

Beginning with the 2018-2019 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the commissioner shall implement a school accountability system to measure school performance and student proficiency

in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under section 6209, subsection 2 and that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations. [2015, c. 500, §1 (NEW).]

1. **Performance and proficiency measures.** The measures of school performance and student proficiency for the school accountability system implemented under this section must include multiple measures of student achievement and:

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations; [2015, c. 500, §1 (NEW).]

B. Use measures of student proficiency in all content areas of the learning results and the guiding principles using data gathered under section 4722-A, subsection 5; [2015, c. 500, §1 (NEW).]

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates; [2015, c. 500, §1 (NEW).]

D. As available, use measures of postsecondary readiness, persistence and completion; [2015, c. 500, §1 (NEW).]

E. Establish a school administrative unit's eligibility and priority for targeted state funding for school improvement and support under section 15688-A, subsection 5 and other applicable targeted funds authorized under section 15688-A; and [2015, c. 500, §1 (NEW).]

F. May include, but are not limited to, the use of:

(1) Summative assessments aligned with the grade-level expectations of the parameters for essential instruction and graduation requirements established under section 6209, subsection 2;

(2) Interim assessments that measure student growth over time; and

(3) Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment. [2015, c. 500, §1 (NEW).]

[2015, c. 500, §1 (NEW) .]

2. **Annual reports.** As provided in the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h), the commissioner shall annually report the statewide and school-level results of the school accountability system implemented under this section with regard to the performance of schools and the proficiency of students in each of the State's elementary and secondary schools.

A. The commissioner shall provide each school with a profile of school performance and student proficiency based upon data from the school accountability system. [2015, c. 500, §1 (NEW).]

B. When a report is made under this subsection for purposes of comparative analysis of elementary and secondary schools, the reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level. [2015, c. 500, §1 (NEW).]

C. Notwithstanding any other provision of this section, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of rules in accordance with subsection 3. [2015, c. 500, §1 (NEW).]

[2015, c. 500, §1 (NEW) .]

3. **Rules.** The department shall adopt rules to implement the school accountability system established pursuant to this section. The rules adopted by the department must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 500, §1 (NEW) .]

Nothing in this section may be construed to prevent or inhibit the department from providing annual reports of the results of the state assessment program required by section 6204 to comply with the federal statutes and regulations pertaining to student assessment. [2015, c. 500, §1 (NEW).]

SECTION HISTORY
2015, c. 500, §1 (NEW).

Chapter 223: HEALTH, NUTRITION AND SAFETY

Subchapter 1: STUDENT HEALTH

§6301. STUDENT HEALTH

The following provisions apply to student health. [1981, c. 693, §§5, 8 (NEW).]

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

[1989, c. 414, §9 (RPR) .]

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

A. Inform the student's parent:

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

(2) To furnish their children with the required home or medical treatment for the relief of their trouble so defined in subsection 1; [1983, c. 661, §4 (AMD).]

B. Exclude the student from the public schools until the student is no longer a public health threat; and [1989, c. 414, §10 (AMD).]

C. Exclude the student from public school as soon as safe and proper transportation home is available. [1983, c. 661, §4 (NEW).]

[1989, c. 414, §10 (AMD) .]

3. **Duty of parent.** A parent informed by a superintendent under subsection 2 shall promptly do what is reasonably necessary to ensure that the student is no longer offensive or dangerous.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Penalty.** Any parent who fails to comply with subsection 3 shall be fined not more than $5 for the first offense or $10 for subsequent offenses.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Exclusion.**

[1983, c. 661, §5 (RP) .]

5-A. **Notification.** The superintendent shall cause notice of the communicable disease to be given to the Department of Health and Human Services, in accordance with the requirements of Title 22, chapters 250 and 251, and rules issued under those chapters.

[2007, c. 598, §1 (AMD) .]

6. **Authority and duties of the Department of Health and Human Services.** The Department of Health and Human Services has the authority and duties prescribed in Title 22, chapters 250 and 251 with respect to the control of notifiable diseases and conditions and communicable diseases.

[2007, c. 598, §2 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 661, §§3-6 (AMD). 1989, c. 414, §§9,10 (AMD). 2003, c. 689, §B6 (REV). 2007, c. 598, §§1, 2 (AMD).

§6302. SCHOOL BUILDING VENTILATION

1. **Applicability.** This section applies to school buildings subject to basic school approval under section 4502 in which the heating, ventilation and air-conditioning system is mechanically driven.

[1991, c. 181, §2 (NEW) .]

2. **Operation.** Each school administrative unit shall ensure that the heating, ventilation and air-conditioning system is:

A. Maintained and operated to provide at least the quantity of outdoor air required by the state building standards code in effect at the time the building permit was issued or the heating, ventilation and air-conditioning system was installed, whichever is later; and [1991, c. 181, §2 (NEW).]

B. Operated continuously during school activity hours except:

(1) During scheduled maintenance and emergency repairs; and

(2) During periods for which school officials can demonstrate to the commissioner's satisfaction that the quantity of outdoor air supplied by an air supply system that is not mechanically driven and by infiltration meets the outdoor air supply rate required by paragraph A. [1991, c. 181, §2 (NEW).]

[1991, c. 181, §2 (NEW) .]

3. **Inspection and record.** Each school administrative unit is responsible for:

A. Inspection of the heating, ventilation and air-conditioning system at least annually and correction of any problems within a reasonable time; and [1991, c. 181, §2 (NEW).]

B. Maintaining written records of heating, ventilation and air-conditioning system inspection and maintenance for at least 5 years. The superintendent shall make these records available for examination upon request. [1991, c. 181, §2 (NEW).]

[1991, c. 181, §2 (NEW) .]

SECTION HISTORY
1991, c. 181, §2 (NEW).

§6303. MEDICAID FOR HEALTH AND HUMAN SERVICES

A school administrative unit may receive funds from the Medicaid program pursuant to the United States Social Security Act, 42 United States Code, for the provision of preventive health, health, habilitation, rehabilitation and social services to eligible students. [2005, c. 2, Pt. D, §19 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
1995, c. 427, §1 (NEW). 2005, c. 2, §D19 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§6304. AUTOMATED EXTERNAL DEFIBRILLATORS AND CARDIOPULMONARY RESUSCITATION

School boards may place automated external defibrillators in occupied school buildings and at school athletic events. School personnel and members of the public may receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators in order to acquire the skills and confidence to respond to emergencies. In accordance with rules adopted by the department, public schools shall offer training to students on how to perform cardiopulmonary resuscitation and use automated external defibrillators. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2015, c. 140, §1 (AMD).]

SECTION HISTORY
2007, c. 267, §1 (NEW). 2015, c. 140, §1 (AMD).

§6305. EPINEPHRINE AUTOINJECTORS; GUIDELINES; EMERGENCY ADMINISTRATION

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collaborative practice agreement" means a written and signed agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A that provides for the prescription of epinephrine autoinjectors by the physician or school health advisor and administration of epinephrine autoinjectors by a school nurse or designated school personnel to students during school or a school-sponsored activity under emergency circumstances involving anaphylaxis. [2013, c. 526, §1 (NEW).]

B. "Designated school personnel" means those employees, agents or volunteers of a school administrative unit or an approved private school designated by a collaborative practice agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A who have completed the training required by rule to provide or administer an epinephrine autoinjector to a student. [2013, c. 526, §1 (NEW).]

C. "Epinephrine autoinjector" means a device that automatically injects a premeasured dose of epinephrine. [2013, c. 526, §1 (NEW).]

D. "School" means a public or approved private school. [2013, c. 526, §1 (NEW).]

[2013, c. 526, §1 (NEW) .]

2. **Collaborative practice agreement; adoption authorized.** A school administrative unit or an approved private school may authorize adoption of a collaborative practice agreement for the purposes of stocking and administering epinephrine autoinjectors as provided under this section. The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine.

[2013, c. 526, §1 (NEW) .]

3. **Collaborative practice agreement; authority.** A collaborative practice agreement permits a physician licensed in this State or school health advisor under section 6402-A to prescribe an epinephrine autoinjector and direct a school nurse under section 6403-A to administer an epinephrine autoinjector in good faith to any student experiencing anaphylaxis during school or a school-sponsored activity. Pursuant to a collaborative practice agreement, a physician licensed in this State or school health advisor under section 6402-A may authorize the school nurse under section 6403-A during school or a school-sponsored activity to designate other school personnel with training required by rule to administer an epinephrine autoinjector if the school nurse is not present when a student experiences anaphylaxis.

[2013, c. 526, §1 (NEW) .]

4. **Collaborative practice agreement; terms and provisions.** A collaborative practice agreement must include the following information:

A. Name and physical address of the school; [2013, c. 526, §1 (NEW).]

B. Identification and signatures of the physician or school health advisor under section 6402-A and school nurse under section 6403-A who are parties to the collaborative practice agreement, the dates the agreement is signed by each party and the beginning and end dates of the period of time within which the agreement is in effect; and [2013, c. 526, §1 (NEW).]

C. Any other information considered appropriate by the physician or school health advisor under section 6402-A and school nurse under section 6403-A. [2013, c. 526, §1 (NEW).]

[2013, c. 526, §1 (NEW) .]

5. **Use of epinephrine autoinjectors without a collaborative practice agreement.** The governing body of a school administrative unit or an approved private school may authorize a school nurse under section 6403-A and designated school personnel to administer an epinephrine autoinjector to a student in accordance with a prescription specific to the student on file with the school nurse and in accordance with section 254, subsection 5. The administration of an epinephrine autoinjector in accordance with this subsection is not the practice of medicine.

[2013, c. 526, §1 (NEW) .]

6. **Manufacturer or supplier arrangement.** A school administrative unit or an approved private school may enter into an arrangement with a manufacturer of epinephrine autoinjectors or a 3rd-party supplier of epinephrine autoinjectors to obtain epinephrine autoinjectors at fair market prices or reduced prices or for free.

[2013, c. 526, §1 (NEW) .]

7. **Purchase from licensed pharmacies.** A collaborative practice agreement under this section may provide that a school administrative unit or an approved private school may purchase epinephrine autoinjectors from a pharmacy licensed in this State.

[2013, c. 526, §1 (NEW) .]

8. **Guidelines.** By December 1, 2015 and as needed after that date, the department in consultation with the Department of Health and Human Services shall develop and make available to all schools guidelines for the management of students with life-threatening allergies. The guidelines must include, but are not limited to:

A. Guidelines regarding education and training for school personnel on the management of students with life-threatening allergies, including training related to the administration of an epinephrine autoinjector; [2013, c. 526, §1 (NEW).]

B. Procedures for responding to life-threatening allergic reactions; [2013, c. 526, §1 (NEW).]

C. A process for the development of individualized health care and allergy action plans for students with known life-threatening allergies; and [2013, c. 526, §1 (NEW).]

D. Protocols to prevent exposure to allergens. [2013, c. 526, §1 (NEW).]

[2013, c. 526, §1 (NEW) .]

9. **Plan.** By September 1, 2016 and as needed after that date, the governing body of a school administrative unit or an approved private school shall:

A. Implement a protocol based on the guidelines developed pursuant to subsection 8 for the management of students with life-threatening allergies enrolled in the schools under its jurisdiction; and [2013, c. 526, §1 (NEW).]

B. Make the protocol under paragraph A available on the governing body's publicly accessible website or the publicly accessible website of each school under the governing body's jurisdiction or, if those websites do not exist, make the protocol publicly available through other means as determined by the governing body. [2013, c. 526, §1 (NEW).]

The governing body of the school administrative unit or the approved private school shall annually attest to the department that the schools under its jurisdiction are implementing the protocol in accordance with the provisions of this subsection.

[2013, c. 526, §1 (NEW) .]

SECTION HISTORY
2013, c. 526, §1 (NEW).

§6306. ELIGIBILITY TO ATTEND SCHOOL

A child who holds a written certification for the medical use of marijuana under Title 22, section 2423-B may not be denied eligibility to attend school solely because the child requires medical marijuana in a nonsmokeable form as a reasonable accommodation necessary for the child to attend school. [2015, c. 369, §1 (NEW).]

SECTION HISTORY
2015, c. 369, §1 (NEW).

Subchapter 2: IMMUNIZATION

§6351. IMMUNIZATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 661, §7 (RP). 1983, c. 806, §61 (AMD). 1983, c. 862, §59 (AMD).

§6352. IMMUNIZATION

To assure a safe and healthful school environment, the Legislature intends that the provisions of this subchapter on immunization shall apply in the schools of the State. [1983, c. 661, §8 (NEW).]

SECTION HISTORY
1983, c. 661, §8 (NEW).

§6353. DEFINITIONS

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [1983, c. 661, §8 (NEW).]

1. **Certificate of immunization.** "Certificate of immunization" means a written statement from a physician, nurse or health official who has administered an immunizing agent to a child, specifying the dosage administered and the date it was administered.

[1983, c. 661, §8 (NEW) .]

2. **Child.** "Child" means and includes every child entering school.

[1983, c. 661, §8 (NEW) .]

3. **Disease.** "Disease" means those conditions that are preventable by immunizing agent, as specified in rules.

[2001, c. 326, §1 (AMD) .]

4. **Immunizing agent.** "Immunizing agent" means a vaccine, antitoxin or other substances used to increase an individual's immunity to a disease.

[1983, c. 661, §8 (NEW) .]

5. **Parent.** "Parent" means a child's parent, legal guardian or custodian. A person shall be regarded as a child's custodian if that person is an adult and has assumed legal charge and care of the child.

[1983, c. 661, §8 (NEW) .]

6. **Public health official.** "Public health official" means a local health officer, the Director of the Bureau of Health, Department of Health and Human Services, or any designated employee or agent of the Department of Health and Human Services.

[1983, c. 661, §8 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

7. **School.** "School" means any public or private elementary or secondary school in the State.

[1983, c. 661, §8 (NEW) .]

8. **Superintendent.** "Superintendent" means the superintendent of schools of a school administrative unit, or a person designated by the superintendent, and the chief administrative officer of a private school.

[1983, c. 661, §8 (NEW) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 2001, c. 326, §1 (AMD). 2003, c. 689, §B6 (REV).

§6354. IMMUNIZATION

1. **Immunization required.** Except as otherwise provided under this subchapter, every parent shall cause to be administered to his child an adequate dosage of an immunizing agent against each disease.

[1983, c. 661, §8 (NEW) .]

2. **Immunizing agent to meet standards.** Any such immunizing agent shall meet standards for such biological products, approved by the United States Public Health Service and the dosage requirement specified by the Department of Health and Human Services.

[1983, c. 661, §8 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 2003, c. 689, §B6 (REV).

§6355. ENROLLMENT IN SCHOOL

A superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows. [2001, c. 326, §2 (AMD).]

1. **Written assurance.** The parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ.

[1983, c. 661, §8 (NEW) .]

2. **Medical exemption.** The parent or the child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable.

[2001, c. 326, §2 (AMD) .]

3. **Philosophical or religious exemption.** The parent states in writing a sincere religious belief that is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons.

[2001, c. 326, §2 (AMD) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 2001, c. 326, §2 (AMD).

§6356. EXCLUSION FROM SCHOOL

1. **Public health official action.** When a public health official has reason to believe that the continued presence in a school of a child who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the superintendent of the school. The superintendent shall cause the child to be excluded from school during the period of danger or until the child receives the necessary immunizing agent.

Whenever, as a result of this section, a child is absent from the public school for more than 10 days, the superintendent shall make arrangements to meet the educational needs of the child.

[2007, c. 598, §3 (AMD) .]

2. **Superintendent's action.** Notwithstanding the provisions of this subchapter on immunization against specified diseases, a superintendent may exclude from the public schools any child who is a public health threat, in accordance with section 6301, and the superintendent shall exclude from school any child or employee who has contracted or has been exposed to a communicable disease as directed by a physician after consultation with the Bureau of Health.

[1989, c. 414, §11 (AMD) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 1989, c. 414, §11 (AMD). 2007, c. 598, §3 (AMD).

§6357. RECORDS; REPORT

1. **Record keeping.** Each superintendent shall keep uniform records of the immunizations and immunization status of each child based on the certificate of immunization, other acceptable evidence and other available documents. The records shall be part of the child's permanent education records. These records shall be confidential, except that state and local health personnel shall have access to them in connection with an emergency, as provided by the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, United States Code, Title 20, Section 1232g(b) (1) (I) and regulations adopted under that Act.

[1983, c. 661, §8 (NEW) .]

2. **Annual report of immunization status.** By December 15th of each year, each superintendent shall submit to the Director of the Bureau of Health, Department of Health and Human Services, and to the commissioner a summary report of immunization status of the children entering school, as prescribed by rule.

[1983, c. 661, §8 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 2003, c. 689, §B6 (REV).

§6358. RULES; REQUIREMENTS; REPORTS

1. **Rules authorized.** The commissioner and the Director of the Bureau of Health, Department of Health and Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. Rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 326, §3 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

2. **Local requirements authorized.** Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board.

[1983, c. 661, §8 (NEW) .]

SECTION HISTORY
1983, c. 661, §8 (NEW). 2001, c. 326, §3 (AMD). 2003, c. 689, §B6 (REV).

§6359. IMMUNIZATION OF STUDENTS

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Certificate of immunization" means a written statement from a physician, nurse or public health official who has administered an immunizing agent to a student, specifying the dosage administered and the date it was administered. [1991, c. 146, §1 (AMD).]

B. "Chief administrative officer" means the person designated by the legal governing authority as president, administrator or director of a public or private post-secondary school. [1985, c. 771, §§2, 7 (NEW).]

C. "Disease" means those conditions that are preventable by immunizing agent, as specified in rules. [2001, c. 326, §4 (AMD).]

D. "Immunizing agent" means a vaccine, toxoid or other substance used to increase an individual's immunity to a disease. [1991, c. 146, §1 (AMD).]

E. "Parent" means a student's parent, legal guardian or custodian. A person shall be regarded as a student's custodian if that person is an adult and has assumed legal charge and care of the student. [1985, c. 771, §§2, 7 (NEW).]

F. "Public health official" means the Director of the Bureau of Health or any designated employee or agent of the Department of Health and Human Services. [1991, c. 146, §1 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

G. "School" means any public or private, post-secondary school in the State including, but not limited to colleges, universities, community colleges and schools for the health professions. [1989, c. 443, §22 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

G-1. "School health provider" means a physician, physician's assistant, registered nurse or nurse practitioner licensed to practice by the State and appointed by the chief administrative officer to provide health care to the student population. [1991, c. 146, §2 (NEW).]

H. "Student" means any person born after 1956 who attends school full time or who is a candidate for a degree, diploma or graduate certificate. [1987, c. 71, (RPR).]

[2001, c. 326, §4 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF); 2003, c. 689, Pt. B, §6 (REV) .]

2. **Immunization.** Except as otherwise provided under this section, every student shall have administered an adequate dosage of an immunizing agent against each disease as specified by rule.

Any such immunizing agent shall meet standards for the biological products, approved by the United States Public Health Service and the dosage requirement specified by the Department of Health and Human Services.

[2001, c. 326, §5 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

3. **Enrollment of school.** No chief administrative officer may permit any student to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows.

A. The parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable. [1991, c. 146, §3 (AMD).]

B. The student or the parent, if the student is a minor, states in writing a sincere religious belief, which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for philosophical reasons. [2001, c. 326, §6 (AMD).]

[2001, c. 326, §6 (AMD) .]

4. **Exclusion from school.** When a public health official has reason to believe that the continued presence in a school of a student who has not been immunized against one or more diseases presents a clear danger to the health of others, the public health official shall notify the chief administrative officer of the school. The chief administrative officer shall cause the student to be excluded from school during the period of danger or until the student receives the necessary immunizing agent.

[1985, c. 771, §§2, 7 (NEW) .]

5. **Records; report.** Each chief administrative officer shall keep uniform records of the immunizations and immunization status of each student, based on the certificate of immunization, other acceptable evidence and other available documents. The records shall be part of the student's permanent records.

By December 15th of each year, each chief administrative officer shall submit to the Director of the Bureau of Health a summary report of immunization status of the students entering school, as prescribed by rule. A blank summary report form will be provided to each chief administrative officer by the Bureau of Health.

[1985, c. 771, §§2, 7 (NEW) .]

6. **Rules; requirements; reports.** The Director of the Bureau of Health shall adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements and medical exceptions to receiving vaccines or toxoids for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students from school.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

[1991, c. 146, §4 (AMD) .]

A student who is enrolled in a distance education program offered by a school and who does not physically attend any classes or programs at a school facility, including a campus, center or site of that school, or at a school facility, including a campus, center or site of any other school, is exempt from the provisions of this section. [2001, c. 87, §1 (NEW).]

SECTION HISTORY
1985, c. 771, §§2,7 (NEW). 1987, c. 71, (AMD). 1989, c. 443, §22 (AMD). 1991, c. 146, §§1-4 (AMD). 2001, c. 87, §1 (AMD). 2001, c. 326, §§4-6 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 689, §B6 (REV).

Subchapter 3: SCHOOL HEALTH SERVICES

§6401. SCHOOL NURSE COORDINATOR

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §38 (AMD). 1989, c. 700, §A49 (AMD). P&SL 1993, c. 67, §1 (AMD). 1995, c. 322, §6 (RP).

§6401-A. SCHOOL NURSE CONSULTANT POSITION

1. **Establishment.** The position of school nurse consultant is established within the department. The Policy Director of Special Services within the department shall supervise the school nurse consultant.

[2011, c. 380, Pt. DD, §2 (NEW) .]

2. **Qualifications.** The school nurse consultant must be licensed as a registered professional nurse in the State and have a master's degree in nursing or a related field and experience in school health care or community nursing.

[2011, c. 380, Pt. DD, §2 (NEW) .]

SECTION HISTORY
2011, c. 380, Pt. DD, §2 (NEW).

§6401-B. DUTIES

The school nurse consultant under section 6401-A shall provide statewide nursing leadership, consultation and direction for coordinated school health care programs. The school nurse consultant shall: [2011, c. 380, Pt. DD, §3 (NEW).]

1. **Liaison.** Serve as a liaison and resource expert in school nursing and school health care program areas for local, regional, state and national school health care provider and policy-setting groups;

[2011, c. 380, Pt. DD, §3 (NEW) .]

2. **Information.** Monitor, interpret, synthesize and disseminate relevant information related to school health care trends, school nursing practice, health-related policy changes, legal issues in school nursing and school health care program implementation and professional development;

[2011, c. 380, Pt. DD, §3 (NEW) .]

3. **Staff development.** Foster and promote staff development for school nurses by planning and providing orientation, educational offerings and networking with universities and other providers of continuing education to meet identified needs; and

[2011, c. 380, Pt. DD, §3 (NEW) .]

4. **Standards.** Gather and analyze data relevant to the school health care program and monitor standards to promote school nursing excellence and optimal health of school children.

[2011, c. 380, Pt. DD, §3 (NEW) .]

SECTION HISTORY
2011, c. 380, Pt. DD, §3 (NEW).

§6402. SCHOOL PHYSICIANS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 258, §1 (RP).

§6402-A. SCHOOL HEALTH ADVISOR

Each school board shall appoint one or more physicians or family or pediatric nurse practitioners to act as school health advisor. [2013, c. 78, §1 (AMD).]

1. **Duties.** The school health advisor shall advise the administrative unit on school health issues, policies and practices and may also perform any other health-related functions assigned by the board.

[2013, c. 78, §1 (AMD) .]

2. **Other functions.** A school health advisor may perform other medical and health-related duties assigned by the school board, which may include all or some of the following:

A. Examine and diagnose students referred by teachers and other school employees to protect against the outbreak of contagious diseases in the schools; [1985, c. 258, §2 (NEW).]

B. Examine students for participation in physical education and athletic activities; [1985, c. 258, §2 (NEW).]

C. Advise and serve as medical consultant to the school nurse; or [1985, c. 258, §2 (NEW).]

D. Examine school employees and property if the school health advisor believes it is necessary to protect the health of students. [2013, c. 78, §1 (AMD).]

[2013, c. 78, §1 (AMD) .]

3. **Prohibition.** A school health advisor may not treat any student examined under this subchapter unless the school health advisor is also the student's personal health care provider. A school health advisor that advises a school board pursuant to subsection 1 or performs other functions under subsection 2 may not act outside the scope of practice of the physician or nurse practitioner who functions as a school health advisor as established by law or rule of the applicable licensing board.

[2013, c. 78, §1 (AMD) .]

4. **Appointment.** Appointment is on a yearly basis.

[2013, c. 78, §1 (AMD) .]

SECTION HISTORY
1985, c. 258, §2 (NEW). 2013, c. 78, §1 (AMD).

§6403. REFERRAL FOR EXAMINATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 258, §3 (RP).

§6403-A. SCHOOL NURSE

Each school board shall appoint at least one school nurse for the school administrative unit. [1985, c. 258, §4 (NEW).]

1. **Duties.** The school nurse shall supervise and coordinate the health services and health-related activities required by this Title.

[1985, c. 258, §4 (NEW) .]

2. **Other functions.** The school nurse shall also perform such other health-related activities as are assigned by the school board.

[1985, c. 258, §4 (NEW) .]

3. **Appointment.** To fulfill the role of school nurse, the school board shall appoint a registered professional nurse who meets any additional certification requirements established by the state board.

[1985, c. 258, §4 (NEW) .]

4. **Special contract for services.** The school board may provide school nurse services through special agreements with a public health agency. All nurses who serve as school nurses under those agreements shall be registered professional nurses who meet applicable certification requirements.

[1985, c. 258, §4 (NEW) .]

5. **Guidelines.** The commissioner shall issue guidelines on the provision of school health services and health-related activities.

[1985, c. 258, §4 (NEW) .]

SECTION HISTORY
1985, c. 258, §4 (NEW).

Subchapter 4: HEALTH SCREENING

§6451. HEALTH SCREENING

1. **Student right to screening for sight and hearing defects.** Each student shall be screened periodically to determine whether they have sight or hearing defects.

[1981, c. 693, §§5, 8 (NEW) .]

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

A. After consultation with the Commissioner of Health and Human Services, adopt rules and provide school administrative units with assistance and materials to carry out this subsection; [1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §7 (REV).]

B. Furnish to the administrators of the school administrative units the prescribed directions for the tests of sight and hearing; and [1981, c. 693, §§5, 8 (NEW).]

C. Furnish test cards, record and report forms and other useful materials for carrying out the purpose of this section. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

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

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 689, §B7 (REV).

§6452. SCREENING FOR SCOLIOSIS AND RELATED SPINAL ABNORMALITIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 700, §A50 (AMD). 1989, c. 730, (AMD). 2003, c. 689, §§B6,7 (REV). 2009, c. 147, §1 (RP).

§6453. NOTICE TO PARENTS OF RESULT OF SCREENING

The school board shall inform the parent of a student suffering from a disease or defect. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6454. ORAL HEALTH ASSESSMENTS

The commissioner shall cooperate with the Commissioner of Health and Human Services in implementing a grant program developed in accordance with Title 22, section 2128 to increase the provision of oral health assessments for children entering elementary school. A child whose parent objects in writing to an oral health assessment on religious grounds may not be assessed. [2005, c. 653, §1 (NEW).]

SECTION HISTORY
2005, c. 653, §1 (NEW).

§6455. BODY MASS INDEX DATA

1. **Collection of data.** A school nurse or trained screener shall collect body mass index data from students in the school administrative unit in accordance with rules of the Department of Health and Human Services. Data may not be collected from a student whose parent or guardian objects on religious or philosophical grounds.

[2009, c. 407, §1 (NEW) .]

2. **Confidentiality.** Except as provided in subsection 3, body mass index data collected pursuant to subsection 1 are confidential and are not subject to disclosure pursuant to Title 1, chapter 13.

[2009, c. 407, §1 (NEW) .]

3. **Reporting of data.** A school nurse shall report the data collected under subsection 1 to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. Data reported pursuant to this subsection may be reported in the aggregate only and may not identify an individual student.

[2009, c. 407, §1 (NEW) .]

4. **Funding.** In the event federal funds are not available for collecting and reporting data pursuant to this section, the State, municipality or school administrative unit is under no obligation to use any state, municipal or school administrative unit funds to carry out the purposes of this section.

[2009, c. 407, §1 (NEW) .]

5. **Rules.** The Department of Health and Human Services shall adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A to implement this section. The rules must at a minimum:

A. Establish a schedule and protocol for the collection of data from students; and [2009, c. 407, §1 (NEW).]

B. Provide a method for uniform reporting of the collected data to the Maine Center for Disease Control and Prevention. [2009, c. 407, §1 (NEW).]

[2009, c. 407, §1 (NEW) .]

SECTION HISTORY
2009, c. 407, §1 (NEW).

Subchapter 5: SANITARY FACILITIES

§6501. SANITARY FACILITIES

Sanitary facilities shall be provided as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Toilets.** A school administrative unit shall provide clean toilets in all school buildings, which shall be:

A. Of the flush water closet type and connected to a sewer, filter bed or septic tank, or of another design approved by the Department of Health and Human Services; [1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

B. Separated according to sex and accessible only by separate entrances and exits; [1981, c. 693, §§5, 8 (NEW).]

C. Installed so that privacy, cleanliness and supervision are assured; and [1981, c. 693, §§5, 8 (NEW).]

D. Free from all obscene markings. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

2. **Maintenance.** Each school administrative unit shall provide for the cleaning and repair of its toilet facilities.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Inspection.** The school board shall annually cause an inspection of the sanitary conditions of the school administrative unit's school buildings to insure compliance with this section.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Rules.** The state board may adopt or amend rules to implement this section.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Penalty.** Failure to comply with this section is subject to penalties under section 6801-A.

[1991, c. 548, Pt. A, §12 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 548, §A12 (AMD). 2003, c. 689, §B6 (REV).

Subchapter 6: SAFETY

§6551. TUBERCULOSIS CONTROLS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 258, §§5-10 (AMD). 1989, c. 414, §12 (RP).

§6552. FIREARMS

1. **Prohibition.** A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of public school property or the property of an approved private school.

[2009, c. 614, §2 (AMD) .]

2. **Exceptions.** The provisions under subsection 1 do not apply to the following.

A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials. [2009, c. 614, §3 (RPR).]

B. The prohibition on the possession of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:

(1) A person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

(b) Takes place outside of regular school hours; and

(c) Is authorized by the school board. [2009, c. 614, §3 (RPR).]

C. The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging a firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body. [2009, c. 614, §3 (NEW).]

[2009, c. 614, §3 (RPR) .]

3. **Penalty.** A person who violates this section is guilty of a Class E crime.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 414, §13 (AMD). 2007, c. 67, §1 (AMD). 2009, c. 614, §§2, 3 (AMD).

§6553. PROHIBITION OF HAZING

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school. [1999, c. 351, §4 (AMD).]

B. "Violator" means any person or any organization which engages in injurious hazing. [1989, c. 531, (NEW).]

[1999, c. 351, §4 (AMD) .]

2. **Adoption of policy.** The school board shall adopt a policy which establishes that "injurious hazing," either on or off school property, by any student, staff member, group or organization affiliated with the public school is prohibited.

[1989, c. 531, (NEW) .]

3. **Penalties.** The school board shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

A. In the case of a person not associated with the public school, the ejection of the violator from school property; [1989, c. 531, (NEW).]

B. In the case of a student, administrator or staff violator, the individual's suspension, expulsion or other appropriate disciplinary action; and [1989, c. 531, (NEW).]

C. In the case of an organization affiliated with the public school which authorizes hazing, rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with the public school. [1989, c. 531, (NEW).]

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

[1989, c. 531, (NEW) .]

4. **Administrative responsibility.** The school board shall assign responsibility for administering the policy to the superintendent of schools and establish procedures for appealing the action or lack of action of the superintendent.

[1989, c. 531, (NEW) .]

5. **Dissemination.** The school board shall clearly set forth the policy and penalties adopted and shall distribute copies of them to all students enrolled in the public school.

[1989, c. 531, (NEW) .]

SECTION HISTORY
1989, c. 531, (NEW). 1999, c. 351, §4 (AMD).

§6554. PROHIBITION ON BULLYING IN PUBLIC SCHOOLS

1. **Findings.** All students have the right to attend public schools that are safe, secure and peaceful environments. The Legislature finds that bullying and cyberbullying have a negative effect on the school environment and student learning and well-being. These behaviors must be addressed to ensure student safety and an inclusive learning environment. Bullying may be motivated by a student's actual or perceived race; color; religion; national origin; ancestry or ethnicity; sexual orientation; socioeconomic status; age; physical, mental, emotional or learning disability; gender; gender identity and expression; physical appearance; weight; family status; or other distinguishing personal characteristics or may be based on association with another

person identified with such a characteristic. Nothing in this section may be interpreted as inconsistent with the existing protection, in accordance with the First Amendment of the United States Constitution, for the expression of religious, political and philosophical views in a school setting.

[2011, c. 659, §3 (NEW) .]

2. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices to repair the harm done to relationships and persons from the student's misbehavior. "Alternative discipline" includes, but is not limited to:

(1) Meeting with the student and the student's parents;

(2) Reflective activities, such as requiring the student to write an essay about the student's misbehavior;

(3) Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;

(4) Counseling;

(5) Anger management;

(6) Health counseling or intervention;

(7) Mental health counseling;

(8) Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;

(9) Community service; and

(10) In-school detention or suspension, which may take place during lunchtime, after school or on weekends. [2011, c. 659, §3 (NEW).]

B. "Bullying" includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

(1) Has, or a reasonable person would expect it to have, the effect of:

(a) Physically harming a student or damaging a student's property; or

(b) Placing a student in reasonable fear of physical harm or damage to the student's property;

(2) Interferes with the rights of a student by:

(a) Creating an intimidating or hostile educational environment for the student; or

(b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school; or

(3) Is based on a student's actual or perceived characteristics identified in Title 5, section 4602 or 4684-A, or is based on a student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics and that has the effect described in subparagraph (1) or (2).

"Bullying" includes cyberbullying. [2011, c. 659, §3 (NEW).]

C. "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant. [2011, c. 659, §3 (NEW).]

D. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes reporting that is not made in good faith on an act of bullying. [2011, c. 659, §3 (NEW).]

E. "School grounds" means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles. [2011, c. 659, §3 (NEW).]

[2011, c. 659, §3 (NEW) .]

3. **Prohibition.** A person may not engage in bullying on school grounds. This section does not modify or eliminate a school's obligation to comply with state and federal constitutional protections and civil rights laws applicable to schools.

[2011, c. 659, §3 (NEW) .]

4. **Scope.** This section applies to bullying that:

A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or [2011, c. 659, §3 (NEW).]

B. Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as set forth in subsection 2, paragraph B. [2011, c. 659, §3 (NEW).]

[2011, c. 659, §3 (NEW) .]

5. **Adoption of policy.** When revising the policies and procedures it has established to address bullying pursuant to section 1001, subsection 15, paragraph H, a school board shall ensure that its policies and procedures are consistent with the model policy developed or revised by the commissioner pursuant to section 254, subsection 11-A. The policies and procedures must include, but are not limited to:

A. A provision identifying the responsibility of students and others on school grounds to comply with the policies; [2011, c. 659, §3 (NEW).]

B. A clear statement that bullying, harassment and sexual harassment and retaliation for reporting incidents of such behavior are prohibited; [2011, c. 659, §3 (NEW).]

C. A provision outlining the responsibility of a superintendent to implement and enforce the bullying policies required by this section, including:

(1) A requirement that the superintendent designate a school principal or other school personnel to administer the policies at the school level; and

(2) A procedure for publicly identifying the superintendent's designee or designees for administering the policies at the school level; [2011, c. 659, §3 (NEW).]

D. A requirement that school staff members, coaches and advisors for extracurricular and cocurricular activities report incidents of bullying to the school principal or other school personnel designated by the superintendent pursuant to paragraph C; [2011, c. 659, §3 (NEW).]

E. Procedures for students, school staff members, parents and others to report incidents of bullying. The procedures must permit reports of bullying to be made anonymously; [2011, c. 659, §3 (NEW).]

F. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents and the outcome of the investigations; [2011, c. 659, §3 (NEW).]

G. A clear statement that any person who engages in bullying, who is determined to have knowingly and falsely accused another of bullying or who engages in acts of retaliation against a person who reports a suspected incident of bullying is subject to disciplinary actions, which actions may include but are not limited to imposing a series of graduated consequences that include alternative discipline; [2011, c. 659, §3 (NEW).]

H. A procedure for a person to appeal a decision of a school principal or a superintendent's designee related to taking or not taking disciplinary action in accordance with the policies adopted pursuant to this subsection. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent; [2011, c. 659, §3 (NEW).]

I. A procedure to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services; [2011, c. 659, §3 (NEW).]

J. A process for the school to communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying; and [2011, c. 659, §3 (NEW).]

K. A procedure for communicating with a local or state law enforcement agency if the school principal or the superintendent's designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act is appropriate. [2011, c. 659, §3 (NEW).]

School boards may combine the policies and procedures required by this subsection with nondiscrimination, harassment and sexual harassment policies and grievance procedures.

[2011, c. 659, §3 (NEW) .]

6. **Dissemination of policy.** Each school board shall annually provide the written policies and procedures adopted pursuant to subsection 5 to students, parents, volunteers, administrators, teachers and school staff. The policies and procedures must be posted on the school administrative unit's publicly accessible website. Each school board shall include in its student handbook a section that addresses in detail the policies and procedures adopted pursuant to subsection 5.

[2011, c. 659, §3 (NEW) .]

7. **Application.** A superintendent or the superintendent's designee shall ensure that every substantiated incident of bullying is addressed.

A. The prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation. [2011, c. 659, §3 (NEW).]

B. Any contractor, visitor or volunteer who engages in bullying must be barred from school grounds until the superintendent is assured that the person will comply with this section and the policies of the school board. [2011, c. 659, §3 (NEW).]

C. Any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school. [2011, c. 659, §3 (NEW).]

[2011, c. 659, §3 (NEW) .]

8. **Transparency and monitoring.** Each school administrative unit shall file its policies to address bullying and cyberbullying with the department.

[2011, c. 659, §3 (NEW) .]

9. **Staff training.** A school administrative unit shall provide professional development and staff training in the best approaches to implementing this section.

[2011, c. 659, §3 (NEW) .]

SECTION HISTORY
2011, c. 659, §3 (NEW).

Subchapter 7: SCHOOL LUNCH AND MILK PROGRAM

§6601. ACCEPTANCE OF FEDERAL LAW

The State shall comply with the following laws in consideration of the receipt of benefits under them: [1981, c. 693, §§ 5, 8 (NEW).]

1. **The National School Lunch Program Act.** The National School Lunch Program Act, enacted June 4, 1946, and applicable amendments;

[2011, c. 379, §1 (AMD) .]

2. **The Child Nutrition Act.** The Child Nutrition Act, enacted October 11, 1966, and applicable amendments; and

[2011, c. 379, §2 (AMD) .]

3. **Summer food service program for children.** The federal summer food service program for children, as established by 42 United States Code, Section 1761.

[2011, c. 379, §3 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 379, §§1-3 (AMD).

§6602. SCHOOL FOOD SERVICE PROGRAMS

Public schools shall provide nonprofit school food service programs as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **Participation.** A public school shall participate in food service programs.

A. A public school shall participate in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) and provide Type A meals as determined by the United States Department of Agriculture. [2007, c. 539, Pt. IIII, §1 (NEW).]

B. A public school that serves breakfast shall provide all students who are eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220 (2007) at no cost to the student. The State shall provide funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast. [2007, c. 539, Pt. IIII, §1 (NEW).]

C. A school administrative unit shall participate in the federal summer food service program for children established in 42 United States Code, Section 1761 as required under this paragraph. The commissioner shall assist school administrative units subject to the requirements of this paragraph in developing a plan to participate in the federal summer food service program for children and in obtaining federal, state and private funds to pay for this program. Beginning with the 2013-2014 school year, a school administrative unit with at least one public school in which at least 50% of students qualified for a free or reduced-price

lunch during the preceding school year shall participate in the federal summer food service program for children in accordance with 42 United States Code, Section 1761 during the following summer vacation, subject to the provisions of this paragraph.

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit is required to operate the federal summer food service program only on days that the public school operates the summer educational or recreational program. The school administrative unit may collaborate with a service institution to operate the federal summer food service program.

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year that does not operate a summer educational or recreational program shall collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

Notwithstanding this paragraph, a school administrative unit that is required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operating such a program would be financially or logistically impracticable.

For purposes of this paragraph, "service institution" means a public or private nonprofit school, a municipal or county government, a public or private nonprofit higher education institution or a private nonprofit summer camp. [2013, c. 445, §1 (AMD).]

[2013, c. 445, §1 (AMD) .]

2. **Exceptions.** The following are exempt from subsection 1, paragraphs A and B:

A. All secondary schools limited to students in grades 9, 10, 11 and 12; and [1981, c. 693, §§5, 8 (NEW).]

B. A school administrative unit authorized by the commissioner under subsection 9 to postpone the establishment of the program. [1981, c. 693, §§5, 8 (NEW).]

[2011, c. 379, §5 (AMD) .]

3. **Administration.** The school board shall administer and operate the food service programs. The school board:

A. Shall make all contracts to provide material, personnel and equipment necessary to carry out section 6601; and [1981, c. 693, §§5, 8 (NEW).]

B. Shall hire the necessary employees to manage and operate their school food service programs. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Funds.** The following shall be used to pay for the administration and operation of food service programs:

A. State funds, gifts and appropriations for school food service programs; and [1981, c. 693, §§5, 8 (NEW).]

B. Receipts from the sale of meals under food service programs. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

5. **Rules.** The commissioner shall adopt or amend, with the state board's approval, rules under this subchapter, including rules about the qualifications of food service programs' personnel and rules to implement the federal summer food service program for children under subsection 1, paragraph C.

[2011, c. 379, §6 (AMD) .]

6. **Nutrition report.** The commissioner may assess the nutritional benefits of school lunch programs and school breakfast programs and report to the state board.

[2007, c. 539, Pt. IIII, §2 (AMD) .]

7. **Technical assistance.** The commissioner may give technical assistance to a school board concerning a food service program and may assist in training food service program personnel.

[1981, c. 693, §§5, 8 (NEW) .]

8. **Application for postponement.** An administrative unit, which had been authorized by the commissioner to postpone the establishment of a National School Lunch Program, may apply to the commissioner for a renewal of the postponement. The commissioner may grant the requested postponement provided that:

A. The school board has held a public hearing on its proposed application; and [1981, c. 693, §§5, 8 (NEW).]

B. One of the following conditions is met:

(1) It has been documented to the commissioner's satisfaction that the administrative unit lacks space for the program and there is no appropriate alternative source of meals for the students;

(2) It is impossible for the administrative unit to contract for or to otherwise procure Type A meals for its students; or

(3) The lack of need for the program, as determined by the school board is documented to the commissioner's satisfaction and was evident at the public hearing. [1983, c. 422, §18 (AMD).]

If the postponement is granted for the conditions in paragraph B, subparagraphs (1) and (2), it shall be for 3 years. If the postponement is granted for the condition in paragraph B, subparagraph (3), it shall be for 4 years.

[1987, c. 395, Pt. A, §68 (AMD) .]

8-A. **State board review of commissioner's decisions.** A school administrative unit or interested parties may request that the state board reconsider decisions made by the commissioner in subsection 8. The state board shall have the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this section.

[1987, c. 395, Pt. A, §69 (NEW) .]

9. **Annual review of postponement.** The commissioner shall annually review the conditions in the school administrative units which have been granted a postponement. On finding that the conditions in a unit have changed so that a postponement is no longer warranted, the commissioner may require that the unit establish a National School Lunch Program at the start of the next school year.

[1981, c. 693, §§5, 8 (NEW) .]

10. **Petition by 1% of residential unit.** Whenever petitioned by 1% of the residents of a unit, the commissioner shall call a public hearing on the postponement prior to the next annual review.

[1981, c. 693, §§5, 8 (NEW) .]

11. **The state may administer.** The state may administer the programs under the United States Child Nutrition Act, Public Law 89-642 in nonprofit, private schools, provided that the State shall not be required to appropriate or distribute state funds for meals served in private schools to those private schools.

[1983, c. 276, (NEW) .]

12. **Local Produce Fund.** The Local Produce Fund is established within the department. The fund is authorized to receive revenue from public and private sources. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of the fiscal year must be carried forward to the next fiscal year. The fund must be used to match $1 for every $3 a school administrative unit pays for produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in the State, to a maximum state contribution of $1,000 or $2,000 if funding is received and the school administrative unit sends a food service employee to local foods training administered by the department under subsection 13. At the end of the fiscal year, the school administrative unit may provide the department with receipts documenting purchases pursuant to this subsection during that year. For purposes of this subsection, "minimally processed" means only the washing, cleaning, trimming, drying, sorting and packaging of food items or a combination of those activities. Reimbursement or partial reimbursement to school administrative units may only be made up to the amount available in the fund. Failure to reimburse does not constitute an obligation on behalf of the State to a school administrative unit. The department shall apply for federal grant funding to provide state contributions in excess of $1,000 pursuant to this subsection if applicable grant funding is available. The department may accept grant funding from hospitals and other sources to provide state contributions in excess of $1,000 pursuant to this subsection.

[2015, c. 267, Pt. OOO, §1 (AMD) .]

13. **Local foods training.** The department shall administer a program to encourage and expand the use of local foods in school food service programs. As used in this subsection, unless the context otherwise indicates, "local food" means food produced or harvested by a Maine food producer as defined by Title 7, section 212, subsection 2, and "food hub" means any business or organization that locates and obtains food from local growers and fisheries and is able to handle the logistics of supplying and delivering local foods to schools. The program must:

A. Provide competitive grants for a training program to be conducted in up to 6 regions to provide training throughout the State without cost for local school food service programs to encourage and expand the use of local foods in school food service programs. The training program must emphasize practical training for food preparers, including creative and effective cooking skills using local fresh foods and local food procurement skills. The training program must also inform participants about practical supply chain solutions, including local food hubs and cooperatives within and across each region of the State; [2015, c. 267, Pt. OOO, §2 (NEW).]

B. Foster collaboration between school food service programs throughout the State; [2015, c. 267, Pt. OOO, §2 (NEW).]

C. Facilitate and encourage the use of local food hubs; and [2015, c. 267, Pt. OOO, §2 (NEW).]

D. Provide guidance to schools in the use of local food products and the nutritional attributes of local foods and provide strategies for encouraging maximum knowledge and acceptance of the nutritional value of locally produced food by students and communities. [2015, c. 267, Pt. OOO, §2 (NEW).]

The department shall apply for federal grant funding to implement this subsection. The department may implement this subsection only if the department receives funding covering the costs of the program under this subsection.

[2015, c. 267, Pt. OOO, §2 (NEW) .]

14. **Food service program personnel; position description.** The department shall develop and post a model position description for school food service program personnel on its publicly accessible website. The position description must meet the federal guidelines established under the Nutrition Education and Training Program and Team Nutrition initiative of the National School Lunch Program under 7 Code of Federal Regulations, Part 210.

[2015, c. 267, Pt. OOO, §2 (NEW) .]

15. **Food service recognition.** The department shall provide for the development of an annual competitive skill-oriented school food service recognition based on criteria developed by the department emphasizing creative and effective use of local food products to attract students to eat healthier meals and snacks and promoting community interest in good nutrition and other factors determined by the department.

[2015, c. 267, Pt. OOO, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 276, (AMD). 1983, c. 422, §18 (AMD). 1985, c. 263, (AMD). 1987, c. 395, §§A68,A69 (AMD). 1989, c. 875, §G1 (AMD). 1991, c. 9, §II3 (AMD). 2001, c. 447, §1 (AMD). 2007, c. 539, Pt. IIII, §§1, 2 (AMD). 2011, c. 379, §§4-6 (AMD). 2013, c. 445, §1 (AMD). 2015, c. 267, Pt. OOO, §§1, 2 (AMD).

§6603. FEDERAL FUNDS

The Treasurer of State shall receive and disburse all federal funds received under this subchapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 7-A: SCHOOL SUBSTANCE ABUSE SERVICES

§6604. SUBSTANCE ABUSE PROGRAMS

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

A. "Chemical health coordinator" means a person who serves as the coordinator of a local school administrative unit's chemical primary and secondary prevention and education program. [1987, c. 395, Pt. A, §70 (NEW).]

[1987, c. 395, Pt. A, §70 (NEW) .]

2. **Local programs.** School units may institute special programs to address health and related problems.

[1987, c. 395, Pt. A, §70 (NEW) .]

To further these objectives, school units may employ specialized personnel such as chemical health coordinators and others knowledgeable in the field of substance abuse and may cooperate with public and private agencies in substance abuse education, prevention, early intervention, rehabilitation referral and related programs. [1987, c. 395, Pt. A, §70 (NEW).]

SECTION HISTORY
1987, c. 395, §A70 (NEW).

§6605. DEPARTMENT ROLE

1. **Personnel.** The commissioner shall appoint, subject to the Civil Service Law, supervisors and consultants knowledgeable in the area of substance abuse.

[1987, c. 395, Pt. A, §70 (NEW) .]

2. **Technical assistance.** The department, through its supervisors and consultants, shall offer technical assistance to public and approved private schools and cooperating community-based organizations to aid in the establishment and implementation of school-based substance abuse programs and health education curricula.

[1987, c. 395, Pt. A, §70 (NEW) .]

3. **Cooperation; coordination.** The department shall carry out its planning activities related to alcohol and drug education and prevention subject to coordination with the Alcohol and Drug Abuse Planning Committee.

[1987, c. 395, Pt. A, §70 (NEW) .]

4. **Information collection and sharing.** The Department of Education shall be authorized to gather information about substance abuse prevention and intervention programs initiated by state or federal agencies whose efforts are directed toward private and public schools of the State, for the purpose of sharing that information with school administrative units.

[1989, c. 700, Pt. A, §51 (AMD) .]

SECTION HISTORY
1987, c. 395, §A70 (NEW). 1989, c. 700, §A51 (AMD).

§6606. PARTICIPATION IN SUBSTANCE ABUSE SERVICES

In compliance with written school policy adopted by a school board, the school board may require that a student who has been determined to be in violation of school rules governing substance abuse or alcohol or drug possession participate in a substance abuse assessment, education or support group service offered by the school. The school board shall provide for notice to the parents or legal guardian of a student required to participate in such services. If the school board elects to do so, it may request a parent or legal guardian to participate in the services. [1989, c. 708, §3 (NEW).]

SECTION HISTORY
1989, c. 708, §3 (NEW).

Subchapter 7-B: PERFORMANCE-ENHANCING SUBSTANCES

§6621. PERFORMANCE-ENHANCING SUBSTANCES

1. **List of banned substances.** The Commissioner of Health and Human Services shall develop a list of banned performance-enhancing substances. The list must include, but is not limited to, the following:

A. Ephedrine; [2005, c. 674, §3 (NEW).]

B. Synephrine, also known as bitter orange; [2005, c. 674, §3 (NEW).]

C. Dehydroepiandrosterone; [2005, c. 674, §3 (NEW).]

D. All dietary supplements as defined by 21 United States Code, Section 321, Subsection (ff) that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations; and [2005, c. 674, §3 (NEW).]

E. All other substances that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations except for:

(1) A substance that is otherwise illegal in this State; or

(2) A substance the use of which by minors is illegal in this State. [2005, c. 674, §3 (NEW).]

[2011, c. 657, Pt. AA, §57 (AMD) .]

2. **Amendments to list.** The Commissioner of Health and Human Services shall amend the banned substances list each time a dietary supplement or other substance referenced in subsection 1, paragraph D or E is added to the list of banned substances maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations. For a substance to be prohibited under section 6624 in a particular school year, the substance must be added to the banned substances list maintained under this section no later than July 1st preceding that school year.

[2011, c. 657, Pt. AA, §57 (AMD) .]

3. **Notification.** The Commissioner of Health and Human Services shall notify the department, the Maine School Management Association and the Maine Principals' Association or their successor organizations when the initial list of banned substances is complete and of any subsequent changes to the list. The department shall notify all school administrative units that have students who participate in sports of the availability of the list. The Commissioner of Health and Human Services shall post the list on the publicly accessible website of the Department of Health and Human Services.

[2011, c. 657, Pt. AA, §57 (AMD) .]

SECTION HISTORY
2005, c. 674, §3 (NEW). 2011, c. 657, Pt. AA, §57 (AMD).

§6622. AWARENESS

The department shall request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances. Each school administrative unit shall review its drug and alcohol policies and update such policies to address the use of performance-enhancing substances. [2005, c. 674, §3 (NEW).]

SECTION HISTORY
2005, c. 674, §3 (NEW).

§6623. MARKETING

A teacher, athletic director, sports coach or other school official or employee may not sell, distribute or promote a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A school may not accept a sponsorship from a manufacturer of a performance-enhancing substance on the list of banned substances. A person who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that person is employed or serving in a coaching or other official capacity. [2005, c. 674, §3 (NEW).]

SECTION HISTORY
2005, c. 674, §3 (NEW).

§6624. PROHIBITION ON USE

A student participating in interscholastic sports may not use a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A student who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that student is enrolled. [2005, c. 674, §3 (NEW).]

SECTION HISTORY
2005, c. 674, §3 (NEW).

Subchapter 7-C: ELEMENTARY SCHOOL PHYSICAL EDUCATION

§6631. OBESITY AND CHRONIC DISEASE FUND

1. **Fund established.** The Obesity and Chronic Disease Fund, referred to in this section as "the fund," is established as an interest-bearing account administered by the department and the Department of Health and Human Services.

[2011, c. 108, §1 (AMD) .]

2. **Revenue.** Any private or public funds appropriated, allocated or dedicated to the fund must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

[2009, c. 264, §1 (NEW) .]

3. **Use of fund; health and physical fitness.** Balances in the fund may be used for the necessary expenses of the department and the Department of Health and Human Services in the administration of the fund. Balances in the fund may be used to pay for new equipment, new staff training, new personnel, new administrative costs and other expenses not related to an existing physical education program and for the implementation of a new physical education program for elementary schools.

[2011, c. 108, §2 (AMD) .]

SECTION HISTORY
2009, c. 264, §1 (NEW). 2011, c. 108, §§1, 2 (AMD).

Subchapter 8: CHILD CARE SERVICES AND PARENTING EDUCATION

§6651. CHILD CARE SERVICES

School administrative units may develop school-based child care services. [1987, c. 767, §1 (NEW).]

Private secondary schools, approved by the department in section 2951 for tuition, and whose school enrollments include at least 60% publicly funded students as determined by the previous school year's October and April average enrollment as reflected in records on file in the department, may also develop school-based child care services. The sending school administrative unit shall not be liable for any costs except those costs that have been approved by the school board of the sending school administrative unit. [1989, c. 414, §14 (NEW).]

1. **Purpose.** The purpose of the school-based child care services is to:

A. Make it possible for student parents to continue attending or return to school; [1987, c. 767, §1 (NEW).]

B. Provide parenting education and training in child development for teenage parents; and [1987, c. 767, §1 (NEW).]

C. Aid teacher recruitment. [1987, c. 767, §1 (NEW).]

[1987, c. 767, §1 (NEW) .]

2. **Program.** School-based child care services shall:

A. Be developmentally based; [1987, c. 767, §1 (NEW).]

B. Be available on a priority basis first to children of students in the school administrative unit or private school and 2nd to children of teachers or other employees in the unit or private school; and [1989, c. 414, §15 (AMD).]

C. Include training in parenting and child development for the student parents of the children in the program. [1987, c. 767, §1 (NEW).]

[1989, c. 414, §15 (AMD) .]

3. **Subsidizable costs for school administrative units under the School Finance Act of 1985.**

[2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §20 (RP); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Cost to teachers and other employees.** A school administrative unit or private school may offer school-based child care services to teachers and other employees of the unit or private school in accordance with a policy established by the local school board that establishes the basis for participation. The school administrative unit or private school shall charge a fee for provision of such services.

[2005, c. 683, Pt. B, §10 (AMD) .]

5. **Costs to students.** There shall be no cost to the student for enrolling a child in a child care service offered by a school administrative unit or private school if the student has an educational plan, approved by the school unit or private school, leading to academic progress and the attainment of reasonable educational goals.

[1989, c. 414, §16 (AMD) .]

6. Subsidizable cost of operating programs in private secondary schools.

[2009, c. 571, Pt. V, §1 (RP) .]

SECTION HISTORY
1987, c. 767, §1 (NEW). 1989, c. 414, §§14-17 (AMD). 2005, c. 2, §D20 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 683, §§A26,B10 (AMD). 2009, c. 571, Pt. V, §1 (AMD).

§6652. PARENTING AND TRAINING IN CHILD DEVELOPMENT

A school administrative unit or private secondary school which provides child care services under section 6651 shall offer a one-semester course in parenting and child development to secondary school students. [1989, c. 414, §18 (AMD).]

SECTION HISTORY
1987, c. 767, §1 (NEW). 1989, c. 414, §18 (AMD).

§6653. RULES

The department may adopt rules governing this subchapter pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. [1987, c. 767, §1 (NEW).]

SECTION HISTORY
1987, c. 767, §1 (NEW).

§6654. SCHOOL-BASED CHILD CARE GRANTS

The department and the Department of Health and Human Services are authorized to provide assistance to school administrative units to assist the units in establishing school-based child care services. [2005, c. 2, Pt. D, §21 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
1989, c. 551, §1 (NEW). 1991, c. 550, (AMD). 2003, c. 689, §B6 (REV). 2005, c. 2, §D21 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

Subchapter 9: NUTRITION EDUCATION

§6661. NUTRITION EDUCATION

The department shall work with public schools to encourage nutrition education for students and for teachers and staff as part of coordinated school health programs and school food service programs and in accordance with chapter 222. The department shall work with public schools to encourage an outreach component for students' parents and guardians as part of a coordinated school health program. The department may adopt rules to implement the purposes of this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2005, c. 435, §1 (NEW).]

SECTION HISTORY
2005, c. 435, §1 (NEW).

§6662. FOODS OUTSIDE SCHOOL MEAL PROGRAM

1. **Nutritional information.** After August 31, 2008, food service programs must post caloric information for prepackaged a la carte menu items at the point-of-decision.

[2005, c. 435, §1 (NEW) .]

2. **Food and beverages outside school lunch programs.** The department shall adopt rules to establish standards for food and beverages sold or distributed on school grounds but outside of school meal programs. These standards must include maximum portion sizes, except for portion sizes for milk, that are consistent with federal school nutrition standards. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Rules adopted pursuant to this subsection do not apply to food and beverages sold or offered at community events or fund-raisers held outside the hours of the normal school day and to products prepared in culinary arts programs provided by career and technical schools and programs.

[2011, c. 224, §1 (AMD) .]

3. **Food and beverage advertising.** Brand-specific advertising of food or beverages is prohibited in school buildings or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds in accordance with rules adopted under subsection 2.

For the purposes of this subsection, "advertising" does not include advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging.

[2007, c. 156, §1 (NEW) .]

SECTION HISTORY
2005, c. 435, §1 (NEW). 2007, c. 156, §1 (AMD). 2011, c. 224, §1 (AMD).

§6663. COMMISSION TO END STUDENT HUNGER

The Commission To End Student Hunger, as established in Title 5, section 12004-I, subsection 12-B and referred to in this section as "the commission," is established within the department as set forth in this section. [2015, c. 267, Pt. CCC, §2 (NEW).]

1. **Commission membership.** The commission consists of 11 members as follows:

A. One member of the Senate appointed by the President of the Senate, from the party holding the largest number of seats in the Legislature; [2015, c. 267, Pt. CCC, §2 (NEW).]

B. One member of the House of Representatives appointed by the Speaker of the House, from a party other than the party holding the largest number of seats in the Legislature; [2015, c. 267, Pt. CCC, §2 (NEW).]

C. Three public members appointed by the President of the Senate, chosen from 3 of the following options:

(1) One member from a statewide organization dedicated to food security;

(2) One member from a statewide or regional organization dedicated to alleviating child hunger;

(3) One member from a statewide or regional organization that runs a food pantry; and

(4) One member who is a food service director in a municipality or school administrative unit that uses the United States Department of Agriculture community eligibility provision, as provided in 42 United States Code, Section 1759a(a)(1)(F); [2015, c. 267, Pt. CCC, §2 (NEW).]

D. Three public members appointed by the Speaker of the House, chosen from 3 of the following options:

(1) One member from a statewide or regional farm organization;

(2) One member from a statewide or regional organization that runs a school food program for students in at-risk areas;

(3) One member who is a superintendent of a school administrative unit; and

(4) One member who is an elected official in a municipality that participates in the United States Department of Agriculture community eligibility provision, as provided in 42 United States Code, Section 1759a(a)(1)(F); [2015, c. 267, Pt. CCC, §2 (NEW).]

E. One public member appointed by the Governor who is a parent of a child who has used or is using free or reduced-price student meal programs; [2015, c. 267, Pt. CCC, §2 (NEW).]

F. The commissioner or the commissioner's designee; and [2015, c. 267, Pt. CCC, §2 (NEW).]

G. The Commissioner of Health and Human Services or the commissioner's designee. [2015, c. 267, Pt. CCC, §2 (NEW).]

[2015, c. 267, Pt. CCC, §2 (NEW) .]

2. **Chairs.** For the first 2 years of the commission, the Senate member is the Senate chair and the House of Representatives member is the House chair. In subsequent years, the chair of the commission must be elected by the members of the commission at the first meeting of each year.

[2015, c. 267, Pt. CCC, §2 (NEW) .]

3. **Appointments; vacancies; quorum.** A nonlegislative member of the commission must be appointed for a 2-year term. A member may continue to serve until the member's replacement is appointed. When a vacancy exists, the appointing authority shall appoint a new member from the same category as the member vacating the commission. A quorum consists of 6 members.

[2015, c. 267, Pt. CCC, §2 (NEW) .]

4. **Duties; funding.** The commission shall meet at least 2 and no more than 4 times per year. The commission shall work to implement the 5-year plan to end student hunger developed by the Task Force To End Student Hunger in Maine pursuant to Resolve 2013, chapter 107, shall monitor the plan and shall update it if necessary. In addition, the commission may conduct public meetings throughout the State to highlight the issue of student hunger. Every one or 2 years the commission may conduct a statewide summit of state leaders regarding ending student hunger. The commission shall provide advice regarding the responsibilities of and supervision of the hunger coordinators in their working across the State and performing the following functions within school administrative units and communities:

A. Compile and analyze data to identify opportunities to increase food security and the progress made in decreasing student hunger; [2015, c. 267, Pt. CCC, §2 (NEW).]

B. Raise awareness of food insecurity and of opportunities and best practices to decrease food insecurity; [2015, c. 267, Pt. CCC, §2 (NEW).]

C. Assist school board and school food service directors and community leaders in understanding, applying for and complying with the requirements of the child nutrition programs offered by the United States Department of Agriculture and understanding the effect of the programs on students, schools and communities; and [2015, c. 267, Pt. CCC, §2 (NEW).]

D. Report by November 15th each year to the commission on food insecurity in communities and school administrative units and the progress made in decreasing student hunger. [2015, c. 267, Pt. CCC, §2 (NEW).]

[2015, c. 267, Pt. CCC, §2 (NEW) .]

5. **Staff assistance.** The department shall provide necessary staffing services to the commission.

[2015, c. 267, Pt. CCC, §2 (NEW) .]

6. **Report; legislation.** By January 10th each year, the commission shall submit to the joint standing committee of the Legislature having jurisdiction over education matters a report that includes findings and recommendations for action to eliminate student hunger. The commission is authorized to submit to the Legislature legislation as the commission may determine to be appropriate.

[2015, c. 267, Pt. CCC, §2 (NEW) .]

SECTION HISTORY
2015, c. 267, Pt. CCC, §2 (NEW).

Chapter 225: PENALTIES

§6801. COMPLIANCE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A23,A25 (RP).

§6801-A. COMPLIANCE WITH REQUIREMENTS

The commissioner shall enforce the requirements of this Title as follows. [1983, c. 859, Pt. A, §§ 24, 25 (NEW).]

1. **Authority to withhold state subsidy.** If, after giving due notice and an opportunity for a hearing, the commissioner finds that a school administrative unit is not in compliance with the reporting, program or other requirements of this Title, the commissioner may withhold state subsidy from that unit. The withholding shall continue only as long as necessary to achieve compliance.

[1983, c. 859, Pt. A, §§24, 25 (NEW) .]

2. **Authority to withhold state subsidy until reports are received.** Notwithstanding any other provision of law, if a school administrative unit has failed to file the reports required by this Title in the format and within the time periods specified, the commissioner may withhold state subsidy payments until these reports are received.

[1989, c. 414, §19 (AMD); 1989, c. 910, §1 (AMD) .]

3. **Action by Attorney General.** If compliance cannot be achieved by withholding subsidy payment, or if withholding would be an inappropriate or unavailable remedy, or if a school or school unit which is not eligible for state subsidy is out of compliance with this Title, the commissioner may refer the matter to the Attorney General for action. The Attorney General may seek injunctive relief to enjoin activities not in compliance with the governing law or seek any other remedy authorized by law.

[1989, c. 414, §19 (AMD) .]

4. **Other penalties.** Nothing in this section precludes the commissioner from employing other penalties authorized in this Title or authorized or required by federal law.

[1989, c. 414, §19 (AMD) .]

5. **Complaint process.** A complaint that alleges that a school administrative unit is not in compliance with the requirements of this Title or of rules adopted by the department shall be filed pursuant to the requirements for a petition under section 258-A.

[1985, c. 797, §39 (AMD) .]

SECTION HISTORY
1983, c. 859, §§A24,A25 (NEW). 1985, c. 797, §39 (AMD). 1989, c. 414, §19 (AMD). 1989, c. 910, §1 (AMD).

§6802. FORFEITURE

A forfeiture under this Title may be recovered in a civil action. Unless specifically provided for, it shall be disbursed as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **School purposes.** It shall be paid into the treasury of the school administrative unit where the offense occurred, for use for school purposes.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Prosecution costs.** An amount equal to the cost of prosecution shall be paid into the county treasury.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Forfeiture.** A school administrative unit shall forfeit the money it received to a person bringing civil suit, if the unit has not expended that money within one year of receiving it.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6803. FRAUD; FALSE CERTIFICATION

Any school officer, employee or agent who makes a written false statement on a report or document submitted to the department pursuant to this Title shall, upon conviction in a criminal proceeding, be subject to the applicable penalties in Title 17-A. [1985, c. 797, §40 (RPR).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §40 (RPR).

§6804. DISTURBING SCHOOLS

A person who enters the property of a public or private school or another place of instruction during or out of school hours, while the teacher or student is present, and willfully interrupts or disturbs the teacher or student by loud speaking, rude or indecent behavior, signs or gestures, or engages in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member, or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse or disturbing the school, commits a civil offense and shall forfeit not less than $200 nor more than $500. [2001, c. 189, §1 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2001, c. 189, §1 (AMD).

§6805. INJURIES BY MINOR; DAMAGES

If a minor injures or aids in injuring a schoolhouse or school outbuildings, utensils or appurtenances; defaces the walls, benches, seats or other parts of school buildings by marks, cuts or otherwise; or injures or destroys school property belonging to a school administrative unit, the unit may recover from the minor's parent, in a civil action, double the damage. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6806. DEFACING SCHOOLHOUSES; OUTBUILDINGS

A person who defaces, damages or destroys the walls, benches, seats, blackboards or other parts of a schoolhouse or school outbuildings, commits a civil offense and shall pay double the damages. [2001, c. 189, §1 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2001, c. 189, §1 (AMD).

§6807. LIABILITY FOR INJURY TO BOOKS OR APPLIANCES

If a public school student loses, destroys or unnecessarily injures a schoolbook or appliance furnished to the student at the expense of the school administrative unit, the student's parent must be notified. If the loss or damage is not made good to the satisfaction of the school board within 45 working days, the board shall report the case to the assessors of the municipality in which the student resides. The municipal assessors shall include in the next municipal tax of the delinquent parent the replacement costs of the book or appliance, to be assessed and collected as other municipal taxes, and the money collected must go the municipality. [2001, c. 189, §2 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §62 (AMD). 2001, c. 189, §2 (AMD).

§6808. MISAPPROPRIATION OF FUNDS; PENALTY

If any part of the money raised by a school administrative unit, or paid to them by the State for superintendence, is expended for any other purposes, then each person misappropriating that money shall forfeit double the sum so misapplied. The money may be recovered in a civil action in the name and to the

use of the school administrative unit by any of its residents. A school administrative unit or school union may not receive further aid from the State for superintendence until the amount so misapplied has been raised and expended for superintendence by that unit or school union. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6809. EXCESSIVE EXPENDITURES

After providing an opportunity for a hearing, the commissioner may adjust the state subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. Any interested party aggrieved by a decision of the commissioner may appeal to the state board pursuant to section 3. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§6810. TRUANCY

The penalty for truancy is outlined in section 5053-A. [2003, c. 533, §6 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 533, §6 (AMD).

Chapter 226: JOBS FOR MAINE'S GRADUATES

§6901. ESTABLISHMENT

Jobs for Maine's Graduates, referred to in this chapter as the "corporation," is established to extend necessary dropout prevention and school-to-work transition services to schools and students throughout the State. The corporation shall carry out its purposes in coordination with the education and job training activities of the private sector, community and regional agencies and State Government. [1993, c. 348, §1 (NEW).]

The corporation is a private, nonprofit corporation with a public purpose under the United States Internal Revenue Code, Section 501(c)(3) and the exercise by the corporation of the powers conferred by this chapter is held to be an essential government function. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6902. DUTIES

Jobs for Maine's Graduates is authorized and directed to provide services to the State and to quasi-public, public and private entities and to assist students in making the transition from school to work. The corporation shall: [1993, c. 348, §1 (NEW).]

1. **Graduation.** Help keep students in high school through graduation;

[1993, c. 348, §1 (NEW) .]

2. **Quality jobs.** Render 9 months of intensive assistance and follow-up activities to assure student placement in quality jobs with ample career opportunities;

[1993, c. 348, §1 (NEW) .]

3. **Postsecondary education.** Encourage students to pursue postsecondary education by assisting in securing appropriate part-time work to accompany that education;

[1993, c. 348, §1 (NEW) .]

4. **Lifelong learning.** Encourage lifelong learning by introducing students to the importance of skills training and demonstrating how learning is relevant to skills necessary in the workplace;

[1993, c. 348, §1 (NEW) .]

5. **Youth apprenticeship.** Assist schools and private sector corporations in the development of youth apprenticeship systems to connect more closely schools and the workplace; and

[1993, c. 348, §1 (NEW) .]

6. **Other.** Engage in other activities designed by its board of directors and consistent with this chapter.

[1993, c. 348, §1 (NEW) .]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6902-A. POSTSECONDARY SERVICES

The corporation shall provide services, in accordance with this section and for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree, to postsecondary institutions in the State to assist students in completing a postsecondary course of study. [2015, c. 466, §1 (NEW).]

1. **"Eligible student" defined.** As used in this section, "eligible student" means a student who:

A. Has previously been enrolled in a high school program administered by the corporation; [2015, c. 466, §1 (NEW).]

B. Has been in or currently is in foster care; or [2015, c. 466, §1 (NEW).]

C. Has earned a high school equivalency diploma through an alternative program within the previous 5 years. [2015, c. 466, §1 (NEW).]

[2015, c. 466, §1 (NEW) .]

2. **Student services.** The corporation shall:

A. Provide academic and social mentoring and counseling to eligible students, including monitoring of academic performance and connection to campus life; [2015, c. 466, §1 (NEW).]

B. Assist each eligible student in developing an individualized academic plan for completing a course of study and consider each eligible student's individual academic needs and provide connections to sources of academic support, if necessary; [2015, c. 466, §1 (NEW).]

C. Develop a system of peer mentoring between eligible students and other college students and between eligible students and college graduates; and [2015, c. 466, §1 (NEW).]

D. Provide eligible students with financial guidance relating to postsecondary expenses, including assisting eligible students in obtaining all available sources of financial aid. [2015, c. 466, §1 (NEW).]

[2015, c. 466, §1 (NEW) .]

SECTION HISTORY
2015, c. 466, §1 (NEW).

§6903. BOARD OF DIRECTORS AND OFFICERS

The Board of Directors of Jobs for Maine's Graduates consists of 17 private sector directors representing private businesses and labor organizations in the State; 14 public sector directors, representing public or quasi-public educational entities; and 2 ex officio directors, representing the Commissioner of Labor and the Commissioner of Education. The membership of the board must be representative of geographic diversity and gender balance. Each voting director is entitled to one vote. In addition, the executive director shall attend and participate in board meetings but is not entitled to a vote. [1993, c. 348, §1 (NEW).]

1. **Chair; vice-chair; treasurer.** The chair and vice-chair of the board of directors and the treasurer of the corporation must be chosen from among the members. The chair must be elected from among the private sector board members.

[1993, c. 348, §1 (NEW) .]

2. **Executive director.** The board of directors shall appoint the Executive Director of Jobs for Maine's Graduates, who is a nonvoting member of the board of directors. The executive director may not be appointed from among the other directors. The executive director serves as the director of the corporation and may be removed by the board for cause.

[1993, c. 348, §1 (NEW) .]

3. **Terms of membership.** The Governor shall appoint the initial board of directors. Members of the board of directors serve for a term of 4 years, except that no more than 8 members' terms may expire in any one calendar year. To comply with this limitation, the Governor shall make appointments to the initial board for terms of fewer than 4 years.

As terms of board members expire, the board of directors, except for the ex officio members, shall elect new members who serve at the pleasure of the Governor. Upon expiration of a member's term the member serves until a successor is qualified and appointed. A vacancy in the board must be filled by appointment of a person, qualified in the same way as the board member being replaced, to complete the unexpired term of that board member.

[1993, c. 348, §1 (NEW) .]

4. **Meetings; quorum.** The board of directors shall meet at least twice a year at the call of the chair to conduct its business and elect its officers. Additional meetings may be held as necessary to conduct the business of the board of directors and may be convened at the call of the chair or a majority of the board members. Sixteen members of the board constitute a quorum for all purposes.

[1993, c. 348, §1 (NEW) .]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6904. GENERAL POWERS

Jobs for Maine's Graduates is empowered to: [1993, c. 348, §1 (NEW).]

1. **Suit.** Sue or be sued in its own name;

[1993, c. 348, §1 (NEW) .]

2. **Application for and receipt of funds.** Apply for and receive funds from any private source, foundation or governmental entity, whether by way of grant, donation, loan or any other manner;

[1993, c. 348, §1 (NEW) .]

3. **Educational and school-to-work transition services; fees.** Provide services to public or private entities to assist in job training and education efforts in the development of school-to-work transition services in the State and to charge fees for those services as it determines appropriate.

[1993, c. 348, §1 (NEW) .]

4. **Real and personal property.** Purchase, receive, hold, lease, acquire by foreclosure, operate, manage, license, sell, convey, transfer, grant or lease real and personal property together with those rights and privileges that may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations;

[1993, c. 348, §1 (NEW) .]

5. **Expenditures and obligations regarding real and personal property.** Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property and interests in that property acquired by the corporation;

[1993, c. 348, §1 (NEW) .]

6. **Securities.** Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint stock company, partnership, association or trust, and, while the owner and holder thereof, exercise all the rights, powers and privileges of ownership, including the right to vote thereon;

[1993, c. 348, §1 (NEW) .]

7. **Encumbrance of property.** Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of the property right or thing of value;

[1993, c. 348, §1 (NEW) .]

8. **Contracts and liabilities.** Make contracts, including contracts for services, and incur liabilities for any of the purposes authorized in those contracts;

[1993, c. 348, §1 (NEW) .]

9. **Debt.** Borrow money for any of the purposes authorized in this chapter, incur debt, including the power to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured; and secure the same by mortgage, pledge, deed of trust or other lien on its property, rights and privileges of every kind and nature, or any part thereof, or interest therein; and

[1993, c. 348, §1 (NEW) .]

10. **Cooperation with agencies and organizations.** Cooperate with governmental agencies, the University of Maine System and the Maine Community College System; and cooperate, assist and otherwise encourage organizations, local or regional, private or public, in the communities of the State in the promotion, assistance and development of school-to-work transition systems, youth apprenticeship and job training systems in communities and the State.

[1993, c. 348, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY
1993, c. 348, §1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§6905. ADOPTION OF BYLAWS

The corporation shall adopt bylaws consistent with this chapter for the governance of its affairs and has the general powers accorded corporations under Title 13-C, section 302. The corporation shall do all things necessary or convenient to carry out the lawful purposes of the corporation under this chapter. [2001, c. 2, Pt. B, §58 (AFF); 2001, c. 2, Pt. B, §38 (COR).]

SECTION HISTORY
1993, c. 348, §1 (NEW). RR 2001, c. 2, §B58 (AFF). RR 2001, c. 2, §B38 (COR).

§6906. LIMITATION OF POWERS

The corporation may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor may it have the power of eminent domain or any other power not provided to business corporations generally. Bonds, notes and other evidences of indebtedness of the corporation may not in any way be a debt or liability of the State or constitute a pledge of the faith and credit of the State. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6907. LIABILITY OF OFFICERS, DIRECTORS AND EMPLOYEES

All officers, directors, employees and other agents of the corporation entrusted with the custody of the securities of the corporation or authorized to disburse the funds of the corporation must be bonded, either by a blanket bond or by individual bonds, with a surety bond or bonds with a minimum limitation of $100,000 coverage for each person covered, conditioned upon the faithful performance of duties, the premiums for which are paid out of the assets of the corporation. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6908. PROHIBITED INTERESTS OF OFFICERS, DIRECTORS AND EMPLOYEES

Officers, directors or employees of the corporation or their spouses or dependent children may not receive any direct personal benefit from the activities of the corporation in assisting any private entity. This provision does not prohibit corporations or other entities with which an officer or director is associated by reasons of ownership or employment from participating in school-to-work transition activities of the corporation, provided that the ownership or employment is made known to the board of directors and, if applicable, the officer or director abstains from voting on matters relating to that participation. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6909. DONATIONS TO THE STATE

The State, through the Office of the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of Jobs for Maine's Graduates and transfer those funds, property or other interests to the corporation. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6910. ANNUAL REPORT

The corporation shall provide an annual report of its activities to the Governor; to the joint standing committees of the Legislature having jurisdiction over education and labor and skills training matters; to the commissioner; and to the schools participating in the program. The corporation shall provide an annual financial audit conducted by an independent auditor to the Governor; to the joint standing committees of the Legislature having jurisdiction over education and labor and skills training matters; and to the commissioner at the expense of the State. [2009, c. 213, Pt. YY, §1 (AMD).]

SECTION HISTORY
1993, c. 348, §1 (NEW). 2009, c. 213, Pt. YY, §1 (AMD).

§6911. GENERAL CONDITIONS; DISSOLUTION

The Jobs for Maine's Graduates shall operate as a nonprofit organization consistent with its composition and broad public purposes. The following conditions apply to the operation or dissolution of the corporation. [1993, c. 348, §1 (NEW).]

1. **Net earnings.** No part of the net earnings of the corporation may inure to the benefit of any officer, director or employee except that the corporation may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property in furtherance of the purposes of the corporation.

[1993, c. 348, §1 (NEW) .]

2. **Dissolution.** Upon dissolution of the corporation, the dissolved corporation shall transfer all unexpended General Fund appropriations to the State before paying or making provision for the payment of all other liabilities.

[1993, c. 348, §1 (NEW) .]

SECTION HISTORY
1993, c. 348, §1 (NEW).

§6912. LIBERAL CONSTRUCTION

This chapter may be construed liberally to effect the interest and purpose of the corporation for an improved and expanded school-to-work and skills training system in the State and may be broadly interpreted to effect the corporation's intent and purpose and not as a limitation of powers. [1993, c. 348, §1 (NEW).]

SECTION HISTORY
1993, c. 348, §1 (NEW).

Chapter 227: CENTER OF EXCELLENCE FOR AT-RISK STUDENTS

§6951. CENTER ESTABLISHMENT

1. **Center established.** The Center of Excellence for At-risk Students is established.

[2009, c. 296, §1 (NEW) .]

2. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "At-risk student" means an elementary student or secondary student who is at risk of failing or dropping out of a regular public school program. [2009, c. 296, §1 (NEW).]

B. "Center" means the Center of Excellence for At-risk Students established in subsection 1. [2009, c. 296, §1 (NEW).]

[2009, c. 296, §1 (NEW) .]

3. **Center requirements.** The center shall provide a comprehensive residential and nonresidential program for educating at-risk students. The center shall also provide information and resources for other schools serving at-risk students. The center may be administered by a private, nonprofit charitable corporation with a public purpose that meets the requirements of section 2951. The commissioner may grant a waiver from any requirements of sections 2901, 2902 and 2951 that the commissioner determines appropriate in consideration of the special characteristics of the center.

[2009, c. 296, §1 (NEW) .]

SECTION HISTORY
2009, c. 296, §1 (NEW).

§6952. CENTER CRITERIA

To qualify for support, approval and funding under this chapter, the center must provide services to at-risk students who are or have been enrolled in one or more of grades 7 to 12. The admission of an at-risk student to the center is subject to approval by the center based upon criteria of the center approved by the commissioner. The center shall provide residential and nonresidential instruction that is approved pursuant to section 6951 and designed to effect positive, sustainable change in the lives of at-risk students through comprehensive on-site education services in 4 major areas, including high-quality scholastic, career and technical and behavioral health education; training and support for families of students; training and support for public school teachers in dealing with students who are at risk of failing or dropping out of school; and providing an environment conducive to research aiding the improvement of education for at-risk students. [2011, c. 679, §4 (AMD).]

The center shall collaborate with the department, public school administrators and other public and private organizations with an interest in the support and education of at-risk students. [2009, c. 296, §1 (NEW).]

SECTION HISTORY
2009, c. 296, §1 (NEW). 2011, c. 679, §4 (AMD).

§6953. TRANSFERS

Students in school administrative units may be transferred to and become students of the center by agreement between the school administrative unit responsible for the student and the chief executive officer of the corporation administering the center. [2009, c. 296, §1 (NEW).]

SECTION HISTORY
2009, c. 296, §1 (NEW).

§6954. RULES

The department may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [2009, c. 296, §1 (NEW).]

SECTION HISTORY
2009, c. 296, §1 (NEW).

Chapter 229: DUAL ENROLLMENT CAREER AND TECHNICAL EDUCATION PROGRAMS

§6971. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2013, c. 318, §3 (NEW).]

1. **Collaborative agreement.** "Collaborative agreement" means an agreement between a secondary school, a career and technical education program and one or more public postsecondary educational institutions in the State to form a collaborative partnership that articulates a credit transfer agreement between the publicly supported educational institutions and that specifies each institution's responsibility for and cost of the delivery of specified secondary and postsecondary educational functions and support services over a 3-year period for a cohort-based program that provides secondary school students with the opportunity to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that integrates secondary education and postsecondary education courses.

[2013, c. 318, §3 (NEW) .]

2. **Collaborative board.** "Collaborative board" means the governing body composed of representatives of the publicly supported educational institutions participating in the collaborative partnership and the department. The collaborative board has direct oversight over all collaborative agreements.

[2013, c. 318, §3 (NEW) .]

3. **Collaborative partnership.** "Collaborative partnership" means a dual enrollment career and technical education collaborative partnership formed pursuant to this chapter to provide a cohort-based learning pathway for career and technical education students that provides those students with the opportunity

to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that integrates secondary education and postsecondary education courses.

[2013, c. 318, §3 (NEW) .]

4. **Dual enrollment career and technical education program.** "Dual enrollment career and technical education program" means a nonduplicative learning pathway for a specific career and technical education program that provides secondary school students with the opportunity to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that:

A. Provides a cohort-based experience for secondary school students to acquire technical skills and proficiencies through enrollment in a career and technical education program in their junior and senior years and earn concurrent credits toward a high school diploma and a postsecondary education degree through dual enrollment in integrated secondary and postsecondary education courses over a 3-year period that:

(1) Begins with the student's junior year in secondary school;

(2) Includes up to 3 years of summer career academies;

(3) Includes a college freshman seminar experience;

(4) Meets national concurrent enrollment standards;

(5) Concludes at the end of summer following the student's senior year in secondary school; and

(6) Includes college course work that provides the opportunity to earn a general associate’s degree allowing students of many diverse interests the opportunity to transfer credits earned to postsecondary education programs of their individual choosing; and [2013, c. 318, §3 (NEW).]

B. Includes individual learning plans, academic and career assessment, college and career advising, career exploration and job-shadowing opportunities matched to achieve the student's individual academic and career goals. [2013, c. 318, §3 (NEW).]

[2013, c. 318, §3 (NEW) .]

5. **Eligible agencies for funding.** "Eligible agencies for funding" means career and technical education centers and regions as defined in chapter 313.

[2013, c. 318, §3 (NEW) .]

6. **Publicly supported educational institution.** "Publicly supported educational institution" means a publicly supported secondary school, a career and technical education program and a public postsecondary education institution in the State.

[2013, c. 318, §3 (NEW) .]

SECTION HISTORY
2013, c. 318, §3 (NEW).

§6972. DUAL ENROLLMENT CAREER AND TECHNICAL EDUCATION PROGRAM

1. **Application.** Representatives of the governing bodies of publicly supported educational institutions may file an application with the commissioner for the purpose of entering into a collaborative agreement. A collaborative partnership is governed by a collaborative board formed and operating in accordance with this

chapter. The participation of publicly supported educational institutions in any of the specified educational functions or support services included in the collaborative agreement is voluntary. A collaborative board may designate personnel of the publicly supported educational institutions or service providers to provide the specified educational functions or support services included in the collaborative agreement. The collaborative board must include one representative from each publicly supported educational institution participating in the collaborative partnership.

[2013, c. 318, §3 (NEW) .]

2. **Contract.** The career and technical education center or region may enter into a contract with a service provider that operates as a nonprofit organization to provide technical assistance in developing and implementing the initial phase of the dual enrollment program. The service provider selected must meet the specified educational functions, support services and all other requirements of the grant application as required by the department to facilitate the development and implementation of the dual enrollment career and technical education program.

[2013, c. 318, §3 (NEW) .]

SECTION HISTORY
2013, c. 318, §3 (NEW).

§6973. APPLICATION; APPROVAL; RATIFICATION

1. **Application.** An application under section 6972 for a collaborative partnership must be in a form and contain such information as required by the commissioner, including, but not limited to:

A. The identification of the publicly supported educational institutions that are applying to form the collaborative partnership; [2013, c. 318, §3 (NEW).]

B. The specified educational functions and support services to be provided by the collaborative partnership, including the identification of the publicly supported educational institution that will participate in each specified educational function or support service and the number of students or staff to be served in each publicly supported educational institution that is participating in each specified educational function or support service to be carried out by the collaborative partnership; [2013, c. 318, §3 (NEW).]

C. The duration of the collaborative agreement; [2013, c. 318, §3 (NEW).]

D. The cost estimate or operational budget for the specified educational functions or support services to be carried out; [2013, c. 318, §3 (NEW).]

E. The method of providing the specified educational functions or support services and the designation of publicly supported educational institution personnel or service providers who will provide the specified educational functions or support services; [2013, c. 318, §3 (NEW).]

F. The method of sharing costs among the publicly supported educational institutions; and [2013, c. 318, §3 (NEW).]

G. The identity of the service provider, if any, with which a career and technical center or region plans to contract pursuant to section 6972, subsection 2. [2013, c. 1, §34 (COR).]

[2013, c. 1, §34 (COR) .]

2. **Approval.** If the commissioner finds that an application under section 6972 contains the information required to be submitted pursuant to subsection 1, the commissioner shall notify each publicly supported educational institution participating in the collaborative agreement that, pending ratification as set forth in subsection 3, the collaborative partnership is approved. The commissioner shall keep a register of collaborative partnerships that have been approved and ratified pursuant to this chapter.

[2013, c. 318, §3 (NEW) .]

3. **Governing body ratification.** If the commissioner approves an application for a collaborative partnership pursuant to subsection 2, the collaborative partnership must be ratified by a majority of the members of the governing body of each publicly supported educational institution involved in the collaborative partnership before the collaborative partnership becomes effective.

[2013, c. 318, §3 (NEW) .]

SECTION HISTORY
RR 2013, c. 1, §34 (COR). 2013, c. 318, §3 (NEW).

§6974. COLLABORATIVE AGREEMENT

1. **Duration of collaborative agreement.** A collaborative agreement that has been ratified pursuant to section 6973 is valid for the fiscal year beginning July 1st following the ratification vote and ends June 30th of the calendar year that coincides with the expiration date included in the collaborative agreement.

[2013, c. 318, §3 (NEW) .]

2. **Renewal of collaborative partnership.** A collaborative partnership may be renewed only upon ratification by a majority of the members of the governing body of each publicly supported educational institution involved in the collaborative partnership in accordance with this chapter.

[2013, c. 318, §3 (NEW) .]

SECTION HISTORY
2013, c. 318, §3 (NEW).

§6975. STUDENT ELIGIBILITY

A secondary school student is eligible to participate in secondary and postsecondary courses offered by a collaborative partnership formed pursuant to this chapter if the student is a full-time student at a public secondary school and enrolled in a career and technical education program at a career and technical education center or a career and technical education region. [2013, c. 318, §3 (NEW).]

SECTION HISTORY
2013, c. 318, §3 (NEW).

Part 4: SPECIFIC EDUCATION PROGRAMS

Subpart 1: SPECIAL EDUCATION

Chapter 301: GENERAL PROVISIONS

§7001. DEFINITIONS

As used in this subpart, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Agency.** "Agency" means an agency, school, organization, facility or institution.

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Child Development Services System.** "Child Development Services System" means the state intermediate educational unit under section 7209, subsection 3, and any regional sites it chooses to establish and maintain, to ensure the provision of child find activities, early intervention services and free, appropriate public education services to eligible children.

[2011, c. 655, Pt. OO, §1 (AMD) .]

1-B. **Child with a disability.** "Child with a disability" means:

A. For children from birth to under 3 years of age:

(1) A child who needs early intervention services because the child has a significant developmental delay, as measured by both diagnostically appropriate instruments and procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development; or

(2) A child with a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, with the condition being such that the child needs early intervention services; or [2005, c. 662, Pt. A, §15 (NEW).]

B. For children at least 3 years of age and under 20 years of age evaluated in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414, subsections (a) to (c) as measured by both standardized, norm-referenced diagnostic instruments and appropriate procedures with delays or impairments such that the children need special education:

(1) A child at least 3 years of age and under 6 years of age with a significant developmental delay, at the discretion of the intermediate educational unit or school administrative unit, as defined in rules adopted by the department, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; adaptive development; or

(2) A child with at least one of the following:

(a) Intellectual disability;

(b) Hearing impairment, including deafness;

(c) Speech or language impairment;

(d) Visual impairment, including blindness;

(e) Serious emotional disturbance;

(f) Orthopedic impairment;

(g) Autism;

(h) Traumatic brain injury;

(i) Other health impairment;

(j) Specific learning disabilities;

(k) Deafness and blindness; and

(l) Multiple disabilities. [2011, c. 542, Pt. A, §21 (AMD).]

[2011, c. 542, Pt. A, §21 (AMD) .]

1-C. **Early intervention services.** "Early intervention services" means developmental services that are provided under public supervision; are provided at no cost except where federal or state law provides for a system of payments by families, including a schedule of sliding fees; are designed to meet the developmental needs of a child with a disability, as identified by the individualized family service plan team, in one or more areas including physical development, cognitive development, communication development, social or emotional development and adaptive development; meet the standards of the State; are provided by qualified personnel; to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and are provided in conformity with an individualized family service plan.

[2005, c. 662, Pt. A, §15 (NEW) .]

2. **Exceptional student.**

[2005, c. 662, Pt. A, §15 (RP) .]

2-A. **Free, appropriate public education.** "Free, appropriate public education" means special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the department; include an appropriate preschool, elementary school or secondary school education in the State; and are provided in conformity with the individualized family service plan or individualized education program. The Child Development Services System shall provide free, appropriate public education to a preschool child with disabilities who reaches 5 years of age between July 1st and October 15th if that child is already receiving free, appropriate public education through the Child Development Services System and the child's individualized education program team determines, in accordance with rules adopted by the commissioner, that it is in the best interest of the child not to enroll that child in kindergarten until the start of the following school year.

[2011, c. 477, Pt. F, §1 (AMD) .]

2-B. **Intermediate educational unit.** "Intermediate educational unit" means an entity that meets the definition of intermediate educational unit in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1402, (23) as in effect prior to June 4, 1997 and that is a public authority, other than a local educational agency, under the general supervision of the department, that is established for the purpose of providing free public education on a regional basis and that provides special education and related services to children with disabilities within the State. An intermediate educational unit is considered a local educational agency under federal law. In this State, a local educational agency is a school administrative unit. For purposes of this chapter all references to school administrative units include intermediate educational units.

[2011, c. 655, Pt. OO, §2 (AMD) .]

2-C. **Individualized education program team.** "Individualized education program team" means the group of individuals composed in accordance with Part B of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to determine the individualized education program for a child with a disability.

[2011, c. 678, Pt. I, §1 (AMD) .]

3. **Mentally retarded.**

[1999, c. 424, Pt. A, §3 (RP) .]

4. **Preschool handicapped child.**

[2005, c. 662, Pt. A, §15 (RP) .]

4-A. **Regional site.**

[2011, c. 655, Pt. OO, §3 (RP) .]

4-B. **Related services.** "Related services" means special education transportation and such developmental, corrective and other related services, as defined by the commissioner, as are required to assist children with disabilities to benefit from their special education programs.

[2005, c. 662, Pt. A, §15 (NEW) .]

5. **Special education.** "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of children with disabilities, as defined by the commissioner, including:

A. Instruction conducted in the classroom, in the home, in hospitals and institutions and in other settings; and [2005, c. 662, Pt. A, §15 (NEW).]

B. Instruction in physical education. [2005, c. 662, Pt. A, §15 (NEW).]

[2005, c. 662, Pt. A, §15 (AMD) .]

6. **Special education facility.** "Special education facility" means a public or private school, or portion of a public or private school, intended for use in meeting the educational and related needs of children with disabilities.

[2005, c. 662, Pt. A, §15 (AMD) .]

7. **State licensed agency.** "State licensed agency" means an institution or facility licensed by the State to provide education, emotional or mental health services, alcohol or drug rehabilitation, boarding care or other child care services to a person between the ages of 5 and 20 years. It includes:

A. Facilities under Title 22, chapter 1661; and [2005, c. 662, Pt. A, §15 (AMD).]

B. Community mental health services under Title 34-B, chapter 3, subchapter 3. [2005, c. 662, Pt. A, §15 (AMD).]

C. [2005, c. 662, Pt. A, §15 (RP).]

D. [2005, c. 662, Pt. A, §15 (RP).]

[2005, c. 662, Pt. A, §15 (AMD) .]

8. **Children's residential care facility.** " Children's residential care facility" is a facility defined in Title 22, section 8101, subsection 4.

[2013, c. 179, §4 (AMD) .]

9. **Special education program.** A "special education program" is a full-time or part-time educational program designed to provide an equal educational opportunity to children with disabilities through the delivery of special education services by qualified individuals.

[2005, c. 662, Pt. A, §15 (AMD) .]

10. **Special education services.** "Special education services" are educational services provided by qualified individuals as defined by the commissioner. Special education services must be provided by qualified individuals employed or contracted by the school administrative unit.

[2005, c. 662, Pt. A, §15 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 624, §1 (AMD). 1987, c. 395, §A71 (AMD). 1999, c. 424, §§A2-4 (AMD). 1999, c. 721, §§1,2 (AMD). 1999, c. 721, §4 (AFF). 2003, c. 477, §6 (AMD). 2003, c. 676, §§1,2 (AMD). 2005, c. 662, §A15 (AMD). 2007, c. 430, §1 (AMD). 2011, c. 348, §3 (AMD). 2011, c. 477, Pt. F, §1 (AMD). 2011, c. 542, Pt. A, §21 (AMD). 2011, c. 655, Pt. OO, §§1-3 (AMD). 2011, c. 678, Pt. I, §1 (AMD). 2013, c. 179, §4 (AMD).

§7002. COOPERATION WITH FEDERAL PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 662, §A16 (RP).

§7003. RULES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 662, §A17 (RP).

§7004. COST-BENEFIT ANALYSIS

(REPEALED)

SECTION HISTORY
RR 1997, c. 1, §20 (RAL). 1997, c. 308, §1 (NEW). 1997, c. 338, §1 (NEW). 2005, c. 662, §A18 (RP).

§7005. SPECIAL EDUCATION

(REALLOCATED FROM TITLE 20-A, SECTION 7004)

1. **Rulemaking.** The commissioner is authorized to adopt rules necessary for the administration of this chapter and chapters 303 and 305. These rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The department shall identify in its regulatory agenda, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than the federal statute or regulation, if an applicable federal statute or regulation exists.

During the consideration of any proposed rule, when feasible, and using information available to it, the department shall identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the corresponding federal statute or regulation, if such a federal statute or regulation exists, and explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal statute or regulation.

[2005, c. 662, Pt. A, §19 (AMD) .]

SECTION HISTORY
RR 1997, c. 1, §20 (RAL). 2005, c. 662, §A19 (AMD).

§7006. RESPONSIBILITY

The Department of Education is designated as the state education agency responsible for carrying out the State's obligations under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. The department and every school administrative unit, intermediate educational unit, public school or other public agency that receives federal or state funds to provide early intervention or free, appropriate public education services to children with disabilities shall comply with the federal Individuals with Disabilities Education Act, as amended, and all federal regulations adopted under the Act. [2005, c. 662, Pt. A, §20 (NEW).]

SECTION HISTORY
2005, c. 662, §A20 (NEW).

§7007. RELATED SERVICES

Related services must be provided by qualified individuals employed or contracted by the school administrative unit in accordance with rules adopted by the department pursuant to section 7005. [2011, c. 19, §1 (NEW).]

SECTION HISTORY
2011, c. 19, §1 (NEW).

Chapter 303: CHILDREN WITH DISABILITIES

Subchapter 1: GENERAL PROVISIONS

§7201. POLICY AND PURPOSE

The policy of the State for the education of children with disabilities is as follows. [2005, c. 662, Pt. A, §22 (AMD).]

1. **Equal educational opportunities.** All students must be provided with equal educational opportunities and all school administrative units shall provide equal educational opportunities for all children with disabilities.

[2005, c. 662, Pt. A, §22 (AMD) .]

2. **Least restrictive education alternative.**

[2005, c. 662, Pt. A, §22 (RP) .]

2-A. **Natural or least restrictive environment.** To the maximum extent appropriate:

A. Early intervention services must be provided in natural environments, including the home, and community settings in which children from birth to under 3 years of age without disabilities participate; and [2005, c. 662, Pt. A, §22 (NEW).]

B. Children with disabilities at least 3 years of age and under 20 years of age, including children in public or private institutions or other care facilities, must be educated with children without disabilities. Special classes, separate schooling or other removal of children with disabilities from the regular educational environment may occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [2005, c. 662, Pt. A, §22 (NEW).]

[2005, c. 662, Pt. A, §22 (NEW) .]

3. **Students diagnosed as deaf.** A student diagnosed as deaf must be educated with students without disabilities whenever possible and must be educated under the principle of the least restrictive educational environment as set forth in state laws and rules and federal laws and regulations.

[2005, c. 662, Pt. A, §22 (AMD) .]

4. **Parent's right to be a member of the team.** Parents, surrogate parents or guardians have the right to be a member of the team that will carry out duties and responsibilities in accordance with rules established by the commissioner.

[2005, c. 662, Pt. A, §22 (AMD) .]

5. **Accessible instructional materials; visual impairment including blindness; Braille instruction.** All students must have access to accessible instructional materials and may receive instruction in Braille as part of their individualized family service plans or individualized education programs. A student may not be denied the opportunity of instruction in Braille solely because the student has some remaining vision. If Braille is not provided to a child who is blind, the reason for not incorporating Braille in the individualized family service plan or individualized education program must be documented in the individualized family service plan or individualized education program. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, 118 Stat. 2647 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965, 20 United States Code, Chapter 28 contained in the federal Higher Education Amendments of 1998, Public Law 105-244, 112 Stat. 1581.

[2009, c. 508, §3 (AMD) .]

6. **Participation in cocurricular activities.** Eligibility for a child with a disability to participate in cocurricular activities may not be denied solely because the student is enrolled in a reduced course load when the reduced course load is due to the student's disability, as long as the student is satisfactorily completing the requirements of the educational components of an individualized family service plan or individualized education program and is otherwise in compliance with the program. If the student is not satisfactorily completing the educational components of an individualized family service plan or individualized education

program or is not otherwise in compliance with the program, the student's eligibility may be determined in the same manner as the eligibility of a child without disabilities who is not satisfying the applicable academic standards.

[2007, c. 466, Pt. C, §7 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 292, §2 (AMD). 1995, c. 95, §1 (AMD). RR 2005, c. 2, §13 (COR). 2005, c. 662, §A22 (AMD). 2007, c. 466, Pt. C, §7 (AMD). 2009, c. 508, §3 (AMD).

§7202. DUTIES OF SCHOOL ADMINISTRATIVE UNITS

Each school administrative unit operating schools shall: [1981, c. 693, §§5, 8 (NEW).]

1. **Identification.** Identify all children within its jurisdiction who require special education;

[1981, c. 693, §§5, 8 (NEW) .]

2. **Records.** Make and keep current records of children with disabilities within its jurisdiction, as required by rules established by the commissioner and institute procedures that guarantee the confidentiality of these records in accordance with state and federal law;

[2005, c. 662, Pt. A, §23 (AMD) .]

2-A. **Assist advocates for developmentally disabled.** Assist the advocacy agency designated under Title 5, section 19502 in conducting an investigation, pursuant to Title 5, section 19505, subsection 4, by providing access to relevant case records, notifying parents or guardians of these investigations and requesting parental consent for access to case records by the agency. Parents or guardians may refuse to consent to the examination of these records;

[2005, c. 662, Pt. A, §23 (AMD) .]

3. **Diagnosis and evaluation.** Provide the evaluations and assessments required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, to plan and implement a special education program for children with disabilities at least 3 years of age and under 20 years of age within its jurisdiction;

[2005, c. 662, Pt. A, §23 (AMD) .]

4. **Plan.** Submit a plan for its special education programs to the commissioner for approval in accordance with rules established by the commissioner;

[1981, c. 693, §§5, 8 (NEW) .]

5. **Special education and early intervention services.** Provide special education for each eligible child with a disability within its jurisdiction;

[2005, c. 662, Pt. A, §23 (AMD) .]

5-A. **Diploma requirements.** Award a high school diploma to each child with a disability who successfully meets the content standards of the system of learning results, in addition to any other diploma requirements applicable to all secondary school students pursuant to section 4722, as specified by the goals and objectives of the child's individualized education program;

[2005, c. 662, Pt. A, §23 (AMD) .]

6. **Compliance.** Provide the commissioner with the information the commissioner may require to determine compliance with this chapter;

[1983, c. 806, §63 (AMD) .]

7. **Notice of parent's right to be a member of the team.** Notify in writing the parent, surrogate parent or guardian of the child with a disability of that person's right to be a member of the team and place a copy of the notice in the student's permanent records;

[2005, c. 662, Pt. A, §23 (AMD) .]

8. **Facility construction, renovation and repair.** Seek approval in advance from the commissioner for construction, renovation or repair, with or aided by public funds, of facilities intended for the education of children with disabilities, or give assurances that other facilities in the school administrative unit are adequate to meet the needs of those students;

[2005, c. 662, Pt. A, §23 (AMD) .]

9. **Securing parental permission.** For the agency conducting studies pursuant to Title 5, chapter 511:

A. Assist the agency in its studies; and [1983, c. 327, §2 (NEW).]

B. Facilitate access to relevant case records by:

(1) Notifying parents or guardians of the study; and

(2) Requesting parental consent for the agency to have access to case records; [2011, c. 348, §4 (AMD); 2011, c. 363, §1 (AMD).]

[2011, c. 348, §4 (AMD); 2011, c. 363, §1 (AMD) .]

10. **Department of Health and Human Services; authority to request convening of individualized education program team meeting.** Notify in writing the individual designated by the Department of Health and Human Services that the Department of Health and Human Services has the authority to request the school administrative unit to convene an individualized education program team meeting and to attend and participate in any individualized education program team meetings concerning a child with a disability who is a state ward. The written notice must indicate the time and place of the individualized education program team meeting and a copy of the notice must be placed in the child's permanent record;

[2011, c. 1, §27 (COR) .]

11. **Transitional services for students with disabilities.** Plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and

(Subsection 11 as enacted by PL 2011, c. 363, §3 is REALLOCATED TO TITLE 20-A, SECTION 7202, SUBSECTION 12)

[2011, c. 1, §28 (COR) .]

12. (REALLOCATED FROM T. 20-A, §7202, sub-§11) **Attorney's presence at team meeting.** Provide that the school administrative unit may not have an attorney present at an individualized education program team meeting unless the school administrative unit has provided the parents of a child with a disability at least 7 days' written notice prior to the individualized education program team meeting that the school administrative unit will have an attorney present at the individualized education program team meeting. If the parent of a child with a disability has an attorney present at the individualized education program team meeting, the school administrative unit may have an attorney present without providing prior written notice.

[2011, c. 1, §29 (RAL) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 327, §§1,2 (AMD). 1983, c. 539, §1 (AMD). 1983, c. 806, §63 (AMD). 1989, c. 857, §§53-55 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 446, §7 (AMD). 2005, c. 662, §A23 (AMD). RR 2011, c. 1, §§27-29 (COR). 2011, c. 348, §§4-6 (AMD). 2011, c. 363, §§1-3 (AMD).

§7203. MEDICAL EXAMINATION OR TREATMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 662, §A24 (RP).

§7204. DUTIES OF THE COMMISSIONER

The commissioner: [1981, c. 693, §§5, 8 (NEW).]

1. **Related services.** Shall provide, or cause to be provided by administrative units operating schools, all related services, as defined in rules the commissioner establishes, required by a child with a disability so that the child may benefit from equal educational opportunities;

[2005, c. 662, Pt. A, §25 (AMD) .]

2. **State plan.** Shall make and annually review a state plan for education of all children with disabilities in the State. The State's plan may not require services that exceed minimum federal requirements. The plan must be available to the public on request. The department is the entity responsible for assigning financial responsibility among appropriate agencies as required under Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 (8), Section 1412 (a)(12)(A,B,C) and Section 1435 (a)(10)(C) and continues to serve pursuant to Section 1435 (a)(10) as the single line of responsibility for carrying out the general administration and supervision of programs and activities receiving assistance under Part C of the federal Individuals with Disabilities Education Act and the monitoring of programs and activities used to carry out that Part;

[2005, c. 662, Pt. A, §25 (AMD) .]

3. **School year.** May approve special education programs for:

A. The usual public school year as defined in section 4801, subsection 1; [1981, c. 693, §§5, 8 (NEW).]

B. An extended school year; or [1981, c. 693, §§5, 8 (NEW).]

C. Other periods the commissioner determines appropriate; [1983, c. 806, §64 (AMD).]

[1983, c. 806, §64 (AMD) .]

4. **Program approval.** Shall approve plans for all early intervention and special education programs. The criteria for approval must include:

A. Requirements for admission; [1981, c. 693, §§5, 8 (NEW).]

B. Qualification or certification of staff; [1981, c. 693, §§5, 8 (NEW).]

C. Plan of instruction; [1981, c. 693, §§5, 8 (NEW).]

D. Adequacy of facilities; [1981, c. 693, §§5, 8 (NEW).]

E. Adequacy of supportive services; [1981, c. 693, §§5, 8 (NEW).]

F. Professional supervision; and [1981, c. 693, §§5, 8 (NEW).]

G. Teacher-student ratio; [2005, c. 662, Pt. A, §25 (AMD).]

[2005, c. 662, Pt. A, §25 (AMD) .]

5. **Due process.** Shall:

A. Adopt or amend rules to assure and protect the rights of due process for children with disabilities; and [2005, c. 662, Pt. A, §25 (AMD).]

B. Inform and train each school administrative unit on the rights of children with disabilities to due process under state laws and rules and federal law and regulations; [2015, c. 448, §11 (AMD).]

[2015, c. 448, §11 (AMD) .]

6. **Technical assistance.** May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report; and

[2015, c. 448, §11 (AMD) .]

7. **Out-of-state placement of a state ward.** May, when a child with a disability who is a state ward is placed in an out-of-state residential treatment center by the Department of Health and Human Services, designate the Department of Education as having responsibility for oversight of the child's individualized education program to ensure that the child receives a free, appropriate public education.

[2015, c. 448, §12 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §64 (AMD). 2005, c. 662, §A25 (AMD). 2015, c. 448, §§11, 12 (AMD).

§7205. REVIEW AND ASSISTANCE

It is the intent of the Legislature that a representative of the commissioner visit special education programs for the purpose of review and assistance and as necessary to comply with federal general supervision requirements. Nothing in this section prohibits a school administrative unit from requesting that a representative of the commissioner visit a particular special education program for the purpose of review and assistance whenever necessary. The commissioner shall comply with each request in a timely fashion. [2009, c. 508, §4 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A72 (AMD). 2009, c. 508, §4 (AMD).

§7206. INVESTIGATION OF NONCOMPLIANCE

The following provisions apply to an investigation of noncompliance with this chapter. [1981, c. 693, §§5, 8 (NEW).]

1. **Complaint.** An interested party may file with the commissioner a written complaint alleging that a school administrative unit or private school serving children with disabilities has failed to comply with this chapter. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received or the complaint must request compensatory services for a violation that occurred not more than 2 years prior to the date the complaint is received.

[2009, c. 571, Pt. U, §1 (AMD) .]

1-A. **Determination of jurisdiction.**

[1993, c. 483, §1 (RP) .]

1-B. **Notification.**

[1993, c. 483, §1 (RP) .]

2. **Investigation; written report.** The commissioner shall initiate, and complete within 60 days, an investigation and a written report.

A. [1993, c. 483, §2 (RP).]

B. [1993, c. 483, §2 (RP).]

[1993, c. 483, §2 (AMD) .]

3. **Post-investigation procedure.**

[1993, c. 483, §3 (RP) .]

4. **Appeal.**

[2005, c. 70, §1 (RP) .]

5. **Enforcement.** If the unit fails to comply with the commissioner's order, the commissioner:

A. May withhold financial aid from the school administrative unit until it complies with the commissioner's order; and [1983, c. 862, §60 (AMD).]

B. Shall refer the matter to the Attorney General, who shall take appropriate action to bring the school administrative unit into compliance. [1981, c. 693, §§5, 8 (NEW).]

[1983, c. 862, §60 (AMD) .]

6. **Additional remedies.** The remedies provided in this section are in addition to any other remedy in law or equity.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Complaint investigators; immunity.** The State shall train complaint investigators. For the purposes of this section, while carrying out their official duties, complaint investigators are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

[1999, c. 424, Pt. A, §7 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 130, §§1,2 (AMD). 1983, c. 806, §§65,66 (AMD). 1983, c. 862, §60 (AMD). 1989, c. 69, §§1-4 (AMD). 1993, c. 483, §§1-4 (AMD). 1999, c. 424, §§A5-7 (AMD). 2005, c. 70, §1 (AMD). 2005, c. 662, §A26 (AMD). 2009, c. 571, Pt. U, §1 (AMD).

§7207. HEARING PROCEDURES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §2 (RP).

§7207-A. SURROGATE PARENTS

1. **Rules.** The commissioner shall adopt rules to determine when a surrogate parent is needed and the criteria for selection of a surrogate parent.

[1989, c. 857, §56 (NEW) .]

2. **Objection to appointments.** When a child with a disability is a state ward and the Department of Health and Human Services has notified the school administrative unit and the Department of Education that the Department of Health and Human Services objects to the appointment of the foster parent as the surrogate parent, the foster parent may not be automatically appointed to serve as surrogate parent for the child with a disability. When a child with a disability is a state ward and the Department of Health and Human Services objects to the appointment of the foster parent as the surrogate parent, the Department of Health and Human Services shall recommend to the Department of Education an individual to serve as surrogate parent.

[2005, c. 662, Pt. A, §27 (AMD) .]

SECTION HISTORY
1985, c. 318, §3 (NEW). 1989, c. 700, §B46 (AMD). 1989, c. 857, §56 (RPR). 2003, c. 689, §B6 (REV). 2005, c. 662, §A27 (AMD).

§7207-B. DUE PROCESS HEARINGS

The following provisions apply to due process hearings. [1985, c. 318, §3 (NEW).]

1. **Rules.** The commissioner shall adopt rules governing the procedures for conducting due process hearings. The rules shall include:

A. A maximum period within which a parent, surrogate parent, guardian or administrative unit may exercise the rights listed in subsection 2; [1985, c. 318, §3 (NEW).]

B. A maximum time within which a final decision must be issued by the hearing officer; [1985, c. 318, §3 (NEW).]

C. The use of mediation; [1999, c. 424, Pt. A, §8 (AMD).]

D. The procedures for conducting the hearings; and [1999, c. 424, Pt. A, §8 (AMD).]

E. The procedures for determining the award of attorney's fees consistent with the requirements of the federal Individuals with Disabilities Education Act. [1999, c. 424, Pt. A, §9 (NEW).]

[1999, c. 424, Pt. A, §§8, 9 (AMD) .]

2. **Request for hearing.** The parent, surrogate parent, guardian or administrative unit may:

A. Request the commissioner to appoint an impartial hearing officer who shall conduct a hearing regarding the identification, evaluation and educational program of the student and shall make findings of fact and issue a decision; and [1985, c. 318, §3 (NEW).]

B. Appeal the decision of the hearing officer to the Superior Court or to a United States District Court. [1985, c. 318, §3 (NEW).]

[1985, c. 318, §3 (NEW) .]

3. **Subpoenas.** The commissioner may issue subpoenas in the name of the department to require the attendance and testimony of the witnesses and the production of any evidence relating to any issue or fact in the due process hearing as requested by any party to the hearing. Any fees for attendance and travel required by the witnesses shall be the responsibility of the party seeking the subpoena. The issuance of subpoenas shall conform in all other ways to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

[1989, c. 502, Pt. A, §56 (AMD) .]

3-A. **Notice to local school units.**

[2005, c. 662, Pt. A, §28 (RP) .]

4. **Hearing officers, immunity.** The State shall ensure that impartial hearing officers meet the criteria contained in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. For purposes of the Maine Tort Claims Act only, Title 14, chapter 741, hearing officers, while they are carrying out their official duties as hearing officers, are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

[2005, c. 662, Pt. A, §29 (AMD) .]

SECTION HISTORY
1985, c. 318, §3 (NEW). 1985, c. 797, §41 (AMD). 1989, c. 502, §A56 (AMD). 1997, c. 441, §1 (AMD). 1999, c. 424, §§A8,9 (AMD). 2005, c. 662, §§A28,29 (AMD).

§7207-C. MEDIATIONS

The following provisions apply to mediations. [1999, c. 424, Pt. A, §10 (NEW).]

1. **Rules.** The commissioner shall adopt rules governing the procedures for conducting mediations. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[1999, c. 424, Pt. A, §10 (NEW) .]

2. **Request for mediation.** A parent, surrogate parent, guardian or school administrative unit may request the appointment of a mediator to conduct a mediation to resolve a dispute between the parent, surrogate parent or guardian and the school.

[1999, c. 424, Pt. A, §10 (NEW) .]

3. **Mediators; immunity.** The State shall train impartial mediators. For the purposes of this section, while carrying out their official duties, mediators are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

[1999, c. 424, Pt. A, §10 (NEW) .]

SECTION HISTORY
1999, c. 424, §A10 (NEW).

§7208. SAVINGS PROVISION

Nothing contained in this chapter shall be construed to prevent or impair the administration or enforcement of any other law of the State. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7209. GENERAL ADMINISTRATION AND SUPERVISION

1. **Department of Education.** The department shall serve as the lead agency for the statewide system pursuant to 20 United States Code, Section 1435, including the identification and coordination of all available resources within the State for services to eligible children from birth to under 3 years of age, and shall exercise general supervisory authority over child find as provided in 20 United States Code, Section 1412 (a)(3) and the provision of a free, appropriate public education to children at least 3 years of age and under 6 years of age.

A. The commissioner is responsible for developing and adopting rules necessary to carry out the provisions of the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part C, 20 United States Code, Section 1400 et seq. [2011, c. 655, Pt. OO, §4 (AMD).]

B. [2007, c. 307, §1 (AMD); T. 20-A, §7209, sub-§1, ¶B (RP).]

B-1. The commissioner or the commissioner's designee is responsible for developing and implementing a funding mechanism for the operation of the state intermediate educational unit established pursuant to subsection 3 and the delivery of services to eligible children with disabilities from birth to under 6 years of age. [2011, c. 655, Pt. OO, §4 (NEW).]

C. The commissioner or the commissioner's designee is responsible for ensuring legal and policy compliance throughout the early childhood special education program by reviewing or performing regular audits of program records. [2005, c. 662, Pt. A, §30 (NEW).]

D. The commissioner or the commissioner's designee is responsible for ensuring fiscal compliance throughout the early childhood special education program by reviewing or performing regular audits of program records. [2005, c. 662, Pt. A, §30 (NEW).]

E. The department shall develop a corrective action plan with timelines to achieve compliance with federal or state law. The department shall report at least quarterly to the state interagency coordinating council described in 20 United States Code, Section 1441, to the state advisory panel described in 34 Code of Federal Regulations, Sections 300.167 to 300.169 and to other advisory bodies that may be appropriate about individual regional sites that are under a corrective action plan. These reports must describe any progress or slippage by individual regional sites in meeting compliance requirements.

For an individual regional site under a corrective action plan, the reports must describe how long the department expects the regional site to remain under a corrective action plan. [2011, c. 655, Pt. OO, §4 (AMD).]

[2011, c. 655, Pt. OO, §4 (AMD) .]

2. State-level advisory committee.

[2007, c. 307, §2 (AMD); T. 20-A, §7209, sub-§2 (RP) .]

3. State intermediate educational unit establishment; administrative functions. The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age. The state intermediate educational unit shall perform the following statewide coordination and administration functions:

A. Establish standard policies and procedures for a statewide salary and benefits administration system, including personnel classifications, position descriptions and salary ranges, and a standard package of health, retirement and other fringe benefits for Child Development Services System personnel, beginning in fiscal year 2006-07; [2011, c. 655, Pt. OO, §4 (AMD).]

B. Develop a statewide salary and benefits administration system and perform the payroll functions for Child Development Services System personnel; [2005, c. 662, Pt. A, §30 (NEW).]

B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the regional sites choose to be represented by an agent for purposes of collective bargaining. In such circumstances, the state intermediate educational unit must be considered the public employer for purposes of collective bargaining; [2007, c. 307, §3 (NEW).]

C. Establish a centralized system for statewide fiscal administration to be implemented by September 1, 2006. The state intermediate educational unit shall establish internal controls and implement accounting policies and procedures in accordance with standards set forth by the State Controller; [2005, c. 662, Pt. A, §30 (NEW).]

D. Develop and implement a centralized data management system to be fully operational beginning July 1, 2007; [2005, c. 662, Pt. A, §30 (NEW).]

E. Establish a standard, statewide template for regional site contracts with therapeutic service providers, including policies and procedures for the review of contracts, beginning in fiscal year 2006-07; [2011, c. 655, Pt. OO, §4 (AMD).]

F. Refine program accountability standards for compliance with federal mandates, including the development of a performance review system to monitor and improve regional site performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires the regional site to address the unmet needs of eligible children in accordance with specific targets and time frames; [2011, c. 655, Pt. OO, §4 (AMD).]

G. Design and implement a statewide plan to provide professional development and training to Child Development Services System personnel; [2007, c. 307, §3 (AMD).]

H. Employ professional and other personnel at the state level and at the regional sites, including those necessary to ensure the implementation of the centralized fiscal and data management systems. All state intermediate educational unit employees are employees for the purposes of the Maine Tort Claims Act; and [2011, c. 655, Pt. OO, §4 (AMD).]

I. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter. [2007, c. 307, §3 (NEW).]

[2011, c. 655, Pt. OO, §4 (AMD) .]

3-A. **State intermediate educational unit; program functions.** The state intermediate educational unit established pursuant to subsection 3, through a network of regional sites as appropriate, shall:

A. Engage in child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; [2011, c. 655, Pt. OO, §4 (NEW).]

B. Engage in child count activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; [2011, c. 655, Pt. OO, §4 (NEW).]

C. Engage in appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; [2011, c. 655, Pt. OO, §4 (NEW).]

D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State; [2011, c. 655, Pt. OO, §4 (NEW).]

E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services; [2011, c. 655, Pt. OO, §4 (NEW).]

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age; and [2011, c. 655, Pt. OO, §4 (NEW).]

G. Ensure that children from birth until 6 years of age who are referred to the Child Development Services System also receive appropriate referrals for support outside of the system, including appropriate public and private programmatic resources, regardless of a child's eligibility for early intervention or free, appropriate public education. [2011, c. 655, Pt. OO, §4 (NEW).]

[2011, c. 655, Pt. OO, §4 (NEW) .]

4. **Director of early childhood special education.** The commissioner shall appoint and supervise a director of early childhood special education. The director has the following powers and duties:

A. To administer the state intermediate educational unit established under subsection 3 and programs established pursuant to subsection 3-A. The director shall develop operating policies and establish organizational and operational procedures that include supervision, monitoring, data and accountability structures; [2013, c. 338, §1 (AMD).]

A-1. To oversee the operation of the regional sites; [2011, c. 655, Pt. OO, §4 (NEW).]

B. To develop statewide policies and procedures for carrying out federal and state laws and rules relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age; [2007, c. 450, Pt. A, §1 (AMD).]

C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found; [2013, c. 338, §1 (AMD).]

D. [2013, c. 338, §1 (RP).]

E. To report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the performance of the Child Development Services System. This report must be posted on the publicly accessible website of the department. The report must include:

(1) The following financial information for the Child Development Services System in total and separately for the services provided to eligible children from birth to under 3 years of age and at least 3 years of age and under 6 years of age when the information can be separated for these age categories:

(a) Actual expenditures compared to the budget for each of the last 3 fiscal years for each regional site, the central office and the total Child Development Services System by function, including case management, direct services and administration;

(b) Actual expenditures compared to the budget for each of the last 3 fiscal years for each regional site, the central office and the total Child Development Services System by expense type, including salaries, benefits, contracted services and transportation;

(c) Actual revenues received compared to the budget for each of the last 3 fiscal years by revenue source; and

(d) The total dollar value of MaineCare claims paid through the Department of Health and Human Services for each of the last 3 fiscal years for services provided pursuant to children's individualized education programs or individualized family service plans that were billed directly to the MaineCare program by contracted service providers;

(2) The following data for the Child Development Services System in total and separately for the services provided to eligible children from birth to under 3 years of age and at least 3 years of age and under 6 years of age, including descriptions of any notable variations in these data among regional sites and any notable year-to-year trends over the past 5 years:

(a) The number of children referred to the Child Development Services System in the prior year by referral source, including the screening programs in Title 22, sections 1532, 8824 and 8943, and the percentage of children referred found eligible for services;

(b) The number of children who entered the Child Development Services System in the prior year, categorized by primary disability;

(c) The number of children who exited the Child Development Services System in the prior year, categorized by primary disability and the reason for exit;

(d) The number of children who transitioned in the prior year from early intervention services for children from birth to under 3 years of age to special education and related services for children at least 3 years of age and under 6 years of age;

(e) The unduplicated count of children who received direct services as of December 1st in the prior year;

(f) The number of children who received direct services in the prior year by regional site and in total for the Child Development Services System, categorized by primary disability;

(g) For each primary disability category, the number of children who received, in the prior year, each primary type of therapy or service;

(h) The percentage of children who received direct services in the prior year who had MaineCare coverage for all or some of the services specified in their individualized education programs or individualized family service plans and the percentage of children who received direct services in the prior year who had private insurance coverage for all or some of the services specified in their individualized education programs or individualized family service plans;

(i) Beginning January 1, 2015, the number of children who received direct services in the prior year who were born in the State and the number of children who received direct services in the prior year who were born in the State and who were delivered at home;

(j) Beginning January 1, 2015, the total number of children who were referred in the prior year for support outside of the Child Development Services System under subsection 3-A, paragraph G and the number of children who received direct services in the prior year who were referred for support outside of the Child Development Services System under subsection 3-A, paragraph G; and

(k) Beginning January 1, 2015, the number of children who received direct services in the prior year who received all of the services in their individualized family service plan or individualized education program and the number of children who received direct services in the prior year who received less than 90% of the services in their individualized family service plan or individualized education program;

(3) A listing of the regional sites and their locations and the following data for the Child Development Services System in total and by regional site, including descriptions of any notable variations in these statistics among regional sites and any notable year-to-year trends over the past 5 fiscal years:

(a) The total number of employees by function and the number of new employees hired in the prior fiscal year by function;

(b) The number of private providers that contracted with the Child Development Services System to provide direct services, including transportation services, and the number of contracted providers delivering each type of service in the prior fiscal year;

(c) The number of children who received direct services provided by Child Development Services System employees in the prior fiscal year and the number of children who received direct services provided by contracted private providers in the prior fiscal year;

(d) The number of preschool or day care programs operated by each regional site, the average enrollment in each program, the percentage of enrollees that are children receiving services under individualized education programs or individualized family service plans and expenses and revenues for the prior fiscal year associated with the programs in each site; and

(e) The number of children who received direct services in the prior fiscal year while placed in preschool programs operated by public school systems;

(4) Statistics and analysis of the following Child Development Services System performance measures for the prior fiscal year, including descriptions of any notable variations in these measures among regional sites and any notable year-to-year trends over the past 5 fiscal years:

(a) Measures of compliance with key federal requirements related to timeliness, quality and effectiveness of service as set out in required annual federal reporting under the federal Individuals with Disabilities Education Act;

(b) Measures of compliance with key state requirements related to timeliness, quality and effectiveness of service as set out in statute and rules;

(c) Measures of productivity for Child Development Services System employees providing case management and direct services to children;

(d) Measures of per unit costs, including the average cost of delivered services per child by primary disability type, the average cost per unit of each type of therapy or service delivered by Child Development Services System staff and the average cost per unit of each type of therapy or service delivered by contracted providers;

(e) Beginning January 1, 2015, the average age, both in aggregate and by primary disability type, at which children who were born in the State began receiving services from the Child Development Services System and the average age, both in aggregate and by primary disability type, at which children who were born in the State and who were delivered at home began receiving services from the Child Development Services System; and

(f) Any other performance goals and measures established by the Child Development Services System to monitor effectiveness, efficiency and the cost of the Child Development Services System, which may include results of surveys of parents and guardians on the quality and effectiveness of services;

(5) Beginning January 1, 2015, a report by each regional site in the Child Development Services System demonstrating trends of Child Development Services System employee costs and the results of coordination, utilization and development of services with a broad base of community resources, including private providers and public schools, midwives, resources from other agencies and other resources serving families and children from birth to under 6 years of age, consistent with the provisions of Title 22, section 3571, subsection 3; and

(6) A description of current and emerging trends and challenges that are having an effect on or are expected to have an effect on costs, services or service delivery methods of the Child Development Services System; and [2013, c. 338, §1 (NEW).]

F. To provide the following data by the 20th day of each month to the Office of Fiscal and Program Review, either in a monthly report or by providing the office electronic access to the computer systems and applications by which the raw data are stored, for each regional site and the central office:

(1) Monthly actual and budgeted revenue by funding source for the prior month; and

(2) Monthly actual and budgeted expenditures by funding source and by expenditure category for the prior month. [2013, c. 338, §1 (NEW).]

For the purposes of this subsection, "direct services" includes evaluations; therapies; special instruction; the use of specially designed materials for instruction, screening and testing; the use of assistive technology devices; and transportation and use of physical space associated with providing other direct services.

[2013, c. 338, §1 (AMD) .]

5. Regional site board of directors.

[2011, c. 655, Pt. OO, §4 (RP) .]

6. Regional site board of directors; annual entitlement plan; site budget approval.

[2011, c. 655, Pt. OO, §4 (RP) .]

7. Regional site; administration.

[2011, c. 655, Pt. OO, §4 (RP) .]

8. Regional site; duties and obligations.

[2011, c. 655, Pt. OO, §4 (RP) .]

SECTION HISTORY
2005, c. 662, §A30 (NEW). RR 2007, c. 1, §9 (COR). 2007, c. 307, §§1-7 (AMD). 2007, c. 450, Pt. A, §§1-6 (AMD). 2007, c. 530, §1 (AMD). 2007, c. 572, Pt. B, §§1-4 (AMD). 2011, c. 655, Pt. OO, §4 (AMD). 2013, c. 338, §1 (AMD).

§7210. CONFLICT OF INTEREST

Notwithstanding Title 5, section 18, subsection 1, paragraph B, all members of the state-level advisory committee established under section 7209, subsection 2 and all employees, contractors, agents and other representatives of the state intermediate educational unit are deemed executive employees solely for purposes of Title 5, section 18. The department shall provide training to participants to ensure compliance with conflict of interest requirements. [2005, c. 662, Pt. A, §30 (NEW).]

SECTION HISTORY
2005, c. 662, §A30 (NEW).

Subchapter 2: PROGRAMS

§7251. LOCAL SPECIAL EDUCATION PROGRAMS

A school administrative unit may establish an appropriate special education program. [1987, c. 395, Pt. A, §73 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A73 (AMD).

§7251-A. LOCAL SPECIAL EDUCATION SERVICES; RELATED SERVICES

A school administrative unit may offer or contract for special education services. A school administrative unit may also offer or contract for related services in accordance with rules adopted by the department pursuant to section 7005. [2011, c. 19, §2 (AMD).]

SECTION HISTORY
1987, c. 395, §A74 (NEW). 2011, c. 19, §2 (AMD).

§7252. CONTRACTUAL PROGRAMS; APPROVAL

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A75 (RP).

§7252-A. EARLY INTERVENTION; SPECIAL EDUCATION PROGRAMS; APPROVAL

Early intervention and special education programs may be established for the delivery of early intervention and special education services to children with disabilities in accordance with section 7204, subsection 4. An early intervention program may be provided by an intermediate educational unit, an approved private school or a state licensed agency. A special education program may be offered by a school administrative unit, an approved private school or a state licensed agency. All early intervention and special education programs offered by approved private schools or state licensed agencies must: [2005, c. 662, Pt. A, §31 (AMD).]

1. **Supervision.** Be provided under the supervision of the school administrative unit responsible for the education of the child with a disability enrolled in the program;

[2005, c. 662, Pt. A, §31 (AMD) .]

2. **Description.** Be described in a master contractual agreement between the agency or private school and the commissioner; and

[1987, c. 395, Pt. A, §76 (NEW) .]

3. **Approval.** Be approved in advance of the enrollment of any child with a disability.

[2005, c. 662, Pt. A, §31 (AMD) .]

SECTION HISTORY
1987, c. 395, §A76 (NEW). 2005, c. 662, §A31 (AMD).

§7252-B. EARLY INTERVENTION; SPECIAL EDUCATION SERVICES; APPROVAL

The commissioner shall adopt or amend rules to define allowable early intervention and special education services and the qualifications of individuals who provide early intervention or special education services. Each intermediate educational unit, approved private school or state licensed agency providing early intervention services shall submit a report at such time and in such form as the commissioner may require. Each school administrative unit, approved private school or state licensed agency providing special education services shall submit a report at such time and in such form as the commissioner may require. [2005, c. 662, Pt. A, §32 (AMD).]

SECTION HISTORY
1987, c. 395, §A76 (NEW). 2005, c. 662, §A32 (AMD).

§7253. REGIONAL PROGRAMS; APPROVAL

Two or more school administrative units may enter into cooperative agreement to provide regional special education programs and support services. [1981, c. 693, §§ 5, 8 (NEW).]

1. **General criteria.** Programs and services established through this agreement shall meet the requirements set forth in section 7204, subsection 4.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Special provisions.** A program shall specify that:

A. One of the school administrative units shall serve as fiscal agent; [1981, c. 693, §§ 5, 8 (NEW).]

B. No requirement exists for separate budget approval and taxation; and [1981, c. 693, §§ 5, 8 (NEW).]

C. School construction may not be proposed for special education purposes. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Plan.** A plan for a regional program shall be subject to approval by the commissioner prior to its implementation. The plan shall specify:

A. The objectives and functions to be performed by the regional program; [1981, c. 693, §§ 5, 8 (NEW).]

B. The method of fiscal operation and cost sharing; [1981, c. 693, §§ 5, 8 (NEW).]

C. The method of entering into and withdrawing from the agreement; [1981, c. 693, §§ 5, 8 (NEW).]

D. The method of administering the regional program; [1981, c. 693, §§ 5, 8 (NEW).]

E. The method of involving parent and community participation; and [1981, c. 693, §§ 5, 8 (NEW).]

F. The school administrative unit that shall act as fiscal agent for the regional program. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Funding.** The regional program shall be supported by funds included in the special education appropriations of each of the member school administrative units.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7254. CONTRACTUAL PROGRAMS FOR NONRESIDENT CHILDREN

Another state, subdivision or private person, firm or agency may contract with a private school in this State to provide special education for children who are not residents of this State. A program for these nonresident children shall be subject to approval by the commissioner only with respect to the requirements of section 7204, subsection 4. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7255. OTHER PROGRAMS

In addition to, or in place of, those methods listed in this chapter, a school administrative unit may make other provisions, subject to approval in advance by the commissioner, to ensure the education of all children with disabilities. [2005, c. 662, Pt. A, §33 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 662, §A33 (AMD).

§7256. STATE LICENSED AGENCIES

A special education facility may be operated in conjunction with or as a part of a state licensed agency. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7257. GENERAL SUPERVISION

All educational programs for children with disabilities within the State, including all such programs administered by any other state or local agency, are under the general supervision of the commissioner. [2005, c. 662, Pt. A, §34 (AMD).]

SECTION HISTORY
1983, c. 64, (NEW). 2005, c. 662, §A34 (AMD).

§7258. TRANSITION TO ADULT SERVICES

1. **Attendance at pupil evaluation team meetings.** Annually, representatives from appropriate state service agencies, as determined by the pupil evaluation team of the school administrative unit, and in accordance with special education rules, shall designate a transition contact person to participate in transition planning for students with disabilities. The transition contact person shall attend pupil evaluation team meetings or provide relevant information to the pupil evaluation team for transition planning purposes. This requirement applies to students with disabilities who have attained 16 years of age, or 14 years of age when determined by the pupil evaluation team to be appropriate.

[1997, c. 345, §1 (NEW) .]

1-A. **Care manager.** Within 2 years before the date that a student with an intellectual disability, serious emotional disturbance or other developmental disabilities will graduate or finish school, the Department of Health and Human Services, in consultation with the pupil evaluation team of the school administrative unit, shall designate a case manager to participate in transition planning for that student. The case manager shall convene an adult services transition team, ensure interagency coordination and access to adult services, serve as a single contact person for the student transitioning into the adult services and attend pupil evaluation team meetings or provide relevant information to the pupil evaluation team for transition planning purposes.

[2011, c. 542, Pt. A, §22 (AMD) .]

1-B. **Annual report.** Beginning January 1, 1999 and annually thereafter, the department, in conjunction with the Department of Health and Human Services, shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding transition planning for the adult services system and the number of persons 16 years of age or older on waiting lists for services for persons with autism or intellectual disabilities provided by or under the authority of the department and the Department of Health and Human Services.

[2011, c. 542, Pt. A, §22 (AMD) .]

2. **Documentation.** Annually, the transition planning team shall complete documentation that estimates the amount and type of anticipated services the pupil will require upon aging out or graduation and submit this annual documentation to the Department of Education. The department shall transmit the data to the appropriate state service agency.

[1997, c. 345, §1 (NEW) .]

3. **Budget.** State service agencies shall show evidence of having used the documentation completed pursuant to subsection 2 to develop their biennial budget beginning with the biennium ending June 30, 1999.

[1997, c. 345, §1 (NEW) .]

SECTION HISTORY
1997, c. 345, §1 (NEW). 1997, c. 778, §1 (AMD). 2001, c. 354, §3 (AMD). 2003, c. 689, §B6 (REV). 2011, c. 542, Pt. A, §22 (AMD).

Subchapter 3: FINANCES

§7301. STATE AID

1. **State aid.** The State shall provide financial aid to school administrative units for special education programs.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Contributions.** The commissioner may receive contributions and donations to be used with appropriations to carry out this chapter.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7302. TUITION RATES

Tuition rates for school administrative units, private special education programs, private general purpose facilities and nonresident children shall be as follows. [1981, c. 693, §§5, 8 (NEW).]

1. **School administrative units.** A school administrative unit operating a full-time special education program and accepting students on a tuition basis shall compute a tuition rate. The tuition rate shall not exceed the actual per student cost incurred in operation of the special education program. The commissioner shall adopt or amend rules to define allowable expenditures used to determine the per student cost.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Private special education facilities; private general purpose agencies.** Private agencies that operate facilities that exclusively serve children with disabilities and private general purpose agencies that receive state aid for special education programs shall comply with the following in computing tuition rates.

A. All tuition rates are subject to approval by the commissioner. [2005, c. 153, §6 (AMD).]

B. The tuition rates may not exceed the actual per student cost incurred in the operation during the preceding school year. [2005, c. 153, §6 (AMD).]

C. The commissioner shall adopt or amend rules to define allowable expenditures used to determine per student costs. [1981, c. 693, §§5, 8 (NEW).]

D. An agency shall file an annual financial report detailing the allowable expenditures and the computation of the tuition rate at such time and in the form the commissioner may require. [1983, c. 278, §2 (AMD).]

E. Increases in the tuition rate from one year to the next may not exceed the tuition rate established through negotiation unless evidence is presented to the commissioner that a hardship will exist if a higher rate of increase is not approved, and this evidence is determined sufficient by the commissioner. [2005, c. 153, §6 (AMD).]

F. The commissioner shall establish a tuition rate for new special education programs in special purpose private schools and private general purpose agencies based on the estimated allowable costs of these schools. [2005, c. 153, §6 (AMD).]

[2005, c. 662, Pt. A, §35 (AMD) .]

3. **Private general purpose facilities.**

[2005, c. 153, §7 (RP) .]

4. **Exempted private agencies.** This section shall not apply to and the commissioner shall have no authority over tuition rates charged for special education programs by private agencies where the tuition is not paid, reimbursed or otherwise funded in whole or in part by this State.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 278, §2 (AMD). 1997, c. 736, §1 (AMD). 2005, c. 153, §§6,7 (AMD). 2005, c. 662, §A35 (AMD).

Chapter 304: MAINE EDUCATIONAL CENTER FOR THE DEAF AND HARD OF HEARING AND THE GOVERNOR BAXTER SCHOOL FOR THE DEAF

§7401. SCHOOL ESTABLISHED

The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is established as a public school pursuant to this chapter for the purpose of educating deaf and hard-of-hearing students. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State. [2005, c. 279, §6 (AMD).]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §1 (AMD). 2005, c. 279, §6 (AMD).

§7402. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF).]

1. **School.** "School" means the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf established under this chapter, including the center school located at Mackworth Island known as the Governor Baxter School for the Deaf, the center preschool and any satellite school within the State that may be operated under a contracted services agreement.

[2011, c. 683, §1 (AMD) .]

2. **School board.** "School board" means the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

[2005, c. 279, §7 (AMD) .]

3. **Sending school.** "Sending school" means any school administrative unit that has a student in attendance at the center school or at a satellite school.

[2005, c. 279, §7 (AMD) .]

4. **Executive director.** "Executive director" means the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

[2011, c. 683, §1 (AMD) .]

5. **Center school.** "Center school" means the kindergarten to grade 12 programs established and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf located at Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17.

[2011, c. 683, §1 (AMD) .]

6. **Satellite school.** "Satellite school" means the programs, including a residential program, day school programs, early childhood programs and outreach programs, that are located near the population centers of deaf and hard-of-hearing students within the State established by the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

[2005, c. 279, §7 (AMD) .]

7. **Statewide educational services or outreach.** "Statewide educational services" or "outreach" means consultation services provided to families of children from birth to 5 years of age who are deaf or hard-of-hearing students and consulting services to school administrative units that serve school-age deaf or hard-of-hearing children.

[2011, c. 683, §1 (AMD) .]

8. **Statewide resource center.** "Statewide resource center" means the information and referral services provided by the library at the center school and the distance education program and the community education program offered at the center school.

[2005, c. 279, §7 (NEW) .]

9. **Center preschool.** "Center preschool" means the preschool program established and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf.

[2011, c. 683, §1 (NEW) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §§2,3 (AMD). 1999, c. 775, §3 (AMD). 2005, c. 279, §7 (AMD). 2011, c. 683, §1 (AMD).

§7403. RESPONSIBILITY; LOCATION; GEOGRAPHIC ACCESS

The center school programs are operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf located on Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17. Satellite school programs, including a residential program in accordance with section 7407, subsection 17, may be located near the population centers of deaf and hard-of-hearing students within the State. [2013, c. 552, §1 (AMD).]

1. **Responsibility; repeal.**

[2013, c. 552, §1 (NEW); T. 20-A, §7403, sub-§1 (RP) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §4 (AMD). 2011, c. 683, §2 (AMD). 2013, c. 552, §1 (AMD).

§7404. FUNDING; TUITION

The following provisions apply to funding for and tuition to the school. [1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF).]

1. **Funding.** Students from this State may attend the center school free of tuition and room and board expense. Funding for these students is provided by legislative appropriation based on the services necessary, including room and board, to satisfy the individualized education programs of the students enrolled in the center school. Funding must support maintenance of the center school and that portion of the island used by the center school, security, outreach services, adult education, access to the education network of Maine and operations of the center school, including the residential program, parent-infant program, preschool program and communication garden program. Funding must also support maintenance and operations of any satellite school.

[2011, c. 683, §3 (AMD) .]

2. **Out-of-state tuition.** Students from other states and countries may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the school board.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §5 (AMD). 2007, c. 111, §2 (AMD). 2011, c. 683, §3 (AMD).

§7405. ENROLLMENT; STATE AND FEDERAL EDUCATIONAL SERVICES REQUIREMENTS; TECHNICAL ASSISTANCE

(REPEALED)

The following provisions apply to student enrollment, state and federal educational services requirements and technical assistance. [1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF).]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §6 (AMD). 2003, c. 533, §7 (AMD). 2011, c. 683, §§4, 5 (AMD). 2013, c. 552, §2 (AMD). MRSA T. 20-A, §7405, sub-§4 (RP).

§7405-A. PLACEMENT; STATE AND FEDERAL EDUCATIONAL SERVICES REQUIREMENTS; TECHNICAL ASSISTANCE

Beginning July 1, 2015, the following provisions apply to student placement, state and federal educational services requirements and technical assistance. [2013, c. 552, §3 (NEW).]

1. **Placement.** The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education pursuant to chapter 301 for a student placed in the center school or in one of the satellite school programs. An individualized education program team for a school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of that student and, when the center school or one of the satellite school programs is being considered as a placement for the student, shall invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered. The Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that the services required to meet the individualized education program for each student placed in the center school or in one of the satellite school programs are provided, including:

A. The cost of tuition; and [2013, c. 552, §3 (NEW).]

B. The costs of transportation and other related services as defined by section 7001, subsection 4-B, including the following related services:

(1) Speech-language therapy;

(2) Audiology in conjunction with the student's primary audiologist;

(3) Occupational therapy;

(4) Transportation;

(5) Interpreting services;

(6) Extended school year services;

(7) Frequency modulation systems;

(8) Evaluation for the following services:

(a) Occupational therapy;

(b) Speech-language therapy;

(c) American Sign Language;

(d) Psychoeducational assessment for placement; and

(e) Academic achievement; and

(9) Behavioral supports and planning.

Beginning July 1, 2015, the costs of related services not listed in this paragraph are the responsibility of the school administrative unit in which a deaf or hard-of-hearing student resides for those students attending the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf beginning in the 2015-2016 school year. [2013, c. 552, §3 (NEW).]

The school board shall pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

[2013, c. 552, §3 (NEW) .]

2. **State and federal educational services requirements.** The center school, center preschool and any satellite school shall comply with all standards for state public schools and shall comply with all federal and state laws and department rules for the provision of educational services to children with disabilities.

[2013, c. 552, §3 (NEW) .]

3. **Technical assistance.** A school administrative unit may request technical assistance from the school in matters relating to the education of deaf and hard-of-hearing students.

[2013, c. 552, §3 (NEW) .]

SECTION HISTORY
2013, c. 552, §3 (NEW).

§7406. SCHOOL BOARD

The School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is established as the policy-making authority and the governing body of the school. [2005, c. 279, §8 (AMD).]

1. **Membership.** In appointing members to the school board, the Governor shall give proper consideration to achieving statewide geographical representation, cultural equity and gender equity. In appointing voting members to the school board, the Governor shall select nominees with experience or special knowledge in one or more of the following areas: law, finance, organizational issues, management, education, human resources and collective bargaining. The school board and interested parties may submit a list of recommended candidates to the Governor to aid in making appointments of voting and nonvoting members. The appointments of voting members made by the Governor are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature. The appointments of nonvoting members made by the Governor are not subject to review by the joint standing committee of the Legislature having jurisdiction over education matters or subject to confirmation by the Legislature. The Governor shall appoint the school board consisting of 15 voting members and 2 nonvoting members as follows:

A. Four parents of students who are deaf or hard-of-hearing, including a minimum of one parent with a child enrolled in the residential program and one parent with a child receiving service from the school's outreach program; [1999, c. 775, §7 (AMD).]

B. Three deaf representatives of the State's deaf community; [1995, c. 676, §5 (NEW).]

C. Eight members of the general public, at least 2 of whom must have expertise in deaf education; and [1999, c. 775, §7 (AMD).]

D. [1999, c. 775, §7 (RP).]

E. [1999, c. 775, §7 (RP).]

F. Two students, one who attends the school and one who receives outreach services, both of whom are nonvoting members and who may not participate as board members in executive sessions or receive materials as board members from executive sessions. [1999, c. 775, §7 (AMD).]

[2003, c. 115, §1 (AMD) .]

2. **Chair.** The school board shall choose annually one of its members to serve as chair.

[1995, c. 676, §5 (NEW) .]

3. **Meetings.** The school board shall meet at regular intervals.

[1995, c. 676, §5 (NEW) .]

4. **Quorum.** Each voting member of the school board is entitled to one vote. A majority of voting members of the school board constitutes a quorum for the transaction of any official business.

[1999, c. 775, §7 (AMD) .]

5. **Terms of voting members.** The terms of the voting members of the school board are for 3 years, unless otherwise designated, and are staggered with 1/3 of the voting members appointed each year. Members may be appointed for consecutive terms.

[1999, c. 775, §7 (AMD) .]

6. **Terms of nonvoting members.** The terms of the nonvoting student members, pursuant to subsection 1, paragraph F, must be determined by the school board.

[1999, c. 775, §7 (AMD) .]

7. **Expenses.** Voting members of the school board must be compensated according to the provisions of Title 5, chapter 379.

[1995, c. 676, §5 (NEW) .]

8. **Appointments.**

[1999, c. 775, §7 (RP) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1999, c. 775, §7 (AMD). 2003, c. 115, §1 (AMD). 2005, c. 279, §8 (AMD).

§7407. POWERS AND DUTIES OF SCHOOL BOARD

The powers and duties of the school board include the following. [1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF).]

1. **Policies.** The school board shall develop and adopt policies and rules necessary for the operation of the school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

2. **Selection of executive director.** The school board shall hire an executive director.

[2011, c. 683, §6 (AMD) .]

3. **Administration.** The school board shall oversee the administration of the center school and any satellite school, including the hiring of academic, residential, outreach and support staff of the center school.

[1999, c. 775, §8 (AMD) .]

3-A. **Employee retirement plan.** Employees of the school are state employees for purposes of Title 5, chapters 421 and 423, unless a decision is made pursuant to a collective bargaining agreement or is otherwise made consistent with applicable law other than Title 5, section 18201 to provide for retirement coverage in some way other than as state employees in the Maine Public Employees Retirement System regular retirement plan. The school board shall consult with the Executive Director of the Maine Public Employees Retirement System in proposing any change to the Maine Public Employees Retirement System retirement status of school employees. The school board shall provide certification to the Maine Public Employees Retirement System of any decision to provide retirement coverage in some way other than as state employees at least 60 days prior to any change in retirement coverage. Any decision that removes school employees from the definition of "state employee" as provided in Title 5, section 17001, subsection 40 is irrevocable unless changed by law.

[2001, c. 239, §3 (NEW); 2001, c. 239, §5 (AFF); 2007, c. 58, §3 (REV) .]

4. **Budget development.**

[1999, c. 775, §16 (AFF); 1999, c. 775, §9 (RP) .]

4-A. **Budget development.** The school board shall, with the aid of the executive director and staff, prepare an annual budget for the operation of the school and exercise budgetary responsibility. The school board shall allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs.

[2011, c. 683, §7 (AMD) .]

4-B. **Budget presentation.** Annually, not later than January 1st, in addition to complying with the provisions of Title 5, sections 1665 and 1666, the school board shall present the budget for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to the Governor and the Legislature for review by the commissioner and the joint standing committee of the Legislature having jurisdiction over education matters. Beginning for fiscal year 2013-14, the budget must be presented in a cost center summary budget format pursuant to section 1485, subsection 1, paragraph A and must include specific budget information, including revenues and expenditures, for the center school, the center preschool and statewide educational services or outreach. Revenue sources must include revenue received through state appropriation pursuant to section 7404, as well as fees and other revenues collected from school administrative units. The school board shall provide a detailed accounting of the fees and other revenue collected from each school administrative unit and the services provided to each unit. A liability or obligation may not be incurred under this chapter beyond the amount approved in the administrative operating budget. The school board may make expenditures only in accordance with allocations approved by the Legislature. Any balance of an allocation or subdivision of an allocation made by the Legislature for the school that at the time is not required for the purpose named in the allocation or subdivision may be transferred prior to the closing of the books for the fiscal year to any other allocation or subdivision of any allocation made by the Legislature for the use of the school for the same fiscal year. The transfer is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Financial statements describing the transfer must be submitted by the school board to the Office of Fiscal and Program Review 30 days before the transfer is implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, the amounts to be transferred, a description of the transfer and a detailed explanation of the reason the transfer is needed.

[2011, c. 683, §8 (NEW) .]

5. **Financial management.** The school board may accept donations, bequests or other forms of financial assistance for any educational purpose from a public or private source and shall comply with rules and regulations governing grants from the Federal Government or from any other source.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

6. **Collection of fees.** The school board may charge service and rental fees for use of facilities of the school. Except as provided in subsection 12-A, any funds received for service and rental fees must be retained by the school.

[2005, c. 600, §1 (AMD) .]

7. **Indemnification.** The school board shall indemnify the employees and other agents of the school and purchase and maintain insurance to indemnify those persons to the extent provided in Title 13-B, section 714. The school board may indemnify members of the school board.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

8. **Bonds.** The school board shall require security for the faithful performance of duties by employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of $100,000 coverage for each insured person. The expense of a bond is assumed by the school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

9. **Property management.** The school board may acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. The State retains ownership of Mackworth Island and the school facilities. Notwithstanding section 7403, the school board may make alternative plans regarding the location of the school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

10. **Island access.** The school board shall consult annually with the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands on public access and management of that portion of Mackworth Island under the jurisdiction of that bureau.

[1999, c. 775, §11 (AMD); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §24 (REV) .]

11. **Certificates and diplomas.** The school board shall offer courses of study and grant diplomas and certificates on completion of courses of study. This granting of diplomas and certificates may be done in cooperation with the sending school.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

12. **Contracts and agreements.** The school board may enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

12-A. **Lease of school property.** The Department of Administrative and Financial Services may enter into lease agreements consistent with the deed of gift from Governor Percival Baxter and in accordance with state law and policy on the lease of state-owned facilities, including but not limited to the provisions of Title 5, chapter 154. Any funds received pursuant to this subsection must first be applied in accordance with Title 5, section 1784. Any excess revenue above the requirements of Title 5, section 1784 may be retained by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to be applied to statutorily authorized programs.

[2005, c. 600, §2 (NEW) .]

13. **Delegation.** The school board may delegate duties and responsibilities as necessary for the efficient operation of this chapter.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

14. **Criteria for enrollment.** The school board shall establish and disseminate to school administrative units the criteria to be used in determining eligibility of applicants for enrollment in the center school.

[2011, c. 683, §9 (AMD) .]

15. **Student conduct.** The school board shall prepare and adopt procedures and rules to ensure the smooth operation of student conduct standards.

[1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF) .]

16. **Individualized education programs, standards and measurements.** The school board shall ensure that services required to meet the individualized education program for each student are provided by the school. The school board shall establish standards and methods of measuring progress in the levels of academic achievement for students who participate in the school in accordance with the statewide system of learning results established under section 6209. The school board shall also establish standards and methods of measuring progress in the professional development of teachers who participate in school programs. The school board shall assess students and teachers according to those standards and measurements.

[1999, c. 775, §11 (AMD) .]

17. **School programs.** The school board may create, maintain and expand center school programs and programs for children and families that may be served by the school at any satellite school, through statewide educational services and through the statewide resource center. For the 2000-01 and 2001-02 school years only, the residential program at the Governor Baxter School for the Deaf located on Mackworth Island is limited to enrolling up to 20 students who are deaf or hard-of-hearing. The superintendent may request that the commissioner approve a waiver of the residential enrollment limit and establish additional placements for students in the residential program at the Governor Baxter School for the Deaf located on Mackworth Island; the commissioner may approve those placements on a case-by-case basis and only if the individual education plan of the prospective student who is deaf or hard-of-hearing requires placement in a residential program. Beginning with the 2002-03 school year, the school board shall establish a satellite school program that offers an array of educational programs that provide students who are deaf or hard-of-hearing with geographically convenient access to placement options that may be required by their individualized education program.

[2005, c. 279, §10 (AMD) .]

18. **Fees and charges.** The school board shall establish and collect necessary fees and set policies relating to other appropriate charges for students. The school board shall annually submit a schedule of fees to be charged to school administrative units for each service provided by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to the Governor. A detailed accounting of fees collected from each unit and the services provided, including statewide educational services or outreach, must be included in the presentation of the budget pursuant to subsection 4-B.

[2011, c. 683, §9 (AMD) .]

19. **Report.** The school board shall report annually to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the commissioner on the general status of the finances and operations of the school, including the center school programs and any satellite school programs, the status of the professional qualifications of the school board members and the results of the assessments required by subsection 16 and the general status of the school and shall provide an annual financial audit conducted by an independent auditor.

[2009, c. 213, Pt. ZZ, §1 (AMD) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §§8-11 (AMD). 1999, c. 775, §16 (AFF). 1999, c. 790, §L1 (AMD). 1999, c. 790, §L2 (AFF). 2001, c. 239, §3 (AMD). 2001, c. 239, §5 (AFF). 2005, c. 279, §§9,10 (AMD). 2005, c. 600, §§1,2 (AMD). 2007, c. 58, §3 (REV). 2009, c. 213, Pt. ZZ, §1 (AMD). 2011, c. 657, Pt. W, §§5, 7 (REV). 2011, c. 683, §§6-9 (AMD). 2013, c. 405, Pt. A, §24 (REV).

§7408. POWERS AND DUTIES OF EXECUTIVE DIRECTOR

The powers and duties of the executive director include the following. [2011, c. 683, §10 (AMD).]

1. **Staff and administration.** The executive director shall hire staff and administer school operations.

[2011, c. 683, §10 (AMD) .]

2. **Enrollment.** The executive director shall work with school administrative units, pursuant to section 7405-A, to enroll students.

[2015, c. 494, Pt. A, §12 (AMD) .]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 2011, c. 683, §10 (AMD). 2015, c. 494, Pt. A, §12 (AMD).

§7409. SCHOOL YEAR

The school must operate on a calendar year that meets or exceeds the minimum number of statewide student instructional days. [1995, c. 676, §5 (NEW); 1995, c. 676, §13 (AFF).]

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF).

§7410. DEPARTMENT ASSISTANCE; LIMITATION

(REPEALED)

SECTION HISTORY
1995, c. 676, §5 (NEW). 1995, c. 676, §13 (AFF). 1999, c. 775, §12 (AMD). MRSA T. 20-A, §7410, sub-§3 (RP).

§7411. EMERGENCY POWER

Notwithstanding any other provision of law, the commissioner may assume and exercise the authority of the school board if the commissioner declares an emergency exists such that the health, safety or welfare of students in academic, extracurricular or residential programs is in jeopardy or the school is in substantial and persistent violation of federal and state law. The commissioner's declaration of an emergency is not reviewable, but the commissioner shall exercise this emergency authority for a period not to exceed 3 months unless the commissioner again declares that an emergency continues. [1999, c. 401, Pt. JJJ, §1 (NEW).]

SECTION HISTORY
1999, c. 401, §JJJ1 (NEW).

§7412. MAINE EDUCATIONAL CENTER FOR THE DEAF AND HARD OF HEARING AND THE GOVERNOR BAXTER SCHOOL FOR THE DEAF STUDENT TRUST FUND ESTABLISHED

1. **Fund established.** Notwithstanding the provisions of Title 5, section 135-A, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf Student Trust Fund, referred to in this section as the "fund," is established.

[2005, c. 279, §11 (AMD) .]

2. **Investment of funds.** The money in the fund may be invested by the Treasurer of State with the assistance of one or more fiduciaries or registered investment advisors. The duties and expenses of the fiduciaries or registered investment advisors must be handled in a manner consistent with Title 5, section 17108, subsections 2 and 3. All earnings must be credited to the fund.

[1999, c. 2, §21 (COR) .]

3. **Nonlapsing fund; transfer to General Fund.** Until July 1, 2007, any unexpended funds remaining in the fund may not lapse but must be carried forward for the benefit of the fund. On July 1, 2007, any unexpended funds remaining in the fund must be transferred to the General Fund.

[2001, c. 439, Pt. T, §6 (AMD) .]

4. **Expenditures from the fund.**

[2001, c. 439, Pt. T, §7 (RP) .]

SECTION HISTORY
RR 1999, c. 2, §21 (COR). 1999, c. 731, §PPP1 (NEW). 2001, c. 439, §§T6,7 (AMD). 2005, c. 279, §11 (AMD).

§7413. PRIVATE SUPPORT ORGANIZATION

1. **Designation of private support organization.** The executive director shall designate a nonprofit organization as the private support organization for the school. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the school and the school's programs.

[2015, c. 383, §1 (NEW) .]

2. **Nonvoting member on board of directors.** The executive director, or the executive director's designee, shall serve as a nonvoting ex officio member of the private support organization's board of directors.

[2015, c. 383, §1 (NEW) .]

3. **Plan of work.** The executive director shall negotiate an annual memorandum of understanding between the school and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

[2015, c. 383, §1 (NEW) .]

4. **Use of property.** The executive director may permit the appropriate use of fixed property, equipment and facilities of the school by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

[2015, c. 383, §1 (NEW) .]

SECTION HISTORY
2015, c. 383, §1 (NEW).

Chapter 304-A: BAXTER COMPENSATION AUTHORITY RECORDS

§7451. BAXTER COMPENSATION AUTHORITY RECORDS CONFIDENTIAL

1. **Application.** This section governs all records of the former Baxter Compensation Authority, as established under former Title 5, section 22002, referred to in this section as "the authority." These records may be released only with the approval of the Attorney General as authorized in this section.

[2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF) .]

2. **Designation of information.** All records of the authority that are in any way related to a claimant or a claimant's family are confidential, except that the following information is a public record:

A. The claimant's name; [2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF).]

B. The claimant's eligibility for compensation; [2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF).]

C. The amount of the compensation award, if any; and [2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF).]

D. A summary of the compensation panel's rationale in deciding eligibility and the compensation award amount. [2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF).]

All information other than that described in paragraphs A to D supporting or corroborating a claim continues to be confidential until those records are destroyed. This confidential information may be released only to the Attorney General, the Governor and the chairs of the joint standing committee of the Legislature having jurisdiction over judiciary matters and remains confidential in their custody.

[2007, c. 597, §14 (NEW); 2007, c. 597, §15 (AFF) .]

SECTION HISTORY
2007, c. 597, §14 (NEW). 2007, c. 597, §15 (AFF).

Chapter 305: PRIVATE AND STATE OPERATED SCHOOLS

§7501. PRIVATE SCHOOLS

The commissioner may require that special education programs in an approved private school or agency receiving state funds comply with rules for the conduct of programs within public schools. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§7502. STATE INSTITUTIONS

The director of a state institution shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These children with disabilities are entitled to attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education. [2005, c. 662, Pt. A, §36 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 655, §6 (AMD). 2005, c. 662, §A36 (AMD).

§7503. GOVERNOR BAXTER SCHOOL FOR THE DEAF

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 316, §2 (AMD). 1983, c. 485, §25 (AMD). 1985, c. 295, §30 (AMD). 1985, c. 785, §B80 (AMD). 1987, c. 395, §A77 (AMD). 1995, c. 676, §13 (AFF). 1995, c. 676, §6 (RP).

§7504. RESIDENTIAL CHILD CARE FACILITIES

"Residential child care facilities" shall be licensed in accordance with Title 22, section 8104. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 307: INFANTS AND CHILDREN, AGES 0 TO 5, WITH DISABILITIES

Subchapter 1: PRESCHOOL COORDINATION PROJECTS

§7701. PURPOSE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 499, §1 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 622, §G6 (RPR). 1991, c. 843, §2 (RP).

§7702. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 499, §2 (RPR). 1989, c. 700, §A52 (AMD). 1989, c. 878, §A44 (AMD). 1989, c. 932, §§3,4 (AMD). 1991, c. 622, §§G7-19 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7703. AUTHORIZATION FOR EXPENDITURE OF FUNDS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 137, (AMD). 1983, c. 624, §2 (AMD). 1989, c. 499, §3 (RPR). 1991, c. 622, §§G20,21 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7704. INTERDEPARTMENTAL COORDINATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 295, §31 (AMD). 1989, c. 499, §4 (RPR). 1989, c. 700, §A53 (AMD). 1989, c. 932, §5 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 622, §G22 (RPR). 1991, c. 843, §2 (RP).

§7704-A. CONFLICT OF INTEREST

(REPEALED)

SECTION HISTORY
1989, c. 932, §6 (NEW). 1991, c. 622, §G23 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7705. EARLY CHILDHOOD CONSULTANT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 499, §5 (AMD). 1991, c. 622, §G24 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7706. ADDITIONAL PROGRAM

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 487, §2 (RP).

§7707. CHILD DEVELOPMENT SERVICES SYSTEM

(REPEALED)

SECTION HISTORY
1985, c. 721, §3 (NEW). 1989, c. 499, §6 (AMD). 1991, c. 622, §G25 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7708. GOVERNANCE OF THE CHILD DEVELOPMENT SERVICES SYSTEM

(REPEALED)

SECTION HISTORY
1985, c. 721, §3 (NEW). 1989, c. 499, §7 (RPR). 1989, c. 932, §7 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 622, §G26 (RP). 1991, c. 843, §2 (RP).

§7709. PRESCHOOL HANDICAPPED COORDINATION SERVICES COUNCIL RETIREMENT PACKAGE

(REPEALED)

SECTION HISTORY
1985, c. 721, §3 (NEW). 1989, c. 499, §8 (RP).

§7710. SYSTEM DUTIES, POWERS AND OBLIGATIONS

(REPEALED)

SECTION HISTORY
1989, c. 499, §9 (NEW). 1989, c. 932, §§8,9 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 622, §G27 (RP). 1991, c. 843, §2 (RP).

§7710-A. CHILD DEVELOPMENT SERVICES; DUTIES, POWERS AND OBLIGATIONS

(REPEALED)

SECTION HISTORY
1991, c. 622, §G28 (NEW). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

§7711. IMPLEMENTATION OF SPECIAL EDUCATION SERVICES

(REPEALED)

SECTION HISTORY
1989, c. 932, §10 (NEW). 1991, c. 622, §G33 (AFF). 1991, c. 622, §G29 (RPR). 1991, c. 843, §2 (RP).

§7712. ANNUAL REPORT

(REPEALED)

SECTION HISTORY
1989, c. 932, §10 (NEW). 1991, c. 622, §G30 (AMD). 1991, c. 622, §G33 (AFF). 1991, c. 843, §2 (RP).

Subchapter 2: ADDITIONAL PROGRAMS

§7721. ADDITIONAL SPEECH AND LANGUAGE PROGRAMS

(REPEALED)

SECTION HISTORY
1985, c. 487, §3 (NEW). 1989, c. 499, §10 (AMD). 1991, c. 843, §2 (RP).

§7722. PRESCHOOL SERVICES TO HANDICAPPED CHILDREN

(REPEALED)

SECTION HISTORY
1985, c. 487, §3 (NEW). 1989, c. 499, §11 (AMD). 1991, c. 655, §7 (AMD). 1991, c. 843, §2 (RP).

Chapter 307-A: INFANTS AND CHILDREN, FROM BIRTH TO UNDER AGE 6, WITH DISABILITIES

§7724. SYSTEM

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §2 (AMD). 1997, c. 534, §4 (AMD). 1999, c. 668, §83 (AMD). 2001, c. 471, §C2 (AMD). 2001, c. 471, §C10 (AFF). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7725. DEFINITIONS

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §3 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1997, c. 534, §§5,6 (AMD). 1999, c. 296, §§1,2 (AMD). 1999, c. 668, §84 (AMD). 2001, c. 471, §C3 (AMD). 2001, c. 471, §C10 (AFF). 2003, c. 676, §3 (AMD). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7727. DEPARTMENT OF EDUCATION

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §3 (AMD). 1995, c. 662, §1 (AMD). 1997, c. 534, §§7,8 (AMD). 1999, c. 296, §§3-5 (AMD). 1999, c. 621, §1 (AMD). 1999, c. 668, §§85,86 (AMD). 2001, c. 471, §§C4,5 (AMD). 2001, c. 471, §C10 (AFF). 2001, c. 510, §1 (AMD). 2003, c. 676, §§4,5 (AMD). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7728. STATE INTERMEDIATE EDUCATION UNIT; ESTABLISHMENT; POWERS; DUTIES AND OBLIGATIONS

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). RR 1993, c. 1, §46 (COR). 1993, c. 625, §§4-6 (AMD). 1997, c. 534, §9 (AMD). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7729. REGIONAL SITE GOVERNANCE; CHOICE

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §7 (AMD). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7730. REGIONAL SITE BOARD OF DIRECTORS

(REPEALED)

SECTION HISTORY

1991, c. 843, §3 (NEW). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 662, §2 (AMD). 1997, c. 534, §10 (AMD). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §36 (COR). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7730-A. COMPLETION OF TERM

(REPEALED)

SECTION HISTORY
1995, c. 662, §3 (NEW). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7731. REGIONAL SITE; ADMINISTRATION

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §8 (AMD). 1995, c. 662, §4 (AMD). 1997, c. 534, §11 (AMD). 1999, c. 296, §§6,7 (AMD). 1999, c. 621, §2 (AMD). 1999, c. 668, §87 (AMD). 2001, c. 471, §C6 (AMD). 2001, c. 471, §C10 (AFF). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7732. REGIONAL SITE; DUTIES AND OBLIGATIONS

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §9 (RP).

§7732-A. REGIONAL SITE; DUTIES AND OBLIGATIONS

(REPEALED)

SECTION HISTORY
1993, c. 625, §10 (NEW). 1995, c. 662, §§5,6 (AMD). 1997, c. 534, §§12,13 (AMD). 1999, c. 296, §§8,9 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7733. INTERDEPARTMENTAL COORDINATION

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1993, c. 625, §§11-14 (AMD). 1995, c. 662, §7 (AMD). 1997, c. 534, §§14,15 (AMD). 1999, c. 668, §88 (RP). 2001, c. 471, §C10 (AFF). 2001, c. 471, §C7 (REEN). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7734. ALLOCATION OF FEDERAL AND STATE FUNDS FOR FISCAL YEAR 1992-93

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). RR 1993, c. 1, §47 (COR). 1993, c. 625, §15 (RP).

§7734-A. DISTRIBUTION OF FUNDS TO SCHOOL ADMINISTRATIVE UNITS

(REPEALED)

SECTION HISTORY
1993, c. 625, §16 (NEW). 1997, c. 534, §§16,17 (AMD). 1999, c. 296, §10 (AMD). 2005, c. 2, §D22 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7734-B. ANNUAL RECOMMENDATION

(REPEALED)

SECTION HISTORY
1993, c. 625, §16 (NEW). 1997, c. 534, §18 (RP).

§7734-C. ANNUAL REPORT

(REPEALED)

SECTION HISTORY
1993, c. 625, §16 (NEW). 1997, c. 534, §19 (AMD). 1999, c. 668, §89 (RP). 2001, c. 471, §C10 (AFF). 2001, c. 471, §C8 (REEN). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7735. CONFLICT OF INTEREST

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 1999, c. 668, §90 (RP). 2001, c. 471, §C10 (AFF). 2001, c. 471, §C9 (REEN). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

§7736. INSURER OR 3RD-PARTY OBLIGATION

(REPEALED)

SECTION HISTORY
1991, c. 843, §3 (NEW). 2005, c. 662, §A44 (AFF). 2005, c. 662, §A37 (RP).

Chapter 308: TRANSITIONAL SERVICES COORDINATION PROJECTS FOR STUDENTS WITH DISABILITIES

§7801. PURPOSE

(REPEALED)

SECTION HISTORY
1985, c. 768, §1 (NEW). 1989, c. 700, §A54 (AMD). 1989, c. 899, §2 (AMD). 1993, c. 349, §46 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §37 (COR). 2007, c. 539, Pt. JJJJ, §§1, 2 (AMD). 2009, c. 147, §2 (AMD). 2011, c. 348, §7 (RP).

§7802. DEFINITIONS

(REPEALED)

SECTION HISTORY
1985, c. 768, §1 (NEW). 1989, c. 899, §§3,4 (AMD). RR 1995, c. 2, §34 (COR). 1999, c. 668, §91 (AMD). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §38 (COR). 2007, c. 539, Pt. JJJJ, §§3-5 (AMD). 2009, c. 147, §§3, 4 (AMD). 2011, c. 344, §22 (AMD). 2011, c. 348, §7 (RP).

§7803. INTERDEPARTMENTAL COMMITTEE ON TRANSITION

(REPEALED)

SECTION HISTORY
1985, c. 768, §1 (NEW). 1989, c. 700, §A55 (AMD). 1989, c. 899, §5 (AMD). 1993, c. 349, §47 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1999, c. 668, §92 (AMD). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §39 (COR). 2007, c. 539, Pt. JJJJ, §6 (AMD). 2011, c. 344, §23 (RP). 2011, c. 348, §7 (RP).

§7803-A. TRANSITION SERVICES

(REPEALED)

SECTION HISTORY
1991, c. 180, (NEW). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §40 (COR). 2007, c. 539, Pt. JJJJ, §7 (AMD). 2009, c. 147, §5 (AMD). 2011, c. 348, §7 (RP).

§7804. AUTHORIZATION FOR EXPENDITURE OF FUNDS

(REPEALED)

SECTION HISTORY
1985, c. 768, §1 (NEW). 1989, c. 899, §§6-9 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1999, c. 668, §93 (AMD). 2001, c. 354, §3 (AMD). RR 2003, c. 2, §41 (COR). 2007, c. 539, Pt. JJJJ, §8 (AMD). 2009, c. 147, §§6, 7 (AMD). 2011, c. 344, §24 (RP). 2011, c. 348, §7 (RP).

§7805. TRANSITIONAL SERVICES COORDINATOR

(REPEALED)

SECTION HISTORY
1985, c. 768, §1 (NEW). 1987, c. 395, §A78 (AMD). 1989, c. 700, §A56 (AMD). 1991, c. 716, §1 (AMD). 2003, c. 545, §2 (REV). 2007, c. 539, Pt. JJJJ, §9 (RP).

Chapter 309: MENTAL RETARDATION

§7901. TEACHER EDUCATION PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §4 (RP).

§7902. FACILITIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §4 (RP).

Chapter 311: GIFTED AND TALENTED STUDENTS

§8101. PURPOSE

The Legislature recognizes that gifted and talented students, who comprise approximately 3% to 5% of Maine's students, require differentiated education programs that are aligned with the system of learning results as established in section 6209, beyond those normally provided by the regular school program in order to realize their educational potential and contribution to themselves and to society. [2001, c. 454, §34 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2001, c. 454, §34 (AMD).

§8101-A. GIFTED AND TALENTED EDUCATION PROGRAMS

1. **Implementation.** Each school administrative unit shall implement a gifted and talented education program. The commissioner may provide technical assistance to a school administrative unit in planning and implementing its gifted and talented education program.

[2011, c. 678, Pt. H, §1 (NEW) .]

2. **Costs; approval.** Costs of gifted and talented education programs approved by the department are subsidizable costs under the Essential Programs and Services Funding Act.

[2011, c. 678, Pt. H, §1 (NEW) .]

3. **Waivers.** Beginning with the 2012-2013 school year, a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the commissioner for a one-year waiver of this requirement if full implementation of this requirement presents an undue burden. The commissioner may grant a school administrative unit a waiver upon receipt of an application from the school administrative unit that includes the basis for the waiver request. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver. The rules amended or adopted by the department under subsection 4 must establish requirements applicable to the commissioner's authority to grant a one-year waiver to a school administrative unit and must provide requirements for an extension of a one-year waiver granted to a school administrative unit, including provisions that require that any additional request for extensions must be submitted and reviewed on an annual basis.

[2011, c. 678, Pt. H, §1 (NEW) .]

4. **Rules.** The department shall amend or adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A establishing procedures and criteria for approval of gifted and talented education programs under this chapter.

[2011, c. 678, Pt. H, §1 (NEW) .]

SECTION HISTORY
2011, c. 678, Pt. H, §1 (NEW).

§8102. GRANTS TO SCHOOL ADMINISTRATIVE UNITS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 477, §§7,8 (AMD). 2009, c. 147, §8 (AMD). 2011, c. 678, Pt. H, §2 (RP).

§8103. AVAILABLE FUNDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 477, §9 (AMD). 2011, c. 678, Pt. H, §3 (RP).

§8104. SCHOOL ADMINISTRATIVE UNITS TO ESTABLISH PROGRAMS

(REPEALED)

SECTION HISTORY
1985, c. 463, §1 (NEW). 1991, c. 9, §II4 (AMD). 1991, c. 622, §X6 (AMD). 1995, c. 527, §6 (AMD). 1997, c. 696, §5 (AMD). 1999, c. 790, §N3 (AMD). 2003, c. 477, §§10,11 (AMD). 2009, c. 147, §9 (RP).

§8105. RULES

The commissioner may adopt or amend rules to implement this chapter, including the identification of students, needs and resource assessment and program planning, development and implementation. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [2009, c. 147, §10 (NEW).]

SECTION HISTORY
2009, c. 147, §10 (NEW).

Subpart 2: APPLIED TECHNOLOGY EDUCATION

Chapter 312: MAINE SCHOOL OF SCIENCE AND MATHEMATICS

§8201. SCHOOL ESTABLISHED

The Maine School of Science and Mathematics is established as a public magnet school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State. [2011, c. 473, §1 (AMD).]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 1995, c. 485, §1 (AMD). 2011, c. 473, §1 (AMD).

§8202. INTENT; FUNDING

The school is established as a public, residential school located in Limestone and the following provisions apply. [1993, c. 706, Pt. A, §4 (NEW).]

1. **Curriculum.** The school's curriculum is designed to exceed existing state educational standards in the content areas of the system of learning results established in section 6209.

[2001, c. 454, §35 (AMD) .]

2. **Tuition; room and board; funding.** Students from this State may attend the school free of tuition charges. Additional funding for students from this State may be provided within amounts appropriated for that purpose as follows.

A. The amount must be paid in 4 equal quarterly payments during the year of attendance. The first payment must be made by July 31st. The amount of tuition and other costs paid for all students is limited to the amount appropriated for this purpose. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent, other relative or guardian for at least 6 months immediately preceding application to the school. [1995, c. 665, Pt. FF, §1 (AMD).]

B. Except as otherwise provided in this paragraph, effective July 1, 1996, the student or the student's parent or guardian shall pay to the school the cost of room and board for the school year. In the case of financial need, the State shall pay to the school the difference between the cost of room and board and the student's or the student's family's ability to pay that cost. The board of trustees shall adopt rules governing the determination of financial need and the cost and schedule of payment of room and board under this paragraph. The determination of financial need must be based on a nationally recognized public or private school financial needs assessment system. A student may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of that student's enrollment at the school. [2009, c. 486, §1 (AMD).]

C. [1995, c. 665, Pt. FF, §1 (RP).]

[2009, c. 486, §1 (AMD) .]

3. **Out-of-state tuition.** Students from other states and countries and students pursuing a postgraduate high school year of education may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the board of trustees.

[2009, c. 486, §2 (AMD) .]

4. **Scholarship fund.** The school must demonstrate its ability to raise private funds to support a scholarship fund. Based on this ability, the Legislature may provide General Fund appropriations to the scholarship fund. Funds available in the scholarship fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the scholarship fund may not reduce or eliminate the State's funding obligations described in subsection 2.

[2009, c. 486, §3 (AMD) .]

5. **Educational enhancement fund.** The school may raise private funds to support an educational enhancement fund to enrich the educational experience of students enrolled at the school. The Legislature may provide General Fund appropriations to the educational enhancement fund. Funds available in the educational enhancement fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the educational enhancement fund may not reduce or eliminate the State's funding obligations described in subsection 2.

[2009, c. 486, §4 (NEW) .]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 1995, c. 368, §LL2 (AMD). 1995, c. 665, §§FF1,2 (AMD). 2001, c. 454, §35 (AMD). 2009, c. 486, §§1-4 (AMD).

§8203. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 706, Pt. A, §4 (NEW).]

1. **Board of trustees.** "Board of trustees" means the Board of Trustees of the Maine School of Science and Mathematics.

[1993, c. 706, Pt. A, §4 (NEW) .]

2. **Magnet school.** "Magnet school" means that the school may establish rules and regulations that delete, modify or add to current rules and regulations of the department.

[2011, c. 473, §2 (AMD) .]

3. **School.** "School" means the Maine School of Science and Mathematics.

[1993, c. 706, Pt. A, §4 (NEW) .]

4. **Sending school.** "Sending school" means any school administrative unit that has a student in attendance at the Maine School of Science and Mathematics.

[1993, c. 706, Pt. A, §4 (NEW) .]

5. **Trustee.** "Trustee" means a member of the Board of Trustees of the Maine School of Science and Mathematics.

[1993, c. 706, Pt. A, §4 (NEW) .]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 2011, c. 473, §2 (AMD).

§8204. BOARD OF TRUSTEES

The board of trustees as established in Title 5, section 12004-C, subsection 6 is the policy-making authority and the governing body of the school. [1993, c. 706, Pt. A, §4 (NEW).]

1. **Membership.** In appointing members to the board of trustees, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. The board of trustees consists of 17 voting members and 2 nonvoting members as follows:

A. The Commissioner of Education or the commissioner's designee; [1993, c. 706, Pt. A, §4 (NEW).]

B. The Chancellor of the University of Maine System or the chancellor's designee; [1993, c. 706, Pt. A, §4 (NEW).]

C. A member of the regional school unit board of the regional school unit in which the school is located, who must be from the community in which the school is located, or the member's designee; [2009, c. 486, §5 (RPR).]

D. One member who is a citizen of Limestone and has an active interest in education, appointed by the Governor; [1993, c. 706, Pt. A, §4 (NEW).]

E. [2005, c. 129, §1 (RP).]

F. Three members who are teachers, one of whom is a full-time teacher at the school who is a nonvoting member and is annually elected by members of the school's faculty and 2 of whom are teachers in the State representing different geographic regions of the State, appointed by the Governor. Both full-time and part-time teachers at the school may vote in the election of a faculty member to serve on the board of trustees, and the election must be by secret ballot;

G. Ten members of the general public appointed by the Governor, at least 4 of whom must be scientists, engineers or mathematicians employed within the business or industrial community, one of whom must be a graduate of the Maine School of Science and Mathematics and one of whom must be a parent of a student or of a graduate who graduated within 5 years prior to the parent's appointment to the board of trustees. All appointments under this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature; [2005, c. 129, §2 (AMD).]

H. [2005, c. 129, §3 (RP).]

I. One student member who is a voting member and has been elected as the presiding officer of the student body. The student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter that was discussed or considered during an executive session; and [2009, c. 486, §7 (AMD).]

J. The executive director of the school, who serves as the clerk of the board of trustees and is a nonvoting member. [2011, c. 473, §3 (AMD).]

[2011, c. 473, §3 (AMD) .]

2. **Chair.** The board of trustees shall choose annually one of its members to serve as chair.

[1993, c. 706, Pt. A, §4 (NEW) .]

3. **Meetings.** The board of trustees shall meet at least 4 times a year at regular intervals.

[1993, c. 706, Pt. A, §4 (NEW) .]

4. **Quorum.** A quorum for the transaction of business is constituted by the attendance of 1/3 of all voting members and all official actions of the board of trustees require a majority vote of those members present and voting.

[2009, c. 486, §8 (AMD) .]

5. **Compensation.** Members are compensated pursuant to Title 5, section 12004-C, subsection 6.

[1993, c. 706, Pt. A, §4 (NEW) .]

6. **Terms.** The terms of the members of the board of trustees who are appointed by the Governor are for 4-year terms unless otherwise designated. The terms of the 2 teachers appointed by the Governor are staggered. Of the initial appointees, one is appointed for a term of 2 years and one is appointed for a term of 4 years.

The 10 members of the general public serve 4-year staggered terms. Members may be appointed for consecutive terms.

[2005, c. 129, §4 (AMD) .]

7. **Conflict of interest.** A board of trustees member shall attempt to avoid conflicts of interest by disclosure or by abstention.

[2009, c. 486, §9 (NEW) .]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 2003, c. 4, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 129, §§1-4 (AMD). 2009, c. 486, §§5-9 (AMD). 2011, c. 473, §3 (AMD).

§8205. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The powers and duties of the board of trustees include the following: [1993, c. 706, Pt. A, §4 (NEW).]

1. **Policies and bylaws.** To develop and adopt policies and rules, including bylaws, necessary or useful for the operation of the school;

[1995, c. 485, §2 (AMD) .]

2. **Administration.** To oversee the administration of the school, including the hiring of teachers and administrative support staff;

[1993, c. 706, Pt. A, §4 (NEW) .]

3. **Financial management.** To appoint a treasurer, who need not be a member of the board of trustees, and to accept donations, bequests or other forms of financial assistance for any educational purpose from a public or private person or agency and to comply with rules and regulations governing grants from the Federal Government or from any other person or agency;

[1995, c. 485, §2 (AMD) .]

4. **Budget development.** To prepare and adopt an annual budget for the operation of the school and to exercise budgetary responsibility and allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs;

[1993, c. 706, Pt. A, §4 (NEW) .]

5. **Indemnification.** To indemnify the trustees, officers, teaching staff and employees affiliated with the school and to purchase and maintain insurance to indemnify any such person to the extent provided in Title 13-B, section 714;

[1993, c. 706, Pt. A, §4 (NEW) .]

6. **Bonds.** To require security for the faithful performance of duties by the officers, trustees, employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of $100,000 coverage for each insured person. The expense of a bond is assumed by the school;

[1993, c. 706, Pt. A, §4 (NEW) .]

7. **Property management.** To lease and to acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. Any lease or lease-purchase agreement must have a term not to exceed 10 years and must be subject to annual appropriation of funds. The Eastern Aroostook Regional School Unit retains ownership of the Limestone Elementary School and the Limestone Junior Senior High School and shares those facilities with the school;

[2009, c. 486, §10 (AMD) .]

8. **Certificates and diplomas.** To offer courses of study and grant diplomas and certificates on completion of courses of study. This may be done in cooperation with the sending school;

[1993, c. 706, Pt. A, §4 (NEW) .]

9. **Contracts and agreements.** To enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter;

[1993, c. 706, Pt. A, §4 (NEW) .]

10. **Delegation.** To delegate duties and responsibilities as necessary for the efficient operation of this chapter;

[1993, c. 706, Pt. A, §4 (NEW) .]

11. **Criteria for enrollment.** To establish criteria to be used in determining eligibility of applicants for enrollment. The criteria must include methods of ensuring gender equity for students selected;

[1993, c. 706, Pt. A, §4 (NEW) .]

12. **Student conduct.** To prepare and adopt procedures, rules and regulations to ensure the smooth operation of student conduct standards;

[1993, c. 706, Pt. A, §4 (NEW) .]

13. **Geographical basis.** To develop and adopt an admissions policy to ensure that students from all over the State have an equal opportunity to attend the school;

[1993, c. 706, Pt. A, §4 (NEW) .]

14. **Fees and charges.** To establish and collect necessary fees and to set policies relating to other appropriate charges for students;

[1993, c. 706, Pt. A, §4 (NEW) .]

15. **Benchmarks and assessments.** To establish benchmarks and methods of assessing progress in the levels of academic achievement in mathematics and science for students who participate in school programs and to establish benchmarks and methods of assessing progress in the professional development of teachers who participate in school programs;

[1995, c. 485, §2 (AMD) .]

16. **Report.** To report annually to the Governor, 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 on the results of the assessment in subsection 15 and the general status of the school and to provide a financial audit of the school conducted by an independent auditor;

[1997, c. 760, §1 (AMD) .]

16-A. **Quarterly financial statements.** To submit quarterly financial statements to the Governor, 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;

[1997, c. 760, §2 (NEW) .]

17. **Sue or be sued.** To sue or be sued in the name of the school; and

[1995, c. 485, §3 (NEW) .]

18. **Other.** To do any other act necessary or useful for carrying out its powers, duties or purposes.

[1995, c. 485, §3 (NEW) .]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 1995, c. 368, §LL3 (AMD). 1995, c. 485, §§2,3 (AMD). 1995, c. 625, §A22 (AMD). 1997, c. 760, §§1,2 (AMD). 1997, c. 772, §1 (AMD). 2009, c. 486, §10 (AMD).

§8206. PROGRAMS AND OPERATIONS

The programs and operations of the school include: [1993, c. 706, Pt. A, §4 (NEW).]

1. **School year.** Operating on a calendar year that meets or exceeds the minimum number of statewide student instructional days;

[1993, c. 706, Pt. A, §4 (NEW) .]

2. **Courses of study; programs; plan.** By February 15, 1995, a plan must be submitted to the joint standing committee of the Legislature having jurisdiction over education matters that outlines the statewide education programs provided by the school and guarantees opportunities and access to students and educators not residing full time at the school.

The plan, to be implemented in September 1995, must include, but is not limited to, offering short courses, workshops, seminars, weekend instructional programs, distance learning and various other programs of short duration for teachers and students. The plan may include other innovative programs that meet the purpose of the school and assist in the professional development of the State's science and mathematics teachers.

[1993, c. 706, Pt. A, §4 (NEW) .]

3. **School admission.** Admittance of high school students and students pursuing a postgraduate high school year of education based on the enrollment criteria established by the board of trustees as provided in section 8205, subsection 11. Students who apply and are accepted by the school are allowed to attend as provided in section 5205, subsection 6;

[2009, c. 486, §11 (AMD) .]

4. **Extracurricular activities.** Participation in all extracurricular activities offered at Limestone Junior Senior High School; and

[1993, c. 706, Pt. A, §4 (NEW) .]

5. **Telecommunications.** Utilization of distance learning technologies to allow transmission of certain specialty courses conducted at the school for the benefit of high-achieving students attending school units throughout the State.

[2009, c. 486, §12 (AMD) .]

SECTION HISTORY
1993, c. 706, §A4 (NEW). 2009, c. 486, §§11, 12 (AMD).

§8207. FINANCING AUTHORITY

The board of trustees may borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the school for renovation and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the school are legal obligations of the school on behalf of the State and are payable solely from the school's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph B and these borrowings by the school do not constitute debts or liabilities of, and are not includable in, any debt limitation of the State or any municipality or political subdivision of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the school. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the school are signed by the treasurer and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the school may not exceed $3,000,000 at any one time, excluding temporary notes and renewal notes. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the school by the Town of Limestone, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the school. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712. Bonds, notes and other evidences of indebtedness issued under this section are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the school. The board of trustees may also borrow funds in anticipation of revenues for current operating expenses for a term not exceeding 13 months.

Indebtedness incurred and evidences of indebtedness issued under this chapter are deemed to constitute a proper public purpose and all income derived is exempt from taxation in the State. The net earnings of the school may not inure to the benefit of any private person. If the school is dissolved, the distribution of all property owned by the school must be determined by the Legislature in accordance with this chapter and may not inure to the benefit of any private person. [1997, c. 772, §2 (AMD).]

SECTION HISTORY
1995, c. 485, §4 (NEW). 1997, c. 562, §E1 (AMD). 1997, c. 772, §2 (AMD).

Chapter 312-A: MAINE SCHOOL FOR MARINE SCIENCE, TECHNOLOGY, TRANSPORTATION AND ENGINEERING

§8231. SCHOOL ESTABLISHED

The Maine School for Marine Science, Technology, Transportation and Engineering is established as a public magnet school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience focused on marine-related science, technology, engineering and mathematics. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State. [2015, c. 363, §4 (NEW).]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8232. INTENT; FUNDING

The school is established as a public, residential school located in the Town of Searsport and the following provisions apply. [2015, c. 363, §4 (NEW).]

1. **Curriculum.** The school shall provide a curriculum designed to exceed existing state educational standards in the content areas of the system of learning results established in section 6209.

[2015, c. 363, §4 (NEW) .]

2. **Tuition; room and board; funding.** Students from this State may attend the school free of tuition charges. Additional funding for students from this State may be provided within amounts appropriated for that purpose as follows.

A. The amount must be paid in 4 equal quarterly payments during the year of attendance. The first payment must be made by July 31st. The amount of tuition and other costs paid for all students is limited to the amount appropriated for this purpose. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent, other relative or guardian for at least 6 months immediately preceding application to the school. [2015, c. 363, §4 (NEW).]

B. Except as otherwise provided in this paragraph, effective July 1, 2018, the student or the student's parent or guardian shall pay to the school the cost of room and board for the school year. In the case of financial need, the State shall pay to the school the difference between the cost of room and board and the student's or the student's family's ability to pay that cost. The board of trustees shall establish rules governing the determination of financial need and the cost and schedule of payment of room and board under this paragraph. The determination of financial need must be based on a nationally recognized

public or private school financial needs assessment system. A student may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of that student's enrollment at the school. [2015, c. 363, §4 (NEW).]

[2015, c. 363, §4 (NEW) .]

3. **Out-of-state tuition.** Students from other states and countries and students pursuing a postgraduate high school year of education may attend the school on a space-available basis by paying the cost of tuition, fees and room and board as established by the board of trustees.

[2015, c. 363, §4 (NEW) .]

4. **Scholarship fund.** The school must demonstrate its ability to raise private funds to support a scholarship fund. Based on this ability, the Legislature may provide General Fund appropriations to the scholarship fund. Funds available in the scholarship fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the scholarship fund may not reduce or eliminate the State's funding obligations described in subsection 2.

[2015, c. 363, §4 (NEW) .]

5. **Educational enhancement fund.** The school may raise private funds to support an educational enhancement fund to enrich the educational experience of students enrolled at the school. The Legislature may provide General Fund appropriations to the educational enhancement fund. Funds available in the educational enhancement fund may not be used to offset, reduce or eliminate the appropriation of state funds described in subsection 2. The existence of the educational enhancement fund may not reduce or eliminate the State's funding obligations described in subsection 2.

[2015, c. 363, §4 (NEW) .]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8233. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 363, §4 (NEW).]

1. **Board of trustees.** "Board of trustees" means the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering.

[2015, c. 363, §4 (NEW) .]

2. **School.** "School" means the Maine School for Marine Science, Technology, Transportation and Engineering.

[2015, c. 363, §4 (NEW) .]

3. **Sending school.** "Sending school" means any school administrative unit that has a student in attendance at the Maine School for Marine Science, Technology, Transportation and Engineering.

[2015, c. 363, §4 (NEW) .]

4. **Trustee.** "Trustee" means a member of the Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering.

[2015, c. 363, §4 (NEW) .]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8234. BOARD OF TRUSTEES

The board of trustees as established in Title 5, section 12004-C, subsection 9 is the policy-making authority and the governing body of the school. [2015, c. 363, §4 (NEW).]

1. **Membership.** In appointing members to the board of trustees, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. The board of trustees consists of 17 voting members and 2 nonvoting members as follows:

A. The Commissioner of Education or the commissioner's designee; [2015, c. 363, §4 (NEW).]

B. The Chancellor of the University of Maine System or the chancellor's designee; [2015, c. 363, §4 (NEW).]

C. A member of the regional school unit board of the regional school unit in which the school is located, who must be from the community in which the school is located, or the member's designee, selected by that board; [2015, c. 363, §4 (NEW).]

D. One member who is a citizen of the Town of Searsport and has an active interest in education, appointed by the Governor; [2015, c. 363, §4 (NEW).]

E. Three members who are teachers, one of whom is a full-time teacher at the school who is a nonvoting member and is annually elected by members of the school's faculty and 2 of whom are teachers in the State representing different geographic regions of the State, appointed by the Governor. Both full-time and part-time teachers at the school may vote in the election of a faculty member to serve on the board of trustees, and the election must be by secret ballot; [2015, c. 363, §4 (NEW).]

F. Ten members of the general public appointed by the Governor, at least 4 of whom must be scientists, engineers or mathematicians and be employed within the marine business or industrial marine community and one of whom must be a parent of a student. All appointments under this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and subject to confirmation by the Legislature; [2015, c. 363, §4 (NEW).]

G. One student member who has been elected as the presiding officer of the student body of the school. The student member is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter that was discussed or considered during an executive session; and [2015, c. 363, §4 (NEW).]

H. The executive director of the school, who serves as the clerk of the board of trustees and is a nonvoting member. [2015, c. 363, §4 (NEW).]

[2015, c. 363, §4 (NEW) .]

2. **Chair.** The board of trustees shall choose annually one of its members to serve as chair.

[2015, c. 363, §4 (NEW) .]

3. **Meetings.** The board of trustees shall meet at least 4 times a year at regular intervals.

[2015, c. 363, §4 (NEW) .]

4. **Quorum.** A quorum for the transaction of business is constituted by the attendance of 5 voting members, and all official actions of the board of trustees require a majority vote of those members present and voting.

[2015, c. 363, §4 (NEW) .]

5. **Compensation.** Members are compensated pursuant to Title 5, section 12004-C, subsection 9.

[2015, c. 363, §4 (NEW) .]

6. **Terms.** The terms of the members of the board of trustees who are appointed by the Governor are for 4 years unless otherwise designated. The terms of the 2 teachers appointed by the Governor and the 10 members of the general public are staggered. Members may be appointed for consecutive terms.

[2015, c. 363, §4 (NEW) .]

7. **Conflict of interest.** A board of trustees member shall attempt to avoid conflicts of interest by disclosure or by abstention.

[2015, c. 363, §4 (NEW) .]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8235. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The powers and duties of the board of trustees include the following: [2015, c. 363, §4 (NEW).]

1. **Policies and bylaws.** To develop and establish policies and rules, including bylaws, necessary or useful for the operation of the school;

[2015, c. 363, §4 (NEW) .]

2. **Administration.** To oversee the administration of the school, including the hiring of teachers and administrative support staff;

[2015, c. 363, §4 (NEW) .]

3. **Financial management.** To appoint a treasurer, who need not be a member of the board of trustees, and to accept donations, bequests or other forms of financial assistance for any educational purpose from a public or private person or agency and to comply with rules and regulations governing grants from the Federal Government or from any other person or agency;

[2015, c. 363, §4 (NEW) .]

4. **Budget development.** To prepare and adopt an annual budget for the operation of the school and to exercise budgetary responsibility and allocate for expenditure by the school and programs under its jurisdiction all the resources available for the operation of the school and its programs;

[2015, c. 363, §4 (NEW) .]

5. **Indemnification.** To indemnify the trustees, officers, teaching staff and employees affiliated with the school and to purchase and maintain insurance to indemnify any such person to the extent provided in Title 13-B, section 714;

[2015, c. 363, §4 (NEW) .]

6. **Bonds.** To require security for the faithful performance of duties by the officers, trustees, employees and other agents of the school who are entrusted with the custody of the school securities or authorized to disburse the funds of the school. The security must consist of a bond, either a blanket bond or individual bond with a surety bond, or bonds having a minimum limitation of $100,000 coverage for each insured person. The expense of a bond is assumed by the school;

[2015, c. 363, §4 (NEW) .]

7. **Property management.** To lease and to acquire by purchase any property, lands, buildings, structures, facilities or equipment and make improvements to facilities necessary to fulfill the purposes of this chapter. Any lease or lease-purchase agreement must have a term not to exceed 10 years and must be subject to annual appropriation of funds. The regional school unit that includes the Town of Searsport retains ownership of the Searsport high school and shares those facilities with the school;

[2015, c. 363, §4 (NEW) .]

8. **Certificates and diplomas.** To offer courses of study and grant diplomas and certificates on completion of courses of study. This may be done in cooperation with the sending school;

[2015, c. 363, §4 (NEW) .]

9. **Contracts and agreements.** To enter into any contracts and agreements, to the extent that funds are available, in the execution of its powers under this chapter;

[2015, c. 363, §4 (NEW) .]

10. **Delegation.** To delegate duties and responsibilities as necessary for the efficient operation of this chapter;

[2015, c. 363, §4 (NEW) .]

11. **Criteria for enrollment.** To establish criteria to be used in determining eligibility of applicants for enrollment. The criteria must include methods of ensuring gender equity for students selected;

[2015, c. 363, §4 (NEW) .]

12. **Student conduct.** To prepare and adopt procedures and rules to ensure the smooth operation of student conduct standards;

[2015, c. 363, §4 (NEW) .]

13. **Geographical basis.** To develop and adopt an admissions policy to ensure that students from all over the State have an equal opportunity to attend the school;

[2015, c. 363, §4 (NEW) .]

14. **Fees and charges.** To establish and collect necessary fees and to set policies relating to other appropriate charges for students;

[2015, c. 363, §4 (NEW) .]

15. **Benchmarks and assessments.** To establish benchmarks and methods of assessing progress in the levels of academic achievement in marine science, technology, transportation and engineering for students who participate in school programs and to establish benchmarks and methods of assessing progress in the professional development of teachers who participate in school programs;

[2015, c. 363, §4 (NEW) .]

16. **Report.** To report annually to the Governor, 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 on the results of the assessment in subsection 15 and the general status of the school and to provide a financial audit of the school conducted by an independent auditor;

[2015, c. 363, §4 (NEW) .]

17. **Quarterly financial statements.** To submit quarterly financial statements to the Governor, 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;

[2015, c. 363, §4 (NEW) .]

18. **Sue or be sued.** To sue or be sued in the name of the school; and

[2015, c. 363, §4 (NEW) .]

19. **Other.** To do any other act necessary or useful for carrying out its powers, duties or purposes.

[2015, c. 363, §4 (NEW) .]

Notwithstanding any other provision of this Title, rules established by the board pursuant to this section may differ from rules adopted by the department. [2015, c. 363, §4 (NEW).]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8236. PROGRAMS AND OPERATIONS

The programs and operations of the school must include: [2015, c. 363, §4 (NEW).]

1. **School year.** Operating on a calendar year that meets or exceeds the minimum number of statewide student instructional days;

[2015, c. 363, §4 (NEW) .]

2. **Courses of study; programs; plan.** A plan that outlines the statewide education programs provided by the school and guarantees opportunities and access to students and educators not residing full time at the school. The plan must include, but is not limited to, offering short courses, workshops, seminars, weekend

instructional programs, distance learning and various other programs of short duration for teachers and students. The plan may include other innovative programs that meet the purpose of the school and assist in the professional development of the State's marine science, technology, transportation and engineering teachers;

[2015, c. 363, §4 (NEW) .]

3. **School admission.** Admittance of high school students and students pursuing a postgraduate high school year of education based on the enrollment criteria established by the board of trustees as provided in section 8235, subsection 11. Students who apply and are accepted by the school are allowed to attend as provided in section 5205, subsection 6;

[2015, c. 363, §4 (NEW) .]

4. **Extracurricular activities.** Participation in all extracurricular activities offered at the middle school and high school serving the Town of Searsport; and

[2015, c. 363, §4 (NEW) .]

5. **Telecommunications.** Utilization of distance learning technologies to allow transmission of certain specialty courses conducted at the school for the benefit of high-achieving students attending school units throughout the State.

[2015, c. 363, §4 (NEW) .]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8237. FINANCING AUTHORITY

The board of trustees may borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the school for renovation and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3 and may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the school are legal obligations of the school on behalf of the State and are payable solely from the school's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph C, and these borrowings by the school do not constitute debts or liabilities of, and are not includable in, any debt limitation of the State or any municipality or political subdivision of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the school. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the school are signed by the treasurer and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the school may not exceed $3,000,000 at any one time, excluding temporary notes and renewal notes. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the school by the Town of Searsport, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the school. The proceeds of bonds, notes or other evidences of indebtedness may be invested in accordance with Title 30-A, sections 5706 and 5712. Bonds, notes and other evidences of indebtedness issued under this section are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the school. The board of trustees may also borrow funds in anticipation of revenues for current operating expenses for a term not exceeding 13 months. Indebtedness incurred and evidences of indebtedness issued under this chapter are deemed to constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the

school may not inure to the benefit of any private person. If the school is dissolved, the distribution of all property owned by the school must be determined by the Legislature in accordance with this chapter and may not inure to the benefit of any private person. [2015, c. 363, §4 (NEW).]

SECTION HISTORY
2015, c. 363, §4 (NEW).

§8238. IMPLEMENTATION; LIMITED AUTHORIZATION

The school may implement the plan established for the statewide education programs pursuant to section 8236, subsection 2 during the 2017-2018 school year. [2015, c. 363, §4 (NEW).]

Notwithstanding any other provision of law, all powers, duties and authority of the school under this chapter and under any other law terminate 90 days after the adjournment of the First Regular Session of the 129th Legislature. [2015, c. 363, §4 (NEW).]

SECTION HISTORY
2015, c. 363, §4 (NEW).

Chapter 313: CAREER AND TECHNICAL EDUCATION

Subchapter 1: GENERAL PROVISIONS

§8301. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §26 (AMD). 1987, c. 98, §2 (AMD). 1991, c. 518, §1 (RP).

§8301-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 518, §2 (NEW).]

1. **Affiliated unit.** "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates a center. An affiliated school administrative unit may have its secondary students served by a center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate career and technical education satellite programs.

[2003, c. 545, §1 (AMD) .]

1-A. **Articulation agreement.** "Articulation agreement" means an agreement between a center or region and a postsecondary institution that:

A. Sets forth a nonduplicative learning pathway for a specific program by which students have an opportunity to acquire a technical skill proficiency, a credential, a certificate or a degree; and [2011, c. 679, §5 (NEW).]

B. Includes a credit transfer agreement between the 2 institutions. [2011, c. 679, §5 (NEW).]

[2011, c. 679, §5 (NEW) .]

2. **Budget failure.** "Budget failure" means the failure of a region, by August 1st of any fiscal year, to approve a budget for the region that is at least equal to the sum of the total allocations for career and technical education of the member school administrative units in the region.

[2003, c. 545, §1 (AMD) .]

2-A. **Career and technical education.** "Career and technical education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make career and technical education available to persons residing in the school administrative unit who are eligible to receive free public secondary education.

[2003, c. 545, §1 (NEW) .]

3. **Center.** "Center" means an administrative entity established pursuant to this chapter that provides career and technical education to secondary students. Unless otherwise specifically provided for by this chapter, a center is governed, operated and administered by a single school administrative unit. A center shall make its programs available to serve secondary students from school administrative units with which it is affiliated. A center may include within its administrative structure career and technical education satellite programs operated by school administrative units with which it is affiliated.

[2003, c. 545, §1 (AMD) .]

4. **Municipality.** "Municipality" has the same meaning as in section 15672, subsection 21.

[2005, c. 2, Pt. D, §23 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Parent.**

[2011, c. 679, §6 (RP) .]

6. **Region.** "Region" means a quasi-municipal corporation established by the Legislature to provide career and technical education to secondary students that is comprised of all the school administrative units within the geographical boundaries set forth for each career and technical education region in section 8451. A region is governed by a cooperative board formed and operating in accordance with this chapter.

[2003, c. 545, §1 (AMD) .]

7. **Residence.** "Residence" means, with reference to a person's eligibility to receive career and technical education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

[2003, c. 2, §42 (COR) .]

8. **Satellite program.** "Satellite program" means a program providing career and technical education to secondary students that is operated, under section 8403-A, by a school administrative unit affiliated with a center.

[2003, c. 545, §1 (AMD) .]

9. **State subsidy.** "State subsidy" has the same meaning as in section 15672, subsection 31-A.

[2005, c. 2, Pt. D, §23 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

10. **Unit.** "Unit" means a school administrative unit.

[1991, c. 518, §2 (NEW) .]

11. **Vocational education.**

[2003, c. 545, §1 (RP) .]

SECTION HISTORY
RR 1991, c. 2, §61 (COR). 1991, c. 518, §2 (NEW). RR 2003, c. 2, §42 (COR). 2003, c. 545, §1 (AMD). 2005, c. 2, §D23 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2011, c. 679, §§5, 6 (AMD).

§8302. ACCEPTANCE AND COMPLIANCE WITH FEDERAL LAW

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

§8303. FEDERAL FUNDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

§8304. ROLE OF THE STATE BOARD IN FEDERAL PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

§8305. ELIGIBILITY REQUIREMENTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §3 (RP).

§8305-A. ELIGIBILITY

1. **General right.** A person eligible to receive free public secondary education may, consistent with this section and department rules:

A. Receive career and technical education from a center, satellite program or region that serves the person's residence; or [2003, c. 2, §43 (COR).]

B. Receive career and technical education from a center, satellite program or region outside of the geographical area that serves the person's residence, subject to the approval of the governing bodies of the sending unit and receiving center, satellite program or region. [2011, c. 679, §7 (AMD).]

[2011, c. 679, §7 (AMD) .]

2. **Admission standards.** A region, center or satellite program shall determine, in accordance with its published admission standards, whether to admit a person to such a region, center or satellite program. Unless otherwise specifically provided for in this chapter, priority to enroll in any career and technical education course of study offered by a region, center or satellite program must be given first to persons eligible to receive a free public secondary education who are residents of municipalities served by that region, center or satellite program.

[2003, c. 2, §43 (COR) .]

3. **Adult participation in career and technical education courses.** Persons who are 20 years of age or older or who have graduated from a secondary school and who otherwise comply with the requirements of this section may receive career and technical education in a career and technical education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by persons who are 20 years of age or older or who have graduated from a secondary school. A region, center or satellite program may charge reasonable fees to persons who receive career and technical education pursuant to this subsection.

[2011, c. 679, §8 (AMD) .]

SECTION HISTORY
RR 1991, c. 2, §62 (COR). 1991, c. 518, §4 (NEW). RR 2003, c. 2, §43 (COR). 2011, c. 679, §§7, 8 (AMD).

§8306. POWERS AND DUTIES OF STATE BOARD OF EDUCATION

1. **State plan.** The state board shall approve and update as it determines necessary a state plan for career and technical education, in compliance with the requirements of applicable state and federal laws, rules and regulations. The state plan must be prepared by the commissioner.

[2003, c. 2, §44 (COR) .]

2. **Center and region plans.** The state board shall approve a plan for the provision of career and technical education by each center or region. The plans must be prepared by each center or region at the time of its organization or reorganization, approved by the school board or cooperative board governing each center or region respectively, and include:

A. A survey of the career and technical education needs nationally, statewide and in the geographic area served by the center or region; [2003, c. 2, §44 (COR).]

B. A survey of employment opportunities nationally, statewide and in the geographic area served by the center or region; [1991, c. 518, §5 (AMD).]

C. A description of the programs to be offered by the center or region; [1991, c. 518, §5 (AMD).]

C-1. A description of the manner in which academic courses will be used to augment trade-oriented skill courses for career and technical education students at the center or region; [2003, c. 2, §44 (COR).]

D. A description of each geographic area served by the center or region and the location of each career and technical education program to serve those areas; and [2003, c. 2, §44 (COR).]

E. A description of the manner in which the career and technical education programs offered by the center or region address the career and technical education needs in the geographic area served by the center or region and employment opportunities nationally, statewide and in the geographic area served by the center or region. [2003, c. 2, §44 (COR).]

[2003, c. 2, §44 (COR) .]

3. **Plans for vocational satellite programs.**

[1991, c. 518, §5 (RP) .]

4. **Boundaries of centers and regions.**

[1991, c. 518, §5 (RP) .]

5. **Reorganizing centers and regions.** The state board may, in compliance with section 8307:

A. Change existing boundaries of centers and regions; [1991, c. 518, §5 (NEW).]

B. Change the status of a center to a region or a region to a center; [1991, c. 518, §5 (NEW).]

C. Dissolve existing regions or centers; [1991, c. 518, §5 (NEW).]

D. Create new regions or centers; or [1991, c. 518, §5 (NEW).]

E. Create alternative organizational methods of delivering career and technical education. [2003, c. 2, §45 (COR).]

[2003, c. 2, §45 (COR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §5 (AMD). RR 2003, c. 2, §§44,45 (COR).

§8306-A. RULES; APPROVAL OF CAREER AND TECHNICAL EDUCATION PROGRAMS AND COURSES

(REPEALED)

SECTION HISTORY
1991, c. 518, §6 (NEW). 2001, c. 454, §36 (AMD). RR 2003, c. 2, §46 (COR). 2011, c. 679, §9 (RP).

§8306-B. APPROVAL OF PROGRAMS AND COURSES; INDUSTRY STANDARDS

1. **Rules.** The commissioner may adopt rules to establish requirements for career and technical education programs and courses in alignment with the system of learning results established in section 6209, to establish procedures for approving career and technical education programs and courses and to otherwise carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 679, §10 (NEW) .]

2. **Approval required.** A career and technical education program must be approved by the commissioner, in accordance with this chapter, in order to:

A. Be offered by a career and technical education center, region or affiliated unit; [2011, c. 679, §10 (NEW).]

B. Receive state subsidy; or [2011, c. 679, §10 (NEW).]

C. Receive approval for federal funding, except that the commissioner may approve federal funding for new and emerging industry programs prior to granting approval for the career and technical education program. [2011, c. 679, §10 (NEW).]

[2011, c. 679, §10 (NEW) .]

3. **Industry standards.** An approved career and technical education program must be designed to enable a student to meet industry standards applicable to the program.

A. The commissioner shall establish an industry stakeholder group to recommend industry standards to be met in each program offered by a career and technical education region, center or affiliated unit. [2011, c. 679, §10 (NEW).]

B. The industry stakeholder group under paragraph A shall recommend national industry standards for each program, unless there are no relevant, applicable national industry standards or the group determines that the national industry standards do not meet the needs of students and employers in this State. [2011, c. 679, §10 (NEW).]

C. If the industry stakeholder group under paragraph A does not recommend a national industry standard for a program, the commissioner shall convene one or more stakeholder groups to adopt or create state industry standards for that program. [2011, c. 679, §10 (NEW).]

D. The commissioner shall accept or reject the industry stakeholder group's recommendations under this subsection. If the commissioner accepts the recommendations, those industry standards become the applicable industry standards for the program. If the commissioner rejects the recommendations, the commissioner shall either designate alternative standards or ask the stakeholder group to make other recommendations. [2011, c. 679, §10 (NEW).]

[2011, c. 679, §10 (NEW) .]

4. **Learning pathways and articulation agreements with postsecondary institutions; collaborative agreements.** To the greatest extent possible, a career and technical education program offered at a center or region must provide students the opportunity to take advantage of any applicable learning pathways, including learning pathways set forth in an articulation agreement with a postsecondary institution or in a collaborative agreement with publicly supported secondary and postsecondary educational institutions that form a dual enrollment career and technical education program pursuant to chapter 229.

[2013, c. 318, §4 (AMD) .]

5. **Application.** A statewide career and technical education program seeking approval from the commissioner after the effective date of this section must meet the requirements of this section. A program approved by the commissioner prior to the effective date of this section must certify to the commissioner not later than July 1, 2013 that the program meets industry standards.

[2011, c. 679, §10 (NEW) .]

SECTION HISTORY
2011, c. 679, §10 (NEW). 2013, c. 318, §4 (AMD).

§8307. PROCEDURES; DEVELOPMENT OF A PLAN

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 161, §3 (AMD). 1987, c. 737, §§C54,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 518, §7 (RP).

§8307-A. REORGANIZATION PROCEDURES

The governing body of one or more units, or the commissioner, may prepare a plan for reorganizing the provision of career and technical education in or among existing regions or geographic areas served by existing centers and present the reorganization plan to the state board for its approval. A unit may prepare a reorganization plan only for a region or center that serves or is proposed to serve the unit. [2003, c. 2, §47 (COR).]

1. **Contents of reorganization plan.** The reorganization plan must:

A. Describe the deficiencies in the current method of providing career and technical education in a region or geographic area served by a center that require reorganizing the provision of career and technical education in that region or geographic area; [2003, c. 2, §48 (COR).]

B. Present an alternative organizational method of providing career and technical education in a region or geographic area served by a center; [2003, c. 2, §48 (COR).]

C. Present a method for assigning title to and obligations for property and indebtedness respectively of any region or center affected by a reorganization plan; [1991, c. 518, §8 (NEW).]

D. Contain the applicable plan required by section 8306; and [1991, c. 518, §8 (NEW).]

E. Present any other information requested by the state board. [1991, c. 518, §8 (NEW).]

[2003, c. 2, §48 (COR) .]

2. **Assessment by the commissioner.** The commissioner shall:

A. Assess the impact of the reorganization plan on the provision of career and technical education in any region or geographic area served by a center that is affected by the reorganization plan; [2003, c. 2, §49 (COR).]

B. Assess the fiscal impact of the reorganization plan on the State; and [1991, c. 518, §8 (NEW).]

C. Submit a written report of findings to the state board. In the report, the commissioner may suggest revisions to the reorganization plan as submitted or the commissioner may propose an alternative reorganization plan. In the report, the commissioner shall specifically recommend approval or disapproval by the state board of the reorganization plan as submitted, as revised or in alternative form. [1991, c. 518, §8 (NEW).]

[2003, c. 2, §49 (COR) .]

3. **Affected entities.** For purposes of this section, the following entities are deemed affected by a reorganization plan:

A. A unit that is served, or is proposed to be served, by a region or center that is reorganized under a reorganization plan; and [1991, c. 518, §8 (NEW).]

B. A region or center that is reorganized under a reorganization plan. [1991, c. 518, §8 (NEW).]

For purposes of this subsection a "region or center that is reorganized under a reorganization plan" means a region or center that, as a result of a reorganization plan, undergoes a change in the units served by it or a change in the organizational structure by which it serves those units.

[1991, c. 518, §8 (NEW) .]

4. **Additional information requested by state board.** As part of the commissioner's assessment of a reorganization plan, or as part of its own consideration of such a plan, the state board may request additional information from any region, center, unit or affiliated unit affected by such a plan.

[1991, c. 518, §8 (NEW) .]

5. **State board approval.** The state board may approve or disapprove the reorganization plan, based on the reorganization plan submitted to the state board, the assessment undertaken by the commissioner, any additional information requested by the state board and any public comments received by the state board in connection with that reorganization plan.

[1991, c. 518, §8 (NEW) .]

6. **Local public hearings.** If the reorganization plan is approved by the state board, the unit or units that prepared the reorganization plan shall hold at least one public hearing in each such unit or units and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in those units affected by the plan. If the reorganization plan is prepared by the commissioner and approved by the state board, the commissioner shall hold at least one public hearing in a unit affected by the reorganization plan and selected by the commissioner and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in units affected by the plan. The career and technical education director and the cooperative board of any region affected by a reorganization plan, and the career and technical education director, advisory committee and governing body of any center affected by a reorganization plan, must be invited to participate at the public hearings.

[2003, c. 2, §50 (COR) .]

7. **Local referendum.** After the public hearings required by subsection 6, the school board of the unit or units that prepared the reorganization plan, or the commissioner if the commissioner prepared the reorganization plan, shall submit the proposal contained in that plan to the voters of each unit affected by the reorganization plan in accordance with the provisions for holding referendum elections under sections 1351 to 1354 and in Title 21-A and Title 30-A. The state board must approve the form of the question to be presented to the voters prior to its submission.

[1991, c. 518, §8 (NEW) .]

8. **Local voter approval; issuance of certificate of approval by state board.** If the referendum required by subsection 7 is approved by 2/3 or greater of the votes cast in a majority of the units affected by the reorganization plan, the state board shall issue a certificate of approval making effective the provisions of the reorganization plan. A reorganization plan that proposes creation of a new center or region must also comply with the requirements of subchapters III and IV respectively prior to receiving a certificate of approval from the state board.

[1991, c. 518, §8 (NEW) .]

SECTION HISTORY
1991, c. 518, §8 (NEW). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §§47-50 (COR).

Subchapter 2: FINANCING

§8351. STATE AID FOR CAREER AND TECHNICAL EDUCATION CENTERS AND CAREER AND TECHNICAL EDUCATION REGIONS

State aid for centers and regions must be administered in accordance with chapters 606-B and 609 and Title 20, section 3457. [2005, c. 2, Pt. D, §24 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV). 2005, c. 2, §D24 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§8352. DEPARTMENT BUDGET RECOMMENDATIONS

1. **Budget recommendation.** Prior to December 15th of each year, the commissioner, with the approval of the state board, shall certify to the Governor and to the Bureau of the Budget the funding levels the commissioner recommends to carry out the purposes of this subchapter and subchapters III and IV. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

[1991, c. 518, §9 (AMD) .]

2. **Budget limitation.** This section does not apply to construction grants made under chapter 609 and Title 20, section 3460.

[1991, c. 518, §9 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD).

§8353. TUITION FOR STUDENTS SENT OUT OF STATE

If a unit that serves a student's residence determines that that student would be better served by receiving career and technical education, on a tuition basis, at an out-of-state secondary level career and technical school that is located closer to that student's residence than a Maine center, satellite program or region serving that student's residence, the State shall subsidize the unit the same amount for that student as would have been incurred by such a center, satellite program or region providing the same or similar career and technical education to the student. [2003, c. 2, §51 (COR).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD). RR 2003, c. 2, §51 (COR).

§8354. TUITION COMPUTATION FOR OUT-OF-STATE STUDENTS

The tuition charge for each out-of-state student receiving career and technical education at a center, satellite program or region is determined as follows. [2003, c. 2, §52 (COR).]

1. **Primary method.** The per student tuition charge is determined by:

A. Adding the amounts paid by the center, satellite program or region during the previous fiscal year for:

(1) Teachers' salaries;

(2) Fuel;

(3) Janitorial services;

(4) Textbooks;

(5) Reference books;

(6) School supplies for desk and laboratory use;

(7) Public utility services;

(8) Replacement of instructional equipment;

(9) Insurance;

(10) Compensation for the career and technical education director and the career and technical education director's assistants;

(11) Employee fringe benefits; and

(12) Electricity services provided by competitive electricity providers or other entities authorized by the Public Utilities Commission to provide electricity services; [2003, c. 2, §53 (COR).]

B. Adjusting the amounts in paragraph A by the allowable percentages set forth in section 5805, subsection 1, paragraph D; and [1981, c. 693, §§5, 8 (NEW).]

C. Dividing this sum by the average number of all regularly enrolled students at the center, satellite program or region on October 1st and April 1st of the previous fiscal year. [1991, c. 518, §10 (AMD).]

[2003, c. 2, §53 (COR) .]

2. **Alternate method.** When the cost of fuel, janitorial services, public utility services, electricity services or insurance for facilities used to provide career and technical education can not be separated from similar costs for other facilities not used to provide career and technical education, the costs of facilities used to provide career and technical education are determined by prorating the square footage of floor space used to provide career and technical education to the total amount of floor space at the facilities.

[2003, c. 2, §54 (COR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §67 (AMD). 1991, c. 518, §10 (AMD). 1991, c. 716, §7 (AMD). 1999, c. 657, §§9,10 (AMD). RR 2003, c. 2, §§52-54 (COR).

Subchapter 3: CAREER AND TECHNICAL EDUCATION CENTERS

§8401. CAREER AND TECHNICAL EDUCATION CENTERS

1. **Centers established.** A career and technical education center must be operated in the following school administrative units and must serve its affiliated units:

A. Augusta; [2011, c. 679, §11 (NEW).]

B. Biddeford; [2011, c. 679, §11 (NEW).]

C. Calais; [2011, c. 679, §11 (NEW).]

D. Lewiston; [2011, c. 679, §11 (NEW).]

E. Machias; [2011, c. 679, §11 (NEW).]

F. Portland; [2011, c. 679, §11 (NEW).]

G. Sanford; [2011, c. 679, §11 (NEW).]

H. Waterville; [2011, c. 679, §11 (NEW).]

I. Westbrook; [2011, c. 679, §11 (NEW).]

J. School Administrative District No. 46 (Dexter, Exeter, Garland and Ripley); [2011, c. 679, §11 (NEW).]

K. Regional School Unit No. 1 (Arrowsic, Bath, Phippsburg, West Bath and Woolwich); [2011, c. 679, §11 (NEW).]

L. Regional School Unit No. 9 doing business as School Administrative District No. 9 (Chesterville, Farmington, Industry, New Sharon, New Vineyard, Temple, Vienna, Weld and Wilton); [2011, c. 679, §11 (NEW).]

M. Regional School Unit No. 24 (Eastbrook, Ellsworth, Franklin, Gouldsboro, Hancock, Lamoine, Mariaville, Sorrento, Steuben, Sullivan, Waltham and Winter Harbor); [2011, c. 679, §11 (NEW).]

N. Regional School Unit No. 39 (Caribou, Limestone and Stockholm); [2011, c. 679, §11 (NEW).]

O. Regional School Unit No. 54 doing business as School Administrative District No. 54 (Canaan, Cornville, Mercer, Norridgewock, Skowhegan and Smithfield); [2011, c. 679, §11 (NEW).]

P. Regional School Unit No. 61 doing business as School Administrative District No. 61 (Bridgton, Casco, Naples and Sebago); [2011, c. 679, §11 (NEW).]

Q. Regional School Unit No. 79 doing business as School Administrative District No. 1 (Castle Hill, Chapman, Mapleton, Presque Isle and Westfield); [2011, c. 679, §11 (NEW).]

R. Regional School Unit No. 88 doing business as School Administrative District No. 24 (Cyr Plantation, Hamlin and Van Buren); and [2011, c. 679, §11 (NEW).]

S. St. John Valley for Alternative Organizational Structure 62 (Madawaska and Grand Isle), School Administrative District No. 10 (Allagash), School Administrative District No. 27 (Eagle Lake, Fort Kent, New Canada, St. Francis, St. John Plantation, Wallagrass and Winterville Plantation) and Regional School Unit No. 33 doing business as School Administrative District No. 33 (Frenchville and St. Agatha). [2011, c. 679, §11 (NEW).]

[2011, c. 679, §11 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 744, §1 (AMD). 1989, c. 540, §1 (AMD). 1991, c. 518, §11 (AMD). 1991, c. 655, §8 (AMD). 2011, c. 679, §11 (RPR).

§8402. PROGRAMS

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-B, including programs previously approved under former section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. A center may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722. [2013, c. 424, Pt. A, §8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §12 (AMD). 1999, c. 683, §2 (AMD). RR 2003, c. 2, §55 (COR). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 2, §D25 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 667, §12 (AMD). 2011, c. 679, §12 (AMD). 2011, c. 686, §3 (AMD). 2013, c. 424, Pt. A, §8 (RPR).

§8403. VOCATIONAL SATELLITE PROGRAMS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 485, §§27,28 (AMD). 1991, c. 518, §13 (RP).

§8403-A. SATELLITE PROGRAMS

1. **Authority for career and technical education satellite programs.** An affiliated unit may operate a career and technical education satellite program with the approval of the commissioner pursuant to subsection 2.

[2003, c. 2, §56 (COR) .]

2. **Procedure for authorizing career and technical education satellite programs.** Any affiliated unit that wishes to operate a career and technical education satellite program shall submit a written request to operate such a satellite program to the governing body of the center with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-B.

[2011, c. 679, §13 (AMD) .]

3. **Financial responsibility for satellite programs.** A unit operating a satellite program shall assume full financial responsibility for paying the operating costs of that program and the unit is entitled to receive the state subsidy and tuition income for the program.

[1991, c. 518, §14 (NEW) .]

4. **Facilities and equipment; school construction aid.** A unit that operates a satellite program:

A. Shall furnish the necessary facilities and equipment for the satellite program; and [1991, c. 518, §14 (NEW).]

B. Is eligible for school construction aid if new facilities for the satellite program are required and approved. [1991, c. 518, §14 (NEW).]

[1991, c. 518, §14 (NEW) .]

5. **Employment of teachers.** The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center with which the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

[2003, c. 2, §57 (COR) .]

6. **Supervision.** The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center with which the unit is affiliated, supervise personnel working for that satellite program.

[2003, c. 2, §57 (COR) .]

7. **Part-time instructors.** A unit operating a satellite program may employ part-time instructors for such a program. A part-time instructor may be employed at separate satellite programs operated by different units. Such a part-time instructor employed at separate satellite programs operated by different units may be employed separately by each unit or employed solely by one unit under a reimbursement arrangement, approved by the commissioner, involving all units where that instructor is employed.

[1991, c. 518, §14 (NEW) .]

8. **Access.** A unit that operates a satellite program shall allow access by students from units affiliated with the career and technical education center or region.

[2011, c. 679, §14 (NEW) .]

SECTION HISTORY
1991, c. 518, §14 (NEW). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §§56,57 (COR). 2011, c. 679, §§13, 14 (AMD).

§8404. CENTER ADVISORY COMMITTEE

Each center must have an advisory committee responsible for advising the career and technical education director concerning the provision of career and technical education by the center. [2003, c. 2, §58 (COR).]

1. **Membership.** Membership on the advisory committee consists of:

A. The superintendent of each unit governing or affiliated with the center or the superintendent's designee; [1991, c. 518, §15 (AMD).]

B. A member of the school board for each unit governing or affiliated with the center, chosen by that school board; and [1991, c. 518, §15 (AMD).]

C. If approved by the school board of each unit governing or affiliated with the center, representatives, on either a voting or nonvoting basis, of private secondary schools approved for tuition purposes and served by the center. [1991, c. 518, §15 (NEW).]

[1991, c. 518, §15 (AMD) .]

2. **Meetings.** The advisory committee shall meet at least 6 times per calendar year.

[1991, c. 518, §15 (AMD) .]

3. **Duties.** The advisory committee:

A. Shall advise and assist the center and its satellite programs in the preparation and submission of an annual report on the center and satellite programs to the commissioner and to each municipality served by the center or satellite programs; [1991, c. 518, §15 (AMD).]

B. Shall develop a cooperative agreement delineating the duties and powers of the advisory committee. A cooperative agreement or any amendment to the agreement must be ratified by the school board of each unit or affiliated unit served by the center. A cooperative agreement must be reviewed annually by the advisory committee and submitted by the center and its affiliated units to the commissioner; and [2011, c. 679, §15 (AMD).]

C. [2011, c. 679, §15 (RP).]

D. May devise a formula for sharing costs of the center among the member units served by that center. Such a formula or any amendment to the formula must be ratified by the school board of each unit or affiliated unit served by the center. Any such unit may withdraw, subject to obligations incurred by the unit for any debt issued previously by or for the benefit of the center, from such a cost-sharing formula at the end of any fiscal year following one year's written notice to all other units served by the center. Following withdrawal by such a unit, the center shall, if the unit wishes, continue to serve that unit under a financial arrangement approved by the center that does not assess the unit a per pupil assessment that exceeds the per pupil assessments of the other participating units. [2011, c. 679, §15 (AMD).]

E. [2011, c. 679, §15 (RP).]

F. [2011, c. 679, §15 (RP).]

G. [2011, c. 679, §15 (RP).]

H. [2011, c. 679, §15 (RP).]

[2011, c. 679, §15 (AMD) .]

4. **Cost-sharing agreement; amend.** The commissioner may approve an amendment to the cost-sharing agreement of a career and technical education center, adopted by the participating school units, that provides that the costs of the career and technical education center must be reallocated among the participating school units for the purposes of calculating the state subsidy to those units for not more than 2 years in order to ease the transition to a new cost-sharing agreement.

[1999, c. 226, §4 (NEW); 2003, c. 545, §5 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 414, §20 (AMD). 1989, c. 540, §§2,3 (AMD). 1989, c. 878, §A45 (AMD). 1991, c. 518, §15 (AMD). 1991, c. 716, §§6,7 (AMD). 1999, c. 226, §§1-4 (AMD). RR 2003, c. 2, §§58,59 (COR). 2003, c. 545, §§4,5 (REV). 2005, c. 2, §D26 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2011, c. 679, §15 (AMD).

§8405. DIRECTOR

A unit operating a center shall employ a certified career and technical education director. [2011, c. 679, §16 (AMD).]

1. **Qualifications.** The career and technical education director must meet the qualifications prescribed by the state board in accordance with section 13011, subsection 5.

[2011, c. 679, §16 (AMD) .]

2. **Administrative status.** The career and technical education director shall serve as chief administrative officer of the center and has the authority of a principal in the unit operating the center.

[2011, c. 679, §16 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §16 (AMD). 1991, c. 716, §7 (REV). 2003, c. 545, §6 (REV). 2011, c. 679, §16 (AMD).

Subchapter 4: CAREER AND TECHNICAL EDUCATION REGIONS

§8451. CAREER AND TECHNICAL EDUCATION REGIONS

1. **Legislative intent.** It is the intent of the Legislature that each career and technical education region shall provide career and technical education in accordance with this chapter and shall function as an extension of the secondary schools located within the region's boundaries.

[2003, c. 2, §60 (COR) .]

2. **Boundaries.** The career and technical education regions have boundaries as follows.

A. [1985, c. 744, §§2, 6 (RP).]

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this region include:

(2) Benedicta Township;

(3) Orient;

(4) Regional School Unit No. 29 doing business as School Administrative District No. 29 (Hammond, Houlton, Littleton and Monticello);

(5) Regional School Unit No. 50 (Crystal, Dyer Brook, Hersey, Island Falls, Merrill, Moro Plantation, Mount Chase, Oakfield, Patten, Sherman, Smyrna and Stacyville);

(6) Regional School Unit No. 70 doing business as School Administrative District No. 70 (Amity, Cary Plantation, Haynesville and Hodgdon) and Linneus, Ludlow and New Limerick; and

(7) Regional School Unit No. 84 doing business as School Administrative District No. 14 (Danforth and Weston). [2013, c. 390, Pt. A, §1 (AMD); 2013, c. 390, Pt. A, §2 (AFF).]

C. Region 3. NORTHERN PENOBSCOT COUNTY. Units located in this region include:

(1) Carroll Plantation;

(2) Drew Plantation;

(3) East Millinocket;

(4) Glenwood Plantation;

(5) Lakeville;

(6) Lambert Lake Township;

(7) Lowell;

(8) Macwahoc Plantation;

(9) Medford;

(10) Medway;

(11) Millinocket;

(12) Prentiss Township;

(13) Reed Plantation;

(14) Seboeis Plantation;

(15) Vanceboro;

(16) Woodville;

(17) Regional School Unit No. 30 doing business as School Administrative District No. 30 (Lee, Springfield, Webster Plantation and Winn);

(18) Regional School Unit No. 31 doing business as School Administrative District No. 31 (Burlington, Edinburg, Enfield, Howland, Maxfield and Passadumkeag);

(19) Regional School Unit No. 67 (Chester, Lincoln and Mattawamkeag); and

(20) East Range Community School District (Codyville Plantation and Topsfield). [2011, c. 679, §17 (RPR).]

D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in this region include:

(1) Bangor;

(2) Brewer;

(3) Dedham;

(4) Grand Falls Township;

(5) Greenbush;

(6) Greenfield Township;

(7) Hermon;

(8) Indian Island, Penobscot Indian Reservation;

(9) Milford;

(10) Orrington;

(11) Regional School Unit No. 22 doing business as School Administrative District No. 22 (Hampden, Newburgh and Winterport);

(12) Regional School Unit No. 26 (Glenburn, Orono and Veazie);

(13) Regional School Unit No. 34 (Alton, Bradley and Old Town);

(14) Regional School Unit No. 63 doing business as School Administrative District No. 63 (Clifton, Eddington and Holden);

(15) Regional School Unit No. 64 doing business as School Administrative District No. 64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson);

(16) Regional School Unit No. 87 doing business as School Administrative District No. 23 (Carmel and Levant); and

(17) Airline Community School District (Amherst, Aurora, Great Pond and Osborn). [2011, c. 679, §17 (RPR).]

E. [1985, c. 565, §1 (RP).]

F. Region 7. WALDO COUNTY. Units located in this region include:

(1) Regional School Unit No. 3 doing business as School Administrative District No. 3 (Brooks, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Thorndike, Troy, Unity and Waldo); and

(2) Regional School Unit No. 20 (Belfast, Belmont, Frankfort, Morrill, Northport, Searsmont, Searsport, Stockton Springs and Swanville). [2011, c. 679, §17 (RPR).]

G. Region 8. KNOX COUNTY. Units located in this region include:

(1) Islesboro;

(2) Monhegan Island Plantation;

(3) Regional School Unit No. 7 doing business as School Administrative District No. 7 (North Haven);

(4) Regional School Unit No. 8 doing business as School Administrative District No. 8 (Vinalhaven);

(5) Regional School Unit No. 13 (Cushing, Owls Head, Rockland, St. George, South Thomaston and Thomaston);

(6) Regional School Unit No. 40 doing business as School Administrative District No. 40 (Friendship, Union, Waldoboro, Warren and Washington);

(7) Regional School Unit No. 65 doing business as School Administrative District No. 65 (Matinicus Isle Plantation); and

(8) Five Town Community School District (Appleton, Camden, Hope, Lincolnville and Rockport). [2011, c. 679, §17 (RPR).]

H. Region 9. NORTHERN OXFORD COUNTY. Units located in this region include:

(1) Albany Township;

(2) Gilead;

(3) Mason Township;

(4) Milton Township;

(5) Riley Township;

(6) Upton, as long as it sends its secondary students to schools operated by administrative units within the region;

(7) The portion of Regional School Unit No. 10 comprising the municipalities in the former units of Hanover, Peru, School Administrative District No. 21 (Canton, Carthage and Dixfield) and School Administrative District No. 43 (Byron, Mexico, Roxbury and Rumford); and

(8) Regional School Unit No. 44 doing business as School Administrative District No. 44 (Andover, Bethel, Greenwood, Newry and Woodstock). [2011, c. 679, §17 (RPR).]

I. Region 10. EASTERN CUMBERLAND-SAGADAHOC COUNTY. Units located in this region include:

(1) Brunswick;

(2) Regional School Unit No. 5 (Durham, Freeport and Pownal); and

(3) Regional School Unit No. 75 doing business as School Administrative District No. 75 (Bowdoin, Bowdoinham, Harpswell and Topsham). [2011, c. 679, §17 (RPR).]

J. Region 11. SOUTHERN OXFORD COUNTY. Units located in this region include:

(1) The portion of Regional School Unit No. 10 comprising the municipalities in the former School Administrative Unit No. 39 (Buckfield, Hartford and Sumner); and

(2) Regional School Unit No. 17 doing business as School Administrative District No. 17 (Harrison, Hebron, Norway, Otisfield, Oxford, Paris, Waterford and West Paris). [2011, c. 679, §17 (RPR).]

[2013, c. 390, Pt. A, §1 (AMD); 2013, c. 390, Pt. A, §2 (AFF) .]

3. **Central Aroostook County.** Central Aroostook County is also a region.

A. Public secondary schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn are served by centers located in Presque Isle and Caribou. [1991, c. 518, §17 (AMD).]

B. Notwithstanding provisions of sections 8452 to 8459, these centers are governed by the school boards of the units operating such centers, but have an advisory committee, as defined in section 8404, responsible for coordinating career and technical education for the Central Aroostook County region. [2003, c. 2, §60 (COR).]

[2003, c. 2, §60 (COR) .]

4. **Validation.** Each career and technical education region authorized and organized under Public Law 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity which may have occurred in the organization of the region or in the selection of the cooperative board of that region.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

5. **Northern Aroostook County.** Northern Aroostook County is also a region.

A. Public secondary schools located in the school administrative units of Madawaska, School Administrative District No. 10 (Allagash), School Administrative District No. 27 (Eagle Lake, Fort Kent, New Canada, St. Francis, St. John Plantation, Wallagrass and Winterville Plantation) and Regional School Unit No. 33 doing business as School Administrative District No. 33 (Frenchville and St. Agatha) are served by a center located in Frenchville (St. John Valley Technology Center), as long as the school boards of former School Administrative District No. 27 (Eagle Lake, Fort Kent, New Canada, St. Francis, St. John Plantation, Wallagrass and Winterville Plantation), former School Administrative District No. 33 (Frenchville and St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401. Career and technical education students from Regional School Unit No. 88 doing business as School Administrative District No. 24 (Cyr Plantation, Hamlin and Van Buren) must be permitted to attend that center on a tuition basis to the extent that there are unused slots available in the career and technical education programs at the center. [2011, c. 679, §18 (AMD).]

B. Notwithstanding sections 8452 to 8459, the centers under paragraph A are governed by the school boards of the units operating the centers but have an advisory committee, as defined in section 8404, for the Northern Aroostook County region, except that, in the event that the school boards of School Administrative District No. 27, Regional School Unit No. 33 doing business as School Administrative District No. 33 and the Madawaska school administrative unit enter into a cooperative agreement pursuant to section 8401, the Northern Aroostook County advisory committee must be made up of representatives of those 3 administrative units and the advisory committee has authority to review applications for employment and personnel records relating to the career and technical education director and teachers in the career and technical education programs of the center in order for the advisory committee to make employment recommendations to the Superintendent of Schools of Regional School Unit No. 33 doing business as School Administrative District No. 33. [2011, c. 679, §18 (AMD).]

C. [2011, c. 679, §18 (RP).]

D. [2011, c. 679, §18 (RP).]

E. [2011, c. 679, §18 (RP).]

F. Section 8301-A, subsection 6 and sections 8452 to 8467 do not apply to the region established for Northern Aroostook County under this section. [1991, c. 518, §17 (AMD).]

[2011, c. 679, §18 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 640, §1 (AMD). 1985, c. 565, §§1,3 (AMD). 1985, c. 744, §§2,3,6 (AMD). 1989, c. 540, §4 (AMD). 1989, c. 700, §A57 (AMD). 1991, c. 518, §17 (AMD). 1991, c. 548, §A13 (AMD). 1991, c. 716, §§5-7 (AMD). 1993, c. 79, §1 (AMD). 1993, c. 79, §7

(AFF). 1993, c. 349, §48 (AMD). 1999, c. 39, §1 (AMD). RR 2003, c. 2, §60 (COR). 2003, c. 545, §§4,5 (REV). 2011, c. 679, §§17, 18 (AMD). 2013, c. 390, Pt. A, §1 (AMD). 2013, c. 390, Pt. A, §2 (AFF).

§8451-A. PROGRAMS

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-B. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. A region may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722. [2013, c. 424, Pt. A, §9 (NEW).]

SECTION HISTORY
1991, c. 518, §18 (NEW). 1999, c. 683, §3 (AMD). RR 2003, c. 2, §61 (COR). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 2, §D27 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 667, §13 (AMD). 2011, c. 679, §19 (AMD). 2011, c. 686, §4 (AMD). 2013, c. 424, Pt. A, §9 (RPR).

§8452. COOPERATIVE BOARD; FORMATION

Each career and technical education region is administered by a cooperative board organized as follows. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

1. **Structure of cooperative board.** The school boards of the units located in a region, at a joint meeting called by the commissioner, shall decide for the region by majority vote:

A. The size of the cooperative board; [1981, c. 693, §§5, 8 (NEW).]

B. The number of members of the cooperative board to represent each unit or group of units; [1991, c. 518, §19 (AMD).]

C. The method of selecting members of the cooperative board to represent each unit or group of units; and [1991, c. 518, §19 (AMD).]

D. The method of sharing costs of career and technical education among the units in the region. [2003, c. 2, §62 (COR).]

E. [1991, c. 518, §19 (RP).]

[2003, c. 2, §62 (COR) .]

2. **Role of municipal officers.** The municipal officers of each unit in the region must be invited to the joint meeting to present testimony on cooperative board membership and on the methods of sharing costs among the units in the region.

[1991, c. 518, §19 (AMD) .]

3. **Voting.** The school board of each unit shall caucus with the municipal officers of that unit. Thereafter, in the joint meeting, each school board shall cast its votes on the issues identified in subsection 1 in accordance with the majority vote of the caucus of the school board and municipal officers. Each school board has one vote on each of the issues identified in subsection 1.

[1991, c. 518, §19 (AMD) .]

4. **Process of appeal.** Within 30 days of the date of the joint meeting, a school board may appeal to the state board any decision reached at the joint meeting on an issue identified in subsection 1. The state board decision is final and binding on the school administrative units within the region.

[1991, c. 518, §19 (AMD) .]

5. **Appointment of cooperative board members.** After the school boards of the units in a region have decided the issues identified in subsection 1, the superintendent of each unit in the region shall call a meeting of the school board for the unit. At that meeting the school board shall appoint its authorized number of members to the cooperative board.

[1991, c. 518, §19 (AMD) .]

6. **Organization of the cooperative board.** The cooperative board is organized as follows.

A. The superintendents of the units within the region shall call a meeting of the cooperative board members appointed pursuant to subsection 5. [1991, c. 518, §19 (AMD).]

B. The cooperative board members shall:

(1) Elect a chair and vice-chair;

(2) Elect a secretary, who need not be a member of the cooperative board;

(3) Adopt a constitution or bylaws; and

(4) Elect a treasurer, who need not be a member of the cooperative board. The treasurer shall give a bond to the cooperative board with the sum and sureties established by the cooperative board. This bond must be deposited with the chair. The expense of the bond must be paid by the cooperative board. [1991, c. 518, §19 (AMD).]

[1991, c. 518, §19 (AMD) .]

7. **Filing return with state board.** The secretary of the cooperative board shall immediately file a return with the state board identifying the names of the members and officers of the cooperative board and certifying that the cooperative board has been properly organized.

[1991, c. 518, §19 (AMD) .]

8. **Issuance of certificate of approval.** In response to a return filed pursuant to subsection 7, the state board shall issue a certificate of approval for the organization of the region. The issuance of the certificate is conclusive evidence of the lawful organization of the region. The original certificate must be kept on file with the secretary of the region, and copies must be placed on file in the office of the commissioner.

[1991, c. 518, §19 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §19 (AMD). 1991, c. 716, §6 (AMD). RR 2003, c. 2, §62 (COR). 2003, c. 545, §5 (REV).

§8453. MEMBERSHIP ON COOPERATIVE BOARD

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 80, (AMD). 1991, c. 518, §20 (RP).

§8453-A. MEMBERSHIP ON COOPERATIVE BOARD

1. **Requirements.** Each member of a cooperative board must:

A. Represent a unit or group of units within the region; [1991, c. 518, §21 (NEW).]

B. Represent a unit in which the member resides; and [1991, c. 518, §21 (NEW).]

C. Represent approximately the same number of persons residing within the region as each other member of the cooperative board or, by means of weighted voting, cast a vote on the cooperative board that is approximately equal to the number of persons in the region represented by the member relative to the number of persons in the region as a whole. [1991, c. 518, §21 (NEW).]

[1991, c. 518, §21 (NEW) .]

2. **Appointments by school boards.** A person appointed to a cooperative board is not required to be a member of a school board that appoints that member to that cooperative board.

[1991, c. 518, §21 (NEW) .]

3. **Conflicts of interest.** A member of a cooperative board may not:

A. Hold any office the duties of which are incompatible with those of a member of the cooperative board; [1991, c. 518, §21 (NEW).]

B. During the term for which that member serves on the cooperative board and for one year thereafter, be appointed to any civil office of profit or employment position that is created or the compensation of which is increased by the action of the cooperative board during that term; or [1991, c. 518, §21 (NEW).]

C. Be employed as a full-time employee of the region governed by the cooperative board to which the member has been appointed, nor may the spouse of a member be so employed. For purposes of this subsection, "full-time employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked. [1991, c. 518, §21 (NEW).]

A contract made by a cooperative board must comply with the requirements of Title 30-A, section 2605.

[1991, c. 518, §21 (NEW) .]

SECTION HISTORY
1991, c. 518, §21 (NEW).

§8454. OATH OF OFFICE

1. **Oath.** Before taking any official action, a newly appointed member of a cooperative board shall take the following oath or affirmation before a dedimus justice or notary public.

> "I (name) do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a member of the cooperative board of Career and Technical Education Region No. according to the Constitution of Maine and laws of this State, so help me God."

[2003, c. 2, §63 (COR) .]

2. **Certificate.** A member of a cooperative board shall make a certificate documenting that the member has taken the oath or affirmation and return it to the secretary of the cooperative board who shall keep it on file at the office of the cooperative board.

[1991, c. 518, §22 (NEW) .]

3. **Alternative language.** If a member is conscientiously scrupulous of taking an oath, the word "affirm" must be used instead of the word "swear" and the words "this I do under the pains and penalty of perjury" must be used instead of the words "so help me God."

[1991, c. 518, §22 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §22 (RPR). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §63 (COR). 2003, c. 545, §4 (REV).

§8455. CAREER AND TECHNICAL EDUCATION REGION CONSIDERED A POLITICAL SUBDIVISION

A career and technical education region is a political subdivision within the meaning of Title 5, section 19002, subsection 6, and a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of those sections apply to it. [1991, c. 2, §63 (COR); 2003, c. 545, §5 (REV).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 737, §§C55,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). RR 1991, c. 2, §63 (COR). 1991, c. 518, §23 (AMD). 2003, c. 545, §5 (REV).

§8456. VOTER APPROVAL OF COOPERATIVE BOARD ARTICLES

A region shall vote on articles submitted by the cooperative board using the procedures set forth in sections 1351 to 1354. For such purposes, references in those sections to "school administrative district" or "district" mean career and technical education region; references in those sections to "board of directors," "board," "school board," "school directors" or "school director" mean cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §24 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

§8457. COOPERATIVE BOARD AUTHORITY

1. **General powers and duties.** A cooperative board has all of the powers and duties of a school board as provided in section 1001, subsections 1, 2, 4 to 7, 11-A and 12; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; sections 1313 to 1315; section 4801; section 13201; and section 13202. For such purposes, references in those sections to "school administrative unit," "administrative unit," "school unit," "unit," "school administrative district," "district," "regional school unit," "RSU," "alternative organizational structure" or "AOS" mean career and technical education region; references in those sections to "school

board," "school committee," "board," "board of directors" or "directors" mean cooperative board; references in those sections to "director" mean a member of a cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

[2011, c. 679, §20 (AMD) .]

2. **Cooperative agreement.** The cooperative board shall adopt a cooperative agreement incorporating at a minimum each of the items listed under section 8452, subsection 1. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. The cooperative board may amend the agreement, subject to approval by a majority of the school boards of the units served by the region. A copy of the cooperative agreement and any amendments to the agreement must be filed with the commissioner.

[1991, c. 518, §25 (AMD) .]

3. **Authority to borrow, expend and accept funds.** A cooperative board may:

A. Borrow funds in anticipation of a member unit's payment of its share of the regional budget. Such borrowing:

(1) Must be repaid within one year; and

(2) May not at any time exceed 3/4 of the region's annual approved budget; [1991, c. 518, §25 (AMD).]

B. Expend available funds to pay debt service, security and maintenance costs; and [1991, c. 518, §25 (AMD).]

C. Accept and expend special grants from state and federal sources. [1981, c. 693, §§5, 8 (NEW).]

[1991, c. 518, §25 (AMD) .]

4. **Compensation.** A cooperative board member may be paid up to $20 for each meeting of the cooperative board or its subcommittees that the member attends.

[2013, c. 583, §1 (AMD) .]

5. **Meetings.** A cooperative board shall meet at least 6 times per calendar year.

[1991, c. 518, §25 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §43 (AMD). 1987, c. 98, §3 (AMD). 1991, c. 518, §25 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV). 2009, c. 154, §4 (AMD). 2011, c. 679, §20 (AMD). 2013, c. 583, §1 (AMD).

§8458. CAREER AND TECHNICAL EDUCATION DIRECTOR; CHIEF ADMINISTRATIVE OFFICER

1. **Employment of career and technical education director.** The cooperative board shall employ a certified career and technical education director who shall administer, in compliance with this section, the provision of career and technical education in the region.

A. [1991, c. 518, §26 (RP).]

B. [1991, c. 518, §26 (RP).]

[2003, c. 2, §64 (COR) .]

2. **Duties.**

[1991, c. 518, §26 (RP) .]

3. **Ex officio administrative officer.**

[1991, c. 518, §26 (RP) .]

4. **Appointment of chief administrative officer.** The cooperative board shall appoint a chief administrative officer who shall administer the region in compliance with policy set by the cooperative board, nominate teachers and other employees for employment by the region and perform such other duties as are assigned to the chief administrative officer by the cooperative board. The cooperative board shall appoint as the chief administrative officer either:

A. The career and technical education director; or [2003, c. 2, §64 (COR).]

B. The superintendent of a unit in the region. [1991, c. 518, §26 (NEW).]

[2003, c. 2, §64 (COR) .]

5. **Appointment of treasurer and secretary.** The cooperative board may appoint the career and technical education director or the chief administrative officer as treasurer or secretary, or both, of the cooperative board.

[2003, c. 2, §64 (COR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §64 (COR).

§8459. SUPERINTENDENTS' ADVISORY COMMITTEE

The superintendents of the units within each region shall serve as an advisory committee to the cooperative board. This committee: [1991, c. 518, §26 (AMD).]

1. **Right to attend cooperative board meetings.** Must receive notice of and must be invited to attend all meetings of the cooperative board; and

[1991, c. 518, §26 (AMD) .]

2. **Meeting with career and technical education director.** Shall meet with the career and technical education director of the region at least 4 times each calendar year to review current and proposed programs, budgets and issues relating to career and technical education in the region.

[2011, c. 679, §21 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 679, §21 (AMD).

§8460. BUDGET

Each region's budget must be prepared and approved as follows. [1991, c. 518, §26 (AMD).]

1. **Duties of the cooperative board.** The cooperative board shall:

A. Prepare and approve a budget for the region; [1991, c. 518, §26 (AMD).]

B. Hold a public hearing in each of 2 separate municipalities in the region, prior to submitting the budget for approval by the region's voters in accordance with one of the methods of voting set forth in subsection 2; [1991, c. 518, §26 (AMD).]

C. Prepare articles, or orders for municipal council meetings, in substantially the form set forth in subparagraphs (1) and (2):

(1) "Shall the regional career and technical education operating budget as approved by the cooperative board for the year be approved in the amount of $?"; and

(2) "Shall the career and technical education region approve a budget for adult education in the amount of $ for the year ?"; [2003, c. 2, §65 (COR).]

D. Select the method of submitting the articles or orders for budget approval from those set forth in subsection 2; and [1991, c. 518, §26 (AMD).]

E. Select the date of the budget vote, if the regional budget meeting method is used. [1991, c. 518, §26 (AMD).]

[2003, c. 2, §65 (COR) .]

2. **Methods of budget approval.** The cooperative board shall submit the budget for approval by the voters in a region as follows:

A. The articles, or orders, for the career and technical education operating budget and adult education budget for the region must be submitted for approval by one of the following methods prior to July 1st:

(1) The school administrative unit method described in section 8461;

(2) The referendum method described in sections 1351 to 1354; or

(3) The regional budget meeting method described in section 8462; and [2003, c. 2, §66 (COR).]

B. For the purpose of approving money to repay bonds issued by the region, each school administrative unit within the region shall include as part of the debt service portion of its regular school budget an amount sufficient to pay such school administrative unit's share of the region's debt service. [1991, c. 518, §26 (AMD).]

[2003, c. 2, §66 (COR) .]

3. **Budget reconsideration.** If the articles or orders are not approved pursuant to subsection 2, the cooperative board shall:

A. Prepare a revised budget and budget articles; and [1981, c. 693, §§5, 8 (NEW).]

B. Submit the revised budget articles for voter approval under the regional budget meeting method before August 1st. [1981, c. 693, §§5, 8 (NEW).]

[1991, c. 518, §26 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 1991, c. 716, §§6,7 (AMD). RR 2003, c. 2, §§65,66 (COR).

§8461. SCHOOL ADMINISTRATIVE UNIT METHOD

1. **Role of the school administrative unit.** The legislative body of each unit in a region shall vote on the articles submitted by the cooperative board.

A. The vote on the budget articles by each unit must occur at the same time as the vote on the unit's regular school budget. [1991, c. 518, §27 (AMD).]

B. The vote on each budget article must be to accept or reject each such article as appearing in the budget warrant. No portion of a warrant may be amended. [1991, c. 518, §27 (AMD).]

C. Following the vote on the budget articles by a unit, the clerk of the unit shall notify, in writing, the member or members of the cooperative board that represent the unit of the results of the vote. [1991, c. 518, §27 (AMD).]

[1991, c. 518, §27 (AMD) .]

2. **Role of the cooperative board.** The role of the cooperative board is as follows.

A. Within 5 days after the last unit in the region has voted on the budget, the chair of the cooperative board shall call a meeting of the cooperative board to tally the results of the votes of the units in the region. [1991, c. 518, §27 (AMD).]

B. Each cooperative board member shall report in writing the number of units represented by the member that voted on the budget articles in the affirmative or in the negative and shall cast a vote in accordance with the vote of the majority of the school administrative units represented by that member. [1991, c. 518, §27 (AMD).]

C. The chair shall tally these votes of the cooperative board members and the cooperative board shall make a finding of fact and enter in its records the number of members that voted in the affirmative and the number of members that voted in the negative.

(1) If the number of members that voted in the affirmative exceeds the number of members that voted in the negative, the cooperative board shall declare that the region's budget has been approved.

(2) If any article fails to be approved by a majority of the members on the cooperative board, or if a special budget meeting is called to pledge the credit of the region after the cooperative board has declared that an emergency exists, the cooperative board may prepare a new budget or special budget and submit the necessary articles to a regional budget meeting called in the manner described in section 8462. [1991, c. 518, §27 (AMD).]

[1991, c. 518, §27 (AMD) .]

3. **School administrative districts and community school districts.** A municipality that is a member of a secondary community school district or a school administrative district in a region shall appropriate the costs of career and technical education allocable to the municipality under the approved budget for the region as part of the municipality's secondary school budget.

[1991, c. 518, §27 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §44 (AMD). 1991, c. 518, §27 (AMD). 2005, c. 397, §D3 (REV).

§8462. REGIONAL BUDGET MEETING APPROVAL METHOD

1. **Method of notice.** A regional budget meeting must be called by a warrant. The warrant must be signed by a majority of the cooperative board. The following procedures apply to the warrant.

A. The warrant must specify the time and place of the regional budget meeting. [1991, c. 518, §28 (AMD).]

B. The warrant must be directed by name to any resident within the region ordering the resident to notify all voters within the region to assemble at the time and place specified for the regional budget meeting. [1991, c. 518, §28 (AMD).]

C. The warrant must include the budget articles that the cooperative board considers necessary to place before the voters. [1991, c. 518, §28 (AMD).]

D. An attested copy of the warrant must be posted by the person to whom it is directed in some conspicuous public place in each municipality within the region at least 7 days before the regional budget meeting. [1991, c. 518, §28 (AMD).]

E. The person who gives notice of the regional budget meeting by posting the warrant shall complete the return on the warrant stating the manner of notice and location and time of posting in each municipality within the region. [1991, c. 518, §28 (AMD).]

F. A detailed supportive budget document must accompany the warrant and be made available in sufficient quantities to the legislative body of each municipality in the region and to the voters present at the regional budget meeting. The supportive document must contain a summary of estimated revenues and estimated expenditures for the fiscal year that is the subject of the budget. [1991, c. 518, §28 (AMD).]

[1991, c. 518, §28 (AMD) .]

2. **Procedure.** The procedure at and immediately prior to a regional budget meeting must be as follows.

A. The cooperative board shall appoint a resident of a municipality within the region to act as the registration clerk for the regional budget meeting. [1991, c. 518, §28 (AMD).]

B. The registration clerk shall make and keep a voting list of all residents in the region eligible to vote. The clerk shall compile the voting list from the voting lists of all the municipalities within the region. [1981, c. 693, §§5, 8 (NEW).]

C. Each municipal clerk within the region shall deliver to the registration clerk, 5 business days prior to the regional budget meeting, a certified copy of the voting list of the municipality. Additions to or deletions from the list may not be made during the 5 business days prior to the regional budget meeting. Only the persons whose names appear on the voting list may vote at the regional budget meeting on the budget articles presented by the cooperative board. [1991, c. 518, §28 (AMD).]

D. The chair of the cooperative board or, if the chair is absent, the chair's designee, shall open the regional budget meeting by calling for the election of a moderator, by receiving and counting the votes for each person nominated to such position and by swearing in the person receiving a plurality of the votes cast. [1991, c. 518, §28 (AMD).]

E. The moderator shall preside over the regional budget meeting. [1991, c. 518, §28 (AMD).]

F. A career and technical education budget article may be approved only by a majority vote of those present and voting. The vote on each budget article must be to accept or reject each such article as appearing in the budget warrant, or as amended by vote of the regional budget meeting. [1991, c. 518, §28 (AMD); 2005, c. 397, Pt. D, §3 (REV).]

G. The moderator shall appoint from those persons whose names appear on the certified voting lists as many ballot clerks as necessary for the efficient operation of the regional budget meeting. The ballot clerks must be sworn in by the moderator. [1991, c. 518, §28 (AMD).]

H. The secretary of the cooperative board, or, if the secretary is absent, the secretary's designee, shall record accurately all the votes of the regional budget meeting. [1991, c. 518, §28 (AMD).]

I. The cooperative board shall, immediately upon the approval of a budget, compute the share to be paid by each municipality within the region and notify each unit within the region to include its share of the region's budget in the unit's annual school budget. A region's budget must be approved by the method described in this section on or before August 1st. [1991, c. 518, §28 (AMD).]

J. The school officials of each unit in the region shall place on the school warrant for payment the first of each month a sum equal to 1/12 of the unit's share of the region's budget. [1991, c. 518, §28 (AMD).]

[1991, c. 518, §28 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§68,69 (AMD). 1983, c. 862, §61 (AMD). 1991, c. 518, §28 (AMD). 2005, c. 397, §D3 (REV).

§8463. ASSESSMENT AND APPROPRIATION OF MUNICIPAL FUNDS

Municipal funds must be assessed and appropriated for a region's budget as follows. [1991, c. 518, §29 (AMD).]

1. **Operating, construction and debt service costs.** Each region shall, in accordance with the region's written agreement for sharing costs adopted pursuant to section 8457, assess each unit within the region that unit's share of the region's annual budget for the operating and construction costs for region programs as may be required by this subsection and sections 8460 and 8465.

[1991, c. 518, §29 (AMD) .]

2. **Deduction of federal grants.** Anticipated grants from federal sources to be received by the cooperative board must be deducted from the region's annual budget prior to making the assessments to the municipalities within the region pursuant to subsection 1.

[1991, c. 518, §29 (AMD) .]

3. **Raising and appropriating local municipal funds.** Each municipality within a region shall raise and appropriate sufficient funds to pay for its share of the region's annual budget assessed pursuant to subsection 1.

[1991, c. 518, §29 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §29 (AMD).

§8463-A. ENFORCEMENT OF PAYMENT OF ASSESSMENT

1. **School warrant; monthly installment.** Following the assessment of each unit pursuant to section 8463, the school officials of each unit in the region shall place on the school warrant for payment the first of each month an installment equal to 1/12 of the unit's share of the region's budget.

[2011, c. 489, §1 (NEW) .]

2. **Notification of failure to pay.** If a unit fails to pay the monthly installment or any portion of the installment set forth in the school warrant in accordance with subsection 1, in order to initiate collection procedures pursuant to subsection 4, the career and technical education director of the region shall notify the superintendent of the unit of the unit's failure to pay.

[2011, c. 489, §1 (NEW) .]

3. **Interest.** Interest accrues on each installment under subsection 1 that is not paid at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 1.

[2011, c. 489, §1 (NEW) .]

4. **Judicial enforcement.** If payment of an installment under subsection 1 to a region is not made within 60 days after the date the installment is due, the career and technical education director of the region may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the unit to the region and shall order the superintendent of the unit to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the region. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the unit from the State or a member municipality be paid to the region until the amount determined by the court is satisfied. The court shall promptly notify the disbursing agency or municipality of the determination and direct the agency or municipality to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the region, the court may order the attachment or trustee process and sale of real or personal property owned by the unit or the attachment of the unit's bank accounts and may pay the amount owed the region from the proceeds and return any excess to the unit.

[2011, c. 489, §1 (NEW) .]

SECTION HISTORY
2011, c. 489, §1 (NEW).

§8464. BUDGET FAILURE

The following applies in the event of a budget failure as defined in section 8301-A. [1991, c. 518, §29 (AMD).]

1. **Submission of a contingency plan.** If a budget failure exists after August 1st of any fiscal year, the cooperative board shall submit to the state board a financial statement with an operational plan indicating how the cooperative board intends to reorganize or terminate the region's career and technical education programs.

[1991, c. 518, §29 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

2. **Payment of the state subsidy to the cooperative board.** If a budget failure exists, the State shall pay directly to the cooperative board each unit's state subsidy for career and technical education within the region.

[1991, c. 518, §29 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

3. **Expenditure of available funds.** If a budget failure exists after June 30th, the cooperative board may expend balances and available revenues until the region is reorganized or terminated or until a budget is approved pursuant to this chapter.

[1991, c. 518, §29 (AMD) .]

4. **Anticipatory borrowing.** The cooperative board may borrow funds not to exceed 50% of the state subsidy anticipated to be received in the fiscal year by units in the region. Such borrowing must be repaid within the same fiscal year.

[1991, c. 518, §29 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §29 (AMD). 2005, c. 397, §D3 (REV).

§8465. BONDING AUTHORITY

A region may issue bonds and notes for school construction purposes. For purposes of this section, school construction purposes include minor capital costs relating to maintenance of plant. The cooperative board shall decide whether the issuance of bonds or notes by the region for school construction purposes is necessary. The cooperative board shall administer the process of determining whether the issuance of bonds or notes is authorized, and, if so, it shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. A region may issue bonds and notes for school construction purposes only under the following provisions. [1993, c. 742, §1 (AMD).]

1. **Regional referendum.** If the cooperative board decides that issuance of bonds or notes by the region for school construction purposes is necessary:

A. The cooperative board shall call a regional referendum using the procedures set forth in sections 1351 to 1354 to authorize issuance of the bonds or notes. For such purposes, references in those sections to "school administrative district" or "district" mean career and technical education region; and references in those sections to "board of directors," "board," "school board," "school directors," or "school director" mean cooperative board and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board; [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

B. The results of the referendum vote in each municipality must be reported immediately to the secretary of the cooperative board; and [1991, c. 518, §30 (AMD).]

C. The cooperative board shall meet and make the determinations and declarations of fact required by section 1353, subsection 3. [1991, c. 518, §30 (AMD).]

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

2. **Bond resolutions.** If the cooperative board determines from the regional referendum vote that bonds or notes are authorized to be issued for school construction purposes, then the following applies.

A. The cooperative board shall pass a resolution stating that bonds or notes for school construction purposes have been authorized and stating the dollar amount and purposes of the bonds or notes authorized. [1991, c. 518, §30 (AMD).]

B. Bonds or notes must be issued in the manner described in section 1311, except that any reference therein to "school administrative district" or "district" means career and technical education region, and reference therein to "board of directors" or "board" means cooperative board and any reference therein to "assistant superintendent" means secretary of the cooperative board. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

C. Indebtedness of a region for school construction purposes may not exceed 4% of the total state valuation of all the municipalities in the region. That indebtedness is outside the debt limitations of the individual municipalities in the region. [1991, c. 518, §30 (AMD).]

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

3. **Prior bonds and notes.** All actions taken in connection with bonds and notes for school construction purposes by career and technical education regions and their officers prior to October 1, 1975 continue to be valid.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 98, §4 (AMD). 1991, c. 518, §30 (AMD). 1991, c. 716, §6 (AMD). 1993, c. 742, §1 (AMD). 2003, c. 545, §5 (REV).

§8466. TRANSFER OR LEASE OF SCHOOL PROPERTY TO A CAREER AND TECHNICAL EDUCATION REGION

1. **Authority.** A unit within a region may transfer or lease unused property of the unit to the region for career and technical education purposes.

[1991, c. 518, §31 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

2. **Definitions.** For purposes of this section, "unit" includes a special school district.

[2011, c. 679, §22 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §31 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 679, §22 (AMD).

§8467. SALE OF CAREER AND TECHNICAL EDUCATION REGION CAPITAL ASSETS

1. **Sale of capital assets.** A region may sell any of its buildings, equipment or other capital assets if the sale is in compliance with the conditions of any indebtedness issued to finance such assets and if the sale is approved by the state board.

[1991, c. 518, §31 (AMD) .]

2. **Use of proceeds of sale.** The proceeds of a sale authorized by subsection 1 must be used as follows:

A. The proceeds of the sale must first be used to pay or assure payment of outstanding indebtedness on the capital asset; [1991, c. 518, §31 (AMD).]

B. Any remaining proceeds must then be used to meet outstanding obligations of the region; and [1991, c. 518, §31 (AMD).]

C. Any remaining proceeds must then be paid to the department. [1991, c. 518, §31 (AMD).]

[1991, c. 518, §31 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §31 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

§8468. RESERVE FUND

1. **Establishment.** A career and technical education region may establish a reserve fund for a school construction project, the acquisition or reconstruction of a specific item or type of capital improvement or the acquisition of a specific item or type of capital equipment by establishing such a reserve fund in the region budget pursuant to this chapter. The cooperative board is the trustee of such a reserve fund.

[1991, c. 2, §64 (COR); 2003, c. 545, §5 (REV) .]

2. **Deposit or investment.** All region funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, must be deposited or invested by the treasurer of the cooperative board under the direction of the cooperative board according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

[1991, c. 518, §32 (AMD) .]

3. **Expending money from a reserve fund.** The cooperative board may expend a sum in a reserve fund if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget. A separate article for that purpose must be included in the region budget proposal.

[1991, c. 518, §32 (AMD) .]

SECTION HISTORY
1989, c. 132, §4 (NEW). RR 1991, c. 2, §64 (COR). 1991, c. 518, §32 (AMD). 2003, c. 545, §5 (REV).

Subpart 3: OTHER PROGRAMS

Chapter 315: ADULT EDUCATION

§8601. PURPOSE

Since education is a lifelong process, it is declared to be the policy of the State to provide and encourage the growth of educational opportunities and, where applicable, to ensure career, citizenship and college readiness for all adults. [2007, c. 131, §1 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 131, §1 (AMD).

§8601-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 518, §33 (NEW).]

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, 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; [2011, c. 517, §1 (NEW).]

B. High school completion courses; [2011, c. 517, §1 (NEW).]

C. College transition courses; [2011, c. 517, §1 (NEW).]

D. [2013, c. 167, Pt. C, §1 (RP).]

E. Enrichment courses; [2013, c. 167, Pt. C, §1 (AMD).]

F. Adult workforce training and retraining; and [2013, c. 167, Pt. C, §1 (NEW).]

G. Adult career and technical education. [2013, c. 167, Pt. C, §1 (NEW).]

[2013, c. 167, Pt. C, §1 (AMD) .]

2. **Adult education program costs.** "Adult education program costs" means those costs identified in section 8607-A.

[1991, c. 518, §33 (NEW) .]

2-A. **Career and technical education.**

[2011, c. 517, §2 (RP) .]

3. **Center.** "Center" has the same meaning as in section 8301-A, subsection 3, applicable to career and technical education for secondary students.

[2007, c. 131, §2 (AMD) .]

4. **Foundation year.**

[2007, c. 131, §2 (RP) .]

5. **Maximum allowable expenditures.** "Maximum allowable expenditures" means, for state subsidy purposes, an amount not to exceed the sum of funds appropriated through taxation and expended in accordance with section 8607-A in the base year, plus the amount of subsidy paid by the State during the base year.

[2007, c. 131, §2 (AMD) .]

6. **Municipality.** "Municipality" has the same meaning as in section 15672, subsection 21.

[2005, c. 2, Pt. D, §28 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

7. **Parent.** "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child, except that "parent" of a child with disabilities means a parent as defined in the federal Individuals with Disabilities Act, 20 United States Code, Section 1401(23).

[2007, c. 131, §2 (AMD) .]

8. **Region.** "Region" has the same meaning as in section 8301-A, subsection 6, applicable to career and technical education for secondary students.

[2007, c. 131, §2 (AMD) .]

9. **Residence.** "Residence" means, with reference to a person's eligibility to receive adult education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation or installation is considered part of the school administrative unit in which it is located.

[2007, c. 131, §2 (AMD) .]

10. **Unit.** "Unit" means a school administrative unit.

[1991, c. 518, §33 (NEW) .]

11. **Vocational education.**

[2005, c. 397, Pt. D, §2 (RP) .]

12. **Adult career and technical education.** "Adult career and technical education" means organized educational activities, eligible for federal or state funding, that:

A. Offer a sequence of courses that provide individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers, other than careers requiring a baccalaureate, master's or doctoral degree, in current or emerging employment sectors; and [2007, c. 131, §2 (NEW).]

B. Include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills and occupation-specific skills of an individual. [2007, c. 131, §2 (NEW).]

[2011, c. 517, §3 (AMD) .]

13. **Adult learners with disabilities.** "Adult learners with disabilities" means individuals who have been determined eligible as students with disabilities under the federal Individuals with Disabilities Education Act who are 16 years of age or older and under 21 years of age and who have neither received a regular high school diploma nor turned 20 years of age during the prior school year; individuals who are eligible under Section 504 of the Rehabilitation Act of 1973 and individuals who are eligible under the federal Americans with Disabilities Act of 1990.

[2011, c. 517, §4 (AMD) .]

14. **Adult workforce training and retraining.** "Adult workforce training and retraining" means courses or activities eligible for state funding that serve any of the following adult learners:

A. Preparatory learners, who are adults learning new skills in preparation for employment in a job or occupation that is new to them; [2007, c. 131, §2 (NEW).]

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 [2013, c. 167, Pt. C, §2 (AMD).]

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. [2013, c. 167, Pt. C, §2 (AMD).]

D. [2013, c. 167, Pt. C, §3 (RP).]

[2013, c. 167, Pt. C, §§2, 3 (AMD) .]

15. **Base year.** "Base year" has the same meaning as in section 15672, subsection 1-B.

[2007, c. 131, §2 (NEW) .]

16. **Basic literacy instruction.** "Basic literacy instruction" means instruction, based on individual needs and goals, for adults whose skills in reading, writing, numeracy, speaking or listening are below the grade 12 level. It includes adult basic education and English as a Second Language instruction described in the State's plan for the implementation of the federal adult education program and adult literacy and English as a Second Language instruction provided with state and local funding.

[2007, c. 131, §2 (NEW) .]

17. **College transition course.** "College transition course" means a course to support adults with high school diplomas who are not academically prepared to take college courses.

[2007, c. 131, §2 (NEW) .]

18. **Enrichment course.** "Enrichment course" means a noncredit course provided under the supervision of an instructor and in accordance with a course outline identifying instructional goals for its participants. "Enrichment course" does not include offerings for the sole purpose of recreation.

[2007, c. 131, §2 (NEW) .]

19. **High school completion course.** "High school completion course" means a course that is aligned with the system of learning results established in accordance with section 6209 and includes general educational development preparation courses for the Maine high school equivalency diploma.

[2007, c. 131, §2 (NEW) .]

20. **Instructional supplies.** "Instructional supplies" means those supplies that fulfill the purpose of a specific instructional program and, during the teaching process, are actually consumed or worn out through use, or lose their identity through fabrication or incorporation into different or more complete units or substances. Instructional supplies do not include those items that result in a product or service for the student for which lab or materials fees may be assessed, or those items that result in a product or service for the unit, region or center.

[2007, c. 131, §2 (NEW) .]

21. **Student with disabilities.** "Student with disabilities" has the same meaning as "child with a disability" as defined in section 7001, and any such students are included under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq.

[2007, c. 131, §2 (NEW) .]

22. **Career pathways services.**

[2013, c. 167, Pt. C, §4 (RP) .]

SECTION HISTORY

1991, c. 518, §33 (NEW). 2005, c. 2, §D28 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 397, §§D1,2 (AMD). 2005, c. 397, §D3 (REV). 2005, c. 519, §I3 (AMD). 2007, c. 131, §2 (AMD). 2011, c. 517, §§1-6 (AMD). 2013, c. 167, Pt. C, §§1-4 (AMD).

§8602. RULES

The commissioner may adopt rules to establish requirements for adult education courses, to establish procedures for approving adult education courses offered by units, regions or centers and to otherwise carry out the purposes of this chapter. [1991, c. 518, §34 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §34 (AMD).

§8602-A. COURSES; APPROVAL

Adult education courses may be offered by units, regions or centers with the approval of the commissioner. [1991, c. 518, §35 (NEW).]

SECTION HISTORY
1991, c. 518, §35 (NEW).

§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. [2013, c. 167, Pt. C, §5 (NEW).]

SECTION HISTORY
2013, c. 167, Pt. C, §5 (NEW).

§8603. AUTHORITY TO RAISE, APPROPRIATE, RECEIVE AND EXPEND MONEY

A unit may: [1991, c. 518, §36 (AMD).]

1. **Fund adult education and educational activities.** Raise, appropriate, receive and expend money for adult education and educational activities. Adult education and educational activities are under the direction and supervision of the school board; and

[1991, c. 518, §36 (AMD) .]

2. **Fund tuition costs.** Raise, appropriate, receive and expend money to pay tuition charged to any resident of a municipality served by the unit who attends an adult education course offered by another unit, if the adult education course is not offered by the unit that serves the person's residence.

[1991, c. 518, §36 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §36 (AMD).

§8603-A. WARRANT TO RAISE, APPROPRIATE, RECEIVE AND EXPEND MONEY

1. **Warrant language.** In order to fund adult education and educational activities and tuition costs under section 8603, a school administrative unit must use the following warrant language at a duly called special or regular meeting or city election:

"Article .....: To see if (the school administrative unit) will appropriate $..... for adult education and raise $..... as the local share; with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program."

[2007, c. 599, §2 (AMD) .]

2. **Approval.** Approval of the warrant must be by majority vote of those voting in the school administrative unit's legislative body budget meeting or election.

[2007, c. 599, §2 (AMD) .]

3. **Effect on multiple school administrative units.** If more than one school administrative unit is participating in the adult education program, the appropriation line must be the total adult education budget for all the units participating and the amount to be raised must be that specific school administrative unit's share of the total amount to be raised by local taxation.

[2007, c. 599, §2 (AMD) .]

SECTION HISTORY
2007, c. 131, §3 (NEW). 2007, c. 599, §2 (AMD).

§8604. AUTHORITY TO OPERATE PROGRAMS NOT RECEIVING STATE SUBSIDY

A unit, region or center may make available facilities for adults for day and evening educational and recreational activities not reimbursable by the State. These courses and activities may be financed by tuition fees, by funds made available by the unit, by funds from other sources or by a combination of these. [2007, c. 131, §4 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §36 (AMD). 2007, c. 131, §4 (AMD).

§8605. ELIGIBILITY

1. **General right.** The following persons may attend adult education courses offered by a unit, region or center in accordance with that entity's published program criteria and admission standards:

A. A person who is not yet 17 years of age who has withdrawn from school under the provisions of section 5001-A, subsection 2, paragraph B; [1991, c. 518, §37 (AMD).]

A-1. A person who is 17 years of age or older and who is not attending a public school; or [1991, c. 518, §37 (NEW).]

B. [1991, c. 518, §37 (RP).]

C. A secondary school student enrolled in a public day school program, if that student's attendance at an adult education course is designed to supplement the student's regular day school program and if attendance is in accordance with rules adopted by the commissioner. [1991, c. 518, §37 (AMD).]

Notwithstanding paragraphs A and A-1, a person who is not yet 18 years of age may be issued a state high school equivalency diploma only in compliance with the requirements established for such persons by section 257.

Priority to enroll in any adult education course offered by a unit, region or center must be given first to residents of municipalities served by that unit, region or center.

[1991, c. 518, §37 (AMD) .]

2. **Secondary school age person count; subsidy; tuition.** A secondary school age person who is not attending a public school and who is enrolled in an adult education course must be treated for state subsidy and tuition purposes as follows.

A. Such a person who enrolls in a semester adult education course, is counted as .1 of a student for each such course. [1991, c. 518, §37 (AMD).]

B. The unit in which such a person resides must be reimbursed in accordance with chapter 606-B. [2005, c. 2, Pt. D, §29 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. If a unit in which a person resides does not offer an adult education course appropriate for such a person, the person may enroll in an adult education course offered by another unit or private school, subject to the approval of the sending unit's superintendent. The sending unit shall pay tuition to the receiving unit in an amount no greater than .1 of the present per student subsidy allocation for secondary students in the sending unit. [1991, c. 518, §37 (AMD).]

[2005, c. 2, Pt. D, §29 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Transfer student.** The following provisions apply to the transfer of a student who has not attained 20 years of age from one school administrative unit to another for the purposes of state subsidy when the student is not attending a public school and is enrolled in an adult education course.

A. The transferor superintendent and the transferee superintendent may approve the transfer of a student from one school administrative unit to another if they find that the transfer is in the student's best interest and the student is in agreement with that finding. If the student has not attained 18 years of age and is not an emancipated minor, the student's parent must approve of the transfer. [2005, c. 151, §2 (NEW).]

B. When a student has been denied a transfer under paragraph A, the student or the parent of a student who has not attained 18 years of age may request from the commissioner a review of the denial. The commissioner shall review the decision and may approve or disapprove the transfer. The commissioner's decision is final and binding. [2005, c. 151, §2 (NEW).]

C. A superintendent shall review annually any transfers made into or out of that superintendent's school administrative unit under this subsection. [2005, c. 151, §2 (NEW).]

D. For purposes of state subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which the student is transferred. The superintendent of the receiving unit shall certify to the commissioner any transfer approved under this subsection when reporting to the department the number of adult education students who have not attained 20 years of age. [2005, c. 151, §2 (NEW).]

[2005, c. 151, §2 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §70 (AMD). 1989, c. 415, §32 (AMD). 1991, c. 518, §37 (AMD). 1995, c. 665, §J1 (AMD). 2005, c. 2, §D29 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 151, §2 (AMD).

§8606. REIMBURSEMENT PROCEDURES

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A79 (RP). 1987, c. 496, §1 (RP).

§8606-A. REIMBURSEMENT PROCEDURES

1. **Definitions.**

[1991, c. 518, §38 (RP) .]

2. **Budget recommendation.** Prior to December 15th of each year, the commissioner shall certify to the Governor and to the Bureau of the Budget the funding levels for the various program categories in adult education for payment in the next fiscal year. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

A. The recommended funding level must include funds in an amount that is sufficient to provide for state administration of adult education programs including funds for the cost of general educational development tests and administration; supporting volunteer literacy programs; state-sponsored professional development; state-level data collection, including the required software for units, regions or centers providing adult education programs; and reimbursement of the costs listed in section 8607-A at the rates established in that section. The recommended funding level may not exceed the maximum allowable expenditures in the base year, adjusted pursuant to paragraph C. [2011, c. 517, §7 (AMD).]

B. A unit, region or center shall provide the commissioner with information requested by the commissioner to carry out the purpose of this chapter. The commissioner may withhold state subsidy payment or a portion of the state subsidy payment from a unit, region or center if the unit, region or center does not provide requested information to the commissioner in compliance with the specified format, content and time schedule established by the commissioner. [2007, c. 131, §5 (AMD).]

C. The recommendation in the commissioner's funding level certification must include local adult education program cost adjustment to the equivalent of the year prior to the year of allocation. This adjustment is calculated according to the same guidelines established, for purposes of chapter 606-B, by section 15689-C, subsection 3. [2005, c. 12, Pt. D, §1 (AMD).]

[2011, c. 517, §7 (AMD) .]

3. **State reimbursement.** State reimbursement for expenditures on adult education programs must be based on each unit's, region's or center's actual adult education program costs in the base year.

A. The state reimbursement must be based on the unit's, region's or center's expenditures for the base year in accordance with the maximum allowable expenditures and the local program cost adjustment to the equivalent of the year prior to the year of the allocation. [2007, c. 131, §5 (AMD).]

B. State reimbursement must be paid to each eligible unit, region or center during the 2nd quarter of the State's fiscal year. [2007, c. 131, §5 (AMD).]

[2011, c. 517, §8 (AMD) .]

4. **Action by Legislature.** The Legislature shall appropriate the necessary funds to meet the State's obligation for reimbursement of adult education program costs as provided in this section.

[1991, c. 518, §38 (AMD) .]

5. **Rule-making authority.**

[1991, c. 518, §38 (RP) .]

6. **State administration.**

[2007, c. 131, §5 (RP) .]

SECTION HISTORY
1987, c. 395, §A80 (NEW). 1987, c. 496, §2 (NEW). 1987, c. 769, §A62 (RPR). 1991, c. 518, §38 (AMD). 1991, c. 528, §I3 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I3 (AMD). 1993, c. 349, §49 (AMD). 1995, c. 368, §C1 (AMD). 2005, c. 2, §D30 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §D1 (AMD). 2005, c. 12, §WW18 (AFF). 2007, c. 131, §5 (AMD). 2011, c. 517, §§7, 8 (AMD).

§8607. REIMBURSEMENT RATES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 496, §3 (RP).

§8607-A. REIMBURSEMENT RATES

Reimbursement for the following costs are made in the year following the incurring of those costs, and the rates are as follows. [2007, c. 131, §6 (AMD).]

1. **Administrative costs.** Administrative costs for all adult education courses and educational activities listed in section 8601-A, subsection 1 are reimbursed at the rate of 70% of the costs, so long as at least one basic literacy, high school completion or college transition course is offered. Administrative costs include administrative, supervisory and clerical salaries and fringe benefits as required for salaried positions; the costs of maintaining and operating citizens' advisory committees; administrative travel to state meetings related to administering adult education courses and educational activities; the costs of operating and maintaining a state-approved data collection system; and the costs of administering state-approved assessments other than the general educational development tests.

[2007, c. 131, §6 (AMD) .]

2. **Adult career and technical education courses.** Adult career and technical education courses provided in compliance with this chapter, if state-funded, are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (AMD) .]

3. **Courses for students with disabilities and adult learners with disabilities.** Courses for students with disabilities and adult learners with disabilities are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (AMD) .]

4. **High school completion courses that are aligned with the system of learning results.** High school completion courses that are aligned with the system of learning results established in accordance with section 6209 are reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (AMD) .]

5. **Basic literacy instruction.** Basic literacy instruction is reimbursed at the rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (AMD) .]

6. **General adult courses.**

[1991, c. 591, Pt. I, §4 (RP) .]

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.

[2013, c. 167, Pt. C, §6 (AMD) .]

8. **College transition courses.** College transition courses are reimbursed at a rate of 75% of the cost of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (AMD) .]

9. **Adult workforce training and retraining courses.** Adult workforce training and retraining courses are reimbursed at the rate of 75% of the costs of required instructional salaries and fringe benefits for those courses and 50% of the cost of instructional supplies and textbooks used in those courses.

[2007, c. 131, §6 (NEW) .]

10. **Career and academic advising and counseling.** Career and academic advising and counseling services costs are reimbursed at the rate of 75% of the costs of required salaries and fringe benefits for those services.

[2013, c. 460, §1 (NEW) .]

SECTION HISTORY

1987, c. 496, §4 (NEW). 1991, c. 518, §39 (AMD). 1991, c. 528, §I4 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I4 (AMD). 2005, c. 397, §D3 (REV). 2005, c. 519, §I4 (AMD). RR 2007, c. 1, §10 (COR). 2007, c. 131, §6 (AMD). 2013, c. 167, Pt. C, §6 (AMD). 2013, c. 460, §1 (AMD).

§8608. TEACHER EDUCATION REIMBURSEMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §71 (AMD). 1991, c. 518, §40 (AMD). 2007, c. 131, §7 (RP).

§8609. FEES FOR ADULT EDUCATION

Fees for adult education are as follows. [1991, c. 518, §41 (AMD).]

1. **Registration fee.** A unit, region or center shall establish a registration fee schedule for adult education courses and determine the use of those registration fees.

[2007, c. 131, §8 (AMD) .]

2. **Laboratory and materials fees.** A unit, region or center may charge a person attending an adult education course a fee to cover the cost of laboratory supplies and materials used in such a course.

[2007, c. 131, §8 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §41 (AMD). 2007, c. 131, §8 (AMD).

§8610. ADULT VOCATIONAL EDUCATION AUTHORITY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §72 (AMD). 1991, c. 518, §42 (RP).

§8611. TRANSPORTATION

A unit, region or center may provide transportation for adults to and from adult education courses. [2007, c. 131, §9 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 518, §43 (AMD). 2007, c. 131, §9 (AMD).

§8612. OTHER SUPPORTS

A unit, region or center that provides adult education shall ensure that adult education students are provided, when applicable, information regarding and referral to other state departments and agencies that provide support to adult education students, including, but not limited to, the Department of Health and Human Services and the Department of Labor. [2007, c. 131, §10 (NEW).]

Nothing in this section relieves a school administrative unit of its legal responsibility for the education of students with disabilities. [2007, c. 131, §10 (NEW).]

SECTION HISTORY
2007, c. 131, §10 (NEW).

Chapter 316: DRIVER EDUCATION

§8701. DRIVER EDUCATION

Public secondary schools, approved private secondary schools, career and technical education centers, career and technical education regions and adult education programs conducted pursuant to chapter 315 may offer courses in driver education. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

SECTION HISTORY
1985, c. 797, §45 (NEW). 1989, c. 179, §1 (RPR). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

§8702. CURRICULUM

A driver education course offered in accordance with section 8701 must meet the curriculum requirements prescribed by the Secretary of State, include both classroom instruction and practice driving and be approved by the Secretary of State. Any state subsidy, state reimbursement for expenditures on adult education programs or state reimbursement for adult career and technical education programs may not be paid with respect to any driver education course that has not been approved by the Secretary of State. [1995, c. 505, §22 (AFF); 1995, c. 505, §5 (RPR); 2003, c. 545, §4 (REV).]

SECTION HISTORY
1985, c. 797, §45 (NEW). 1989, c. 179, §2 (AMD). 1989, c. 721, §1 (AMD). 1995, c. 402, §A47 (AMD). 1995, c. 505, §22 (AFF). 1995, c. 505, §5 (RPR). 2003, c. 545, §4 (REV).

§8703. DRIVER EDUCATION TEACHERS

A driver education teacher must hold a license to teach driver education. [1995, c. 505, §6 (AMD); 1995, c. 505, §22 (AFF).]

1. **Licensing.** Only a person licensed by the Secretary of State as a driver education teacher may be employed by a public secondary school, approved private secondary school, a career and technical education center, career and technical education region or adult education program, conducted pursuant to chapter 315, to teach driver education. The Secretary of State shall establish instructor qualification requirements for persons licensed to teach driver education.

[1997, c. 393, Pt. A, §19 (AFF); 1997, c. 393, Pt. A, §18 (RPR); 2003, c. 545, §5 (REV) .]

2. **Temporary license.** If a licensed driver education teacher is not available to teach driver education and the school board, cooperative board or private school requests, the Secretary of State shall grant a temporary license to any person who holds a Class A instructor's license issued by the Secretary of State in accordance with Title 29-A, section 1354.

[1997, c. 393, Pt. A, §19 (AFF); 1997, c. 393, Pt. A, §18 (RPR) .]

3. **Contracts.** A public secondary school, approved private secondary school, a career and technical education center, career and technical education region or adult education program conducted pursuant to chapter 315 may contract with a commercial driver education school to provide driver education as part of the secondary school curriculum if the instructor is properly licensed.

[1995, c. 505, §6 (AMD); 1995, c. 505, §22 (AFF); 2003, c. 545, §5 (REV) .]

SECTION HISTORY
1985, c. 797, §45 (NEW). 1989, c. 179, §2 (AMD). RR 1991, c. 2, §65 (COR). 1995, c. 402, §A47 (AMD). 1995, c. 505, §6 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 393, §A18 (AMD). 1997, c. 393, §A19 (AFF). 2003, c. 545, §5 (REV).

§8703-A. USE OF SEATBELTS

The instructor and students are required to use seat belts during the behind-the-wheel instruction portion of the course. [1989, c. 502, Pt. A, §55 (NEW).]

SECTION HISTORY
1989, c. 502, §A55 (NEW).

§8704. FEE CHARGED

A public secondary school may provide driver education after the regular school day during the school year as part of its secondary course of study and may charge a fee based upon per pupil costs, but may not allow credit toward a high school diploma for that paid instruction. [1985, c. 797, §45 (NEW).]

SECTION HISTORY
1985, c. 797, §45 (NEW). P&SL 1987, c. 105, (AMD).

§8705. DEPARTMENTAL PERSONNEL

The Secretary of State shall employ necessary personnel, subject to the terms of the Civil Service Law, to implement this chapter. [1995, c. 505, §7 (AMD); 1995, c. 505, §22 (AFF).]

SECTION HISTORY
1985, c. 797, §45 (NEW). RR 1993, c. 1, §49 (COR). 1995, c. 505, §7 (AMD). 1995, c. 505, §22 (AFF).

§8706. RULES

The Secretary of State shall adopt rules to implement this chapter. [1995, c. 505, §8 (AMD); 1995, c. 505, §22 (AFF).]

SECTION HISTORY
1985, c. 797, §45 (NEW). 1995, c. 505, §8 (AMD). 1995, c. 505, §22 (AFF).

Chapter 317: SUMMER SCHOOLS

§8801. SUMMER SCHOOLS; STANDARDS; APPROVAL

Standards for summer schools shall be as follows. [1981, c. 693, §§ 5 (NEW).]

1. **Standards.** The state board and the commissioner shall jointly adopt rules to establish standards consistent with basic school approval requirements for summer schools offering credit toward graduation from a Maine elementary or secondary school.

[1985, c. 797, §46 (AMD) .]

2. **Approval.** The commissioner may inspect any summer school after which the commissioner may approve and grant a certificate to a school that maintains approval standards. The expense of inspection shall be paid by the department.

[1985, c. 797, §46 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §73 (AMD). 1985, c. 797, §46 (AMD).

§8802. SUMMER SCHOOL TUITION

The following provisions apply to summer school tuition. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Tuition.** A school administrative unit may charge the students a tuition for enrollment in a summer school.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Maximum amount.** Tuition may not exceed the following:

A. In the first summer of its operation, an estimated cost for each student based on estimated costs to operate the summer school program divided by the estimated number of students expected to attend the summer school program; [2011, c. 678, Pt. G, §1 (AMD).]

B. When a summer school is operated for 2 or more school administrative units and is operated alternately by a different unit each summer, the cost for each student for the preceding summer; and [1981, c. 693, §§ 5, 8 (NEW).]

C. In all other cases, the cost for each student for the preceding summer. [1981, c. 693, §§ 5, 8 (NEW).]

[2011, c. 678, Pt. G, §1 (AMD) .]

3. **Equality.** Tuition in a summer school shall be the same for all students who are Maine residents.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Rules.**

[2011, c. 678, Pt. G, §2 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2011, c. 678, Pt. G, §§1, 2 (AMD).

Chapter 318: AFTER-SCHOOL PROGRAMS

§8901. AFTER-SCHOOL PROGRAM FUND; STANDARDS; APPROVAL

The After-school Program Fund, referred to in this chapter as "the program fund," is established to encourage the facilitation of high-quality after-school programs in school administrative units throughout the State. The commissioner shall administer the program fund within the department. Standards and approval for the allocation and use of program fund money are as follows. [2005, c. 657, §1 (NEW).]

1. **Standards.** The commissioner shall establish standards consistent with the basic school approval requirements for after-school programs offered at elementary or secondary schools in the State. In establishing standards for after-school programs, the commissioner may also consider the requirements of the 21st Century Communities Learning Centers program authorized under Title IV, Part B of the federal Elementary and Secondary Education Act of 1965, as amended by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

[2005, c. 657, §1 (NEW) .]

2. **Approval.** An after-school program may be offered by a school administrative unit with the approval of the commissioner. The commissioner may inspect an after-school program, after which the commissioner shall approve and grant a certificate to a school that maintains approval standards. The expense of inspection must be paid by the department.

[2005, c. 657, §1 (NEW) .]

SECTION HISTORY
2005, c. 657, §1 (NEW).

§8902. PROGRAM FUND GRANTS; ELIGIBILITY; CALCULATION

1. **Eligibility.** To receive program fund money calculated pursuant to subsection 2, the school administrative unit must be in compliance with any applicable standards and program requirements for after-school programs established by the commissioner pursuant to section 8901.

[2005, c. 657, §1 (NEW) .]

2. **Program fund grants; calculation.** The commissioner shall calculate one amount of the program fund money that may be made available as a grant to the elementary school level and middle school level and another amount of program fund money that may be made available as a grant to the high school level in accordance with the following.

A. For fiscal year 2006-07, the commissioner shall establish a per-pupil amount for program fund grants. [2005, c. 657, §1 (NEW).]

B. For fiscal year 2007-08 and each subsequent year, the commissioner shall recalculate the per-pupil amount by using the amount calculated under paragraph A as a base and adjusting for appropriate trends in the Consumer Price Index or other comparable index. [2005, c. 657, §1 (NEW).]

[2005, c. 657, §1 (NEW) .]

3. **Budget recommendation.** Beginning in fiscal year 2006-07 and prior to December 15th of each year, the commissioner shall recommend to the Governor and to the Department of Administrative and Financial Services, Bureau of the Budget the funding levels for the program fund for payment in the next fiscal year. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

[2005, c. 657, §1 (NEW) .]

4. **Appropriations.** The commissioner shall allocate funds appropriated by the Legislature to carry out the purposes of this chapter as grants to eligible school administrative units.

[2005, c. 657, §1 (NEW) .]

SECTION HISTORY
2005, c. 657, §1 (NEW).

§8903. REPORT

The department shall report by June 30, 2007 and annually thereafter to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the number of school administrative units participating in an after-school program, the nature of the after-school programs receiving money, the amount of money distributed and the number of children participating in an after-school program. [2005, c. 657, §1 (NEW).]

SECTION HISTORY
2005, c. 657, §1 (NEW).

§8904. RULES

The commissioner shall adopt rules for the standards, approval and administration of the program fund, including the establishment of program fund requirements and specifications and procedures for the application and distribution of available funds, and to otherwise carry out the purpose of this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [2005, c. 657, §1 (NEW).]

SECTION HISTORY
2005, c. 657, §1 (NEW).

Chapter 319: MAINE FIRE TRAINING AND EDUCATION

§9000. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 124, §2 (NEW).]

1. **President.** "President" means the president of the system.

[1987, c. 124, §2 (NEW); 1989, c. 878, Pt. I, §12 (AMD) .]

2. **System.** "System" means the Maine Community College System, established by chapter 431.

[1989, c. 443, §23 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY
1987, c. 124, §2 (NEW). 1989, c. 443, §23 (AMD). 1989, c. 878, §I12 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§9001. PROGRAM

The president may conduct programs to provide fire training and education for members of municipal fire departments, incorporated volunteer fire departments, industrial fire brigades, institutional fire brigades and the general public, to be known as the Maine Fire Service Institute. [2011, c. 166, §1 (AMD).]

1. **Voluntary participation.** The president may not require participation in these programs by a member of a municipal fire department, incorporated volunteer fire department, industrial fire brigades, institutional fire brigades or the general public nor use participation in Maine fire training and education programs as a condition of eligibility to receive funds for training and education programs.

[1987, c. 124, §3 (NEW); 1989, c. 878, Pt. I, §12 (AMD) .]

2. **Fees.** The president may charge a fee for the training and education of private industrial fire brigades. The amount of the fee shall reflect, but not be limited to, instructional, material and administrative costs.

[1987, c. 124, §3 (NEW); 1989, c. 878, Pt. I, §12 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 68, (AMD). 1987, c. 124, §3 (RPR). 1989, c. 878, §I12 (AMD). 2011, c. 166, §1 (AMD).

§9002. ADVISORY COMMITTEE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §§106,107 (AMD). 1987, c. 124, §4 (AMD). 1989, c. 443, §24 (AMD). 1989, c. 503, §B75 (AMD). 1993, c. 252, §B2 (RP).

§9003. STATE AGENTS FOR FEDERAL PROGRAMS

The following provisions shall apply to federal fire programs in the State. [1981, c. 693, §§ 5, 8 (NEW).]

1. **President; state agent.** The president shall be the state agent to be contacted by the United States Fire Administration about matters dealing with the Federal Fire Prevention and Control Act of 1974, Public Law 93-498.

[1987, c. 124, §5 (AMD); 1989, c. 878, Pt. I, §12 (AMD) .]

2. **System; testing; certification.** The system shall be the state testing agency for the National Professional Qualification Board of the Joint Council of Fire Services Organizations. The president may award certificates to personnel of municipal and incorporated volunteer fire departments using competency standards established by the Joint Council of Fire Services Organizations.

[1987, c. 124, §5 (AMD); 1989, c. 878, Pt. I, §12 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 124, §5 (AMD). 1989, c. 878, §I12 (AMD).

Chapter 321: CORRESPONDENCE SCHOOLS

§9201. CERTIFICATE OF APPROVAL; EXEMPTIONS

1. **Requirement for certificate of approval.** Any privately owned post-secondary correspondence school located within the State or outside the State but having a solicitor or agent in this State to recruit students or promote the school and its program must obtain a certificate of approval from the commissioner before soliciting or selling in this State any correspondence course or collecting any tuition, fee or other charge. In addition, each correspondence school shall supply a listing of solicitors authorized by that school to recruit in this State.

[1991, c. 131, §1 (AMD) .]

1-A. **Residence component.** A privately owned correspondence school offering courses or programs that require a residence component must be classified as a proprietary school and is subject to the licensing provisions of sections 9501 to 9504.

[1991, c. 131, §1 (NEW) .]

2. **Exemptions.** Public institutions that are exempt from property taxation under state laws and courses or programs of instruction conducted under contract with an employer for employees exclusively are exempt from the requirements of this chapter.

[1991, c. 131, §1 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 131, §1 (AMD).

§9202. APPLICATION FORM; FEE; BOND

1. **Application requirements; certification period; bonding and revocation of certificate.** The application for a certificate of approval required in section 9201 must be made on forms furnished by the commissioner and be accompanied by a fee of $100 and a surety bond in the penal sum of $10,000.

A. A certificate is valid for the calendar year in which it is issued. [1991, c. 131, §2 (AMD).]

B. The bond must be continuous and provide indemnification to any student suffering loss as a result of any fraud or misrepresentation by the school. The bond must provide for written notification by the surety to the department in the event of cancellation. Cancellation of the bond by the surety results in the revocation of the certificate of approval. [1991, c. 131, §2 (AMD).]

[1991, c. 131, §2 (AMD) .]

2. **Renewal.** A fee of $50 is charged for the renewal of a certificate.

[1991, c. 131, §3 (AMD) .]

3. **General Fund.** All fees collected for the issuance or renewal of a certificate shall be deposited in the State Treasury.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 651, §1 (AMD). 1991, c. 131, §§2,3 (AMD).

§9203. PENALTY

Any firm, association or corporation, operating or conducting a private correspondence school, except by authority of a valid certificate of approval as required by this chapter, is guilty of a civil violation for which a forfeiture of not more than $1,000 may be adjudged. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§9204. RULES

The commissioner is authorized to adopt rules for the administration and enforcement of this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 323: PRIVATE BUSINESS, TRADE AND TECHNICAL SCHOOLS

§9501. LICENSE; EXEMPTIONS; DEFINITIONS

1. **Requirement of license.** Any person located either within or outside the State shall obtain a license from the commissioner before operating or maintaining any proprietary school or before collecting any tuition, fee or other charge for operating or maintaining or soliciting for any proprietary school within the State.

[1983, c. 841, §2 (AMD) .]

2. **Exemptions.** Educational programs related to the real estate professions that are subject to approval under Title 32, chapter 59, commercial driver education schools subject to approval by the Secretary of State under Title 29-A, chapter 11, subchapter 3, schools of barbering and schools of cosmetology subject to approval by the Director of the Office of Professional and Occupational Regulation under Title 32, chapter 126, educational programs offered by any Maine nonprofit corporation, any educational programs offered by any professional or trade association primarily for the benefit of its own members and any educational institution authorized by the laws of this State to grant a degree are exempt from the requirements of this chapter.

[2009, c. 369, Pt. A, §29 (AMD); 2011, c. 286, Pt. B, §5 (REV) .]

3. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Person" includes a person, partnership, association or corporation, but does not include any public agency. [1983, c. 841, §2 (NEW).]

B. "Proprietary school" means a school as defined in the rules of the commissioner, but means, at a minimum, any school maintained or course of instruction conducted for the purpose of teaching any trade or any industrial, occupational, career and technical, business or technical skill, except as exempt under subsection 2. [1991, c. 716, §7 (AMD); 2003, c. 545, §6 (REV).]

[1991, c. 716, §7 (AMD); 2003, c. 545, §6 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 140, §1 (AMD). 1983, c. 841, §2 (AMD). 1991, c. 716, §7 (AMD). 1995, c. 402, §A47 (AMD). 1995, c. 505, §9 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 266, §11 (AMD). 2003, c. 545, §6 (REV). 2009, c. 369, Pt. A, §29 (AMD). 2011, c. 286, Pt. B, §5 (REV).

§9502. APPLICATION FORM; FEE; BOND

1. **Application requirements; licensing; bonding and revocation of license.** The application for a license required by this chapter must be made on forms furnished by the commissioner and be accompanied by a fee of $100 and a surety bond. For applicants that participate in state or federal financial aid programs, except the Federal Direct Student Loan Program under the federal Higher Education Act of 1965, 20 United States Code, Section 1087a et seq., the bond must be in favor of the Finance Authority of Maine. For all other applicants, the bond must be in favor of the department. The amount of the bond for a new applicant is $20,000. For renewal applicants, the amount of the bond must be equal to the greater of 10% of the applicant's gross receipts from tuition in the 12 months prior to the application for renewal or $20,000.

A. A license is valid for the calendar year in which it is issued. [1983, c. 862, §62 (RPR).]

B. The bond must be continuous and must provide indemnification to any student suffering loss as a result of any fraud, misrepresentation, violation of this chapter or rules adopted under this chapter or breach of contract. The bond must provide for written notification by the surety to the commissioner in the event of cancellation. Cancellation of the bond by the surety, or of payment under the bond by the surety to the department or the Finance Authority of Maine, results in the revocation of the license. The bond must specifically provide that proceeds are available to pay tuition refunds to students or to student loan lenders on behalf of students eligible for those refunds pursuant to the policies of the school or state or federal law, rule or regulation. [1997, c. 771, §1 (AMD).]

C. If one or more students notify the department or the Finance Authority of Maine of a claim the student has against the school for fraud, misrepresentation, breach of contract or refund due, or that the school has violated the provisions of this chapter or applicable rules, or if any such event is discovered by the department or the Finance Authority of Maine from other sources and the holder of the bond has reason to believe the claim is valid, the holder may make a claim against the bond on behalf of the student or students affected, or on behalf of the department. The department and the Finance Authority of Maine have the concurrent right at any time to review the school's operations and all its records to determine if the school is in compliance with this chapter and rules adopted under this chapter, or to determine if any claim of a student against the school is valid. [1997, c. 771, §1 (NEW).]

[1997, c. 771, §1 (AMD) .]

2. **Renewal fee and requirements.** A fee of $50 is charged for the renewal of a license. Each submission for a license renewal must include the school's most recent financial audit conducted by a certified public accountant unaffiliated with the school. When a school does not participate in federal or state financial aid programs, internally prepared financial statements signed by the applicant are acceptable. Every renewal application must include a bond in the required amount. The commissioner shall provide copies of the audit or financial statements and, when the bond is not in favor of the department, the original bond to the Finance Authority of Maine and may provide financial information regarding the school to other state agencies with an interest in the operation of the school. When a school applies for renewal of a license, the school must certify that:

A. The school has included information in all school brochures and handbooks provided to students and has posted information in a location in the school frequented by students advising students of their rights to receive refunds and where to direct any complaints the students have concerning their education; and [1997, c. 771, §1 (NEW).]

B. The school is in compliance with all applicable federal and state laws and regulations. [1997, c. 771, §1 (NEW).]

[1997, c. 771, §1 (AMD) .]

3. **General Fund.** All fees collected for the issuance or renewal of a license shall be deposited in the State Treasury.

[1983, c. 862, §62 (RPR) .]

4. **Definitions.** As used in this section, the term "bond" means a bond, letter of credit or cash equivalent acceptable to the holder, in its discretion.

[1997, c. 771, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 651, §2 (AMD). 1983, c. 841, §3 (AMD). 1983, c. 862, §62 (RPR). 1997, c. 266, §12 (AMD). 1997, c. 771, §§1,2 (AMD).

§9502-A. COMPLAINTS; LICENSE; REFUSAL TO RENEW; SUSPENSION; REVOCATION

The commissioner may investigate complaints involving a school including any allegation of noncompliance with or violation of this chapter and applicable rules. The commissioner shall promptly notify the Finance Authority of Maine of any complaints involving student financial assistance. After a hearing in conformance with Title 5, chapter 375, subchapter IV, the commissioner may amend or modify a license and may suspend or refuse to renew a license as provided in Title 5, section 10004. [1997, c. 771, §3 (NEW).]

The District Court may suspend or revoke the license of any person, partnership, association or corporation in violation of this chapter or any lawful order or rule issued by the department. [1997, c. 771, §3 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY
1997, c. 771, §3 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

§9503. PENALTIES

1. **Fines.** Any person, who operates or maintains a proprietary school in violation of this chapter, or represents itself as operating and maintaining such a school, is subject to a civil penalty of not more than $5,000, payable to the State, to be recovered in a civil act.

[1983, c. 841, §4 (NEW) .]

2. **Enforcement actions.** The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted. A violation of the provisions of this chapter or any rules adopted under this chapter is prima facie evidence of a violation of the Maine Unfair Trade

Practices Act. Responsible owners, officers and employees of licensees are personally liable to any person harmed by intentional violations of this chapter or applicable rules, including violations of rules regarding refunds, for the amount of damage caused by the violation.

[1997, c. 771, §4 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 841, §4 (RPR). 1997, c. 771, §4 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

§9504. RULES

The commissioner shall adopt rules for the administration and enforcement of this chapter. The rules must establish requirements relating to advertising, records and record keeping, health and sanitation, safety, personnel, tuition, fees, contracts and other matters that protect the public and consumer interests and must establish requirements for payment of refunds, and notices and information to be provided to students. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II A. [1997, c. 771, §5 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 841, §5 (AMD). 1997, c. 771, §5 (AMD).

§9505. REGULATION OF SCHOOLS OF BARBERING AND SCHOOLS OF COSMETOLOGY

(REPEALED)

SECTION HISTORY
1983, c. 841, §6 (NEW). 1997, c. 266, §13 (RP).

§9506. LICENSE; REFUSAL TO RENEW; SUSPENSION; REVOCATION

The commissioner may investigate complaints involving a school, including any allegation of noncompliance with or violation of this chapter and applicable rules. The commissioner may, after a hearing in conformance with Title 5, chapter 375, subchapter IV, to the extent applicable, amend, modify or refuse to renew any license and may revoke, suspend or refuse to renew a license as provided in Title 5, section 10004. [1983, c. 841, §6 (NEW).]

The District Court may suspend or revoke the license of any person found to have violated any provision of this chapter or any lawful order or rule issued by the commissioner. [1983, c. 841, §6 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY
1983, c. 841, §6 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

§9507. HEARINGS

The commissioner shall not refuse to renew a license for any reason other than failure to pay the required fee, unless the licensee has been given an opportunity for a hearing. [1983, c. 841, §6 (NEW).]

Hearings may also be conducted by the commissioner, at the commissioner's discretion, to assist with investigations of complaints, to determine whether grounds exist for suspension, revocation, denial or nonrenewal of any license, or as otherwise deemed necessary to fulfill the responsibilities under this chapter. [1983, c. 841, §6 (NEW).]

The commissioner may subpoena witnesses, records and documents in any hearing conducted pursuant to this chapter. [1983, c. 841, §6 (NEW).]

SECTION HISTORY
1983, c. 841, §6 (NEW).

§9508. ACTIONS ON BEHALF OF STUDENTS

In addition to other powers or remedies under this chapter, the State may bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by fraud, misrepresentation, violation of this chapter or applicable rules, breach of contract or failure to pay refunds of tuition due from the school or its owners or employees. The Finance Authority of Maine has concurrent power to bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by failure to pay refunds of tuition due from the school or its owners or employees. [1997, c. 771, §6 (NEW).]

SECTION HISTORY
1997, c. 771, §6 (NEW).

Chapter 325: CONSERVATION AND ENVIRONMENTAL EDUCATION

§9511. MAINE CONSERVATION SCHOOL

(REPEALED)

SECTION HISTORY
1987, c. 735, §12 (NEW). 1989, c. 700, §A58 (AMD). 1999, c. 706, §3 (RP).

Chapter 327: STUDENTS IN LONG-TERM DRUG TREATMENT CENTERS

§9701. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 827, §1 (NEW).]

1. **Drug treatment center.** "Drug treatment center" means a facility as defined in Title 22, section 8001, which provides drug and alcohol abuse treatment.

[1987, c. 827, §1 (NEW) .]

2. **Eligible student.** "Eligible student" means any resident of the State between the ages of 5 and 20 years who is otherwise eligible for public schooling under this Title.

[1987, c. 827, §1 (NEW) .]

3. **Long-term treatment.** "Long-term treatment" means treatment in a drug treatment center designed to provide treatment for a period in excess of 60 days.

[1987, c. 827, §1 (NEW) .]

SECTION HISTORY
1987, c. 827, §1 (NEW).

§9702. PROGRAM RESPONSIBILITY

A school administrative unit in which a licensed drug treatment center is located or a nearby school administrative unit shall provide an educational program, as prescribed by the commissioner, for each eligible student residing in the center, notwithstanding the student's legal residence within the State. The selection of the school administrative unit to provide that program shall be made by the commissioner pursuant to rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The rules shall take into account the educational needs of students, the ability of a school administrative unit to meet those needs, the proximity of school administrative units to the facility, the expressed wishes of officials representing school administrative units and other appropriate considerations. The decision of the commissioner may be appealed to the State Board of Education. The decision of the board shall be final. [1987, c. 827, §1 (NEW).]

SECTION HISTORY
1987, c. 827, §1 (NEW).

§9703. INITIAL PROGRAM APPROVAL

Each such school unit shall submit a program plan for educational services to be approved by the commissioner. The program plan shall include the following components: [1987, c. 827, §1 (NEW).]

1. **Planning; approved.** Evidence of collaborative planning with officials and staff of the center and approval of the center's governing board;

[1987, c. 827, §1 (NEW) .]

2. **Licensure.** Proof that the facility is licensed by the Department of Health and Human Services and complies with the rules adopted by that department;

[1987, c. 827, §1 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

3. **Educational activities.** Educational activities and an evaluation component suitable to the age and educational needs of the eligible students;

[1987, c. 827, §1 (NEW) .]

4. **Accounting.** An accounting of all eligible students who will be provided educational services by the program and a plan for continued accurate accounting of the students; and

[1987, c. 827, §1 (NEW) .]

5. **Line-item budget.** A line-item budget submitted no later than 90 days prior to the fiscal year in which the program will operate. The proposed budget request may not exceed the number of students in the approved program plan, on a per student basis, based on the state average tuition rate as provided in sections 5804, 5805 and 15689.

[2009, c. 213, Pt. AAA, §1 (AMD) .]

The commissioner or a designee shall approve the program plan in a timely manner in order that appropriate budgeting may occur before the start of the school unit's fiscal year. Approval shall include a payment schedule for disbursement of program funds to the school unit in the fiscal year of the program's operation. [1987, c. 827, §1 (NEW).]

SECTION HISTORY
1987, c. 827, §1 (NEW). 1989, c. 911, §2 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 683, §A27 (AMD). 2009, c. 213, Pt. AAA, §1 (AMD).

§9704. APPEAL PROCESS

A school unit required to offer an educational program or a drug treatment center which treats eligible students may appeal to the commissioner in the event agreement cannot be reached between them. The commissioner's decision on the program in such an appeal shall be rendered within 60 days and shall be final. [1987, c. 827, §1 (NEW).]

SECTION HISTORY
1987, c. 827, §1 (NEW).

§9705. RENEWAL OF PROGRAM APPROVAL

Each school unit operating an educational program for eligible students at drug treatment centers shall file an annual report, a proposed budget for the ensuing fiscal year and an application for renewal of program approval as prescribed by the commissioner. [1987, c. 827, §1 (NEW).]

SECTION HISTORY
1987, c. 827, §1 (NEW).

§9706. RULE-MAKING AUTHORITY

The commissioner shall adopt rules to implement this chapter and the funding scheme under the Essential Programs and Services Funding Act. [2005, c. 683, Pt. A, §28 (AMD).]

SECTION HISTORY
1987, c. 827, §1 (NEW). RR 1993, c. 1, §50 (COR). 2005, c. 683, §A28 (AMD).

Chapter 329: GLOBAL AND GEOGRAPHIC EDUCATION

§9801. MAINE COMMITTEE FOR GLOBAL AND GEOGRAPHIC EDUCATION *(REPEALED)*

SECTION HISTORY
1995, c. 430, §2 (NEW). 1995, c. 648, §8 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 643, §7 (RP).

§9802. DUTIES OF COMMITTEE

(REPEALED)

SECTION HISTORY
1995, c. 430, §2 (NEW). 1995, c. 648, §8 (AMD). 2003, c. 643, §7 (RP).

§9803. REPORT

(REPEALED)

SECTION HISTORY
1995, c. 430, §2 (NEW). 2003, c. 643, §7 (RP).

Chapter 331: MAINE MENTORING PARTNERSHIP GRANT PROGRAM

§9901. MAINE MENTORING PARTNERSHIP GRANT PROGRAM

(REPEALED)

SECTION HISTORY
2005, c. 639, §1 (NEW). 2009, c. 147, §11 (RP).

Chapter 333: COMMUNITY SCHOOLS

§9921. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 267, Pt. GGG, §1 (NEW).]

1. **Community partner.** "Community partner" means a provider of one or more of the following services to students, families or community members:

A. Primary medical or dental care; [2015, c. 267, Pt. GGG, §1 (NEW).]

B. Nurse home visitation services; [2015, c. 267, Pt. GGG, §1 (NEW).]

C. Mental health treatment and counseling services; [2015, c. 267, Pt. GGG, §1 (NEW).]

D. Developmentally appropriate physical education activities; [2015, c. 267, Pt. GGG, §1 (NEW).]

E. Academic enrichment activities; [2015, c. 267, Pt. GGG, §1 (NEW).]

F. Specialized instructional support services; [2015, c. 267, Pt. GGG, §1 (NEW).]

G. Teacher home visits; [2015, c. 267, Pt. GGG, §1 (NEW).]

H. Programs designed to improve student attendance at school, including programs that provide assistance to students who are truant or who have been suspended or expelled; [2015, c. 267, Pt. GGG, §1 (NEW).]

I. Mentoring and other youth development programs, including peer mentoring and conflict mediation; [2015, c. 267, Pt. GGG, §1 (NEW).]

J. Community service and service-learning opportunities; [2015, c. 267, Pt. GGG, §1 (NEW).]

K. Early childhood education; [2015, c. 267, Pt. GGG, §1 (NEW).]

L. Programs that promote parental involvement and family literacy; [2015, c. 267, Pt. GGG, §1 (NEW).]

M. Parenting education activities; [2015, c. 267, Pt. GGG, §1 (NEW).]

N. Parenting leadership development activities; [2015, c. 267, Pt. GGG, §1 (NEW).]

O. Child care services; [2015, c. 267, Pt. GGG, §1 (NEW).]

P. Youth and adult job training, internship opportunities and career counseling services; [2015, c. 267, Pt. GGG, §1 (NEW).]

Q. Nutrition education; [2015, c. 267, Pt. GGG, §1 (NEW).]

R. Adult education, including instruction in English as a second language; [2015, c. 267, Pt. GGG, §1 (NEW).]

S. Remedial education and enrichment activities, including expanded learning time; [2015, c. 267, Pt. GGG, §1 (NEW).]

T. Summer or after-school enrichment and learning experiences; [2015, c. 267, Pt. GGG, §1 (NEW).]

U. Legal services; [2015, c. 267, Pt. GGG, §1 (NEW).]

V. Juvenile crime prevention and rehabilitation programs; [2015, c. 267, Pt. GGG, §1 (NEW).]

W. Homelessness prevention services; or [2015, c. 267, Pt. GGG, §1 (NEW).]

X. Any appropriate services and programs authorized by a community school that are consistent with the services and programs specified in paragraphs A to W. [2015, c. 267, Pt. GGG, §1 (NEW).]

[2015, c. 267, Pt. GGG, §1 (NEW) .]

2. **Community school.** "Community school" means a public elementary or secondary school that:

A. Participates in a community-based effort to coordinate and integrate educational, developmental, family, health and other comprehensive services through community-based organizations and public and private partnerships; and [2015, c. 267, Pt. GGG, §1 (NEW).]

B. Provides access to services under paragraph A to students, families and the community, such as access during the school year to services before school hours, after school hours and during the weekend, as well as access to such services during the summer. [2015, c. 267, Pt. GGG, §1 (NEW).]

[2015, c. 267, Pt. GGG, §1 (NEW) .]

SECTION HISTORY
2015, c. 267, Pt. GGG, §1 (NEW).

§9922. ESTABLISHMENT OF A COMMUNITY SCHOOL

Beginning October 1, 2015, a school board may designate an existing school or establish a new school as a community school. [2015, c. 267, Pt. GGG, §1 (NEW).]

1. **Community school plan goals.** A community school shall collaborate with community partners to provide services to students, families and community members that promote student success while addressing the needs of the whole student. A school board may designate or establish a community school as long as the community school plan developed by the school board is consistent with the following goals:

A. Improving student learning and development by providing support for students to enable them to graduate college-ready and career-ready; [2015, c. 267, Pt. GGG, §1 (NEW).]

B. Improving the coordination and integration, accessibility and effectiveness of services for children and families, particularly for students attending high-poverty schools, including high-poverty rural schools; [2015, c. 267, Pt. GGG, §1 (NEW).]

C. Enabling educators and school personnel to complement and enrich efforts to improve academic achievement and other results related to student learning and development; [2015, c. 267, Pt. GGG, §1 (NEW).]

D. Ensuring that children have the physical, social and emotional well-being to come to school ready to engage in the learning process every day; [2015, c. 267, Pt. GGG, §1 (NEW).]

E. Promoting and enabling family and community engagement in the education of children; [2015, c. 267, Pt. GGG, §1 (NEW).]

F. Enabling more efficient use of federal, state, local and private sector resources that serve children and families; [2015, c. 267, Pt. GGG, §1 (NEW).]

G. Facilitating the coordination and integration of programs and services operated by community-based organizations, nonprofit organizations and state, local and tribal governments; [2015, c. 267, Pt. GGG, §1 (NEW).]

H. Engaging students as resources for their communities; and [2015, c. 267, Pt. GGG, §1 (NEW).]

I. Engaging the business community and other community organizations as partners. [2015, c. 267, Pt. GGG, §1 (NEW).]

[2015, c. 267, Pt. GGG, §1 (NEW) .]

2. **Audit.** Following the designation or establishment of a community school, but prior to the opening of a community school, a school board shall conduct:

A. A community needs audit to identify the academic, physical, social, emotional, health, mental health and civic needs of students and their families that may affect student learning and academic achievement; [2015, c. 267, Pt. GGG, §1 (NEW).]

B. A community resource assessment of potential resources, services and opportunities available within or near the community that students, families and community members may access and integrate into the community school; and [2015, c. 267, Pt. GGG, §1 (NEW).]

C. For an existing school that has been designated as a community school, an operations and instructional audit. [2015, c. 267, Pt. GGG, §1 (NEW).]

[2015, c. 267, Pt. GGG, §1 (NEW) .]

3. **Plan.** A school board shall develop a community school plan for each school designated or established as a community school.

A. When developing a community school plan for the establishment of a new community school, the school board shall use the results of the community resource assessment under subsection 2, paragraph B to address the specific needs identified in the community needs audit under subsection 2, paragraph A. [2015, c. 267, Pt. GGG, §1 (NEW).]

B. When developing a community school plan for the designation of an existing school as a community school, the school board shall use the results of the community resource assessment under subsection 2, paragraph B to address the specific needs identified in the community needs audit under subsection 2, paragraph A and the operations and instructional audit under subsection 2, paragraph C. [2015, c. 267, Pt. GGG, §1 (NEW).]

C. A community school plan must coordinate, integrate and enhance services for students, families and community members at the community school to improve the academic achievement of students and increase family and community involvement in education. [2015, c. 267, Pt. GGG, §1 (NEW).]

D. A community school plan must include cost estimates or an operational budget for the specified educational, developmental, family, health and other comprehensive services to be provided by the community school. [2015, c. 267, Pt. GGG, §1 (NEW).]

E. When developing a community school plan for the establishment of a new community school, a school board shall designate a community school coordinator to manage the partnerships with community partners participating in the community school plan. [2015, c. 267, Pt. GGG, §1 (NEW).]

[2015, c. 267, Pt. GGG, §1 (NEW) .]

4. **Funding.** The commissioner may provide state funding to the school administrative units in which community schools are located pursuant to section 15689-A, subsection 25. In providing funds under this subsection, the commissioner shall give priority to a qualified school administrative unit in which at least 40% of the students are economically disadvantaged students as determined pursuant to section 15675, subsection 2 and that has more economically disadvantaged students than other qualified school administrative units under this subsection.

[2015, c. 267, Pt. GGG, §1 (NEW) .]

5. **Gifts, grants and donations.** A school administrative unit may seek and accept public and private gifts, grants and donations to offset the costs of developing and implementing a community school plan under subsection 3. A gift, grant or donation received pursuant to this subsection must be approved by the school board prior to the receipt of the gift, grant or donation.

[2015, c. 267, Pt. GGG, §1 (NEW) .]

SECTION HISTORY
2015, c. 267, Pt. GGG, §1 (NEW).

§9923. PILOT PROJECT FOR COMMUNITY SCHOOLS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL 7/1/21)
(WHOLE SECTION TEXT REPEALED 7/1/21)

The department is authorized to designate 3 community schools established in accordance with this chapter as part of a 5-year pilot project beginning in the 2016-2017 school year. The commissioner shall provide state funding to the school administrative units in which the designated community schools are located and may employ a state community school coordinator to implement this pilot project. Annual state allocations for this pilot project may not exceed $150,000. [2015, c. 267, Pt. GGG, §1 (NEW).]

This section is repealed July 1, 2021. [2015, c. 267, Pt. GGG, §1 (NEW).]

SECTION HISTORY
2015, c. 267, Pt. GGG, §1 (NEW).

Part 5: POST-SECONDARY EDUCATION

Chapter 401: GENERAL PROVISIONS

§10001. HEMOPHILIACS

1. **Participation in physical activity.** A post-secondary institution may not require a hemophiliac to participate in physical activity hazardous to his or her physical health, as a condition or requirement for a degree, unless the physical activity is approved by the state board as an essential prerequisite to that degree.

[1983, c. 806, §74 (AMD) .]

2. **Admission.** A post-secondary institution may not refuse admission to a hemophiliac solely because of his or her condition as a hemophiliac, unless that condition would prevent participation in required courses of study of physical activity.

[1983, c. 806, §74 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §74 (AMD).

§10002. RECORDS OF EDUCATIONAL INSTITUTIONS

1. **Preservation of records.** The trustees or officers of a post-secondary institution, on going out of existence or ceasing to function as an educational institution, shall turn over records of attendance and academic achievements by its students to the department. The department shall preserve these records.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Duty of the commissioner.** The commissioner shall collect all attendance and academic records of post-secondary institutions within the State which are now extinct and deposit the records in a place of safety and accessibility for preservation and future use.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Preparation of transcript.** When requested, the commissioner shall prepare transcripts of grade records from these records of extinct institutions, when they are needed by the former student for:

A. Further scholastic work at another institution of learning; or [1981, c. 693, §§ 5, 8 (NEW).]

B. Certification for teaching or for other professional positions. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Copy as best evidence.** When a transcript is made from the original and certified by the commissioner, it shall be considered and accepted as legal evidence and, for all other purposes, as if it was the original.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Fee.** The department shall charge a nominal fee for the actual cost of preparing those transcripts.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§10003. FEES FOR DEGREES

An officer of a post-secondary institution may not receive as prerequisite a fee for a degree granted by the institute. Fees of this type shall be paid into the institution treasury. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§10004. PROHIBITION OF HAZING

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Injurious hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health of a student enrolled at an institution in this State. [1983, c. 159, (NEW).]

B. "Institution" means any post-secondary institution incorporated or chartered under the laws of this State. [1983, c. 159, (NEW).]

C. "Trustees" means trustees or the governing board of every post-secondary institution incorporated or chartered under the laws of this State. [1983, c. 159, (NEW).]

D. "Violator" means any person or any organization which engages in hazing. [1983, c. 159, (NEW).]

[1983, c. 159, (NEW) .]

2. **Adoption of rules.** The trustees shall adopt rules:

A. For the maintenance of public order; and [1983, c. 159, (NEW).]

B. Prohibiting injurious hazing by any student, faculty member, group or organization affiliated with the institution, either on or off campus. [1983, c. 159, (NEW).]

[1983, c. 159, (NEW) .]

3. **Penalties.** The trustees shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

A. In the case of a person not associated with the institution, the ejection of the violator from the campus or institution property; [1983, c. 159, (NEW).]

B. In the case of a student, administrator or faculty violator, the individual's suspension, expulsion or other appropriate disciplinary action; and [1983, c. 159, (NEW).]

C. In the case of an organization affiliated with the institution which authorizes hazing, recision of permission for that organization to operate on campus property or receive any other benefit of affiliation with the institution. [1983, c. 159, (NEW).]

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

[1983, c. 159, (NEW) .]

4. **Administrative responsibility.** The trustees shall assign responsibility for administering the rules to an administrative officer of the institution and establish procedures for appealing the action or lack of action of the officer.

[1983, c. 159, (NEW) .]

5. **Dissemination.** The trustees shall clearly set forth the rules and penalties and shall give a copy of them to all students enrolled in the institution.

[1983, c. 159, (NEW) .]

6. **Bylaws of organizations.** The rules shall be part of the bylaws of all organizations affiliated with the institution.

[1983, c. 159, (NEW) .]

SECTION HISTORY
1983, c. 159, (NEW).

§10005. STATE POSTSECONDARY REVIEW ENTITY

1. **Department as state postsecondary review entity.** The department is designated as the state postsecondary review entity for the purpose of carrying out the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended.

[1993, c. 493, §1 (NEW) .]

2. **Rule-making authority.** The commissioner has rule-making authority to implement the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended, concerning the conduct of the activities of the state postsecondary review entity.

[1993, c. 493, §1 (NEW) .]

SECTION HISTORY
1993, c. 493, §1 (NEW).

§10006. ENDOWMENT INCENTIVES

1. **Endowment Incentive Fund; nonlapsing fund.** The Endowment Incentive Fund, referred to in this section as the "endowment fund," is created to provide an incentive for private donations for endowment purposes to and for the benefit of the University of Maine System, the Maine Community College System and the Maine Maritime Academy, referred to in this section as "postsecondary entities," by providing matching state funds for certain private donations for specified purposes. Any funds appropriated by the Legislature to carry out the purposes of this section may not lapse and must be carried forward for continued use in the fund.

[1999, c. 511, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **Treasurer of State authority for deposit of state funds; interest earned on the endowment fund; disbursement of endowment funds.** The Treasurer of State is responsible for the custodial care of the endowment fund and may deposit state funds pursuant to Title 5, section 135. Interest earned on the investment of the endowment fund must be credited to the respective postsecondary entity or its qualified institutionally related foundation. The Treasurer of State is responsible for disbursement of the endowment fund, upon certification by the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of the Maine Maritime Academy that the criteria established in subsection 3 are met.

[1999, c. 1, §26 (COR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

3. **Administration of endowment fund; boards of trustees; boards of visitors; academic purposes.** The respective boards of trustees of the postsecondary entities shall adopt criteria establishing qualifications for private gifts and grants to be matched from the endowment fund. For each university in the University of Maine System, the respective university president must recommend qualifications for that institution's endowment fund criteria to the Board of Trustees of the University of Maine System. Each university president may direct that university's board of visitors to review the institution's unique fund-raising needs and advise the president on the board of visitors' final recommendations to the Board of Trustees of the University of Maine System. The endowment fund criteria must provide that only private donations for academic purposes may qualify for matching. For the administration of this endowment fund, "academic purposes" means scholarships, professorships or other endowed faculty positions. These endowment fund criteria must:

A. Set standards for those types of gifts that qualify for matching; [1999, c. 511, §1 (NEW).]

B. Establish minimum and maximum amounts for gifts to be matched from the endowment fund; and [1999, c. 511, §1 (NEW).]

C. Establish any other qualifications determined by the respective boards of trustees to provide the greatest incentive for encouraging private endowment gifts for academic purposes. [1999, c. 511, §1 (NEW).]

[1999, c. 511, §1 (NEW) .]

4. **Qualified recipients; institutionally related foundations; management of endowment funds.** Qualified recipients of private donations eligible for matching funds are the University of Maine System and each of its universities, the Maine Community College System and each of its colleges and the Maine Maritime Academy, as well as institutionally related foundations qualified under the Internal Revenue Code, Section 501(c)(3). Qualified institutionally related foundations may receive and manage the investment of matching funds, and may, at their discretion, hold funds allocated to them. In the absence of any conditions or restrictions to the contrary made by the donor, qualified recipients of private donations eligible for matching funds may combine, pool or merge these funds with other similar gift and endowment funds.

[1999, c. 511, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

5. **Matching funds available to postsecondary entities.** Upon determination that the criteria established in subsection 3 have been met, the State Treasurer shall provide that matching funds be available to the 3 entities as follows:

A. For an appropriated amount of more than $10,000,000:

(1) University of Maine System 70%;

(2) Maine Community College System 25%; and

(3) Maine Maritime Academy 5%; and [2003, c. 688, Pt. A, §15 (AMD).]

B. For an appropriated amount of $10,000,000 or less:

(1) University of Maine System 75%;

(2) Maine Community College System 20%; and

(3) Maine Maritime Academy 5%. [1999, c. 511, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

[2003, c. 688, Pt. A, §15 (AMD) .]

6. **University of Maine System; distribution formula.** The Board of Trustees of the University of Maine System shall ensure that money from the endowment fund distributed to the University of Maine System is allocated to each of the universities in proportion to the respective amounts of education funds and funds appropriated to the General Fund allocated to the various universities.

[1999, c. 511, §1 (NEW) .]

7. **Reduction prohibited.** Appropriations to the fund must be in addition to any other funds appropriated to the University of Maine System, the Maine Community College System and the Maine Maritime Academy and may not be used to reduce appropriations for other purposes.

[1999, c. 511, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY
RR 1999, c. 1, §26 (COR). 1999, c. 511, §1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 688, §A15 (AMD).

§10007. LIMITATION ON RECEIPT OF GIFTS, GRANTS OR DONATIONS; TRUSTEE POLICY AND REVIEW

In furtherance of the provisions of section 10902, subsection 2, paragraph B, the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Community College System shall each adopt a policy that ensures that each public system, its respective campus and any foundation related to each public system or its campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to the faculty of public higher educational institutions in teaching, research and expression of opinions. Policies adopted or amended by the trustees of each public system must include the establishment of a process for reviewing gifts, grants or donations of funds to ensure that the gifts, grants or donations of funds do not include restrictions that would interfere with or otherwise restrict the academic freedom of the faculty of each public system. This section may not be construed in such a way as to prohibit a donor from designating funds for a particular purpose or use, including, but not limited to, research, scholarships, construction or development. [2001, c. 86, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
2001, c. 86, §1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§10008. INFORMATION ON MENINGOCOCCAL DISEASE AND VACCINE

1. **Provision of information; report of vaccination.** Each postsecondary educational institution incorporated, chartered or established under the laws of the State that has a residential campus shall provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. This information must include any recommendations issued by the

national Centers for Disease Control and Prevention regarding meningococcal disease and the meningococcal vaccine. The information must be accompanied by a statement directing the student to share the information with the student's parents or legal guardians.

[2003, c. 581, §1 (NEW) .]

2. **Construction.** This section may not be construed to require a postsecondary educational institution to provide the meningococcal vaccine to students.

[2003, c. 581, §1 (NEW) .]

3. **Review; repeal.**

[2003, c. 581, §1 (NEW); T.20-A, §10008, sub-§3 (RP) .]

SECTION HISTORY
2003, c. 581, §1 (NEW).

§10009. REGULATION OF PUBLIC SAFETY ON COLLEGE AND UNIVERSITY CAMPUSES

1. **Definition.** As used in this section the following terms have the following meanings.

A. "College or university" means any postsecondary educational institution, including:

(1) Any degree-granting educational institution regulated under chapter 409;

(2) Any university in the University of Maine System;

(3) Any college in the Maine Community College System; and

(4) The Maine Maritime Academy. [2009, c. 170, §1 (NEW).]

[2009, c. 170, §1 (NEW) .]

2. **Power to regulate.** Nothing in Title 25, section 2011 limits the power of any college or university to regulate the possession of firearms on the property of the college or university.

[2009, c. 170, §1 (NEW) .]

SECTION HISTORY
2009, c. 170, §1 (NEW).

§10010. CURRENT MEMBERS AND VETERANS OF THE UNITED STATES ARMED FORCES

If a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence. [2013, c. 488, §1 (RPR).]

SECTION HISTORY
2009, c. 443, §1 (NEW). 2009, c. 463, §1 (AMD). 2013, c. 311, §2 (AMD). 2013, c. 488, §1 (RPR).

§10011. RETENTION AND GRADUATION RATES

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Graduation rate" means the percentage of the students who enrolled at the start of a postsecondary educational degree program who completed the program and graduated. [2011, c. 232, §1 (NEW).]

B. "Peer institutions" means those postsecondary institutions selected to provide a basis for comparison of retention rates and graduation rates against similar postsecondary institutions in this State. The categories of peer institutions selected for comparison include, but are not limited to:

(1) Public sector institutions that offer a bachelor's degree or other 4-year degree;

(2) Public sector institutions that offer an associate degree or other 2-year degree;

(3) Private sector institutions that offer a bachelor's degree or other 4-year degree; and

(4) Private sector institutions that offer an associate degree or other 2-year degree. [2011, c. 232, §1 (NEW).]

C. "Postsecondary institution" means an educational institution that offers an accredited postsecondary educational degree program. "Postsecondary institution" includes an institution that offers an accredited postsecondary educational degree program on the Internet. [2011, c. 232, §1 (NEW).]

D. "Retention rate" means the percentage of the students who enrolled at the start of a postsecondary educational degree program who, not having completed the program at the end of a school year, continue enrollment in that program at the start of the next school year. [2011, c. 232, §1 (NEW).]

[2011, c. 232, §1 (NEW) .]

2. **Retention and graduation rates.** Using information received annually from a postsecondary institution pursuant to federal law, the department shall annually compile the data so as to demonstrate:

A. The retention rates for the previous year for the institution, including the first-to-2nd-year retention rate and the retention rate for first-time students; [2011, c. 232, §1 (NEW).]

B. For a postsecondary institution that offers an associate degree program or other 2-year program, the graduation rates for students who began their studies within the past 4 years; and [2011, c. 232, §1 (NEW).]

C. For a postsecondary institution that offers a bachelor's degree or other 4-year degree program, the graduation rates for students who began their studies within the past 6 years. [2011, c. 232, §1 (NEW).]

[2011, c. 232, §1 (NEW) .]

3. **Report.** The department shall report the information compiled under subsection 2, including national comparisons of retention rates and graduation rates for peer institutions, annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and publish the report on the department's publicly accessible website.

[2011, c. 232, §1 (NEW) .]

4. **Rules.** The department may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

[2011, c. 232, §1 (NEW) .]

SECTION HISTORY

2011, c. 232, §1 (NEW).

§10012. HIGH SCHOOL GRADUATES DATA; REMEDIAL COURSES

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See T. 20-A, §10012, sub-§4)
(WHOLE SECTION TEXT REPEALED ON CONTINGENCY: See T. 20-A, §10012, sub-§4)

1. **Remedial courses.** Using information that is already collected by the Maine Community College System, the University of Maine System and the Maine Maritime Academy as part of the admissions and academic placement process, the President of the Maine Community College System, the Chancellor of the University of Maine System and the President of the Maine Maritime Academy shall annually compile the data so as to demonstrate:

A. The total number of traditional students who are enrolled in remedial courses in English language arts and mathematics, which must be disaggregated by campus and by subject area; [2011, c. 615, §1 (NEW).]

B. The name of each secondary school in the State from which a traditional student enrolled in a remedial course received a high school diploma and the number of those students from each of those schools; and [2011, c. 615, §1 (NEW).]

C. The retention and graduation rates for traditional students who were enrolled in remedial courses in English language arts and mathematics, which must be disaggregated by campus. [2011, c. 615, §1 (NEW).]

For the purposes of this subsection and subsection 2, "traditional student" means a student who has attended any accredited public school or private school in the State and received a high school diploma from a secondary school in the State or who has participated in a home instruction program pursuant to section 5001-A, subsection 3, paragraph A and who in the following academic year matriculates in the Maine Community College System, in the University of Maine System or at the Maine Maritime Academy.

[2011, c. 615, §1 (NEW) .]

2. **Personally identifiable information.** In reporting pursuant to subsection 3 the information compiled under subsection 1, the Maine Community College System, the University of Maine System and the Maine Maritime Academy shall manage education records in compliance with the federal Family Educational Rights and Privacy Act of 1974, 20 United States Code, Section 1232g. Those public institutions of higher education may not make public any information that could identify an individual student and shall ensure that the purpose of reporting disaggregated data for students enrolled in remedial courses is to conduct research for the purpose of evaluating and improving education programs. To ensure that personally identifiable information that would make a student's identity easily traceable is not disclosed, the public institutions of higher education may not report disaggregated information compiled under subsection 1 if the total number of traditional students who received high school diplomas from the same secondary school and enrolled in the same remedial course at the same campus is 5 or fewer.

[2011, c. 615, §1 (NEW) .]

3. **Report.** Beginning with the 2012-2013 academic year, the President of the Maine Community College System, the Chancellor of the University of Maine System and the President of the Maine Maritime Academy shall each report the information compiled under subsection 1, including recommendations for strategies that may result in fewer students enrolling in remedial courses at postsecondary educational institutions and strategies for improving the retention and graduation rates for students who were enrolled in remedial courses. The reports must be submitted by January 1st of each year to the Commissioner of

Education and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The Maine Community College System, the University of Maine System and the Maine Maritime Academy shall publish the annual reports on their publicly accessible websites.

[2011, c. 615, §1 (NEW) .]

4. **Contingent repeal.** This section is repealed July 1, 2016 unless the Commissioner of Education certifies to the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes before that date that the United States Congress has enacted legislation requiring public institutions of higher education to compile and report substantially the same data.

[2011, c. 615, §1 (NEW) .]

SECTION HISTORY
2011, c. 615, §1 (NEW).

§10013. REPORT ON FIRST-GENERATION STUDENTS

1. **Data and strategies.** By January 15, 2014, and annually thereafter, the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy shall each submit to the joint standing committee of the Legislature having jurisdiction over education matters a report that includes the following information regarding first-generation college students, as defined by the trustees of the respective institutions:

A. Data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other college students; [2013, c. 166, §1 (NEW).]

B. A summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students and any available data indicating the effect of those strategies and activities; and [2013, c. 166, §1 (NEW).]

C. Plans for or recommendations regarding new strategies or actions designed to increase enrollment and graduation rates of first-generation college students. [2013, c. 166, §1 (NEW).]

After receiving a report under this section, the committee may submit legislation relating to the subject matter of the report.

[2013, c. 166, §1 (NEW) .]

SECTION HISTORY
2013, c. 166, §1 (NEW).

Chapter 403: VOCATIONAL-TECHNICAL INSTITUTES

§10101. PURPOSE AND INTENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 532, §4 (AMD). 1983, c. 806, §§75,76 (AMD). 1985, c. 497, §4 (RP).

§10102. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10103. ESTABLISHMENT OF INSTITUTES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10104. STATE BOARD'S GENERAL DUTIES AND AUTHORITY; ESTABLISHMENT OF ADDITIONAL INSTITUTES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §19 (AMD). 1985, c. 110, §§1,2 (AMD). 1985, c. 497, §4 (RP). 1987, c. 402, §A120 (AMD).

§10105. DIRECTORS OF INSTITUTES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10106. FUNDING LEVELS; CAPITAL CONSTRUCTION PLAN; BUDGET

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10107. CONTINGENT ACCOUNT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10108. OPERATION OF COURSES AT A SECONDARY VOCATIONAL, FACILITY; ADMINISTRATION; TUITION CHARGES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10109. STATE SCHOLARSHIPS AT THE VOCATIONAL- TECHNICAL INSTITUTES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §20 (AMD). 1985, c. 497, §4 (RP).

§10110. JOURNEYMAN'S EXAMINATIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 468, §1 (AMD). 1983, c. 806, §77 (AMD). 1985, c. 389, §8 (AMD). 1985, c. 497, §4 (RP).

§10111. POLICE OFFICER AT INSTITUTES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 497, §4 (RP).

§10112. EDUCATIONAL OPPORTUNITIES FOR RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN

(REPEALED)

SECTION HISTORY
1983, c. 806, §78 (NEW). 1985, c. 497, §4 (RP).

Chapter 404: ENERGY TESTING LABORATORY OF MAINE

§10201. ESTABLISHMENT

The Energy Testing Laboratory of Maine, referred to in this chapter as "ETLM," is established. [1997, c. 607, §1 (AMD).]

SECTION HISTORY
1983, c. 320, §2 (NEW). 1989, c. 443, §25 (AMD). 1989, c. 700, §A59 (AMD). 1997, c. 607, §1 (AMD).

§10202. GOALS AND OBJECTIVES

The goals and objectives of ETLM are to provide those services that, among others, must meet the safety needs of industry and the public regarding the quality of construction of products tested by ETLM, the maintenance of high standards for testing conducted by ETLM and the provision of consultant services. [1997, c. 607, §2 (AMD).]

SECTION HISTORY
1983, c. 320, §2 (NEW). 1991, c. 824, §A33 (AMD). 1997, c. 607, §2 (AMD).

§10203. AUTHORITY

ETLM may, among other things, conduct tests, list products, supply labels, make reports, provide consultant services and provide other services consistent with the overall goals and objectives of ETLM as set forth in section 10202. [1997, c. 607, §2 (AMD).]

SECTION HISTORY
1983, c. 320, §2 (NEW). 1991, c. 824, §A33 (AMD). 1997, c. 607, §2 (AMD).

§10204. FEES

1. **Payment of fees.** Persons, corporations and all other bodies seeking services from ETLM shall pay all fees and charges set by ETLM for those services. All fees and charges shall be paid to ETLM in accordance with arrangements made by and between ETLM and those receiving the services.

[1983, c. 320, §2 (NEW) .]

2. **Dedicated account.** All fees received by ETLM shall be paid to the Treasurer of State to be placed in a separate, dedicated, nonlapsing income-earning or interest-earning account and shall be used solely for fulfilling the purposes of this chapter.

[1983, c. 320, §2 (NEW) .]

SECTION HISTORY
1983, c. 320, §2 (NEW).

§10205. RECORDS

ETLM shall keep records of all tests conducted and of all moneys received and disbursed by it. [1983, c. 320, §2 (NEW).]

SECTION HISTORY
1983, c. 320, §2 (NEW).

§10206. EXEMPTIONS

The following exemptions shall apply to ETLM: [1983, c. 320, §2 (NEW).]

1. **Rulemaking.** ETLM shall not be subject to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, before it may adopt standards or policies to be utilized in carrying out its duties under this chapter, nor in establishing and setting fees to be charged for services provided by ETLM.

[1983, c. 320, §2 (NEW) .]

2. **Freedom of access.** Records maintained by ETLM relative to services provided to persons, corporations or any other body in accordance with this chapter are not public records as that term is defined in Title 1, section 402, subsection 3, except for the fiscal records maintained by ETLM.

[1983, c. 320, §2 (NEW) .]

SECTION HISTORY
1983, c. 320, §2 (NEW).

Chapter 405: POST-SECONDARY EDUCATION COMMISSION OF MAINE

§10301. ESTABLISHMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP). 1983, c. 812, §108 (AMD). 1983, c. 862, §63 (RP).

§10302. SHORT TITLE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10303. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10304. MEMBERSHIP OF COMMISSION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP). 1983, c. 812, §109 (AMD). 1983, c. 862, §64 (AMD).

§10305. APPOINTMENT OF THE CHAIRMAN AND VICE-CHAIRMAN

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10306. MEETINGS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10307. STAFF

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10308. POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10309. COLLECTION OF INFORMATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10310. LIMITATIONS OF THE AUTHORITY OF COMMISSION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

§10311. DESIGNATION OF PECOM AS THE STATE AGENCY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 799, §1 (RP).

Chapter 406: MAINE HIGHER EDUCATIONAL ATTAINMENT COUNCIL

§10401. MAINE HIGHER EDUCATIONAL ATTAINMENT COUNCIL ESTABLISHED

(REPEALED)

SECTION HISTORY
2001, c. 658, §2 (NEW). 2001, c. 658, §5 (AFF). 2001, c. 714, §§LL3,4 (AFF). 2007, c. 395, §24 (RP).

§10402. POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
2001, c. 658, §2 (NEW). 2001, c. 658, §5 (AFF). 2001, c. 714, §LL1 (AMD). 2001, c. 714, §§LL3,4 (AFF). 2007, c. 395, §24 (RP).

Chapter 407: THE MAINE STATE COMMISSION FOR HIGHER EDUCATION FACILITIES

§10501. PURPOSE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §6 (RP).

§10502. DUTIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §6 (RP).

Chapter 409: DEGREE-GRANTING INSTITUTIONS

§10701. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Academic credit.** "Academic credit" means credit hours or some equivalent measure which may be awarded and which are applicable toward a degree.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Degree.** "Degree" means a document of achievement at the associate level or higher conferred by a postsecondary educational institution authorized to confer that degree in its home state. It includes educational, academic, literary and professional degrees. It also includes associate, baccalaureate, master's, first professional and doctoral degrees and certificates of advanced graduate studies.

[2009, c. 274, §10 (AMD) .]

3. **Educational institution.** "Educational institution" means any person, partnership, board, association, institution or corporation other than the University of Maine System, the Maine Community College System and the Maine Maritime Academy that offers academic, educational, literary or professional courses or programs.

[2007, c. 572, Pt. A, §8 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 563, §3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2007, c. 572, Pt. A, §§7, 8 (AMD). 2009, c. 274, §10 (AMD).

§10702. USE OF NAME "COMMUNITY COLLEGE," "COLLEGE" OR "UNIVERSITY"

An educational institution may use the term "community college," "college" or "university" in connection with its operation or use any other name, title or descriptive matter that might tend to indicate that it is an institution of higher learning with the authority to confer degrees, only if it: [2007, c. 572, Pt. A, §9 (AMD).]

1. **Temporary approval.** Is operating under a license or certificate of temporary approval from the state board in accordance with section 10703; or

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Authorization.** Has authorization to confer degrees in accordance with sections 10704 and 10704-A.

[1987, c. 395, Pt. A, §81 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A81 (AMD). 2007, c. 572, Pt. A, §9 (AMD).

§10703. TEMPORARY APPROVAL TO USE THE NAME "COMMUNITY COLLEGE," "COLLEGE" OR "UNIVERSITY"

1. **Power.** The state board may grant an applicant a certificate of temporary approval, permitting use of the term "community college," "college" or "university" in its name until the earlier of:

A. The expiration of the academic year; or [1981, c. 693, §§ 5, 8 (NEW).]

B. The applicant is authorized by the Legislature to grant degrees in accordance with section 10704. [1981, c. 693, §§ 5, 8 (NEW).]

[2007, c. 572, Pt. A, §10 (AMD) .]

2. **Extensions and renewals.** The state board may extend or renew a certificate of temporary approval for not more than 2 years.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §10 (AMD).

§10704. INITIAL AUTHORITY TO CONFER CERTAIN DEGREES

An educational institution may confer certain degrees if it has been granted initial authority under an Act of the Legislature. [1987, c. 395, Pt. A, §82 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A82 (AMD).

§10704-A. AUTHORITY TO CONFER ADDITIONAL DEGREES

An educational institution initially authorized by the Legislature to offer certain degrees under section 10704 may offer additional degrees with the approval of the state board. [1987, c. 395, Pt. A, §83 (NEW).]

SECTION HISTORY
1987, c. 395, §A83 (NEW).

§10705. COURSES FOR CREDIT

An educational institution may offer courses or programs for academic credit leading to degree-completion requirements only if: [2007, c. 572, Pt. A, §11 (AMD).]

1. **Authority.** It has been authorized under sections 10704 and 10704-A to grant degrees;

[1987, c. 395, Pt. A, §84 (AMD) .]

2. **State board authority.** It has been given temporary authority by the state board to use the name "community college," "college" or "university";

[2009, c. 274, §11 (AMD) .]

3. **Out-of-state institution.** It is:

A. Located outside the State; and [2007, c. 572, Pt. A, §11 (AMD).]

B. Authorized by the state board to offer courses for academic credit leading to degree-completion requirements; or [2009, c. 274, §11 (AMD).]

[2009, c. 274, §11 (AMD) .]

4. **Coordinated programs.** It is offering courses or programs in coordination with an educational institution in the State that is authorized to grant degrees and the state board has approved the coordination.

[2009, c. 274, §11 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A84 (AMD). 2007, c. 572, Pt. A, §11 (AMD). 2009, c. 274, §11 (AMD).

§10706. COORDINATED PROGRAMS

An educational institution may offer programs for academic credit that are coordinated with a Maine degree-granting educational institution and that have been approved by the state board. [2007, c. 572, Pt. A, §12 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §12 (AMD).

§10707. APPLICATIONS

1. **Degree-granting authority.** Applications for authority to grant degrees shall be made on application to the state board on forms provided by the commissioner.

[1987, c. 395, Pt. A, §85 (AMD) .]

2. **Temporary use of name.** Applications for temporary state board authority to use the name "community college," "college" or "university" must be made to the state board on forms provided by the commissioner.

[2007, c. 572, Pt. A, §13 (AMD) .]

3. **Courses for academic credit.** Applications by out-of-state educational institutions to offer courses for academic credit shall be made to the state board on forms provided by the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Coordinated programs.** Applications to offer coordinated programs shall be made to the state board on forms provided by the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Exempt status.** Applications for exempt status under section 10708, subsection 2, shall be made to the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A85 (AMD). 2007, c. 572, Pt. A, §13 (AMD).

§10708. EXEMPTIONS

This chapter does not apply to educational institutions which: [1981, c. 693, §§5, 8 (NEW).]

1. **Prior to September 18, 1981.** Had been authorized by the Legislature or the state board to grant undergraduate or graduate degrees prior to September 18, 1981 and are offering additional or different degrees at the same level;

[2009, c. 274, §12 (AMD) .]

2. **Federal reservations.** Offer programs or courses that are conducted solely on a federal reservation over which the Federal Government has exclusive jurisdiction. The commissioner shall authorize exempt status under this subsection;

[2005, c. 85, §1 (AMD) .]

3. **Noncredit courses.** Offer courses or programs that are not for academic credit; and

[2005, c. 85, §1 (AMD) .]

4. **Religious, nonpublic, educational institution.** Meet the following criteria.

A. The educational institution must be substantially owned, operated or supported by a bona fide church or religious organization. [2005, c. 85, §2 (NEW).]

B. The educational programs of the educational institution must be primarily designed for, aimed at and attended by persons who seek to learn the particular religious faith or beliefs of the church or religious organization under paragraph A. [2005, c. 85, §2 (NEW).]

C. The programs under paragraph B must be intended to prepare students to assume leadership positions in, or enter into some other vocation closely related to, the particular faith of the church or religious organization under paragraph A. [2005, c. 85, §2 (NEW).]

The exemption under this subsection does not apply to any educational institution that represents to any student or prospective student that the major purpose of its program is to prepare the student for a vocation not closely related to the particular religious faith of the educational institution or to provide the student with a general educational program substantially equivalent to the educational programs offered by schools or departments or branches of schools that are not exempt from this section. Any educational institution receiving an exemption under this subsection must inform all applicants of its exempt status in writing and must prominently display the following statement on all written materials, including, but not limited to, any electronic materials, made available to potential applicants or to the general public: "Pursuant to the Maine Revised Statutes, Title 20-A, section 10708, subsection 4, this institution is not required to obtain authorization from either the State Board of Education or the Maine State Legislature in order to: (1) use the name "junior college," "college" or "university," (2) offer courses or programs for academic credit or (3) confer degrees."

[2005, c. 85, §2 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 85, §§1,2 (AMD). 2009, c. 274, §12 (AMD).

§10709. PENALTIES

Any educational institution conferring degrees within the State or offering courses or programs within the State that carry academic credit without being authorized or approved to do so in accordance with this chapter is subject to a civil penalty of not more than $5,000, payable to the State, to be recovered in a civil action. [1991, c. 548, Pt. A, §14 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 548, §A14 (AMD).

§10710. RULES

The state board shall, in accordance with section 3, adopt rules necessary to carry out the purposes of this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§10711. PROHIBITION

The authority of an educational institution to confer degrees may not be sold, transferred, assigned or given as collateral. Any purported sale, transfer, assignment or encumbrance of this authority is void. [1991, c. 563, §4 (NEW).]

SECTION HISTORY
1991, c. 563, §4 (NEW).

§10712. TERMINATION OF DEGREE-GRANTING AUTHORITY

The authority of an educational institution to confer degrees terminates upon determination by the state board that any of the following has occurred: [1991, c. 563, §4 (NEW).]

1. **Discontinuance of instruction.** The substantial discontinuance of instruction by the educational institution;

[1991, c. 563, §4 (NEW) .]

2. **Sale of stock.** The sale, exchange or other transfer of all or a substantial part of the voting stock of an educational institution;

[1991, c. 563, §4 (NEW) .]

3. **Sale or lease of assets.** The sale, exchange, lease or other transfer of all or a substantial part of the assets of an educational institution; or

[1991, c. 563, §4 (NEW) .]

4. **Merger; consolidation; reorganization.** The merger or consolidation of the educational institution with an external entity, or the reorganization of the educational institution, including, but not limited to, reorganization in bankruptcy. This subsection does not apply and authority to confer degrees is not terminated if degree programs are consolidated or reorganized within an educational institution and are at the same level as those authorized by the Legislature or the state board prior to the consolidation or reorganization.

[2009, c. 274, §13 (AMD) .]

Upon termination of its degree-granting authority pursuant to this section, an educational institution may apply to the state board pursuant to section 10703 for a certificate of temporary approval to use the term "community college," "college" or "university" in its name. [2007, c. 572, Pt. A, §14 (AMD).]

SECTION HISTORY
1991, c. 563, §4 (NEW). 2007, c. 572, Pt. A, §14 (AMD). 2009, c. 274, §13 (AMD).

§10713. INVESTIGATIONS; HEARINGS

1. **Investigations.** Whenever the state board believes that an event, transaction or condition within the scope of section 10712 may have occurred or may exist, it may conduct an investigation, which may include, but is not limited to, an examination of the educational institution by a visiting committee convened by the state board for that purpose. As part of an investigation conducted under this subsection, the state board has the power to subpoena and examine under oath educational institutions, their trustees, directors, officers and employees, lenders, creditors and investors, together with their records, books and accounts. The state board may also require the educational institution to provide other written information relevant to the subject matter of the investigation in the format prescribed by the state board. The Superior Court has jurisdiction upon complaint filed by the state board to enforce any subpoena or request for other written information issued under this subsection.

[2007, c. 572, Pt. A, §15 (AMD) .]

2. **Hearings.** Before making any of the determinations authorized by section 10712, the state board shall give the educational institution an opportunity for a hearing pursuant to Title 5, chapter 375, subchapter IV.

[1991, c. 563, §4 (NEW) .]

SECTION HISTORY
1991, c. 563, §4 (NEW). 2007, c. 572, Pt. A, §15 (AMD).

§10714. APPLICATION; RETROACTIVITY

1. **Application.** Sections 10711 to 10713 apply to all educational institutions having degree-granting authority on or after the effective date of those sections, except that sections 10711 to 10713 do not apply to any educational institution if the action taken under those sections constitutes an impairment of contract that violates the United States Constitution, Article 1, Section 10, Clause 1.

[1991, c. 563, §4 (NEW) .]

2. **Retroactivity.** Any transaction described in section 10711 or 10712 occurring on or after December 4, 1990, is subject to sections 10711 to 10713.

[1991, c. 563, §4 (NEW) .]

SECTION HISTORY
1991, c. 563, §4 (NEW).

Chapter 410: FALSE ACADEMIC DEGREES OR CERTIFICATES

§10801. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2005, c. 429, §1 (NEW).]

1. **Accreditation.** "Accreditation" means a formal status granted by an accrediting agency to an institution meeting or exceeding the educational quality criteria as stated in the accrediting agency's publication in order to assess and enhance the educational quality of an institution, ensure consistency in institutional operations, promote institutional improvement and provide for public accountability.

[2005, c. 429, §1 (NEW) .]

2. **Accreditation mill.** "Accreditation mill" means an entity that is created to give the appearance that certain substandard schools or institutions of higher education are legitimately accredited organizations, that is not recognized by any authorized state, professional or national agency and that has few, if any, standards for quality.

[2005, c. 429, §1 (NEW) .]

3. **Diploma mill.** "Diploma mill" means an institution of higher education operating without accreditation or supervision of a state or a nationally recognized professional agency and granting diplomas that are either fraudulent or, because of lack of proper standards, worthless.

[2005, c. 429, §1 (NEW) .]

4. **Degree mill.** "Degree mill" means a school or institution of higher education without accreditation that meets any one of the following conditions:

A. Issues degrees without requiring any student academic work; [2005, c. 429, §1 (NEW).]

B. Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from standard accredited institutions; or [2005, c. 429, §1 (NEW).]

C. Issues degrees basing more than 50% of required credits on the student's life experience. [2005, c. 429, §1 (NEW).]

[2005, c. 429, §1 (NEW) .]

5. **Duly authorized institution of higher learning.** "Duly authorized institution of higher learning" means an institution that:

A. Has accreditation recognized by the United States Secretary of Education or has the foreign equivalent of such accreditation; [2005, c. 429, §1 (NEW).]

B. Has an authorization to operate under the laws of this State; or [2005, c. 429, §1 (NEW).]

C. Does not operate in this State and is:

(1) Licensed by the appropriate agency of another state; and

(2) An active applicant for accreditation by an accrediting body recognized by the United States Secretary of Education. [2005, c. 429, §1 (NEW).]

[2005, c. 429, §1 (NEW) .]

6. **False academic degree.** "False academic degree" means a document such as a degree or certification of completion of a degree, course work or academic credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or course work that results in the issuance of an associate or more advanced degree by an institution that is not a duly authorized institution of higher learning.

[2005, c. 429, §1 (NEW) .]

7. **Substandard school or institution of higher education.** "Substandard school or institution of higher education" means an entity without accreditation that offers credentials purported to be degrees without requiring the type and level of academic work typically needed to earn a degree and that:

A. Issues degrees without requiring any substantial student academic work; [2005, c. 429, §1 (NEW).]

B. Issues degrees based solely on the student's life experience or portfolio without requiring any college-level work submitted to and evaluated by faculty with appropriate academic degrees from accredited institutions; [2005, c. 429, §1 (NEW).]

C. Issues degrees without requiring that at least 80% of the student work for which credit is given be college-level work appropriate for the degree; [2005, c. 429, §1 (NEW).]

D. Issues degrees using more than 20% of required credits based on the student's life experience; [2005, c. 429, §1 (NEW).]

E. Issues degrees using more than 20% of credits transferred from an unaccredited school or institution of higher education; or [2005, c. 429, §1 (NEW).]

F. Issues degrees without at least 80% of student work for credit being evaluated by faculty with accredited degrees or issues degrees based on a nationally recognized college-level examination such as College Level Examination Program, Advanced Placement or New York Regents. [2005, c. 429, §1 (NEW).]

[2005, c. 429, §1 (NEW) .]

SECTION HISTORY
2005, c. 429, §1 (NEW).

§10802. UNLAWFUL TO ISSUE, MANUFACTURE, OR USE FALSE ACADEMIC DEGREES; PENALTY

1. **False academic degree.** A person may not issue or manufacture a false academic degree. A person who violates this subsection commits a Class C crime.

[2005, c. 429, §1 (NEW) .]

2. **Use of false academic degree.** A person may not use a false academic degree:

A. To obtain employment; [2005, c. 429, §1 (NEW).]

B. To obtain a promotion or higher compensation in employment; [2005, c. 429, §1 (NEW).]

C. To obtain admission to an institution of higher learning; or [2005, c. 429, §1 (NEW).]

D. In connection with any business, trade, profession or occupation. [2005, c. 429, §1 (NEW).]

A person who violates this subsection commits a Class D crime.

[2005, c. 429, §1 (NEW) .]

SECTION HISTORY
2005, c. 429, §1 (NEW).

§10803. UNLAWFUL TO USE DEGREE OR CERTIFICATE WHEN COURSE WORK NOT COMPLETED; PENALTY

1. **Unlawful use of degree.** A person may not knowingly use a degree, certificate, diploma, transcript or other document purporting to indicate that the person has completed an organized program of study or completed courses when the person has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript or document:

A. To obtain employment; [2005, c. 429, §1 (NEW).]

B. To obtain a promotion or higher compensation in employment; [2005, c. 429, §1 (NEW).]

C. To obtain admission to an institution of higher learning; or [2005, c. 429, §1 (NEW).]

D. In connection with any business, trade, profession or occupation. [2005, c. 429, §1 (NEW).]

[2005, c. 429, §1 (NEW) .]

2. **Penalty.** A person who violates this section commits a Class D crime.

[2005, c. 429, §1 (NEW) .]

SECTION HISTORY
2005, c. 429, §1 (NEW).

§10804. CONSUMER PROTECTION

The department shall provide, via publicly accessible sites on the Internet, information to protect students, businesses and others from persons, institutions or entities that issue, manufacture or use false academic degrees. This information must include the names of known state, national and international diploma mills, degree mills, accreditation mills and substandard schools or institutions of higher education. [2005, c. 429, §1 (NEW).]

SECTION HISTORY
2005, c. 429, §1 (NEW).

Chapter 411: UNIVERSITY OF MAINE

§10901. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Trustees.** "Trustees" means the Trustees of the University of Maine System.

[1985, c. 779, §46 (AMD) .]

2. **University.** "University" means the University of Maine System.

[1985, c. 779, §46 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 779, §46 (AMD).

§10901-A. UNIVERSITY OF MAINE SYSTEM

The University of Maine System is made up of 7 universities. [2005, c. 12, Pt. UUU, §1 (NEW).]

1. **Campuses.** The universities of the University of Maine System are located and named as follows:

A. Orono - University of Maine; [2005, c. 12, Pt. UUU, §1 (NEW).]

B. Augusta - University of Maine at Augusta; [2005, c. 12, Pt. UUU, §1 (NEW).]

C. Farmington - University of Maine at Farmington; [2005, c. 12, Pt. UUU, §1 (NEW).]

D. Fort Kent - University of Maine at Fort Kent; [2005, c. 12, Pt. UUU, §1 (NEW).]

E. Machias - University of Maine at Machias; [2005, c. 12, Pt. UUU, §1 (NEW).]

F. Presque Isle - University of Maine at Presque Isle; and [2005, c. 12, Pt. UUU, §1 (NEW).]

G. Portland and Gorham - University of Southern Maine. [2005, c. 12, Pt. UUU, §1 (NEW).]

[2005, c. 12, Pt. UUU, §1 (NEW) .]

SECTION HISTORY
2005, c. 12, §UUU1 (NEW).

§10902. PUBLIC POLICY ON HIGHER EDUCATION

The following shall be the fundamental policies adhered to in the state's public higher educational planning: [1981, c. 693, §§5, 8 (NEW).]

1. **Recognition.** To recognize higher education as an organized program of instruction, research and service:

A. Primarily concerned with the field of organized knowledge, related theory and associated practice; [1981, c. 693, §§5, 8 (NEW).]

B. Offered by a collegiate institution, not necessarily of 4 years, authorized to award academic degrees; and [1981, c. 693, §§5, 8 (NEW).]

C. Administered and systematically pursued on a full-time or part-time basis by persons who have completed secondary school or who demonstrate equivalent competence; [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Principles.** To support the principles that each higher educational institution in the State, public and private:

A. Shall have control over its educational program and related activities, within its board of control; [1981, c. 693, §§5, 8 (NEW).]

B. That its faculty shall enjoy the freedom traditionally accorded to the faculty of higher educational institutions in teaching, research and expression of opinions; and [1981, c. 693, §§5, 8 (NEW).]

C. That the faculty shall be consulted in the formulation of academic policies pertaining to it; [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Cohesive system.** To develop, maintain and support a structure of public higher education in the State which will assure the most cohesive system possible for planning, action and service in providing higher educational opportunities, to which the highest priority for fiscal support shall be assigned;

[1981, c. 693, §§5, 8 (NEW) .]

4. **Programs.** To provide in its public higher educational institutions, or through cooperative arrangements with private institutions or institutions outside the State, the programs of study, research or experimentation that its citizens may require;

[1981, c. 693, §§5, 8 (NEW) .]

5. **Encourage growth.** To encourage the growth and development of existing or new private higher educational institutions within the State where studies justify their continuation or establishment;

[1981, c. 693, §§5, 8 (NEW) .]

6. **All citizens eligible.** To recognize that all citizens shall be considered eligible for the benefits of appropriate higher education, whether they are high school graduates or the equivalent, or those seeking retraining or training for new careers;

[1981, c. 693, §§5, 8 (NEW) .]

7. **Public funds.** To assign continually a high priority in the allocation of public funds to the development of services, programs and institutions designed to provide opportunities for those who do not now share equitably in the advantages of higher education, because of limiting economic, social, educational and cultural factors;

[1981, c. 693, §§5, 8 (NEW) .]

8. **Financial support.** To support financially the programs of public higher educational institutions through appropriations, grants and loans, based on comprehensive plans and budgets, both short-term and long-term;

[1981, c. 693, §§5, 8 (NEW) .]

9. **Public accountability.** To expect appropriate public accountability for this support;

[1981, c. 693, §§5, 8 (NEW) .]

10. **Federal funds.** To encourage all institutions, public and private, to make maximum use of federal funds available for the support of higher educational programs and activities, the State to provide matching funds, where necessary, initially and on a continuing basis;

[1981, c. 693, §§5, 8 (NEW) .]

11. **Cooperative undertakings.** To expect and request cooperative undertakings among the higher educational institutions, public and private, and between them and the business, industrial and labor interests, to further the development of quality and quantity in educational programs and services and the advancement of the state's economy;

[1981, c. 693, §§5, 8 (NEW) .]

12. **Evaluation and research.** To encourage a continuing program of evaluation and research with respect to higher educational opportunities in the State through financial support and the expectation of annual reporting;

[1981, c. 693, §§5, 8 (NEW) .]

13. **Master plan.** To give a high priority to the provisions of the master plan for higher education through legislative action and appropriate publicity;

[1983, c. 97, §1 (AMD) .]

14. **Commuter education.** To make the most effective use possible of the financial resources allocated to public higher education by maximum emphasis on commuter facilities.

[1981, c. 693, §§5, 8 (NEW) .]

15. **Transfer of credits.** To provide for a uniform system of transferring credits for equivalent courses between the various units of the University of Maine System;

[1985, c. 779, §47 (AMD) .]

16. **Uniform course numbering.** To provide for a uniform system of the numbering of courses for equivalent courses between the various units of the University of Maine System;

[1985, c. 779, §48 (AMD) .]

17. **Uniform course descriptions.** To provide for a uniform system of course descriptions for equivalent courses between the various units of the University of Maine System;

[1991, c. 407, §2 (AMD) .]

18. **Temporary Assistance for Needy Families recipients.** To develop programs with the goal of enabling recipients of Temporary Assistance for Needy Families to achieve educational and skill levels that will assist them to compete for employment; and

[1991, c. 407, §3 (AMD); 1997, c. 530, Pt. A, §34 (AMD) .]

19. **Public school restructuring.** To encourage the public and private postsecondary education institutions in the State to cooperate with the commissioner, the state board and school administrative units to provide appropriate and timely professional development programs and other support services to educators in public schools engaged in school restructuring efforts.

[1991, c. 407, §4 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 97, §§1,2 (AMD). 1983, c. 806, §§79,80 (AMD). 1985, c. 779, §§47,48 (AMD). 1987, c. 402, §A121 (AMD). 1991, c. 407, §§2-4 (AMD). 1997, c. 530, §A34 (AMD).

§10902-A. REPORT BY TRUSTEES

The trustees, or their board representative, shall appear annually, in January, before the Joint Standing Committee on Education to report on efforts by the University of Maine System to comply with the state public policy on higher education established by section 10902. That report shall include, but need not be limited to, the following: [1985, c. 779, §49 (AMD).]

1. **Planning.** Efforts of the trustees to assure a cohesive system of planning for a delivery of higher educational opportunities; and

[1983, c. 799, §2 (NEW) .]

2. **Accounting.** An accounting of the prior year's funding.

[1983, c. 799, §2 (NEW) .]

SECTION HISTORY

1983, c. 799, §2 (NEW). 1985, c. 779, §49 (AMD).

§10902-B. REPORT BY CHANCELLOR

The Chancellor of the University of Maine System shall be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the state of the university system and such other matters as the chancellor desires to bring to the Legislature's attention. [1985, c. 779, §50 (AMD).]

SECTION HISTORY
1983, c. 799, §3 (NEW). 1985, c. 779, §50 (AMD).

§10903. STATE AGENCY

The university shall be an instrumentality and agency of the State for the purpose for which it was established and for which it has been managed and maintained under Private and Special Law 1865, chapter 532, and related supplementary legislation. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§10904. TRUST FUNDS

1. **Accounting.** Endowment, trust and other nonexpendable funds for investment held by the trustees, which have been or may be created and established by private donors for the benefit of the university or for any purpose directly related to the activities of the university, shall be preserved in their several separate identities in the books of account of the university and administered according to the terms of the gifts.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Management of individual funds.** For the purpose of investment only, and in order to afford to each fund the advantage of a diversification of risk wider than can be obtained by preserving the investment unity of each fund, and in the absence of any conditions or restrictions to the contrary made by the donor, the trustees may combine, pool and merge these funds with other similar funds. The trustees shall account for profits, losses and income to each individual fund in the proportion which its value bears to the total value of the merged fund as of the date of merger.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Valuation of individual funds.** If a new fund is merged into an existing combination of funds, the proportionate shares shall be determined by calculating the assets of the existing combination of funds at the then market value, and calculating the future shares of each individual fund in proportion to its value to the whole of the new combination.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§10904-A. MAINTENANCE FUND

The treasurer of the university shall establish and maintain a fund for maintenance of building space constructed with proceeds of any bond issued pursuant to an Act of the Legislature that requires such an account. The trustees shall acquire sufficient private and other non-General Fund contributions to maintain the space for the expected duration of its use. [1997, c. 718, Pt. A, §10 (AFF); 1997, c. 718, Pt. B, §1 (NEW); 1997, c. 718, Pt. B, §2 (AFF).]

SECTION HISTORY
1997, c. 718, §B1 (NEW). 1997, c. 718, §§A10,B2 (AFF).

§10905. TREASURER; COMPENSATION

The trustees shall appoint a full-time treasurer of the university. The treasurer shall give bond for the faithful performance of the duties of the office in an amount and with such conditions and sureties as the trustees may determine. The compensation of the treasurer shall be set by the trustees. [1983, c. 862, §65 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §81 (AMD). 1983, c. 862, §65 (AMD).

§10906. POWERS AND DUTIES OF TREASURER

1. **Receipt and custody of moneys, expenditures, authority to contract.** The treasurer shall:

A. Receive and have custody of all moneys received for the university; [1981, c. 693, §§ 5, 8 (NEW).]

B. Make all expenditures upon vouchers authenticated and approved in a manner designated by the trustees; and [1981, c. 693, §§ 5, 8 (NEW).]

C. Have no authority to contract debts and obligations or borrow money except:

(1) Loans in anticipation of assured revenues when approved by vote of the trustees; and

(2) Other loans when directed by vote of the trustees and duly and properly authorized by the Governor.

All such loans shall be effected in accordance with the provisions of chapter 412. [1987, c. 735, §13 (AMD).]

[1987, c. 735, §13 (AMD) .]

2. **Report of treasurer.** The treasurer shall prepare a complete report for the period ending on June 30th of each year and forward a copy of the report to the Governor, the board of trustees and the members of the Legislature.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 735, §13 (AMD).

§10907. TRANSFER OF CREDITS; UNIFORM COURSE NUMBERING; UNIFORM COURSE DESCRIPTION; COMMITTEE

1. **Formation.** The Chancellor of the University of Maine System shall form a committee composed of:

A. The Dean of Academic Affairs or designee from each campus of the University of Maine System; [1985, c. 779, §51 (AMD).]

B. One faculty member selected by the faculty from each campus of the University of Maine System; [1985, c. 779, §51 (AMD).]

C. One student representative selected by the student body of each campus of the University of Maine System; [1985, c. 779, §51 (AMD).]

D. The Vice-Chancellor of Academic Affairs of the University of Maine System to serve as an ex officio member; and [1985, c. 779, §51 (AMD).]

E. One member of the joint standing committee of the Legislature having jurisdiction over education to serve as an ex officio member and to be selected by the chairmen of the joint standing committee of the Legislature having jurisdiction over education. [1983, c. 97, §3 (NEW).]

[1985, c. 779, §51 (AMD) .]

2. **Chairman.** The committee shall elect one of its members as chairman.

[1983, c. 97, §3 (NEW) .]

3. **Meetings.** The committee shall be selected as soon as reasonably possible after the effective date of this section. The Vice-Chancellor of Academic Affairs shall notify all members of the time and place of the first meeting. At that time, the committee shall organize and adopt rules as to the administration of its affairs. The members shall serve without compensation, but shall be reimbursed by the chancellor for travel expenses.

[1983, c. 97, §3 (NEW) .]

4. **Duties.** The committee shall establish:

A. A uniform system to facilitate the transfer of credits for equivalent courses between the various units of the University of Maine System; [1985, c. 779, §51 (AMD).]

B. Development of a uniform course numbering system; and [1983, c. 97, §3 (NEW).]

C. Development of uniform course descriptions to provide an easy comparison of courses offered between the various units of the University of Maine System. [1985, c. 779, §51 (AMD).]

[1985, c. 779, §51 (AMD) .]

5. **Report and implementation.** The committee shall report the results of its deliberations and its recommendations to the Board of Trustees of the University of Maine System no later than one year from the effective date of this subsection, as amended. The trustees shall implement the recommendations no later than the beginning of the fall semester of 1985.

[1985, c. 779, §51 (AMD) .]

SECTION HISTORY
1983, c. 97, §3 (NEW). 1985, c. 779, §51 (AMD).

§10907-A. TRANSFER OF POSTSECONDARY CREDITS; AWARD OF DEGREE

A person who earns an associate degree from the Maine Community College System must be allowed to transfer credits earned at a community college in this State to the University of Maine System for use toward a baccalaureate degree from the University of Maine System in accordance with agreements developed between the University of Maine System and the Maine Community College System. A student who earns

credits at the University of Maine System, but who does not earn a degree, must be allowed to transfer those credits to the Maine Community College System for use toward an associate degree. [2013, c. 368, Pt. EEEEE, §1 (NEW).]

SECTION HISTORY
2013, c. 368, Pt. EEEEE, §1 (NEW).

§10908. EDUCATIONAL OPPORTUNITIES FOR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

In conjunction with the Maine Temporary Assistance for Needy Families Advisory Council established pursuant to Title 22, section 3789-D, the University of Maine System: [1997, c. 530, Pt. A, §5 (AMD).]

1. **Placement.** Shall promote opportunities for educational placement for recipients of Temporary Assistance for Needy Families who meet applicable admissions requirements; and

[1983, c. 806, §82 (NEW); 1997, c. 530, Pt. A, §34 (AMD) .]

2. **Supportive services.** Within the limits of available funds for supportive services, shall make available to Temporary Assistance for Needy Families recipients admitted as students opportunities for supportive services which may include, but are not limited to, remedial educational courses, day care services, counseling services and other programs and services consistent with the policy and intent of Title 22, chapter 1054.

[1983, c. 806, §82 (NEW); 1997, c. 530, Pt. A, §34 (AMD) .]

SECTION HISTORY
1983, c. 806, §82 (NEW). 1985, c. 779, §52 (AMD). 1993, c. 360, §C2 (AMD). 1997, c. 530, §A5 (AMD). 1997, c. 530, Pt. A, §34 (AMD).

§10909. UNIVERSITY OF MAINE SYSTEM SCHOLARSHIP FUND

The University of Maine System Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Board of Trustees of the University of Maine System. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine System. These scholarships may be awarded only to those students who are residents of the State. The fund may not be used for the costs of administering the scholarships. Fees credited from the University of Maine System registration plate pursuant to Title 29-A, section 456 may not be distributed as scholarships to students attending the University of Maine. [2005, c. 109, §2 (NEW).]

SECTION HISTORY
2005, c. 109, §2 (NEW).

Chapter 411-A: DISPLACED HOMEMAKERS

§10921. DISPLACED HOMEMAKER

As used in this chapter, "displaced homemaker" means an individual who: [2013, c. 368, Pt. AAAA, §2 (NEW).]

1. **Former worker in home.** Has worked in the home for a substantial number of years providing unpaid household services for members of the individual's family;

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

2. **No gainful employment.** Is not gainfully employed or is not employed in a position offering reasonable opportunities for advancement;

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

3. **Difficulty in getting employment.** Has had or would have difficulty securing employment; and

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

4. **Former dependency.** Has been dependent on the income of another family member, but is no longer supported by such income, or has been dependent on federal assistance, but is no longer eligible for such assistance, or is supported as the parent of minor children by government assistance or spousal support, but whose children are within one year of reaching majority.

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

SECTION HISTORY
2013, c. 368, Pt. AAAA, §2 (NEW).

§10922. DISPLACED HOMEMAKER PROGRAM

The Chancellor of the University of Maine System shall maintain a program to provide job counseling, job training, job placement and referral services to displaced homemakers in cooperation with existing displaced homemaker programs. [2013, c. 368, Pt. AAAA, §2 (NEW).]

SECTION HISTORY
2013, c. 368, Pt. AAAA, §2 (NEW).

§10923. CHANCELLOR

1. **Powers.** The Chancellor of the University of Maine System is responsible for the administration of displaced homemaker programs. The chancellor shall implement these programs by contracting with the existing displaced homemaker program to deliver services statewide.

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

2. **Rules.** The Chancellor of the University of Maine System shall adopt rules and procedures necessary to carry out the purposes of this chapter.

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

SECTION HISTORY
2013, c. 368, Pt. AAAA, §2 (NEW).

§10924. DISPLACED HOMEMAKERS ADVISORY COUNCIL

1. **Membership.** The Displaced Homemakers Advisory Council, established by Title 5, section 12004-I, subsection 54, and in this chapter referred to as "the council," is composed of the following individuals:

A. The Chancellor of the University of Maine System or the chancellor's designee; and [2013, c. 368, Pt. AAAA, §2 (NEW).]

B. Fifteen individuals appointed by the Governor who have experience with the problems of displaced homemakers entering, reentering or retraining for the paid workforce or starting a small business. The council shall elect a chair from among its members. [2013, c. 368, Pt. AAAA, §2 (NEW).]

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

2. **Responsibility.** The council shall advise the Chancellor of the University of Maine System on formulating policies related to the administration of this chapter.

[2013, c. 368, Pt. AAAA, §2 (NEW) .]

SECTION HISTORY
2013, c. 368, Pt. AAAA, §2 (NEW).

§10925. ANNUAL REPORT

The Chancellor of the University of Maine System shall report to the joint standing committee of the Legislature having jurisdiction over labor matters on an annual basis regarding services provided pursuant to this chapter. [2013, c. 368, Pt. AAAA, §2 (NEW).]

SECTION HISTORY
2013, c. 368, Pt. AAAA, §2 (NEW).

Chapter 412: TAX EXEMPT BORROWING AUTHORITY FOR THE UNIVERSITY OF MAINE SYSTEM

§10950. LEGISLATIVE FINDINGS OF FACT

The purpose of this chapter is to promote the welfare and prosperity of the people of the State and the continuation and improvement of their educational opportunities through enabling the University of Maine System to borrow money and enter into financing transactions in its own name, on behalf of the State, to provide money for the financing of acquisition, construction, reconstruction, improvement and equipping of facilities, structures and related systems in furtherance of the purposes of the University of Maine System, all to the public benefit and good, and the exercise of the powers, to the extent and manner provided in this chapter, is declared to be for a public purpose and to be the exercise of an essential governmental function. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10951. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 735, §14 (NEW).]

1. **Assured revenues.** "Assured revenues," as used in this chapter and in chapter 411, means revenues to be received from grants, subsidies, contracts, leases or other; agreements made by or with the Federal Government, the State or any political subdivision, agency or instrumentality of the Federal Government or the State, or others; or revenues to be received from existing projects, from projects under construction or from projects for which the university has entered into a binding commitment for the acquisition, construction

or accomplishment of the project, anticipated by the trustees to produce annual revenues in an amount not less than the anticipated annual cost of operation, maintenance and repair of such project, including aggregate annual debt service payments on any financing for the project, during the term of any financing effected under this chapter for the project, as determined by the trustees.

[1987, c. 735, §14 (NEW) .]

2. **Cost.** "Cost" as applied to a project or any portion of the project, includes, but is not limited to: The purchase price or acquisition cost of any such project; the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, equipping and remodeling; the cost of all labor, materials, building systems, machinery and equipment; the cost of all lands, structures, real or personal property, rights, easements and franchises acquired; the cost of all utility extensions, access roads, site development, financing charges, premium for insurance, interest prior to and during construction and for 6 months thereafter; the cost of working capital related to the project; the cost of plans and specifications, surveys and estimates of cost and of revenues; the cost of engineering, feasibility studies, legal and other professional services; the cost of reserves for payment of future debt service related to the financing transaction and for improvements; the cost of all other expenses necessary or incident to determining the feasibility or practicability of such construction; and administrative and operating expenses and such other expenses as may be necessary or incident to the financing authorized.

[1987, c. 735, §14 (NEW) .]

3. **Evidences of indebtedness.** "Evidences of indebtedness" means any notes, long-term or short-term, or other evidences of indebtedness issued pursuant to this chapter.

[1987, c. 735, §14 (NEW) .]

4. **Financing documents.** "Financing documents" means any evidences of indebtedness, loan agreements, credit agreements, financing leases, lease-purchase agreements, trust agreements, indentures, resolutions, mortgages, security agreements, pledge agreements or other contracts, agreements or documents executed and delivered by the university in connection with a financing transaction under this chapter.

[1987, c. 735, §14 (NEW) .]

5. **Financing transaction.** "Financing transaction" means the borrowing of money by the university on behalf of the State pursuant to this chapter.

[1987, c. 735, §14 (NEW) .]

6. **Project.** "Project" means any structure designed for use as a dormitory or other housing facility, dining facility, student union, academic building, administrative facility, library, classroom building, research facility, faculty facility, office facility, athletic facility, health care facility, laboratory, maintenance, storage or utility facility or other building or structure essential, necessary or useful for instruction in a program of education provided by the university; or any multipurpose structure designed to combine 2 or more of the functions performed by the types of structures enumerated in this subsection, including, without limitation, improvements, reconstruction, additions and equipment acquired in connection with the project or in connection with operation of any such currently existing facilities. "Project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment, and all appurtenances and facilities either on, above or under the ground that are used or usable in connection with any of the structures mentioned in this subsection. "Project" also includes landscaping, site preparation,

furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include such items as books, fuel, supplies or other items that are customarily considered as a current operating charge.

[1991, c. 2, §66 (COR) .]

7. **State.** "State" means the State of Maine.

[1987, c. 735, §14 (NEW) .]

8. **University.** "University" means the body politic and corporate, established by Private and Special Law 1865, chapter 532, under the name of the "Trustees of the State College of Agriculture and Mechanic Arts," its name having been changed to the "University of Maine" by Private and Special Law 1897, chapter 551, and which is an instrumentality and agency of the State for the purpose for which it was established and for which it has been managed and maintained under Private and Special Law 1865, chapter 532, and supplementary legislation relating thereto, including section 10903; Private and Special Law 1967, chapter 229; Private and Special Law 1969, chapter 238; and Public Law 1985, chapter 779.

[1987, c. 735, §14 (NEW) .]

SECTION HISTORY
1987, c. 735, §14 (NEW). RR 1991, c. 2, §66 (COR).

§10952. POWERS

In order to carry out the purposes of this chapter, the university shall have the following powers, which shall be in addition to any other powers that the university may have pursuant to laws of the State: [1987, c. 735, §14 (NEW).]

1. **Body politic and corporate.** To have perpetual succession as a body politic and corporate and an instrumentality and agency of the State;

[1987, c. 735, §14 (NEW) .]

2. **Sue and be sued.** To sue and be sued in its own name;

[1987, c. 735, §14 (NEW) .]

3. **Official seal.** To adopt and have an official seal and alter it at pleasure;

[1987, c. 735, §14 (NEW) .]

4. **Project ownership.** To acquire, construct, reconstruct, improve, equip, own, operate and maintain any project or projects, or any combination of project;

[1987, c. 735, §14 (NEW) .]

5. **Acquisition of property.** To acquire by purchase, contract, lease, long-term lease or gift, and hold or dispose of, real or personal property or rights or interests in any such property;

[1987, c. 735, §14 (NEW) .]

6. **Grants; subsidies; loans.** To accept grants, subsidies or loans of money from the Federal Government or a federal agency or instrumentality, or others, upon such terms and conditions as may be imposed, and to pledge the proceeds of grants, subsidies or loans of money received or to be received from the Federal Government or any federal agency or instrumentality, or others, pursuant to agreements entered into between the university and the Federal Government or any federal agency or instrumentality, or others;

[1987, c. 735, §14 (NEW) .]

7. **Borrow money.** To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, may not exceed in the aggregate principal amount outstanding at any time $220,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the legislative Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 30 days before closing on such borrowing for the project or projects is to be initiated;

[2005, c. 386, Pt. U, §1 (AMD) .]

8. **Execute contracts.** To make, enter into, execute, deliver and amend any and all contracts, agreements, leases, instruments and documents and perform all acts and do all things necessary or convenient to acquire, construct, reconstruct, improve, equip, finance, maintain and operate projects and to carry out the powers granted to this chapter, or reasonably implied from those powers; and

[1987, c. 735, §14 (NEW) .]

9. **Maintain treasury.** To retain in its treasury:

A. All money received from the sale of all evidences of indebtedness issued under this chapter; [1987, c. 735, §14 (NEW).]

B. All fees, tuitions, rentals and other charges from students, faculty, staff members and others using or being served by, or having the right to use or the right to be served by, or to operate, any project; [1987, c. 735, §14 (NEW).]

C. All fees for student activities, student services and all other fees, tuitions and charges collected from students matriculated, registered or otherwise enrolled at and attending the university, pledged under the terms of any resolution authorizing financing transactions pursuant to this chapter; and [1987, c. 735, §14 (NEW).]

D. All rentals from any facility or building leased to the Federal Government or any other 3rd party; [1987, c. 735, §14 (NEW).]

[1987, c. 735, §14 (NEW) .]

Any and all powers granted to the university under this chapter may be exercised by majority vote of the trustees and may be delegated to any officer, official or trustee of the university by majority vote of the trustees. [1987, c. 735, §14 (NEW).]

SECTION HISTORY

1987, c. 735, §14 (NEW). 1989, c. 578, §1 (AMD). 1991, c. 9, §E13 (AMD). 1993, c. 2, §1 (AMD). 1997, c. 24, §R1 (AMD). 2001, c. 449, §1 (AMD). 2003, c. 451, §NN1 (AMD). 2005, c. 386, §U1 (AMD).

§10953. ASSURED REVENUES FINANCING TRANSACTIONS

In furtherance of the provisions of section 10906, subsection 1, paragraph C, subparagraph (1), the university may, when directed by vote of the trustees, borrow money and enter into financing transactions in anticipation of assured revenues in the name of the university, on behalf of the State, and issue evidences of indebtedness in connection with such financing transactions: [1987, c. 735, §14 (NEW).]

1. **Cost of project.** To finance the cost of any one project, or more than one, or any combination of projects;

[1987, c. 735, §14 (NEW) .]

2. **Finance temporary deficit.** To finance any temporary cash flow deficit or temporary operating deficit that the trustees anticipate will be fully paid with the proceeds of assured revenues dedicated to that purpose.

[1987, c. 735, §14 (NEW) .]

3. **Refund evidences of indebtedness.** To refund evidences of indebtedness issued pursuant to this chapter or to refund general obligation debt of the State; or

[1993, c. 2, §2 (AMD) .]

4. **Refund refunding borrowings.** To refund any such refunding borrowings.

[1987, c. 735, §14 (NEW) .]

All evidences of indebtedness issued in connection with assured revenues financing transactions entered into pursuant to this section shall be authorized by majority vote of the trustees. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW). 1989, c. 578, §2 (AMD). 1993, c. 2, §2 (AMD).

§10954. OTHER FINANCING TRANSACTIONS

In furtherance of the provisions of section 10906, subsection 1, paragraph C, subparagraph (1), the university may, when directed by vote of the trustees and duly and properly authorized by the Governor, borrow money and enter into financing transactions in the name of the university, on behalf of the State, and issue evidences of indebtedness in connection with such financing transactions: [1987, c. 735, §14 (NEW).]

1. **Finance.** To finance the cost of any one project, or more than one, or any combination of projects;

[1987, c. 735, §14 (NEW) .]

2. **Refund evidences of indebtedness.** To refund evidences of indebtedness issued and to finance the cost of any project or projects as provided in this chapter or to refund general obligation debt of the State; or

[1993, c. 2, §3 (AMD) .]

3. **Refund refunding borrowings.** To refund any such refunding borrowings.

[1987, c. 735, §14 (NEW) .]

All evidences of indebtedness issued in connection with financing transactions entered into pursuant to this section shall be authorized by majority vote of the trustees and approved by the Governor upon submission by the trustees of the vote so passed. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW). 1989, c. 578, §3 (AMD). 1993, c. 2, §3 (AMD).

§10955. TERMS OF FINANCING TRANSACTIONS

1. **Form; terms; manner of sale.** All evidences of indebtedness issued in connection with the financing transactions pursuant to this chapter may be in serial form; may bear such date or dates; may mature at such time or times, and in such amount or amounts; may bear interest at such rate or rates, including variable or adjustable; may be payable in such form and at such time or times and at such place or places; and may include such redemption and conversion privileges as those votes may provide. All evidences of indebtedness shall be issued and sold under such terms and conditions as the trustees determine. The votes shall provide that the treasurer shall manually sign evidences of indebtedness and other related financing documents and the votes may provide for counter-signature of those evidences of indebtedness and related documents by another officer, either manually or in facsimile form. All such evidences of indebtedness shall be deemed to be negotiable instruments under the Uniform Commercial Code, Title 11, Article 8.

[1989, c. 502, Pt. A, §57 (AMD) .]

2. **Presumption of lawful authorization.** After issuance, all evidences of indebtedness of the university shall be conclusively presumed to be fully and duly authorized and issued under the laws of the State, and any person or governmental unit shall be stopped from questioning their authorization, sale, issuance, execution or delivery by the university.

[1987, c. 735, §14 (NEW) .]

3. **Voting power.** The power to fix the date of sale or issuance of any evidences of indebtedness, receive bids or proposals, award and sell any evidences of indebtedness, set the terms and provisions of any evidences of indebtedness and take all other action necessary to borrow money under this chapter and sell and deliver any evidences of indebtedness in connection with this chapter may be delegated to any officer, official or trustee of the university by a majority vote of the trustees.

[2009, c. 2, §44 (COR) .]

4. **No state debt.** Money borrowed pursuant to this chapter and evidences of indebtedness issued in connection with this chapter shall not constitute any debt or liability of the State or of any municipality or any political subdivision of the State, but shall be payable solely from the revenues of the university or any project for which they are issued, and all such evidences of indebtedness shall contain on their face a statement to that effect. The borrowing of money pursuant to this chapter and the issuance of evidence of indebtedness under this chapter shall not directly or indirectly or contingently obligate the State or any municipality or political subdivision to levy or to pledge any form of taxation or to make any appropriation for their payment and such evidences of indebtedness shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

[1987, c. 735, §14 (NEW) .]

SECTION HISTORY

1987, c. 735, §14 (NEW). 1989, c. 502, §A57 (AMD). RR 2009, c. 2, §44 (COR).

§10956. SECURITY FOR INDEBTEDNESS; TRUST AGREEMENT

To secure the payment of any indebtedness established or issued pursuant to this chapter, the university may mortgage any project or any part of the project and create a lien upon any or all of the revenues of any project or projects or upon any or all of the real or personal property constituting a part of any project or projects or upon any interests the university may hold in connection with a project or projects. Any trust agreement, financing document or resolution may contain such other provisions as the university determines reasonable and proper for the security of the holders of evidences of indebtedness. [1987, c. 735, §14 (NEW).]

A trust agreement or financing document containing a mortgage in respect of a project or projects or any part of a project, may authorize the trustee or mortgagee, as the case may be, in the event of a default as defined in respect to the evidences of indebtedness issued to provide for the costs of such project or projects or any part of a project, to take possession of all or any part of the mortgaged property constituting the project or projects or any part of a project, to hold, operate and manage the property and, with or without such taking of possession, to sell or from time to time to lease the property. Remedies provided under this chapter are not exclusive and these remedies shall be in addition to every other remedy existing at law, in equity. Upon satisfaction at any time of the obligations secured by the mortgage in respect of a project, projects or any part of a project, which shall be deemed to include all applicable fees and expenses, any surplus proceeds from such operation, sale or lease of such project or projects or any part of a project shall be paid to the mortgagor of a project, projects or any part of a project or to those claiming under the mortgagor, and subject to any sale or lease under this paragraph, the mortgaged property in respect of the project shall revert or be returned to the mortgagor or to those claiming under the mortgagor. [1987, c. 735, §14 (NEW).]

In the discretion of the university, any evidences of indebtedness issued under this chapter may be secured by a trust agreement by and between the university and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such a trust agreement or the resolution providing for the issuance of such evidences of indebtedness may pledge or assign all or any portion of the revenues of any project or projects or any other assets of a project or projects and may contain such provisions for protecting and enforcing the rights and remedies of the holders of evidences of indebtedness as may be reasonable and proper and not in violation of law. The provisions may include covenants setting forth the duties of the university in relation to the acquisition of property and the construction, reconstruction, renewal, replacement and insurance of any project in connection with which such evidences of indebtedness shall have been authorized, the fees, tuition, charges, or rents to be charged or other payments to be made for the use of the property or payment for the property, and the custody, safeguarding and application of all money. Any such trust agreement may set forth the rights and remedies of the holders of evidences of indebtedness and of the trustee, and may restrict the individual right of action by holders of evidences of indebtedness. [1987, c. 735, §14 (NEW).]

All expenses incurred in carrying out the trust agreement, financing document or resolution may be treated as a part of the cost of the operation of a project. All pledges of revenues under this chapter are valid and binding from the time when the pledge is made. All such revenues so pledged and received by the university must immediately be subject to the lien of the pledges without any physical delivery of them or further action under the Uniform Commercial Code, Title 11, or otherwise. The lien of those pledges is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the university irrespective of whether the parties have notice of the liens, and the liens are automatically, without further action, perfected and have the same status as a security interest perfected under the Uniform Commercial Code, Title 11, Article 9-A. [1999, c. 699, Pt. D, §18 (AMD); 1999, c. 699, Pt. D, §30 (AFF).]

SECTION HISTORY
1987, c. 735, §14 (NEW). 1989, c. 502, §A58 (AMD). 1999, c. 699, §D18 (AMD). 1999, c. 699, §D30 (AFF).

§10957. TRUST FUNDS

All money received pursuant to the authority of this chapter shall be deemed to be trust funds, to be held and applied solely as provided in this chapter and in the resolution of the trustees authorizing the financing transaction. Any officer to whom, or any bank, trust company or other fiscal agent or trustee to which that money shall be paid shall act as trustee of that money and shall hold and apply the money for that purpose, subject to such regulations as this chapter and the resolution or trust agreement may provide. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10958. REMEDIES

Any holder of evidences of indebtedness issued under this chapter or of any of the coupons appertaining to this chapter, and the trustee under any resolution or trust agreement, except to the extent the rights given may be restricted by the resolution authorizing the issuance of evidences of indebtedness or a trust agreement or applicable financing document, may, by action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted under this chapter or under the resolution, financing documents or trust agreement, including the appointment of a receiver of pledged amounts or a project, and may enforce and compel the performance of all duties required by this chapter or by the resolution, financing document or trust agreement to be performed by the university, including the collecting of rates, rents, fees and charges for the use of any or all of its facilities or projects. Any such suit, action or proceeding shall be brought for the benefit of all the holders of evidences of indebtedness and coupons. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10959. REFUNDING INDEBTEDNESS

Pursuant to sections 10953 to 10955, the university may enter into financing transactions and issue evidences of indebtedness for the purpose of refinancing obligations or evidences of indebtedness issued under this chapter or to refund general obligation debt of the State, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and if deemed advisable by the university for the additional purpose of construction or enabling the construction of improvements, extensions, enlargements or additions of the project or projects in connection with which the obligations to be refunded have been issued. The university's refunding authority includes authority to borrow and issue evidences of indebtedness for the combined purpose of refunding any evidences of indebtedness issued under this chapter then outstanding or refunding general obligation debt of the State, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and paying all or any part of the cost of acquiring or constructing or enabling the acquisition or construction of any additional project or projects or part of a project, or any improvements, extensions, enlargements or additions of any project or projects. The incurring of indebtedness for refunding purposes and the issuance of evidences of indebtedness in connection with the indebtedness, the maturities and other details, the rights and remedies of the holders and the rights, powers, privileges, duties and obligations of the university with respect to the indebtedness are governed by this chapter insofar as the chapter may be applicable. In the event the university refunds general obligation debt of the State not previously issued to finance any project or projects, the Treasurer of State is authorized to discharge the university from an amount of its obligations to reimburse the State for debt service on general obligation debt of the State issued to finance any project or projects that is equivalent to the general obligation debt

of the State actually being refunded by the issuance of bonds under this chapter. Equivalent amounts must be determined on the basis of the discounted present value of all such obligations. [1993, c. 2, §4 (AMD).]

SECTION HISTORY
1987, c. 735, §14 (NEW). 1989, c. 578, §4 (AMD). 1993, c. 2, §4 (AMD).

§10960. TAX EXEMPTION

Indebtedness incurred under this chapter and evidences of indebtedness issued in connection with the indebtedness shall be deemed to constitute a proper public purpose and the evidences of indebtedness issued, their transfer and the income from them, including any profits made on the sale of the evidences of indebtedness, shall at all times be exempt from taxation within the State. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10961. GOVERNMENTAL FUNCTIONS

The carrying out by the university of the powers and duties conferred upon it by this chapter shall be deemed to be the performance of an essential governmental function. Nothing contained in this chapter may in any way limit or restrict the powers and duties of the university that are granted to it, and nothing contained in this chapter may be construed to imply that the university did not possess any of the powers and duties granted under this chapter prior to the enactment of this chapter. This chapter shall in no way limit or restrict the power and authority of the State to borrow money for the benefit of the university. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10962. LIBERAL CONSTRUCTION

This chapter being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes of this chapter. To the extent of any conflict between this chapter and any other law, this chapter shall prevail, but the power and authority granted by this chapter is deemed to be in addition to and not in derogation of power and authority granted by any other law. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10963. EVIDENCES OF INDEBTEDNESS

The evidences of indebtedness of the university shall be legal investments in which all public officers and public bodies of the State, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, banking associations, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may be authorized to invest in securities of the State, may properly and legally invest funds, including capital, in their control, or belonging to them. Those evidences of indebtedness are also made securities which may properly and legally be deposited with and received by all public officers and

bodies of the State or any agency or political subdivision and all municipalities and public corporations for any purpose for which the deposit of securities of the State is now or may be authorized by law. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10964. ACTIONS AGAINST UNIVERSITY

Neither any trustee of the university nor any officer, employee or agent of the university, while acting within the scope of the authority of this chapter, may be subject to any personal liability resulting from the exercise or carrying out of any of the university's purposes or powers. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

§10965. VALIDITY OF EVIDENCES OF INDEBTEDNESS

Evidences of indebtedness bearing duly authorized signatures of officers or officials holding office on the date of signing shall be valid and binding obligations, notwithstanding that before the delivery of and payment for the obligation any or all persons whose signatures appear on the evidences of indebtedness shall have ceased to be such officers or officials. The validity of evidences of indebtedness shall not be dependent on nor affected by the validity or regularity of any proceedings to acquire any project financed with the proceeds of evidences of indebtedness, or to refund outstanding evidences of indebtedness, or otherwise taken in connection with the financing transaction. [1987, c. 735, §14 (NEW).]

SECTION HISTORY
1987, c. 735, §14 (NEW).

Chapter 412-A: MAINE BLACK BEARS SCHOLARSHIP FUND

§10971. MAINE BLACK BEARS SCHOLARSHIP FUND

The Maine Black Bears Scholarship Fund is created and established as a nonlapsing fund administered by the University of Maine. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine. Scholarships distributed under this section may be awarded only to students who demonstrate financial need. The University of Maine shall award the scholarships and adopt rules for determining eligibility, terms and conditions for scholarships. The fund may not be used for the costs of administering the scholarships. [2001, c. 623, §2 (NEW).]

SECTION HISTORY
2001, c. 623, §2 (NEW).

Chapter 413: NEW ENGLAND HIGHER EDUCATION COMPACT

Subchapter 1: COMPACT

§11001. PURPOSES - ARTICLE I

The purposes of the New England Higher Education Compact shall be to provide greater educational opportunities and services through the establishment and maintenance of a coordinated educational program for the persons residing in the several states of New England parties to this compact, with the aim of furthering higher education in the fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11002. BOARD OF HIGHER EDUCATION - ARTICLE II

1. **Creation.** The New England Board of Higher Education, established by Title 5, section 12004-K, subsection 2, and referred to as the "board," shall be an agency of each state party to the compact.

[1989, c. 503, Pt. B, §76 (AMD) .]

2. **Powers.** The board shall be a body corporate and politic, having the powers, duties and jurisdiction enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting states.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Composition.** The board shall consist of 8 resident members from each compacting state, at least 2 of whom shall be members of the Legislature, chosen in the manner and for the terms provided by law of the several states parties to this compact.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §110 (AMD). 1989, c. 503, §B76 (AMD).

§11003. ENTRY INTO FORCE - ARTICLE III

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11004. OFFICERS; MEETINGS; ORGANIZATION - ARTICLE IV

1. **Officers.** The board shall annually elect from its members a chairperson and vice-chairperson and shall appoint and at its pleasure remove or discharge said officers.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Employees.** It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary and at its pleasure remove or discharge such personnel.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Rules.** It shall adopt a seal and suitable bylaws and shall promulgate any and all rules which may be necessary for the conduct of its business.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Office.** It may maintain an office or offices within the territory of the compacting states.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Meetings.** It may meet at any time or place. Meetings shall be held at least once each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the board imposing any obligation on any compacting state shall be binding unless a majority of the members from the compacting state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of education affecting only certain of the compacting states, the board may vote to authorize special meetings of the board members of such states.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Accounts.** The board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each compacting state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting states which may be necessary to carry out the intent and purpose of this compact.

[1981, c. 693, §§ 5, 8 (NEW) .]

7. **Credit.** The board shall not pledge the credit of any compacting state without the consent of the Legislature thereof given pursuant to the constitutional processes of said state. The board may meet any of its obligations in whole or in part with funds available to it under Article VII of this compact; provided that board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under Article VII, the board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same.

[1981, c. 693, §§ 5, 8 (NEW) .]

8. **Audit.** Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts of the board.

[1981, c. 693, §§ 5, 8 (NEW) .]

9. **Disbursements.** The board shall appoint a treasurer and assistant treasurer who may be empowered to perform any and all duties of the treasurer. Fiscal disbursements of the board should be valid only when authorized by any 2 persons from among those authorized by the board to execute this authority, and when substantiated by vouchers signed and countersigned by any 2 members from among those authorized by the board to execute this authority.

[1981, c. 693, §§ 5, 8 (NEW) .]

10. **Records.** The executive secretary shall be custodian of the records of the board with authority to attest to and certify such records or copies thereof.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11005. POWERS AND DUTIES - ARTICLE V

The board may: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Data reports.** Collect, correlate and evaluate data in the fields of its interest under this compact; publish reports, bulletins and other documents making available the results of its research; and, in its discretion, charge fees for those reports, bulletins and documents;

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Contractual agreements or arrangements.** Enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with educational institutions and agencies as may be required in the judgment of the board to provide adequate services and facilities in educational fields covered by this compact. It shall be the policy of the board in the negotiation of its agreements to serve increased numbers of students from the compacting states through arrangements with then existing institutions, whenever in the judgment of the board adequate service can be so secured in the New England region. Each of the compacting states shall contribute funds to carry out the contracts of the board on the basis of the number of students from such state for whom the board may contract.

Contributions shall be at the rate determined by the board in each educational field. Except in those instances where the board by specific action allocates funds available to it under Article VII, the board's authority to enter into such contracts shall be only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the board and in accordance with the laws of the compacting states.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11006. APPROPRIATIONS - ARTICLE VI

Each state agrees that, when authorized by the legislature pursuant to the constitutional processes, it will from time to time make available to the board such funds as may be required for the expenses of the board as authorized under the terms of this compact. The contribution of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the Bureau of the Census of the United States, unless the board shall adopt another basis in making its recommendation for appropriation to the compacting states. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11007. GIFTS - ARTICLE VII

The board for the purposes of this compact may receive grants, devises, gifts and bequests which the board may agree to accept and administer. The board shall administer property held in accordance with special trusts, grants and bequests, and shall also administer grants and devises of land and gifts or bequests

of personal property made to the board for special uses, and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11008. SEVERABILITY - ARTICLE VIII

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact is held to be contrary to the constitution of any compacting state the compact shall remain in full force and effect as to all other compacting states. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11009. WITHDRAWAL - ARTICLE IX

This compact shall continue in force and remain binding upon a compacting state until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until 2 years after notice thereof has been sent by the governor of the state desiring to withdraw to the governors of all other states then parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the board. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11010. DEFAULTS; SUSPENSION - ARTICLE X

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with this compact, all rights and privileges and benefits conferred by this compact or agreement hereunder shall be suspended from the effective date of such default as fixed by the board. Unless such default shall be remedied within a period of 2 years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of 3/4 of the other member states. Any such defaulting state may be reinstated by: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Performance.** Performing all acts and obligations upon which it has heretofore defaulted; and

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Approval.** Application to and approved by a majority vote of the board.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 2: PROVISIONS RELATING TO COMPACT

§11051. RATIFICATION

The Governor, on behalf of this State, may enter into a compact, substantially in the form provided in this chapter, with any one or more of the States of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont, that compact to be effective upon the filing of a copy thereof in the office of the Secretary of State. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11052. PURPOSES

The several New England states cooperatively deem it feasible to provide needed, acceptable, efficient, educational facilities to meet the needs of New England in the fields of medicine, dentistry, veterinary medicine and other fields of technical, professional and graduate training. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11053. BOARD

1. **Membership.** Of the 8 members who shall represent this State:

A. One shall be the current Chancellor of the University of Maine System, ex officio; [1985, c. 779, §53 (AMD).]

B. One shall be the commissioner, ex officio; [1981, c. 693, §§ 5, 8 (NEW).]

C. Four shall be named by the Governor for 2-year terms; [1981, c. 693, §§ 5, 8 (NEW).]

D. One shall be a member of the Senate appointed by the President of the Senate; and [1981, c. 693, §§ 5, 8 (NEW).]

E. One shall be a member of the House of Representatives appointed by the Speaker of the House. [1981, c. 693, §§ 5, 8 (NEW).]

[1985, c. 779, §53 (AMD) .]

2. **Expenses.** All members shall receive their actual expenses incurred in the performance of their official duties.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 779, §53 (AMD).

§11054. DUTIES OF BOARD

The board on the part of the State shall obtain accurate accounts of all the board's receipts and disbursements and shall report to the Governor and the Commissioner of Administrative and Financial Services annually on or before the 15th day of September, setting forth in such detail as the commissioner may require the transactions of the board for the fiscal year ending on the preceding June 30th. They shall include in such report recommendations for any legislation as may be necessary or desirable to carry out the intent and purposes of the New England Higher Education Compact among the states joining. [1991, c. 780, Pt. Y, §117 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 785, §A91 (AMD). 1991, c. 780, §Y117 (AMD).

§11055. EFFECTIVE DATE

When the Governor shall have executed this compact on behalf of this State, and shall have caused a verified copy thereof to be filed with the Secretary of State, and when the compact shall have been ratified by one or more of the states named in section 11051 then this compact shall become operative and effective as between this State and such other state or states. The Governor shall take such action as may be necessary to complete the exchange and filing of official documents as between this State and any other state ratifying the compact, and to take such steps as may be necessary to secure the consent of the Congress of the United States to the compact. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 415: TUITION EQUALIZATION FUND

§11201. DEFINITION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §5 (RP).

§11202. TUITION EQUALIZATION FUND

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §5 (RP).

§11203. SELECTION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §5 (RP).

Chapter 417: FEDERAL FINANCIAL ASSISTANCE PROGRAMS

Subchapter 1: LOAN INSURANCE PROGRAMS

§11401. GENERAL PROVISIONS

1. **Purpose.** The purpose of this subchapter is to allow the authority to continue a student loan insurance program, meeting certain federal requirements, in order to secure loans to students attending institutions of higher education, including career and technical education training institutions, and to parents of these students, in accordance with the Constitution of Maine, Article VIII, Part First, Section 2.

[2003, c. 2, §67 (COR) .]

2. **Definitions.** As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authority" means the Finance Authority of Maine. [1989, c. 698, §13 (NEW); 1989, c. 698, §76 (AFF).]

B. "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine. [1989, c. 698, §13 (NEW); 1989, c. 698, §76 (AFF).]

[1989, c. 698, §13 (NEW); 1989, c. 698, §76 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §47 (AMD). 1989, c. 698, §13 (RPR). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §67 (COR).

§11402. LOAN PROGRAMS ADMINISTERED

In accordance with the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Subchapter IV, Part B, as amended, the Finance Authority of Maine shall administer the Robert T. Stafford Loan Program, the Parent Loans to Undergraduate Students Program and the Supplemental Loans for Students Program. To this end, the faith and credit of the State is pledged consistent with the terms and limitations of the Constitution of Maine, Article VIII, Part First, Section 2. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §13 (RPR).

§11403. STUDENT LOAN INSURANCE FUND

1. **Establishment.** There is established the Student Loan Insurance Fund, to be used by the authority as a nonlapsing, revolving fund for carrying out this subchapter.

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

2. **Fund; charges and credits.** Charges and credits are as follows.

A. All expenses of the authority for its operations under this subchapter, including interest and principal payments required by loan defaults, may be charged to the fund. [1989, c. 698, §13 (RPR).]

B. All amounts received by the authority under this subchapter must be credited to the fund. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

3. **Excess money.** Money in the fund not needed currently to meet the obligations of the authority as an insurer is deposited with the authority to the credit of the fund, or may be invested as provided by law.

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §13 (RPR).

§11404. ADDITIONS TO STUDENT LOAN INSURANCE FUND

1. **Request of authority.** The authority may, in writing, request the Governor to provide additional funds to add to the Student Loan Insurance Fund to meet its obligations.

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

2. **Transfer of funds.** The Governor shall transfer to the fund sufficient money for the requested purpose from the State Contingent Account or from the proceeds of bonds issued as provided in this section.

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

3. **Bonds.** Bonds must be issued as follows.

A. The Governor shall order the Treasurer of State to issue bonds in the amount requested, but not exceeding in the aggregate outstanding at any one time the amount set forth in the Constitution of Maine, Article VIII, Part First, Section 2. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

B. Bonds mature serially or run for such periods as the Governor may determine, but not for a term of more than 20 years. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

C. The Governor shall determine the rates of interest and the terms and conditions of the bonds. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

D. The bonds are deemed to be a pledge of the full faith and credit of the State. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §13 (RPR).

§11405. POWERS AND DUTIES

Under this subchapter, the chief executive officer may: [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

1. **Agent.** Choose a suitable agent or agents to administer in whole or in part the affairs and activities required by this subchapter or by applicable federal provisions; and

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

2. **Agreements.** Enter into agreements with the United States Secretary of Education relating to federal, state and private programs of low-interest insured loans to students in institutions of higher education, within the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Title IV, Part B, as amended.

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR) .]

3. **Agreements.**

[1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §13 (RPR).

§11406. LOANS TO MINORS

Notwithstanding any other law, if the borrower on a loan insured under this program is a minor, an otherwise valid note or other written agreement executed by the borrower for the purpose of the loan creates a binding obligation. [1989, c. 698, §76 (AFF); 1989, c. 698, §13 (RPR).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §83 (AMD). 1989, c. 698, §13 (RPR).

§11407. AUTHORIZATION FOR GOVERNOR TO REQUEST ORGANIZATIONS TO ACQUIRE LOAN NOTES

To the extent and for the purposes contemplated by the federal Internal Revenue Code of 1954, Section 103(e), as amended, and successor provisions thereto, including without limitation the federal Internal Revenue Code of 1986, Section 150(d), as amended, the Governor may on behalf of the State request the organization of one or more nonprofit corporations to operate exclusively for the purpose of acquiring student loan notes incurred under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Title IV, Part B, as amended. The Governor may request on behalf of the State that one or more state agencies acquire student loan notes incurred under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Title IV, Part B, as amended. [2003, c. 112, §4 (AMD).]

1. **Origination of loans.** Any entity acquiring student loan notes may not originate federally guaranteed loans, except as authorized in chapter 417-F. The entity may not discriminate against any financial institution or credit union authorized to do business in this State or any other entity with respect to the acquisition of loans. The entity shall adopt policies regarding conflict of interest.

[2009, c. 83, §1 (AMD) .]

2. **Loan guarantee.** All education loan notes incurred under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28 that are acquired with proceeds of tax-exempt bonds using a portion of the state ceiling on private activity bonds must be guaranteed by the state agency designated as administrator of federal guaranteed student loan programs pursuant to chapter 417, subchapter 1, provided that this requirement does not apply to serial loans of a borrower that are guaranteed by a different guarantee agency and acquired or financed with tax-exempt bond proceeds prior to the effective date of this paragraph. The state agency designated as administrator of federal guaranteed student loan programs pursuant to chapter 417, subchapter 1 shall use its best efforts to provide competitive rates for the guarantee function.

[2003, c. 112, §4 (AMD) .]

3. **Board of directors.** The board of directors of a nonprofit corporation formed under this section consists of 7 members. Four members representing the public with full voting rights must be appointed by the Governor, subject to review and approval by the joint standing committee of the Legislature having jurisdiction over business and economic development matters and confirmation by the Legislature. The terms of the initial members must be staggered: 2 members must be appointed to 2-year terms and 2 members must be appointed to 3-year terms. On the expiration of a term of any member, a successor must be appointed to a 3-year term. A member serves until a successor is appointed and qualified. A member is eligible for reappointment. If a member is appointed to fill a vacancy in an unexpired term, that member may serve only for the remainder of that term until a successor is appointed. An officer, director or employee of a nonprofit corporation formed under this section may not at the same time serve as an officer, director or employee of the Finance Authority of Maine, of the state agency designated as administrator of federal guaranteed student loan programs pursuant to chapter 417, subchapter 1 or of any entity that has a contract to provide a significant level of administrative services to a nonprofit corporation formed under this section or to the state agency designated as administrator of federal guaranteed student loan programs pursuant to chapter 417, subchapter 1.

[2015, c. 170, §7 (AMD); 2015, c. 170, §30 (AFF) .]

4. **Public meetings and records.** Except for records containing specific and identifiable personal information acquired from applicants for or recipients of financial assistance, the books and records of a nonprofit corporation formed under this section are public records and the meetings of such a corporation are public proceedings within the meaning of Title 1, chapter 13, subchapter 1.

[2003, c. 112, §4 (AMD) .]

5. **Use of competitive bidding.** An entity designated under this section may enter into contracts for loan administration, loan servicing and other substantial operating contracts related to loan purchase activities through an open competitive bidding process in accordance with this subsection. The entity shall adopt rules requiring that loan administration or servicing contracts may not be entered into without prior public notice and opportunity for interested persons to make proposals, and the entity may not adopt the rules until after providing public notice and opportunity for public comment on the proposed rules. In adopting those rules, the entity shall consider to the extent possible the rules and procedures with respect to the competitive bidding process set forth in Title 5, chapter 155, subchapter 1-A. Any loan administration or servicing contract must be approved by the board after review of the contract and an accompanying fairness opinion prepared by an independent 3rd party.

[2003, c. 112, §4 (AMD) .]

6. **Annual report.** An entity designated under this section shall report annually on its activities during the previous fiscal year to the joint standing committees of the Legislature having jurisdiction over business and economic development matters, appropriations matters and education matters. The report must include a listing of the current directors and officers; a summary of the purchases of loans in the secondary market during the previous fiscal year; a listing of the institutions from which loans were purchased during the previous fiscal year; and a complete financial statement of the entity's operations related to loan purchases during the previous fiscal year, including a breakdown of income and costs, the administrative and operating costs, the assets and liabilities, the total excess revenues over expenditures for the previous fiscal year and the total accumulation of these revenues, the total income derived from investments during the previous fiscal year, the disposition and use of excess revenues, the proceeds from investments and the geographic distribution and distribution between institutions of higher learning of its student loans among residents of this State. The report must demonstrate that all revenues, including reserves, that are acquired with proceeds of tax-exempt bonds using a portion of the state ceiling on private activity bonds are being used in a manner consistent with the public purpose for which the bonds are issued. The report must include similar information on all affiliated entities and must be provided annually in writing to the joint standing committees of the Legislature having jurisdiction over business and economic development matters, appropriations matters and education matters by December 1st. An entity designated under this section shall also file copies of the entity's Internal Revenue Code forms and returns with the Attorney General and the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

[2003, c. 112, §4 (AMD) .]

SECTION HISTORY
1983, c. 399, §2 (NEW). 1989, c. 698, §13 (RPR). 1989, c. 812, §3 (AMD). 1999, c. 443, §5 (AMD). 1999, c. 728, §11 (AMD). 1999, c. 728, §§20,21 (AFF). 2003, c. 112, §4 (AMD). 2009, c. 83, §1 (AMD). 2015, c. 170, §7 (AMD). 2015, c. 170, §30 (AFF).

Subchapter 2: OTHER FEDERAL EDUCATIONAL FINANCIAL ASSISTANCE PROGRAMS

§11410. AUTHORIZATION

In accordance with the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Subchapter IV, Part A, Subparts 3 and 6; and Subchapter V, Part D, Subpart 1, as amended, the Finance Authority of Maine shall administer the State Student Incentive Grant Program the Robert C. Byrd Honors Scholarship Program and the Paul Douglas Teacher Scholarship Program. [1989, c. 698, §13 (RPR).]

SECTION HISTORY
1989, c. 698, §13 (NEW).

Chapter 417-A: MAINE EDUCATIONAL LOAN PROGRAM

§11411. MAINE EDUCATIONAL LOAN PROGRAM

There is established the Maine Educational Loan Program, referred to in this chapter as "the program" and administered by the Finance Authority of Maine, to carry out the purposes of this chapter. [2015, c. 170, §8 (NEW); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §30 (AFF). 2015, c. 170, §8 (RPR).

§11412. DECLARATION OF NECESSITY AND PURPOSE

The Legislature declares that there is a need to provide additional assistance for higher education for residents and inhabitants of this State; the cost of higher education is increasing; assistance to higher education, including recipients and providers of higher education, will benefit the people of this State, enhance their welfare and increase their commerce and economic prosperity; it is the purpose of this chapter to provide assistance to students or the families of students who are residents of this State attending institutions of higher education within or outside of this State, to students and the families of students attending institutions of higher education within this State and to institutions of higher education within this State; the assistance provided by this chapter is intended in part to supplement federal guaranteed higher education loan programs, other student loan programs, grant programs, scholarship programs, programs assisting institutions of higher education and other means of assisting students, families of students and institutions of higher education; and the exercise of the powers to the extent and in the manner provided in this chapter is the exercise of an essential governmental function. [1987, c. 807, §3 (NEW).]

SECTION HISTORY
1987, c. 807, §3 (NEW).

§11413. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1987, c. 807, §3 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine, including in its capacity as successor to the Maine Educational Loan Authority and the Finance Authority of Maine's successors or assigns.

[2015, c. 170, §9 (AMD); 2015, c. 170, §30 (AFF) .]

2. **Authority loans.** "Authority loans" means loans made under this chapter by the authority to institutions of higher education, students or other persons for the purpose of funding, financing or acquiring education loans.

[2015, c. 170, §9 (AMD); 2015, c. 170, §30 (AFF) .]

3. **Bonds.** "Bonds" includes bonds, notes, refunding bonds, commercial paper, pass-through instruments or any other evidences of obligations of the authority issued under this chapter.

[1987, c. 807, §3 (NEW) .]

4. **Borrower.** "Borrower" means a student who has received an education loan or any parent who has received or agreed to repay an education loan under this chapter.

[2015, c. 170, §9 (AMD); 2015, c. 170, §30 (AFF) .]

5. **Code.** "Code" means the United States Internal Revenue Code of 1986, as amended, and the regulations to that Code.

[1987, c. 807, §3 (NEW) .]

6. **Cost of attendance.** "Cost of attendance" means the tuition and fees applicable to a student, together with an estimate of other expenses reasonably related to cost of attendance at an institution, including, without limitation, the cost of room and board, transportation, books and supplies.

[1989, c. 502, Pt. A, §59 (AMD) .]

7. **Default insurance.** "Default insurance" means insurance that insures authority loans or bonds made or issued under this chapter against default.

[2015, c. 170, §10 (AMD); 2015, c. 170, §30 (AFF) .]

8. **Default Reserve Fund.** "Default Reserve Fund" means a fund established by the authority for the purpose of securing authority loans or bonds made or issued under this chapter.

[2015, c. 170, §10 (AMD); 2015, c. 170, §30 (AFF) .]

9. **Education loan.** "Education loan" means a loan made under this chapter that is made by the authority or by, or on behalf of, an institution to a student or to parents of a student, or both, in amounts not in excess of the maximum amounts specified by the authority to finance a part or all of the student's cost of attendance at an institution. An education loan constitutes an authority loan.

[2015, c. 170, §11 (AMD); 2015, c. 170, §30 (AFF) .]

10. **Education loan series portfolio.** "Education loan series portfolio" means all education loans made by a specific institution that are funded from or acquired by the proceeds of an authority loan to the institution of higher education out of the proceeds of a related specific bond issue through the authority under this chapter.

[2015, c. 170, §12 (AMD); 2015, c. 170, §30 (AFF) .]

11. **Institution.** "Institution" or "institution of higher education" means any public or private nonprofit educational institution within the State, any public or private nonprofit educational institution outside of the State which is attended by residents of the State, any proprietary educational institution within the State

for which loan guarantee services are readily and conveniently available to the authority or any proprietary educational institution outside of the State which is attended by residents of the State and for which loan guarantee services are readily and conveniently available to the authority, which:

A. Provides a program of education beyond the high school level; [1987, c. 807, §3 (NEW).]

B. Awards an associate, bachelor or advanced degree; and [1987, c. 807, §3 (NEW).]

C. Meets the conditions of applicable rules. [1987, c. 807, §3 (NEW).]

[1989, c. 222, (AMD) .]

12. **Loan funding deposit.** "Loan funding deposit" means money or other property deposited by an institution with the authority or a trustee or custodian, in amounts the authority determines necessary as a condition for an institution's participation in the authority's programs under this chapter, to:

A. Provide security for bonds; [1987, c. 807, §3 (NEW).]

B. Fund a default reserve fund; [1987, c. 807, §3 (NEW).]

C. Acquire default insurance; or [1987, c. 807, §3 (NEW).]

D. Defray costs of the authority. [1987, c. 807, §3 (NEW).]

[2015, c. 170, §12 (AMD); 2015, c. 170, §30 (AFF) .]

13. **Parent.** "Parent" means any parent or guardian of a student at an institution of higher education.

[1987, c. 807, §3 (NEW) .]

14. **Rule.** "Rule" means a rule adopted by the authority pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

[1987, c. 807, §3 (NEW) .]

15. **Secondary market.** "Secondary market" means the entity created pursuant to section 11407 prior to the enactment of this chapter.

[1987, c. 807, §3 (NEW) .]

16. **Supplemental loan.** "Supplemental loan" means a loan to a student or to a parent to finance the costs of higher education other than a loan guaranteed pursuant to the federal Higher Education Act of 1965, 20 United States Code, Chapter 28.

[1999, c. 728, §12 (NEW) .]

SECTION HISTORY
1987, c. 807, §3 (NEW). 1989, c. 222, (AMD). 1989, c. 502, §A59 (AMD). 1999, c. 728, §12 (AMD). 2015, c. 170, §§9-12 (AMD). 2015, c. 170, §30 (AFF).

§11414. FINANCE AUTHORITY OF MAINE; SUCCESSOR

The Finance Authority of Maine is the successor to the Maine Educational Loan Authority. All properties, rights in land, buildings and equipment and any funds, moneys, revenues and receipts or assets of the Maine Educational Loan Authority, including funds previously appropriated by the State for the Maine Educational Loan Authority, belong to the Finance Authority of Maine as successor, subject to all liens and pledges thereon made by the Maine Educational Loan Authority. All liabilities of the Maine Educational Loan Authority are liabilities of the Finance Authority of Maine. All contracts and undertakings of the Maine

Educational Loan Authority are contracts of the Finance Authority of Maine. Any resolution with respect to the making of loans or issuance of bonds by the Maine Educational Loan Authority and any other action taken by them with respect to assistance provided under this chapter must be a resolution of the Finance Authority of Maine or an action taken by the Finance Authority of Maine. All bond obligations of the Maine Educational Loan Authority and all contracts, agreements, obligations, certifications and undertakings of the Maine Educational Loan Authority are obligations, contracts, agreements, certifications and undertakings of the Finance Authority of Maine, except that nothing in this section may be construed to make any obligation of the Maine Educational Loan Authority that is not a general obligation of the Maine Educational Loan Authority a general obligation of the Finance Authority of Maine, and any limitations on these obligations of the Maine Educational Loan Authority, whether by contract or indenture, are limitations on the obligations of the Finance Authority of Maine as successor. Notwithstanding this section, the Finance Authority of Maine shall administer and carry out, as obligations of the Finance Authority of Maine, all obligations of the Maine Educational Loan Authority. [2015, c. 170, §30 (AFF); 2015, c. 170, §13 (RPR).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §30 (AFF). 2015, c. 170, §13 (RPR).

§11415. MEMBERS

(REPEALED)

SECTION HISTORY
1987, c. 807, §3 (NEW). 1995, c. 519, §6 (AMD). 1999, c. 443, §6 (AMD). 1999, c. 728, §13 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 385, §2 (AMD). 2005, c. 397, §C12 (AMD). 2015, c. 170, §30 (AFF). 2015, c. 170, §14 (RP).

§11416. OFFICERS; QUORUM; EFFECTIVE ACTIONS

(REPEALED)

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §30 (AFF). 2015, c. 170, §15 (RP).

§11417. SUPPLEMENTAL POWERS AND FUNCTIONS

1. **General.** In addition to the powers given to the authority under Title 10, section 969-A, for the purposes of carrying out the purposes of this chapter, the authority may, subject to any limitation of this chapter:

A. Borrow money or otherwise obtain credit in its own name; [1987, c. 807, §3 (NEW).]

B. Lend money or otherwise extend credit to any person and exercise all powers of a lender or creditor; [1987, c. 807, §3 (NEW).]

C. Insure or guarantee performance of any loan agreement or other obligation; [1987, c. 807, §3 (NEW).]

D. Acquire, use, manage, improve or dispose of any interest in, or type of, real or personal property, including grant, purchase, sale, borrow, loan, lease, foreclosure, mortgage, assignment or other lawful means, with or without public bidding and also including the assessment of fees, the forgiveness of indebtedness, the receipt of reimbursements for expenses incurred in carrying out its purposes and the expenditure or investment of its funds; [1987, c. 807, §3 (NEW).]

E. Purchase, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, on such terms and conditions as the authority may specify, any loan, loan pass-through certificate, pledge, including any pledge of loan revenue, loan participation certificate or other loan-backed or loan-related security; [1987, c. 807, §3 (NEW).]

F. Obtain, develop or disseminate any information useful or convenient for carrying out any purpose or power of the authority. The authority may conduct hearings, hear testimony under oath, administer oaths, issue subpoenas requiring the attendance of witnesses or the production of records or other things and may issue commissions for the examination of witnesses who are outside of the State, unable to attend or are excused from attendance; [1987, c. 807, §3 (NEW).]

G. Procure insurance in aid of any of its corporate purposes; [1987, c. 807, §3 (NEW).]

H. [1999, c. 728, §14 (AMD); T. 20-A, §11417, sub-1,¶H (RP).]

I. Obtain any certification, warranty, affidavit or other representation necessary or useful for carrying out any of its powers or duties; [1987, c. 807, §3 (NEW).]

J. Employ persons, including private legal counsel and financial experts, on either a temporary or permanent basis, in order to carry out any of its powers and duties. Employees of the authority are not subject to Title 5, chapters 71 and 372, subchapter 2; [2015, c. 170, §16 (AMD); 2015, c. 170, §30 (AFF).]

K. Sue or initiate or appear in any proceeding. The authority may be sued on its written contracts or in accordance with Title 1, section 409; Title 5, chapter 375; or Title 14, chapter 741; [1987, c. 807, §3 (NEW).]

L. [2015, c. 170, §30 (AFF); 2015, c. 170, §16 (RP).]

M. [2015, c. 170, §30 (AFF); 2015, c. 170, §16 (RP).]

N. Pursuant to Title 5, chapter 375, subchapter 2, adopt any rules, including its bylaws, necessary or useful for carrying out any of its powers or duties, which are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; [2015, c. 170, §16 (AMD); 2015, c. 170, §30 (AFF).]

O. Make, modify and carry out any agreement, including issuing any bond, necessary or useful for carrying out any of its powers, duties or purposes; and [1987, c. 807, §3 (NEW).]

[2015, c. 170, §16 (AMD); 2015, c. 170, §30 (AFF) .]

2. **Programs.** Without limiting the generality of this chapter, the authority is authorized to carry out one or more programs making financial and other assistance available to borrowers, institutions, or both, to finance costs of attendance. The authority is further authorized to issue its bonds, lend the proceeds of the bonds and exercise any other power set forth in this chapter for these purposes.

[1987, c. 807, §3 (NEW) .]

3. **Policies.** The members of the authority have the power and duty to establish and revise, from time to time, rules pertaining to participation in the program, issuing bonds and borrowing money by the authority for the program, a process for allocation and carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the authority for the program pursuant to Title 10, chapter 9 and servicing and collection of loans made pursuant to the program. In addition, the members of the authority may, by resolution of the members, determine that the authority may borrow money for the program in accordance with any such resolution. The authority, by rule, may delegate certain powers to its chief executive officer, and in such cases, the chief executive officer shall carry out such powers and duties in accordance with this chapter and the rules of the authority.

[2015, c. 170, §16 (AMD); 2015, c. 170, §30 (AFF) .]

4. **Administration.**

[2015, c. 170, §30 (AFF); 2015, c. 170, §16 (RP) .]

5. **Loan origination.** The powers of the authority set forth in subsection 1, paragraph B and in subsection 2 are limited as set forth in this subsection. The authority is authorized to originate supplemental loans.

[1999, c. 728, §16 (NEW) .]

6. **Business plan.**

[2015, c. 170, §30 (AFF); 2015, c. 170, §16 (RP) .]

7. **Operating contracts.** In carrying out its powers under this chapter, the authority may enter into loan origination, servicing and other substantial operating contracts, in compliance with its procurement policies and any applicable authority rule.

[2015, c. 170, §16 (AMD); 2015, c. 170, §30 (AFF) .]

SECTION HISTORY
1987, c. 807, §3 (NEW). 1989, c. 502, §A60 (AMD). 1999, c. 728, §§14-16 (AMD). 2015, c. 170, §16 (AMD). 2015, c. 170, §30 (AFF).

§11418. RECORDS CONFIDENTIAL

1. **Confidential information.** Records containing any information acquired by the authority or a member, officer, employee or agent of the authority from applicants for or recipients of financial assistance provided pursuant to the program are confidential for purposes of Title 1, section 402, subsection 3, paragraph A.

[2015, c. 170, §17 (AMD); 2015, c. 170, §30 (AFF) .]

2. **Wrongful disclosure prohibited.** No member, officer, employee, agent, other representative of the authority or other person may knowingly divulge or disclose records declared confidential by this section, except that the authority may, in its discretion, make or authorize any disclosure of information of the following types or under the following circumstances:

A. Impersonal, statistical or general information; [1987, c. 807, §3 (NEW).]

B. If necessary in connection with processing any application for, obtaining or maintaining financial assistance for any person or in connection with acquiring, maintaining or disposing of property; [1987, c. 807, §3 (NEW).]

C. To a financial institution or credit reporting service; [1987, c. 807, §3 (NEW).]

D. Information necessary to comply with any federal or state law or rule or with any agreement pertaining to financial assistance; [1987, c. 807, §3 (NEW).]

E. Information to the extent the authority deems the disclosure necessary to the sale or transfer of its bonds; [1987, c. 807, §3 (NEW).]

F. If necessary to assure collection of any obligation in which it has or may have an interest; [1987, c. 807, §3 (NEW).]

G. In any litigation or proceeding in which the authority has appeared, introduction for the record of any information obtained from records declared confidential by this section; and [1987, c. 807, §3 (NEW).]

H. Pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, provided that any such order appears to have first been served on the person to whom confidential information sought pertains or belongs and provided that any such order appears on its face or otherwise to have been issued or made upon lawful authority. [1987, c. 807, §3 (NEW).]

[1987, c. 807, §3 (NEW) .]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §17 (AMD). 2015, c. 170, §30 (AFF).

§11419. CONFLICT OF INTEREST

(REPEALED)

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §30 (AFF). 2015, c. 170, §18 (RP).

§11420. BONDS

1. **Issuance; purpose; payment; authorization; interim receipts or certificates.** The authority may, at any time and from time to time, issue bonds for the purpose of making authority loans to institutions participating in the program for the purpose of providing education loans, for acquiring existing portfolios of education loans from institutions or for financing or funding education loans directly or indirectly to borrowers. The bonds of each issue must be payable from sources specified in the agreement with bondholders, including without limitation, principal and interest on loans; payments by institutions, banks, insurance companies or others pursuant to letters of credit or purchase agreements; investment earnings from funds or accounts maintained pursuant to a trust agreement or other document; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding bonds; and other fees, charges or revenues of the authority if so specified.

Bonds must be authorized by the authority and must:

A. Bear the date or dates, and mature at a time or times, whether as serial bonds or as term bonds, or both, determined by the authority; [1987, c. 807, §3 (NEW).]

B. Bear interest at a rate or rates determined by the authority, including, but not limited to, fixed, variable, floating or adjustable interest rates; [1987, c. 807, §3 (NEW).]

C. Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the authority may establish; [1987, c. 807, §3 (NEW).]

D. Be negotiable and be payable in lawful money of the United States at a designated place or be payable in another form of currency if the authority so designates; [1987, c. 807, §3 (NEW).]

E. Be subject to redemption in accordance with the agreement with bondholders; [1987, c. 807, §3 (NEW).]

F. Be executed by the manual or facsimile signatures of the officers or designees of the authority; [1987, c. 807, §3 (NEW).]

G. Be sold in the manner and upon the terms determined by the authority at public or private sale, with or without public bidding; [1987, c. 807, §3 (NEW).]

H. Be conclusively presumed to be fully and duly authorized and issued under the laws of the State and any person or governmental unit must be estopped from questioning their authorization, sale, issuance, execution or delivery by the authority; and [2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF).]

I. Be deemed to be negotiable instruments issued under the laws of the State. [1987, c. 807, §3 (NEW).]

Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates, which must be exchanged for such definitive bonds.

Bonds issued under this chapter do not constitute or create any debt or debts, liability or liabilities on behalf of the State or of any political subdivision of the State, other than the authority, or a loan of the credit of the State or a pledge of the faith and credit of the State or of any such political subdivision, other than the authority, but are payable solely from the funds provided. All such bonds must contain on the face of the bonds a statement to the effect that neither the State nor any political subdivision of the State is obligated to pay the same or the interest on the bonds, except from revenues derived pursuant to one or more agreements, and that neither the faith and credit nor the taxing power of the State or of any political subdivision of the State is pledged to the payment of the principal of, premium, if any, or the interest on such bonds. The issuance of bonds under this chapter must not directly or indirectly or contingently obligate the State or any political subdivision of the State to levy or to pledge any form of taxation whatever or to make any appropriation for their payment. Nothing in this section contained may prevent nor be construed to prevent the authority from pledging its full faith and credit or the full faith and credit of an institution to the payment of bonds or issue of bonds authorized pursuant to this chapter.

[2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF) .]

2. **Provisions in bond resolution or other document.** Any bond resolution or other document may contain provisions, which must be a part of the contract with the holders of the bonds to be authorized under this chapter, as to:

A. Pledging or assigning the revenues derived from authority loans, education loans or other sources with respect to which the bonds are to be issued; [1987, c. 807, §3 (NEW).]

B. The fees and other charges to be collected and the sums to be raised in each year, and the use, investment and disposition of such sums; [1987, c. 807, §3 (NEW).]

C. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulation, investment and disposition; [1987, c. 807, §3 (NEW).]

D. Limitations on the use of proceeds of loans; [1987, c. 807, §3 (NEW).]

E. Limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; [1987, c. 807, §3 (NEW).]

F. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds; [1987, c. 807, §3 (NEW).]

G. The refunding or refinancing of outstanding bonds; [1987, c. 807, §3 (NEW).]

H. The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent must be given; [2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF).]

I. Defining the acts or omissions that constitute a default in the duties of the authority to holders of its obligations and providing the rights or remedies of such holders in the event of a default; [2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF).]

J. Providing for guarantees, pledges of endowments, letters of credit, property or other security, or insurance for the benefit of the holders of the bonds; and [1987, c. 807, §3 (NEW).]

K. Any other matter relating to the bonds that the authority determines appropriate. [2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF).]

[2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF) .]

3. **Liability.** No member or employee of the authority nor any person executing the bonds issued under this chapter may be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

[2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF) .]

4. **Purchasing, refunding or refinancing by authority.** The authority may purchase its bonds issued under this chapter out of any available funds and may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondholders.

The authority may refund or refinance any of its bonds issued under this chapter.

[2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF) .]

5. **Security for series or issue of bonds.** The authority may pledge the repayments of authority loans as security for a series or issue of bonds issued under this chapter. Notwithstanding any other provision contained in this chapter, the authority may commingle and pledge as security for a series or issue of such bonds, with the consent of all of the institutions that are participating in the series or issue; the education loan series portfolios and some or all future education loan series portfolios of the institutions; and the loan funding deposits of the institutions if education loan series portfolios and other security and money set aside in any fund or funds pledged for any series or issue of such bonds are held for the sole benefit of the series or issue separate and apart from education loan series portfolios and other security and money pledged for any other series or issue of such bonds of the authority.

[2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF) .]

The authority may provide for transfer of registration of its registered bonds issued under this chapter by book entry on the records of the entity designated for that purpose and may enter into any agreement it considers necessary to accomplish these purposes. [2015, c. 170, §19 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §19 (AMD). 2015, c. 170, §30 (AFF).

§11421. REFUNDING BONDS

The authority may provide for issuance of refunding bonds of the authority to refund any outstanding bonds issued under this chapter, including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption. The authority may provide for the issuance of bonds of the authority for the combined purpose of refunding any outstanding bonds, including refunding bonds issued under this chapter. The issuance of the bonds, the maturities and other details, the rights and remedies of the holders and the rights, powers, privileges, duties and obligations of the authority are governed by the provisions of this chapter insofar as they are applicable. [2015, c. 170, §20 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY

1987, c. 807, §3 (NEW). 2015, c. 170, §20 (AMD). 2015, c. 170, §30 (AFF).

§11422. LOAN TRANSACTIONS

In furtherance of the purposes of this chapter, the authority may purchase, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, all on such terms and conditions as the authority may specify, any loan, loan pass-through certificate, pledge, including any pledge of loan revenue, loan participation certificate or other loan-backed or loan-related security. Any such transaction may be conducted by public or private offering, with or without public bidding. In connection with such purchase or sale of a loan or of a beneficial interest or participation in a loan, the authority may enter into one or more agreements providing for the custody, control and administration of the loan. Any such agreement may provide that the authority, a financial institution or other person shall act as trustor, trustee or custodian under the agreement. Any such agreement may provide that, with respect to loans governed by the agreement, title to a loan, or to a beneficial interest or participation in a loan, must be deemed to have been transferred on terms and to the extent specified in that agreement and that the effect of a sale of a beneficial interest or participation in a loan is the same as a sale of a loan. In furtherance of the purposes of this chapter, the authority may also issue or cause to be issued certificates or other instruments evidencing the holder's fractional interest in a pool of loans, which interest may be undivided or limited to one or more specific loans. Whether or not the certificates or instruments are of such form or character as to be negotiable instruments under Title 11, Article 8, the certificates or instruments must be and are made negotiable instruments within the meaning of and for all purposes of Title 11, Article 8, subject only to such registration requirements as the authority may establish. [2015, c. 170, §20 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §20 (AMD). 2015, c. 170, §30 (AFF).

§11423. TRUST AGREEMENT; PLEDGE

1. **Trust agreement.** Any bonds issued under this chapter may be secured by a trust agreement by and between any or all of the following: The authority, a participating institution and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State.

[1987, c. 807, §3 (NEW) .]

2. **Pledge.** Any trust agreement entered into pursuant to a bond issue under this chapter may pledge or assign any revenues to be received by the authority or proceeds or benefits of any contract and may serve to convey or mortgage or otherwise secure any property or property rights, contain provisions for protecting and enforcing the rights and remedies of bondholders, restrict the individual right of action by bondholders and contain such other provisions as the authority deems appropriate, including the right to the appointment of a receiver and the right to the issuance of an order of specific performance by a court of competent jurisdiction.

[2015, c. 170, §21 (AMD); 2015, c. 170, §30 (AFF) .]

3. **Education loan program.** Any expense incurred in carrying out the trust agreement entered into pursuant to a bond issue under this chapter may be treated as a part of the cost of the operation of an education loan program.

[2015, c. 170, §21 (AMD); 2015, c. 170, §30 (AFF) .]

4. **Valid and binding.** A pledge by the authority of revenues as security for an issue of bonds issued under this chapter is valid and binding from the time when the pledge is made.

The revenues pledged are immediately subject to the lien of the pledge without any physical delivery, recording of any instrument or further act and the lien of any pledge is valid and binding against any person having any claim of any kind in tort, contract or otherwise against the authority or any participating institution or borrower, irrespective of whether the person has notice.

No bond resolution, trust agreement or financing statement, continuation statement or other instrument adopted or entered into by the authority under this chapter need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against 3rd persons, regardless of any contrary provision of law.

[2015, c. 170, §21 (AMD); 2015, c. 170, §30 (AFF) .]

5. **Trust funds.** All money received by or on behalf of the authority under this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter.

Any officer with whom, or any bank or trust company with which, that money is deposited shall act as trustee of the money and shall hold and apply it for the purposes provided in the chapter and any applicable bond resolution or trust agreement.

[1987, c. 807, §3 (NEW) .]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §21 (AMD). 2015, c. 170, §30 (AFF).

§11424. CAPITAL RESERVE FUNDS; OBLIGATION OF THE STATE

1. **Capital reserve fund.** In connection with bonds issued under this chapter, the authority may create and establish one or more capital reserve funds and may pay into any such capital reserve fund any money appropriated and made available by the State for the purposes of any such fund, any proceeds of the sale by the authority of bonds to the extent determined by the authority and any other money available to the authority.

[2015, c. 170, §22 (AMD); 2015, c. 170, §30 (AFF) .]

2. **Application.** Money held in any capital reserve fund created in connection with bonds issued under this chapter, except as provided in this section, must be used solely with respect to bonds, repayment of which is secured by any such fund and solely for the payment of principal of bonds, the purchase or redemption of those bonds, including any fees or premiums and the payment of interest on those bonds. In addition, if the authority obtains a letter of credit, insurance contract, surety bond or similar financial undertaking to establish and fund a capital reserve fund under this section, money in that capital reserve fund may be used to pay, as and when due, all reimbursement obligations of the authority established in connection with that letter of credit, insurance contract, surety bond or similar financial undertaking, including, but not limited to, all fees, expenses, indemnities and commissions. Money in excess of the reserve requirement set forth in subsection 3 may be transferred to other funds and accounts of the authority.

[2015, c. 170, §23 (AMD); 2015, c. 170, §30 (AFF) .]

3. **Reserve requirement.** The authority may provide that money in any such fund shall not be withdrawn at any time in such amount as would reduce the amount of any such fund to less than the maximum amount of principal and interest becoming due by reason of maturity or a required sinking fund payment in the next succeeding 12-month period within which any such maturity occurs or any such payment

is required, the amount being referred to as the "capital reserve requirement," except for the purpose of paying the amount due at any such maturity or the sinking fund payment with respect to bonds, repayment of which is secured by any such fund.

[1987, c. 807, §3 (NEW) .]

4. **Issuance limit.** The authority may provide that it will not issue bonds under this chapter if the capital reserve requirement with respect to bonds outstanding and then to be issued and secured by any such fund will exceed the amount of any such fund at the time of issuance, unless the authority, at the time of issuance of the bonds, deposits in any such fund from proceeds of the bonds to be issued, or from other sources, an amount that, together with the amount then in any such fund, will not be less than the capital reserve requirement.

[2015, c. 170, §24 (AMD); 2015, c. 170, §30 (AFF) .]

5. **Appropriation.** On or before December 1st, annually, the authority shall certify to the Governor the amount, if any, necessary to restore the amount in any capital reserve fund, to which this subsection is stated in the trust agreement or other document to apply, to the capital reserve requirement. The Governor shall pay directly from the Contingent Account to any such fund as much of the amount as is available in the Contingent Account and shall transmit directly to the Legislature that certification and a statement of the amount, if any, remaining to be paid and the amount certified shall be appropriated and paid to the authority during the current state fiscal year.

[1987, c. 807, §3 (NEW) .]

6. **Bonds outstanding.** The authority may not have at any one time outstanding bonds to which subsection 5 is stated in the trust agreement or other document to apply in principal amount exceeding $225,000,000. The amount of bonds issued to refund bonds previously issued may not be taken into account in determining the principal amount of the bonds outstanding, as long as the proceeds of the refunding bonds are applied as promptly as possible to the refunding of the previously issued bonds. In computing the total amount of bonds of the authority that may at any time be outstanding for any purpose, the amount of the outstanding bonds that have been issued as capital appreciation bonds or as similar instruments must be valued as of any date of calculation at their current accreted value rather than their face value.

[2011, c. 401, §2 (AMD) .]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2009, c. 40, §§1-3 (AMD). 2011, c. 401, §§1, 2 (AMD). 2015, c. 170, §§22-24 (AMD). 2015, c. 170, §30 (AFF).

§11425. ENFORCEMENT OF RIGHTS AND DUTIES

Except to the extent that the rights are restricted by any applicable bond resolution or trust or other agreement, any holder of bonds issued under this chapter or a trustee under a trust agreement entered into under this chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of the State or by any applicable bond resolution or trust or other agreement. [1987, c. 807, §3 (NEW).]

SECTION HISTORY
1987, c. 807, §3 (NEW).

§11426. BONDS AS LEGAL INVESTMENTS

Bonds issued by the authority under this chapter are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies and associations and other persons carrying on an insurance business, trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations, financial institutions, credit unions, building and loan associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing, retirement funds and other persons carrying on a banking business and all other persons whatsoever, may properly and legally invest funds, including capital in their control or belonging to them. These bonds are hereby made securities which may properly and legally be deposited with and received by any state, municipal or public officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law. [1987, c. 807, §3 (NEW).]

SECTION HISTORY
1987, c. 807, §3 (NEW).

§11427. ACCOUNTS AND REPORTS

The authority shall keep full and accurate accounts of its activities and operations under this chapter and shall, within 120 days after the end of each of its fiscal years, make and deliver a report to the Governor, the Speaker of the House, the President of the Senate and the joint standing committee of the Legislature having jurisdiction over education. The report must cover the preceding fiscal year and must include a complete operating and financial statement for that year and a breakdown showing the geographic distribution and distribution between institutions of higher learning of its student loans among residents of this State. The report must demonstrate that all revenues, including reserves, that are acquired with proceeds of tax-exempt bonds issued under this chapter using a portion of the state ceiling on private activity bonds, are being used in a manner consistent with the public purpose for which the bonds are issued. The authority shall cause an audit of its books and accounts related to its operations under this chapter to be made at least once each year by independent certified public accountants. The audit may be combined with audits of other activities of the authority. The cost of the audit may be paid by the authority from funds available to it pursuant to this chapter. [2015, c. 170, §25 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 1999, c. 728, §17 (AMD). 2015, c. 170, §25 (AMD). 2015, c. 170, §30 (AFF).

§11428. CHAPTER ADDITIONAL AND SUPPLEMENTAL

1. **In general.** This chapter provides a complete, additional and alternative method for carrying out the functions authorized and shall be regarded as supplemental and additional to, and the limitations imposed by this chapter do not limit or otherwise affect powers or rights conferred by other laws and the issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

[1987, c. 807, §3 (NEW) .]

2. **Institutions of higher education.** Notwithstanding any other provision of law or charter, institutions of higher education may borrow money from the authority, make education loans and take all other actions necessary or convenient to consummate the transactions contemplated under this chapter. The authority may establish, contract for, charge and collect any amount or rate of interest or compensation with respect to authority loans and participating institutions of higher education may contract for, charge and collect

any amount or rate of interest or compensation with respect to education loans. Neither the authority nor any institution of higher education participating in a loan program under this chapter may be subject to any licensing provisions relating to financial institutions or any credit regulations of the State.

[1987, c. 807, §3 (NEW) .]

SECTION HISTORY
1987, c. 807, §3 (NEW).

§11429. TAX EXEMPTION

The exercise of the powers granted by this chapter must be in all respects for the benefit of the people of the State, for the increase of their commerce, welfare and prosperity and for the improvement of their health and living conditions and constitutes the performance of an essential governmental function. Neither the authority nor any of its agents may be required to pay any taxes or assessments upon or in respect of education loans or any property acquired, used by the authority or any of its agents or under the jurisdiction, control, possession or supervision of, or upon the activities of, the authority or any of its agents in the operation of any program under this chapter, or upon income or other revenues received and any bonds issued under this chapter, the transfer and the income from the bonds, including any profit made on the sale of the bonds, as well as the income and property of the authority derived under this chapter, are at all times exempt from taxation of every kind by the State and by the municipalities and all other political subdivisions of the State. [2015, c. 170, §26 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §26 (AMD). 2015, c. 170, §30 (AFF).

§11430. TAXABLE BOND OPTION

With respect to all or any portion of any issue of any bonds or any series of bonds which the authority may issue in accordance with the limitations and restrictions of this chapter, the authority may covenant, elect and consent that the interest on the bonds shall be includable, under the code or any subsequent corresponding internal revenue law of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the code or any subsequent law. Bonds issued pursuant to this section shall not be subject to any limitations or restrictions of any law which may limit the authority's power to issue those bonds. The foregoing grant of power shall not be construed as limiting the inherent power of the State or its agencies under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders under the code or any subsequent law. [1987, c. 807, §3 (NEW).]

SECTION HISTORY
1987, c. 807, §3 (NEW).

§11431. AGREEMENT OF THE STATE

The State hereby pledges to and agrees with the holders of any bonds issued under this chapter and with those parties who may enter into any contract with the authority pursuant to this chapter that the State will not limit, alter, restrict or impair the rights vested in the authority and the participating institutions under this chapter until the bonds, together with interest, including interest on any unpaid installment of interest and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders, are fully met and discharged and such contracts are fully performed on the part of the authority. Nothing in this chapter precludes that limitation or alteration if and when adequate provision is made by law for the protection of the

holders of bonds of the authority issued under this chapter or those entering into contracts with the authority pursuant to this chapter. The authority is authorized to include this pledge and undertaking for the State in those bonds or contracts. [2015, c. 170, §26 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §26 (AMD). 2015, c. 170, §30 (AFF).

§11432. TERMINATION OF EXISTENCE OF AUTHORITY

A law terminating the existence of the authority may not take effect as long as any bonds of the authority issued under this chapter are outstanding and unpaid without adequate provision for payment having been made. [2015, c. 170, §26 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §26 (AMD). 2015, c. 170, §30 (AFF).

§11433. CHAPTER CUMULATIVE; NO NOTICE REQUIRED

Neither this chapter nor anything contained in this chapter may be construed as a restriction or limitation upon any powers that the authority might otherwise have under any laws of this State and this chapter is cumulative of any such powers. Neither the making of contracts nor the issuance of bonds pursuant to this chapter need comply with the requirements of any other state law applicable to the making of contracts, the issuance of bonds or the construction, acquisition or management of any project undertaken pursuant to this chapter. No proceedings, notice or approval is required for the issuance of any bonds or any instrument as security therefor under this chapter, except as is provided in this chapter or in the code, if applicable. [2015, c. 170, §26 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §26 (AMD). 2015, c. 170, §30 (AFF).

§11434. CHAPTER LIBERALLY CONSTRUED

This chapter being necessary for the welfare of the State and its inhabitants must be liberally construed so as to effect its purposes. [2015, c. 170, §26 (AMD); 2015, c. 170, §30 (AFF).]

SECTION HISTORY
1987, c. 807, §3 (NEW). 2015, c. 170, §26 (AMD). 2015, c. 170, §30 (AFF).

§11435. REVIEW OF AUTHORITY

(REPEALED)

SECTION HISTORY
1987, c. 807, §3 (NEW). 2005, c. 397, §B4 (AMD). 2015, c. 170, §30 (AFF). 2015, c. 170, §27 (RP).

Chapter 417-B: SUPPLEMENTAL LOAN PROGRAM

§11441. PROGRAM ESTABLISHED

There is established the Student Financial Aid Supplemental Loan Program to provide assistance to students or the families of students who are residents of this State attending institutions of higher education within or outside of this State and to students attending institutions of higher education within this State and their families. The assistance provided by this chapter is intended to supplement federal guaranteed higher education loan programs, other student loan programs, grant programs, scholarship programs, programs assisting institutions of higher education and other means of assisting students and families of students. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11442. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 603, §6 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine established in Title 10, section 961 and its successors or assigns.

[1991, c. 603, §6 (NEW) .]

2. **Authority loans.** "Authority loans" means loans by the authority to institutions of higher education, students or other persons for the purpose of funding, financing or acquiring education loans.

[1991, c. 603, §6 (NEW) .]

3. **Bonds.** "Bonds" includes bonds, notes, refunding bonds, commercial paper, pass-through instruments or any other evidences of obligations of the authority issued under this chapter.

[1991, c. 603, §6 (NEW) .]

4. **Borrower.** "Borrower" means a student who has received an education loan or any parent who has received or agreed to repay an education loan.

[1991, c. 603, §6 (NEW) .]

5. **Code.** "Code" means the United States Internal Revenue Code of 1986, as amended.

[1991, c. 603, §6 (NEW) .]

6. **Cost of attendance.** "Cost of attendance" means the tuition and fees applicable to a student, together with an estimate of other expenses reasonably related to cost of attendance at an institution, including, without limitation, the cost of room and board, transportation, books and supplies.

[1991, c. 603, §6 (NEW) .]

7. **Default insurance.** "Default insurance" means insurance that insures authority loans or bonds against default.

[1991, c. 603, §6 (NEW) .]

8. **Default reserve fund.** "Default reserve fund" means a fund established by the authority for the purpose of securing authority loans or bonds.

[1991, c. 603, §6 (NEW) .]

9. **Education loan.** "Education loan" means a loan made by the authority or by or on behalf of an institution to a student or to parents of a student, or both, in amounts not in excess of the maximum amounts specified by the authority to finance a part or all of the student's cost of attendance at an institution. An education loan is an authority loan.

[1991, c. 603, §6 (NEW) .]

10. **Education loan series portfolio.** "Education loan series portfolio" means all education loans made by a specific institution that are funded from or acquired by the proceeds of an authority loan to the institution of higher education out of the proceeds of a related specific bond issue through the authority.

[1991, c. 603, §6 (NEW) .]

11. **Institution.** "Institution" or "institution of higher education" means any public or private nonprofit educational institution within the State, any public or private nonprofit educational institution outside of the State attended by residents of the State, any proprietary educational institution within the State for which loan guarantee services are readily and conveniently available to the authority or any proprietary educational institution outside of the State attended by residents of the State and for which loan guarantee services are readily and conveniently available to the authority, that:

A. Provides a program of education beyond the high school level; [1991, c. 603, §6 (NEW).]

B. Awards an associate, baccalaureate or advanced degree; and [1991, c. 603, §6 (NEW).]

C. Meets the other conditions established by rules of the authority. [1991, c. 603, §6 (NEW).]

[1991, c. 603, §6 (NEW) .]

12. **Loan funding deposit.** "Loan funding deposit" means money or other property deposited by an institution with the authority or a trustee or custodian, in amounts the authority determines necessary as a condition for an institution's participation in the authority's programs to:

A. Provide security for bonds; [1991, c. 603, §6 (NEW).]

B. Fund a default reserve fund; [1991, c. 603, §6 (NEW).]

C. Acquire default insurance; or [1991, c. 603, §6 (NEW).]

D. Defray costs of the authority. [1991, c. 603, §6 (NEW).]

[1991, c. 603, §6 (NEW) .]

13. **Parent.** "Parent" means any parent or guardian of a student at an institution of higher education.

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11443. SUPPLEMENTAL LOANS

1. **Programs.** The authority is authorized to carry out one or more programs making financial and other assistance available to borrowers or institutions to finance the cost of attendance. The authority is further authorized to issue bonds, lend the proceeds of the bonds and exercise any other power set forth in this chapter for these purposes.

[1991, c. 603, §6 (NEW) .]

2. **Policies.** The authority shall establish rules pertaining to participation in the Student Financial Aid Supplemental Loan Program, issuing bonds and borrowing money by the authority, a process for allocation and carry-forward of that portion of the state ceiling on issuance of tax exempt bonds allocated to the authority pursuant to Title 10, chapter 9, servicing and collection of loans made pursuant to programs of the authority and other policies governing the operation of the authority.

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11444. RECORDS CONFIDENTIAL

1. **Confidential information.** Records containing any information acquired by the authority or a member, employee or agent of the authority from applicants for or recipients of financial assistance provided by the Student Financial Aid Supplemental Loan Program are confidential for purposes of Title 1, section 402, subsection 3, paragraph A.

[1991, c. 603, §6 (NEW) .]

2. **Wrongful disclosure prohibited.** No member, employee, agent, other representative of the authority or other person may knowingly divulge or disclose records declared confidential by this section, except that the authority may, in its discretion, make or authorize any disclosure of information of the following types or under the following circumstances:

A. Impersonal, statistical or general information; [1991, c. 603, §6 (NEW).]

B. If necessary in connection with processing any application for, obtaining or maintaining financial assistance for any person or in connection with acquiring, maintaining or disposing of property; [1991, c. 603, §6 (NEW).]

C. To a financial institution or credit reporting service; [1991, c. 603, §6 (NEW).]

D. Information necessary to comply with any federal or state law or rule or with any agreement pertaining to financial assistance; [1991, c. 603, §6 (NEW).]

E. Information to the extent the authority determines the disclosure necessary to the sale or transfer of its bonds; [1991, c. 603, §6 (NEW).]

F. If necessary to ensure collection of any obligation in which it has or may have an interest; [1991, c. 603, §6 (NEW).]

G. In any litigation or proceeding in which the authority has appeared, introduction for the record of any information obtained from records declared confidential by this section; and [1991, c. 603, §6 (NEW).]

H. Pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, provided that any such order appears to have first been served on the person to whom confidential information sought pertains or belongs and provided that any such order appears on its face or otherwise to have been issued or made upon lawful authority. [1991, c. 603, §6 (NEW).]

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11445. BONDS

1. **Issuance; purpose; payment; authorization; interim receipts or certificates.** The authority may issue bonds without limitation for the purpose of making authority loans to institutions participating in a program of the authority for the purpose of providing education loans, for acquiring existing portfolios of education loans from institutions or for financing or funding education loans directly or indirectly to borrowers. The bonds of each issue must be payable from sources specified in the agreement with bondholders, including without limitation, principal and interest on loans; payments by institutions, banks, insurance companies or others pursuant to letters of credit or purchase agreements; investment earnings from funds or accounts maintained pursuant to a trust agreement or other document; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding bonds; and other fees, charges or revenues of the authority.

Bonds must be authorized by the authority and must:

A. Bear the date or dates, and mature at a time or times, whether as serial bonds or as term bonds, or both, determined by the authority; [1991, c. 603, §6 (NEW).]

B. Bear interest at a rate or rates determined by the authority, including, but not limited to, fixed, variable, floating or adjustable interest rates; [1991, c. 603, §6 (NEW).]

C. Be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the authority may establish; [1991, c. 603, §6 (NEW).]

D. Be negotiable and payable in lawful money of the United States at a designated place or be payable in another form of currency if the authority so designates; [1991, c. 603, §6 (NEW).]

E. Be subject to redemption in accordance with the agreement with bondholders; [1991, c. 603, §6 (NEW).]

F. Be executed by the manual or facsimile signatures of the officers or designees of the authority; [1991, c. 603, §6 (NEW).]

G. Be sold in the manner and upon the terms determined by the authority at public or private sale, with or without public bidding; [1991, c. 603, §6 (NEW).]

H. Be conclusively presumed to be fully and duly authorized and issued under the laws of the State and any person or governmental unit is estopped from questioning their authorization, sale, issuance, execution or delivery by the authority; and [1991, c. 603, §6 (NEW).]

I. Be considered to be negotiable instruments issued under the laws of the State. [1991, c. 603, §6 (NEW).]

Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates that must be exchanged for such definitive bonds.

Bonds issued under this chapter do not constitute or create any debt or debts, liability or liabilities on behalf of the State or of any political subdivision of the State other than the authority, or a loan of the credit of the State or a pledge of the faith and credit of the State or of any such political subdivision other than the authority, but are payable solely from the funds provided. All the bonds must contain on the face of the bonds

a statement to the effect that neither the State nor any political subdivision of the State is obligated to pay the same or the interest on the bonds, except from revenues derived pursuant to one or more agreements and that neither the faith and credit nor the taxing power of the State or of any political subdivision of the State is pledged to the payment of the principal of, premium, if any, or the interest on such bonds. The issuance of bonds under this chapter does not directly or indirectly or contingently obligate the State or any political subdivision of the State to levy or to pledge any form of taxation whatever or to make any appropriation for their payment. Nothing contained in this section may prevent or be construed to prevent the authority from pledging its full faith and credit or the full faith and credit of an institution to the payment of bonds or issue of bonds authorized pursuant to this chapter.

[1991, c. 603, §6 (NEW) .]

2. **Provisions in bond resolution or other document.** Any bond resolution or other document may contain provisions, which are a part of the contract with the holders of the bonds to be authorized, as to:

A. Pledging or assigning the revenues derived from authority loans, education loans or other sources with respect to which the bonds are issued; [1991, c. 603, §6 (NEW).]

B. The fees and other charges collected and the sums raised in each year, and the use, investment and disposition of such sums; [1991, c. 603, §6 (NEW).]

C. The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and their regulation, investment and disposition; [1991, c. 603, §6 (NEW).]

D. Limitations on the use of proceeds of loans; [1991, c. 603, §6 (NEW).]

E. Limitations on the purpose to which or on the investments in which the proceeds of sale of any issue of bonds then or thereafter issued may be applied; [1991, c. 603, §6 (NEW).]

F. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds; [1991, c. 603, §6 (NEW).]

G. The refunding or refinancing of outstanding bonds; [1991, c. 603, §6 (NEW).]

H. The procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds the holders of which must consent thereto, and the manner in which consent is given; [1991, c. 603, §6 (NEW).]

I. Defining the acts or omissions that constitute a default in the duties of the authority to holders of its obligations and providing the rights or remedies of such holders in the event of a default; [1991, c. 603, §6 (NEW).]

J. Providing for guarantees, pledges of endowments, letters of credit, property or other security, or insurance for the benefit of the holders of the bonds; and [1991, c. 603, §6 (NEW).]

K. Any other matter relating to the bonds that the authority determines appropriate. [1991, c. 603, §6 (NEW).]

[1991, c. 603, §6 (NEW) .]

3. **Liability.** No member or employee of the authority nor any person executing the bonds may be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

[1991, c. 603, §6 (NEW) .]

4. **Purchasing, refunding or refinancing by authority.** The authority may purchase its bonds out of any available funds and may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondholders. The authority may refund or refinance any of its bonds.

[1991, c. 603, §6 (NEW) .]

5. **Security for series or issue of bonds.** The authority may pledge the repayments of authority loans as security for a series or issue of bonds. Notwithstanding any other provision of this chapter, the authority may commingle and pledge as security for a series or issue of bonds, with the consent of all of the institutions that are participating in the series or issue, the education loan series portfolios and some or all future education loan series portfolios of the institutions and the loan funding deposits of the institutions, if education loan series portfolios and other security and money set aside in any fund or funds pledged for any series or issue of bonds are held for the sole benefit of the series or issue separate and apart from education loan series portfolios, and other security and money pledged for any other series or issue of bonds of the authority.

[1991, c. 603, §6 (NEW) .]

The authority may provide for transfer of registration of its registered bonds by book entry on the records of the entity designated for that purpose and may enter into any agreement that it considers necessary to accomplish these purposes. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11446. REFUNDING BONDS

The authority may provide for issuance of refunding bonds of the authority to refund any outstanding bonds issued under this chapter, including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption, and, if considered advisable by the authority, for any other purpose of the authority. The authority may provide for the issuance of bonds of the authority for the combined purpose of refunding any outstanding bonds, including refunding bonds issued under this chapter. The issuance of the bonds, the maturities and other details, the rights and remedies of the holders and the rights, powers, privileges, duties and obligations of the authority are governed by the provisions of this chapter insofar as they are applicable. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11447. LOAN TRANSACTIONS

The authority may purchase, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, all on such terms and conditions as the authority may specify, any loan, loan pass-through certificate, pledge, including any pledge of loan revenue, loan participation certificate or other loan-backed or loan-related security. Any such transaction may be conducted by public or private offering, with or without public bidding. In connection with the purchase or sale of a loan or of a beneficial interest or participation in a loan, the authority may enter into one or more agreements providing for the custody, control and administration of the loan. Any such agreement may provide that the authority, a financial institution or other person act as trustor, trustee or custodian under the agreement. Any such agreement may provide that, with respect to loans governed by the agreement, title to a loan, or to a beneficial interest or participation in a loan, is deemed to have been transferred on terms and to the extent specified in that agreement and that the effect of a sale of a beneficial interest or participation in a loan is the same as a sale of a loan. The authority may issue or cause to be issued certificates or other instruments evidencing the holder's fractional interest in a pool of loans, which interest may be undivided or limited to one or more specific loans. Whether or not the certificates or instruments are of such form or character as to be negotiable instruments under Title 11, Article

8, the certificates or instruments are made negotiable instruments within the meaning of and for all purposes of Title 11, Article 8, subject only to such registration requirements as the authority may establish. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11448. TRUST AGREEMENT; PLEDGE

1. **Trust agreement.** Any bonds issued under this chapter may be secured by a trust agreement by and between any or all of the following: the authority, a participating institution and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State.

[1991, c. 603, §6 (NEW) .]

2. **Pledge.** Any trust agreement may pledge or assign any revenues to be received by the authority or proceeds or benefits of any contract, may serve to convey or mortgage or otherwise secure any property or property rights, may contain provisions for protecting and enforcing the rights and remedies of bondholders, may restrict the individual right of action by bondholders and may contain such other provisions as the authority determines appropriate, including the right to the appointment of a receiver and the right to the issuance of an order of specific performance by a court of competent jurisdiction.

[1991, c. 603, §6 (NEW) .]

3. **Education loan program.** Any expense incurred in carrying out the trust agreement may be treated as a part of the cost of the operation of an education loan program.

[1991, c. 603, §6 (NEW) .]

4. **Valid and binding.** A pledge by the authority of revenues as security for an issue of bonds is valid and binding from the time when the pledge is made.

The revenues pledged are immediately subject to the lien of the pledge without any physical delivery, recording of any instrument or further act and the lien of any pledge is valid and binding against any person having any claim of any kind in tort, contract or otherwise against the authority or any participating institution or borrower, irrespective of whether the person has notice.

No bond resolution, trust agreement or financing statement, continuation statement or other instrument adopted or entered into by the authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against 3rd persons, regardless of any contrary provision of law.

[1991, c. 603, §6 (NEW) .]

5. **Trust funds.** All money received by or on behalf of the authority under this chapter, whether as proceeds from the sale of bonds or as revenues, is deemed to be trust funds to be held and applied solely as provided in this chapter.

Any officer with whom, or any bank or trust company with which, that money is deposited shall act as trustee of the money and shall hold and apply it for the purposes provided in the chapter and any applicable bond resolution or trust agreement.

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11449. CAPITAL RESERVE FUNDS; OBLIGATION OF THE STATE

1. **Capital reserve fund.** The authority may create and establish one or more capital reserve funds and may pay into any capital reserve fund any money appropriated and made available by the State for the purposes of any such fund, any proceeds of the sale by the authority of bonds to the extent determined by the authority and any other money available to the authority.

[1991, c. 603, §6 (NEW) .]

2. **Application.** Money held in any capital reserve fund, except as provided in this section, must be used solely with respect to bonds repayment of which is secured by any such fund and solely for the payment of principal of bonds, the purchase or redemption of those bonds, including any fees or premiums, and the payment of interest on those bonds. Money in excess of the reserve requirement set forth in subsection 3 may be transferred to other funds and accounts of the authority.

[1991, c. 603, §6 (NEW) .]

3. **Reserve requirement.** The authority may provide that money in any capital reserve fund may not be withdrawn at any time in such amount as would reduce the amount of any fund to less than the maximum amount of principal and interest becoming due by reason of maturity or a required sinking fund payment in the next succeeding 12-month period within which any such maturity occurs or any such payment is required, the amount being referred to as the "capital reserve requirement," except for the purpose of paying the amount due at any such maturity or the sinking fund payment with respect to bonds, repayment of which is secured by any such fund.

[1991, c. 603, §6 (NEW) .]

4. **Issuance limit.** The authority may provide that it may not issue bonds if the capital reserve requirement described in subsection 3 with respect to bonds outstanding and then to be issued and secured by any capital reserve fund will exceed the amount of any such fund at the time of issuance, unless the authority, at the time of issuance of the bonds, deposits in any such fund from proceeds of the bonds to be issued, or from other sources, an amount which, together with the amount then in any such fund, is not less than the capital reserve requirement.

[1991, c. 603, §6 (NEW) .]

5. **Appropriation.** On or before December 1st, annually, the authority shall certify to the Governor the amount, if any, necessary to restore the amount in any capital reserve fund to which this subsection applies according to the trust agreement or other document to the capital reserve requirement. The Governor shall pay directly from the contingent account to any such fund as much of the amount as is available in the contingent account and shall transmit directly to the Legislature that certification and a statement of the amount, if any, remaining to be paid and the amount certified must be appropriated and paid to the authority during the current state fiscal year.

[1991, c. 603, §6 (NEW) .]

6. **Bonds outstanding.** The authority may not have at any one time outstanding bonds to which subsection 5 applies according to the trust agreement or other document in principal amount exceeding $50,000,000. The amount of bonds issued to refund bonds previously issued may not be taken into account in determining the principal amount of the bonds outstanding, provided that the proceeds of the refunding bonds are applied as promptly as possible to the refunding of the previously issued bonds. In computing the

total amount of bonds of the authority that may at any time be outstanding for any purpose, the amount of the outstanding bonds that have been issued as capital appreciation bonds or as similar instruments are valued as of any date of calculation at their current accreted value rather than their face value.

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11450. ENFORCEMENT OF RIGHTS AND DUTIES

Except to the extent that the rights are restricted by any applicable bond resolution or trust or other agreement, any holder of bonds issued under this chapter or a trustee under a trust agreement entered into under this chapter may, by any suitable form of legal proceedings, protect and enforce any rights granted under the laws of the State or by any applicable bond resolution or trust or other agreement. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11451. BONDS AS LEGAL INVESTMENTS

Bonds issued by the authority under this chapter are hereby made securities in which all public officers and public bodies of the State and its political subdivisions; insurance companies and associations and other persons carrying on an insurance business; trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations; financial institutions; credit unions; building and loan associations; investment companies; executors, administrators, trustees and other fiduciaries; pension, retirement funds and profit-sharing; other persons carrying on a banking business; and all other persons may properly and legally invest funds, including capital in their control or belonging to them. These bonds are hereby made securities that may properly and legally be deposited with and received by any state, municipal or public officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11452. CHAPTER ADDITIONAL AND SUPPLEMENTAL

1. **In general.** This chapter provides a complete, additional and alternative method for carrying out the functions authorized and is supplemental and additional to, and the limitations imposed by this chapter do not limit or otherwise affect powers or rights conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

[1991, c. 603, §6 (NEW) .]

2. **Institutions of higher education.** Notwithstanding any other provision of law or charter, institutions of higher education may borrow money from the authority, make education loans and take all other actions necessary or convenient to consummate the transactions contemplated under this chapter. The authority may establish, contract for, charge and collect any amount or rate of interest or compensation with respect to authority loans. Participating institutions of higher education may contract for, charge and collect any amount

or rate of interest or compensation with respect to education loans. Neither the authority nor any institution of higher education participating in a loan program under this chapter may be subject to any licensing provisions relating to financial institutions or any credit regulations of the State.

[1991, c. 603, §6 (NEW) .]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11453. TAXABLE BOND OPTION

With respect to all or any portion of any issue of any bonds or any series of bonds that the authority may issue in accordance with the limitations and restrictions of this chapter, the authority may covenant, elect and consent that the interest on the bonds be includable under the code or any subsequent corresponding internal revenue law of the United States in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the code or any subsequent law. Bonds issued pursuant to this section are not subject to any limitations or restrictions of any law that may limit the authority's power to issue those bonds. The foregoing grant of power may not be construed as limiting the inherent power of the State or its agencies under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders under the code or any subsequent law. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11454. AGREEMENT OF THE STATE

The State hereby pledges to and agrees with the holders of any bonds issued under this chapter and with those parties who may enter into any contract with the authority pursuant to this chapter that the State will not limit, alter, restrict or impair the rights vested in the authority and the participating institutions until the bonds, together with interest, including interest on any unpaid installment of interest and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders, are fully met and discharged and such contracts are fully performed on the part of the authority. Nothing in this chapter precludes that limitation or alteration if and when adequate provision is made by law for the protection of the holders of bonds of the authority or those entering into contracts with the authority. The authority is authorized to include this pledge and undertaking for the State in those bonds or contracts. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11455. TERMINATION OF EXISTENCE OF AUTHORITY

No law terminating the Student Financial Aid Supplemental Loan Program may take effect as long as any bonds of the program are outstanding and unpaid without adequate provision for payment having been made. [1991, c. 6033, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11456. ACT CUMULATIVE; NO NOTICE REQUIRED

Nothing in this chapter may be construed as a restriction or limitation upon any powers that the authority might otherwise have under any laws of this State and this chapter is cumulative of any such powers. Neither the making of contracts nor the issuance of bonds pursuant to this chapter need comply with the requirements

of any other state law applicable to the making of contracts, the issuance of bonds or the construction, acquisition or management of any project undertaken pursuant to this chapter. No proceedings, notice or approval is required for the issuance of any bonds or any instrument as security therefor, except as is provided in this chapter or in the code, if applicable. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

§11457. ACT LIBERALLY CONSTRUED

This chapter being necessary for the welfare of the State and its inhabitants must be liberally construed so as to effect its purposes. [1991, c. 603, §6 (NEW).]

SECTION HISTORY
1991, c. 603, §6 (NEW).

Chapter 417-B: HIGHER EDUCATION LOAN PROGRAM

§11441. PROGRAM ESTABLISHED

(REPEALED)

SECTION HISTORY
1991, c. 612, §3 (NEW). 1991, c. 824, Pt. A, §34 (RP).

§11442. DEFINITIONS

(REPEALED)

SECTION HISTORY
1991, c. 612, §3 (NEW). 1991, c. 824, Pt. A, §34 (RP).

§11443. ELIGIBILITY

(REPEALED)

SECTION HISTORY
1991, c. 612, §3 (NEW). 1991, c. 824, Pt. A, §34 (RP).

§11444. HIGHER EDUCATION LOAN PROGRAM FUND

(REPEALED)

SECTION HISTORY
1991, c. 612, §3 (NEW). 1991, c. 824, Pt. A, §34 (RP).

§11445. LOANS TO MINORS

(REPEALED)

SECTION HISTORY
1991, c. 612, §3 (NEW). 1991, c. 824, Pt. A, §34 (RP).

Chapter 417-C: HIGHER EDUCATION LOAN AND LOAN INSURANCE PROGRAM

§11458. PROGRAM ESTABLISHED

There is established the Higher Education Loan and Loan Insurance Program, administered by the Finance Authority of Maine, to carry out the purposes of this chapter. [2013, c. 34, §4 (AMD).]

SECTION HISTORY
1991, c. 824, §A35 (NEW). 2013, c. 34, §4 (AMD).

§11459. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 824, Pt. A, §35 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[1991, c. 824, Pt. A, §35 (NEW) .]

1-A. **Consolidation loan.** "Consolidation loan" means a loan under this chapter to or for the benefit of an individual made for the purpose of refinancing education loans that, when made, were made to or for the benefit of a student then enrolled in an eligible program of study at an institution of higher education that meets the other requirements of this chapter.

[2015, c. 103, §1 (NEW) .]

1-B. **Education loan.** "Education loan" means a loan made by the Federal Government under the federal Higher Education Act of 1965, 20 United States Code, Chapter 28, Title IV, Part B, as amended, or a loan made by a regulated financial institution for the express purpose of financing the costs of higher education under a program designed solely for such purposes.

[2015, c. 103, §1 (NEW) .]

2. **Eligible program of study.** "Eligible program of study" means a certificate program of at least one year, an associate degree program, a baccalaureate degree program or a graduate degree program.

[1991, c. 824, Pt. A, §35 (NEW) .]

3. **Institution of higher education.** "Institution of higher education" means an accredited institution of higher education located within the United States.

[1991, c. 824, Pt. A, §35 (NEW) .]

3-A. **Student loan.** "Student loan" means a loan under this chapter to or for the benefit of a student enrolled or to be enrolled in an eligible program of study at an institution of higher education that meets the other requirements of this chapter.

[2015, c. 103, §1 (NEW) .]

4. **Unmet need.** "Unmet need" means the difference between the total cost of attendance for an academic year at an institution of higher education and the total of all sources of financial assistance, including loans, grants, work-study programs and all other available sources, as determined by the authority by rules adopted in accordance with Title 5, chapter 375.

[1991, c. 824, Pt. A, §35 (NEW) .]

SECTION HISTORY

1991, c. 824, §A35 (NEW). 2015, c. 103, §1 (AMD).

§11460. ELIGIBILITY

Loans made or insured under this chapter must be either student loans or consolidation loans. Loans made or insured under this chapter are available only to or for the benefit of a resident of the State or an individual attending an institution of higher education in the State who: [2015, c. 103, §2 (AMD).]

1. **Graduated.** For a student loan, has graduated from an approved secondary school, matriculated at a postsecondary school prior to high school graduation or successfully completed a high school equivalency diploma or its equivalent;

[2015, c. 103, §2 (AMD) .]

2. **Accepted.** For a student loan, has been accepted for enrollment as an undergraduate or graduate student or is in good standing as an undergraduate or graduate student at an institution of higher education in an eligible program of study;

[2015, c. 103, §2 (AMD) .]

3. **Application.** Has applied for a loan under the program and has provided or caused to be provided all information determined necessary by the authority in order to determine eligibility;

[2013, c. 34, §5 (AMD) .]

4. **Unmet need.** For a student loan, has been determined by the authority to have an unmet need for financial assistance that, if not met, will prevent the student from attending the institution of higher education of that student's choice;

[2015, c. 103, §2 (AMD) .]

5. **Residency.** Meets the state residency or, for a student loan, school attendance requirements that may be established by the authority by rule;

[2015, c. 103, §2 (AMD) .]

6. **Loan repayment.** Has been determined by the authority to have a reasonable prospect of being able to repay the loan. In appropriate cases, the authority may allow repayments to be deferred and subordinated to repayment of other student loans for such period of time as may be necessary for the borrower to be able to afford to repay the loan; and

[1991, c. 824, Pt. A, §35 (NEW) .]

7. **Minimum academic progress.** For a student loan, is making satisfactory academic progress in accordance with the standards of that institution of higher education.

[2015, c. 103, §2 (AMD) .]

SECTION HISTORY
1991, c. 824, §A35 (NEW). 2013, c. 34, §5 (AMD). 2015, c. 103, §2 (AMD).

§11461. HIGHER EDUCATION LOAN AND LOAN INSURANCE PROGRAM FUND

1. **Establishment.** The Higher Education Loan and Loan Insurance Program Fund is established to be used by the authority as a nonlapsing, revolving fund for carrying out this chapter. In its discretion, the authority may combine this fund with other funds of the authority for accounting purposes and may establish separate accounts for loans and for a reserve for loan default payments. Money in the fund currently not needed to meet the obligations of the authority as lender or insurer is deposited with the authority to the credit of the fund or may be invested as provided by law.

[2013, c. 34, §6 (AMD) .]

2. **Charges and credits.** All amounts received or allocated by the authority for deposit to the fund pursuant to this chapter or otherwise must be deposited in the fund. All expenses of the authority in carrying out this chapter, including interest, principal and fee payments required by loan defaults, must be charged to the fund. The authority's liability for those expenses is limited to the fund.

[2013, c. 34, §6 (AMD) .]

SECTION HISTORY
1991, c. 824, §A35 (NEW). 2013, c. 34, §6 (AMD).

§11462. LOANS TO MINORS

Notwithstanding any other law, if the borrower on a loan made or insured under this program is a minor, an otherwise valid note or other written agreement executed by the borrower for the purpose of the loan creates a binding obligation. [1991, c. 824, Pt. A, §35 (NEW).]

SECTION HISTORY
1991, c. 824, §A35 (NEW).

§11463. INSURE STUDENT LOAN PAYMENTS

The authority may make commitments and agreements to insure student loan payments. [2013, c. 34, §7 (NEW).]

1. **Loan serviced.** A loan insured by the authority must be serviced as required by the authority.

[2013, c. 34, §7 (NEW) .]

2. **Compliance.** A loan insured by the authority must be in compliance with the student loan insurance credit policy of the authority.

[2013, c. 34, §7 (NEW) .]

3. **Other terms.** A loan insured by the authority may be subject to terms other than those specified in subsections 1 and 2 as may be required by law or by rule of the authority.

[2013, c. 34, §7 (NEW) .]

4. **Financial education.** Prior to obtaining a loan insured by the authority, an applicant must satisfy financial education requirements established or approved by the authority.

[2013, c. 34, §7 (NEW) .]

SECTION HISTORY
2013, c. 34, §7 (NEW).

Chapter 417-E: MAINE COLLEGE SAVINGS PROGRAM

§11471. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1997, c. 732, §4 (NEW).]

1. **Advisory committee.** "Advisory committee" means the Advisory Committee on College Savings established in this chapter.

[1997, c. 732, §4 (NEW) .]

2. **Authority.** "Authority" means the Finance Authority of Maine, which serves as administrator of the Maine College Savings Program.

[1997, c. 732, §4 (NEW) .]

3. **Beneficiary.** "Beneficiary" means any person designated by a participation agreement to benefit from payments for higher education expenses at an institution of higher education.

[1997, c. 732, §4 (NEW) .]

4. **Benefits.** "Benefits" means the payment of higher education expenses on behalf of a beneficiary by the Maine College Savings Program during the beneficiary's attendance at an institution of higher education.

[1997, c. 732, §4 (NEW) .]

5. **Board.** "Board" means the board of directors of the Finance Authority of Maine.

[1997, c. 732, §4 (NEW) .]

6. **Contributions.** "Contributions" means amounts deposited by a participant to an account within the program fund.

[1997, c. 732, §4 (NEW) .]

7. **Higher education expenses.** "Higher education expenses" means the certified expenses for attendance at an institution of higher education as those expenses are defined by rule of the authority consistent with applicable provisions of the Internal Revenue Code and its regulations addressing qualified state tuition programs.

[1997, c. 732, §4 (NEW) .]

8. **Institution of higher education.** "Institution of higher education" means an institution of higher education that meets the requirements established by rule of the authority consistent with applicable provisions of the Internal Revenue Code and its regulations addressing qualified state tuition programs.

[1997, c. 732, §4 (NEW) .]

9. **Participant.** "Participant" means any person who has entered into a participation agreement pursuant to this chapter.

[1997, c. 732, §4 (NEW) .]

10. **Participation agreement.** "Participation agreement" means an agreement between a participant and the authority providing for the establishment by the participant of one or more accounts within the program fund and for the administration of those accounts for the benefit of the participant and of one or more beneficiaries.

[1997, c. 732, §4 (NEW) .]

11. **Program earnings.** "Program earnings" means all interest, dividends, premiums, fees, profits upon disposition of assets and other revenue actually received by or on behalf of the program with respect to any assets held within the program fund to which that asset may be credited, less all administrative costs of the program and the program fund, as periodically determined by the authority.

[1997, c. 732, §4 (NEW) .]

12. **Tuition.** "Tuition" means the charges imposed to attend an institution of higher education and required as a condition of enrollment.

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11472. MAINE COLLEGE SAVINGS PROGRAM

The Maine College Savings Program, referred to in this chapter as the "program," is established to encourage the investment of funds to be used for higher education expenses at institutions of higher education. The authority shall administer the program and act as administrator of the program fund. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11473. MAINE COLLEGE SAVINGS PROGRAM FUND

1. **Creation.** The Maine College Savings Program Fund, referred to in this chapter as "the program fund," is established as a nonlapsing fund to be held, directed and administered by the authority. The authority shall keep the program fund segregated from all other funds held by the authority and shall invest and reinvest, or cause to be invested and reinvested, the program fund for the benefit of the program under the direction of and with the advice of the advisory committee. The program fund so administered is a fund held on behalf of participants and beneficiaries who are deemed specifically named persons for the purposes of Title 5, section 135-A.

[2011, c. 150, §1 (AMD); 2011, c. 150, §9 (AFF) .]

2. **Sources of money.** The following sources of money must be paid into the program fund:

A. All money appropriated for inclusion in the program fund; [1997, c. 732, §4 (NEW).]

B. All interest, dividends or other pecuniary gains from investment of money in the program fund; [1997, c. 732, §4 (NEW).]

C. All money received pursuant to participation agreements; [1997, c. 732, §4 (NEW).]

D. Any grants, gifts and other money from the State and from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the program fund. Contributions may be limited in application to specified classes of beneficiaries; and [1997, c. 732, §4 (NEW).]

E. Any other money available to the authority and directed by the authority to be paid into the program fund. [1997, c. 732, §4 (NEW).]

[1997, c. 732, §4 (NEW) .]

3. **Application of program fund.** Money in the program fund may be applied to carry out any power of the authority under or in connection with this chapter. All money in the program fund must be continuously applied by the authority to carry out this chapter and for no other purpose. Assets of the program fund must at all times be preserved, invested and expended only for the purposes of the program and must be held for the benefit of the participants and beneficiaries, including the refunding of fees paid by participants or any class of participants, the matching of contributions made by participants or any class of participants or the use of funds to provide scholarships to program account beneficiaries who attend institutions of higher education whether or not in the State. Assets may not be transferred or used by the State or the authority for any purposes other than the purposes of the program. Notwithstanding the requirements of this subsection regarding the permissible uses of the money in the program fund, all amounts in the program fund, except for contributions and program earnings that have been credited to an account, may be used by the authority to pay the administrative costs of the program and program fund as well as costs associated with providing financial education for the benefit of students and families, as determined by the authority.

[2013, c. 4, §1 (AMD) .]

4. **Accounts within program fund.** The authority may divide the program fund into separate accounts for any purpose it determines necessary or convenient for carrying out the purposes of this chapter, including, without limitation, the establishment of appropriate reserve funds for investment and operating expenses.

[1997, c. 732, §4 (NEW) .]

5. **Common investment of funds.** The authority may commingle, or cause or allow to be commingled, amounts credited to some or all accounts for investment purposes and may provide for the application of program earnings to pay any administrative costs of the program fund prior to crediting program earnings to participants' accounts.

[2011, c. 150, §2 (AMD); 2011, c. 150, §9 (AFF) .]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2001, c. 380, §1 (AMD). 2011, c. 150, §§1, 2 (AMD). 2011, c. 150, §9 (AFF). 2013, c. 4, §1 (AMD).

§11474. POWERS OF THE AUTHORITY

The authority, in the capacity as administrator of the program fund, in addition to all of the powers set out in Title 10, section 969-A, may: [1997, c. 732, §4 (NEW).]

1. **Enter into contracts.** Make and enter into contracts necessary for the administration of the program fund, including, without limitation, agreements with any financial institution or institution of higher education or with the State or any federal or state agency or any other entity;

[1997, c. 732, §4 (NEW) .]

2. **Invest funds.** With the advice of the advisory committee, invest and reinvest, or cause to be invested and reinvested, money in the program fund in any investments determined by the authority to be appropriate, notwithstanding any general statutory limitations on investments of public funds specifically determined to be inapplicable to the program fund. The authority must invest, or cause to be invested, money from the program fund in financial institutions located in the State to the extent determined reasonable by the authority;

[2011, c. 150, §3 (AMD); 2011, c. 150, §9 (AFF) .]

3. **Participation agreements.** Enter into participation agreements with participants in accordance with the requirements of section 11475;

[1997, c. 732, §4 (NEW) .]

4. **Make payments.** Make payments to beneficiaries and to institutions of higher education on behalf of beneficiaries;

[1997, c. 732, §4 (NEW) .]

5. **Make refunds.** Make refunds to participants on the termination of participation agreements pursuant to the provisions, limitations and restrictions set forth in this chapter;

[1997, c. 732, §4 (NEW) .]

6. **Appoint a program administrator.** Appoint a program administrator and other employees necessary to carry out the duties of this chapter;

[1997, c. 732, §4 (NEW) .]

7. **Carry out studies.** Carry out studies and projections to advise participants regarding present and future estimated higher education expenses and levels of financial participation in the program required to enable participants to achieve their educational funding objectives;

[1997, c. 732, §4 (NEW) .]

8. **Participate in programs.** Participate in any federal, state or local governmental program for the benefit of the program or the program fund, including, without limitation, soliciting, establishing and participating in a program providing limits on future increases in the costs of education at participating institutions of higher education on those terms and conditions that the authority may negotiate with the institutions;

[1997, c. 732, §4 (NEW) .]

9. **Procure insurance.** Procure insurance against any loss in connection with the property or assets or activities of the program or the program fund;

[1997, c. 732, §4 (NEW) .]

10. **Administer the program fund.** Administer the program fund;

[1997, c. 732, §4 (NEW) .]

11. **Borrow money.** Borrow money the authority determines necessary and prudent to the administration of the program and the program fund. Loans may be obtained from any source, including other funds of the authority;

[1997, c. 732, §4 (NEW) .]

12. **Transfer investments.** Sell, assign, transfer and dispose of any of the securities and investments of the program. All investments must be clearly marked to indicate designation to the program fund and, to the extent possible, must be registered in the name of the program. All interest derived from investments and any gains from the sale or exchange of investments must be credited by the authority to the account of the program;

[1997, c. 732, §4 (NEW) .]

13. **Employ investment managers and consultants.** Contract for goods and services and engage personnel and consultants, including investment advisors and managers, actuaries, managers, counsel, marketing consultants, fiduciaries and auditors, and evaluation services or other services as determined necessary by the authority for the effective and efficient operation of the program. Directly or through an investment consultant, the authority may contract to provide services that are a part of the comprehensive investment plan or as determined necessary by the authority or the consultant, including, but not limited to, providing consolidated billing, individual and collective record keeping and accounting and asset purchase, control and safekeeping; and

[1997, c. 732, §4 (NEW) .]

14. **Fund costs and expenses.** Fund all costs and expenses incurred in connection with the exercise of its powers under this chapter as administrative costs of the program and the program fund. The authority may not assess the program fund a fee in excess of 1% of the balance in the fund in any year for the administrative costs and expenses of the program.

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2011, c. 150, §3 (AMD). 2011, c. 150, §9 (AFF).

§11475. PARTICIPATION AGREEMENT

The authority may enter into a participation agreement with a participant on behalf of a beneficiary pursuant to the following terms and conditions. [1997, c. 732, §4 (NEW).]

1. **Periodic payments.** A participation agreement may require or permit a participant to invest a specific amount of money in the program fund for a specific period of time for the benefit of a specific beneficiary. Periodic deposits may be made through a payroll deduction plan or an automatic deposit plan or through assignment of state tax refunds. A participation agreement establishing such a periodic deposit plan may include provisions to adjust scheduled deposits on the basis of change in a participant's economic circumstances or a beneficiary's educational plans and may provide for penalties on a participant's failure to make deposits as scheduled. A participation agreement establishing such a plan must provide for the limitation of scheduled deposits by the authority as necessary to ensure that a participant's account does not exceed the amount necessary to pay the beneficiary's projected higher education expenses.

[1997, c. 732, §4 (NEW) .]

2. **Lump-sum payments.** A participation agreement may permit a participant to make one or more lump-sum deposits to an account for the benefit of a specific beneficiary.

[2015, c. 267, Pt. DD, §1 (AMD); 2015, c. 267, Pt. DD, §34 (AFF) .]

3. **Designation of beneficiaries.** Except for accounts opened by a state or local governmental entity or charitable organization, an application or participation agreement must designate the name and date of birth of the beneficiary.

[2001, c. 380, §2 (AMD) .]

4. **Change of beneficiary.** A beneficiary may be changed as permitted by rule of the authority upon written request of the participant, provided that the substitute beneficiary is eligible.

[1997, c. 732, §4 (NEW) .]

5. **Amendment.** A participation agreement may be freely amended throughout its term to enable a participant to increase or decrease the level of participation, change the designation of a beneficiary and carry out similar matters.

[1997, c. 732, §4 (NEW) .]

6. **Enrollment fee.** The authority may not charge an enrollment fee for participation in the program.

[1997, c. 732, §4 (NEW) .]

7. **Cancellation.** A participation agreement must provide that the participation agreement may be canceled upon the terms and conditions of the agreement and upon payment of the fees, expenses and penalties set forth in rules adopted by the authority.

[1997, c. 732, §4 (NEW) .]

8. **Separate accounts.** A participation agreement must require that the authority maintain each participant's account separately, subject to commingling for investment purposes, and report the status of each participant's account to the participant on a periodic basis, as established by rule of the authority.

[1997, c. 732, §4 (NEW) .]

9. **Rights and obligations.** A participation agreement must include any other rights and obligations of the participant, the beneficiary and the authority.

[1997, c. 732, §4 (NEW) .]

10. **Terms and conditions.** A participation agreement may include other terms and conditions the authority determines necessary, including a limitation on liability of the authority to the extent funds are disbursed in good faith.

[1997, c. 732, §4 (NEW) .]

11. **No guaranty of admission.** The execution of a participation agreement by the authority does not guarantee in any way that higher education expenses will be equal to projections and estimates provided by the authority or that the beneficiary named in any participation agreement will:

A. Be admitted to an institution of higher education; [1997, c. 732, §4 (NEW).]

B. Be allowed to continue attendance at the institution of higher education following admission; or [1997, c. 732, §4 (NEW).]

C. Graduate from the institution of higher education. [1997, c. 732, §4 (NEW).]

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2001, c. 380, §2 (AMD). 2015, c. 267, Pt. DD, §1 (AMD). 2015, c. 267, Pt. DD, §34 (AFF).

§11476. INVESTMENT OPTIONS AND PARAMETERS

The authority, with the advice of the advisory committee, may provide investment options for a participant within the program fund to the extent permitted by Internal Revenue Code provisions addressing qualified state tuition programs. The authority, with the advice of the advisory committee, shall invest, or cause to be invested, the amounts on deposit in the program fund in a reasonable manner to achieve the objectives of each fund, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. A participant or designated beneficiary may not direct the investment of any amounts on deposit in the program fund, except to the extent allowed pursuant to provisions of the Internal Revenue Code addressing qualified state tuition programs. The authority shall give due consideration to rate of return, term or maturity, diversification and liquidity of investments within the program fund or any account in the program fund pertaining to the projected disbursements and expenditures from the program fund and the expected payments, deposits, contributions and gifts to be received. [2011, c. 150, §4 (AMD); 2011, c. 150, §9 (AFF).]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2011, c. 150, §4 (AMD). 2011, c. 150, §9 (AFF).

§11477. EARLY TERMINATION OR OVERFUNDING OF PARTICIPATION AGREEMENT

1. **Cancellation.** The authority may by rule establish fees and penalties applicable to early termination, overfunding of accounts or failure to use the program fund for an eligible purpose.

[1997, c. 732, §4 (NEW) .]

2. **Death or disability.** The authority may not levy or assess an administration refund fee or penalty upon a participant's termination of a participation agreement under the following circumstances:

A. Death of the beneficiary; [1997, c. 732, §4 (NEW).]

B. Permanent disability or mental incapacity of the beneficiary; or [1997, c. 732, §4 (NEW).]

C. Receipt by the beneficiary of a scholarship or educational funding, identified by rule of the authority, resulting in an excess of funds in the account not needed to pay higher education expenses. [1997, c. 732, §4 (NEW).]

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11478. OWNERSHIP OF ACCOUNT; TRANSFER OF OWNERSHIP RIGHTS

For all purposes of the laws of the State, the following provisions apply. [1997, c. 732, §4 (NEW).]

1. **Participant retains ownership.** The participant retains ownership of all contributions and all program earnings credited to a participant's account under a participation agreement up to the date of utilization for payment of higher education expenses for the beneficiary and, notwithstanding any other provision of law, an amount credited to any account is not susceptible to levy, execution, judgment or other operation of law, garnishment or other judicial enforcement and the amount is not an asset or property of either the participant or the beneficiary for purposes of any state insolvency laws. Notwithstanding this subsection, an amount credited to the participant's account may not be included in any gross estate of the participant for purposes of state tax law, except to the extent that the amount may be includable in any gross estate for purposes of federal tax law.

[1997, c. 732, §4 (NEW) .]

2. **Institution of higher education is owner upon payment.** The institution of higher education obtains ownership of the amounts disbursed from an account to the institution of higher education with respect to the higher education expenses paid to the institution at the time each disbursement is made to the institution, subject to any applicable refund policy or other policies of the institution.

[1997, c. 732, §4 (NEW) .]

3. **Transfer of ownership.** A participant may transfer ownership rights to another eligible participant, including, but not limited to, a gift of the ownership rights to a minor beneficiary pursuant to Title 33, chapter 32; except that, notwithstanding any provision of Title 33, chapter 32, the transfer must be effected and the property distributed in accordance with rules adopted by the authority or the terms of the participation agreement.

[1997, c. 732, §4 (NEW) .]

3-A. **Successor participants.** A participant may designate another person as successor owner of the account in the event of the death or disability of the participant.

[2001, c. 380, §3 (NEW) .]

4. **Jurisdictional effect.** A person may not be deemed a resident of the State or be deemed as present in the State for jurisdictional purposes solely by reason of being a beneficiary or participant of an account.

[1997, c. 732, §4 (NEW) .]

5. **Not security.** A person may not pledge any interest in an account as security for a loan or other debt.

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2001, c. 380, §3 (AMD).

§11479. TAX EXEMPTION

The assets of the program fund, all program earnings and any income from operations are exempt from all taxation by the State or any of its political subdivisions. A deposit to any account, transfer of that account to a successor participant, designation of a successor beneficiary of that account, credit of program earnings to that account or distribution from that account used for the purpose of paying higher education expenses of

the designated beneficiary of that account pursuant to this chapter does not subject that participant, the estate of that participant or any beneficiary to any state income or estate tax liability. In the event of cancellation or termination of a participation agreement and distribution of funds to a participant, the increase in value over the amount deposited in the program fund by that participant may be taxable to that participant in the year distributed. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11480. RIGHTS OF PARTICIPANTS AND BENEFICIARIES TO ASSETS OF THE AUTHORITY

Participants and beneficiaries do not have access or rights to any assets of the authority other than program fund assets credited to the account of that participant or beneficiary. An account may not be deemed a debt or obligation of the authority or of the State. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11481. RELEASE OF INFORMATION

Notwithstanding any other provision of law, including, without limitation, Title 1, chapter 13, subchapter I and Title 10, section 975-A, the authority may provide information regarding individual participation accounts as required by federal law and laws of the state of residence of any participant or beneficiary. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11482. EXEMPTION FROM REGISTRATION

A participation agreement offered pursuant to this chapter is not a security as defined in Title 32, section 16102, subsection 28. The authority may obtain written advice of legal counsel or written advice from the United States Securities and Exchange Commission, or both, that the offering of a participation agreement is not subject to federal securities laws but is in compliance with those laws and is not in violation of other applicable laws. [2005, c. 65, Pt. C, §9 (AMD).]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2005, c. 65, §C9 (AMD).

§11483. COMPLIANCE WITH FEDERAL LAW

The authority may take any action necessary to ensure that the program complies with the federal Internal Revenue Code of 1986, Section 529, as amended, and any successor provisions and other applicable laws, rules and regulations adopted pursuant to that provision to the extent necessary for the program fund to constitute a qualified state tuition program with the benefits of eligibility under provisions of the federal Internal Revenue Code addressing qualified state tuition programs. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11484. ADVISORY COMMITTEE ON COLLEGE SAVINGS

The Advisory Committee on College Savings, referred to in this chapter as the "advisory committee," is created to provide advice to the authority on the operation of the program and investment of the program fund. [1997, c. 732, §4 (NEW).]

1. **Membership.** The advisory committee consists of 7 members as follows:

A. The Treasurer of State, who serves as the chair of the advisory committee; [1997, c. 732, §4 (NEW).]

B. [2001, c. 417, §18 (RP).]

B-1. [2011, c. 420, Pt. G, §9 (AFF); 2011, c. 420, Pt. G, §1 (RP).]

B-2. Two members appointed by the Governor from at large; [2011, c. 420, Pt. G, §2 (AMD); 2011, c. 420, Pt. G, §9 (AFF).]

C. Two members appointed by the Governor with experience in and knowledge of institutional investment of funds; [2011, c. 420, Pt. G, §3 (AMD); 2011, c. 420, Pt. G, §9 (AFF).]

D. [2011, c. 420, Pt. G, §9 (AFF); 2011, c. 420, Pt. G, §4 (RP).]

E. One member appointed by the Governor with experience in and knowledge of institutional investment of funds; and [2011, c. 420, Pt. G, §5 (NEW); 2011, c. 420, Pt. G, §9 (AFF).]

F. One member appointed by the chair of the board who is a member of the board other than the Treasurer of State. [2011, c. 420, Pt. G, §5 (NEW); 2011, c. 420, Pt. G, §9 (AFF).]

[2011, c. 420, Pt. G, §§1-5 (AMD); 2011, c. 420, Pt. G, §9 (AFF) .]

2. **Terms.** Members must be appointed for terms of 4 years. Members may be removed for cause. The member appointed by the Governor under subsection 1, paragraph B-1 must be appointed for an initial term of 3 years. The member appointed by the Governor under subsection 1, paragraph B-2 must be appointed for an initial term of 4 years.

A. [2001, c. 417, §20 (RP).]

B. [2001, c. 417, §20 (RP).]

[2001, c. 417, §20 (RPR) .]

3. **Compensation.** Members of the advisory committee are compensated in accordance with Title 5, chapter 379.

[1997, c. 732, §4 (NEW) .]

SECTION HISTORY
1997, c. 732, §4 (NEW). 2001, c. 417, §§18-20 (AMD). 2011, c. 420, Pt. G, §§1-5 (AMD). 2011, c. 420, Pt. G, §9 (AFF).

§11485. RULEMAKING

The authority must establish rules for the implementation of the program established by this chapter, including rules establishing fees and penalties and rules necessary to ensure treatment as a qualified state tuition program for federal tax purposes. Rules adopted pursuant to this section, including those setting fees and penalties, are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. The authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and

cultural affairs by January 30, 1999 on the rules and rule-making process to implement a program providing limits on future increases in the costs of education of participating institutions of higher education pursuant to section 11474, subsection 8. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

§11486. LIBERAL CONSTRUCTION

This chapter must be construed liberally in order to effectuate its legislative intent. [1997, c. 732, §4 (NEW).]

SECTION HISTORY
1997, c. 732, §4 (NEW).

Chapter 417-F: HIGHER EDUCATION LOAN PURCHASE PROGRAM

§11491. PURPOSE; PROGRAM ESTABLISHED

The Legislature finds and declares that the provision of a higher education for all residents of this State and for nonresidents attending institutions of higher education within this State who desire a higher education and are properly qualified is important to the welfare and security of this State and consequently is an important public purpose. Many qualified students are deterred by financial considerations from completing their education, with a consequent irreparable loss to the State of talents vital to the welfare of the State and its citizens. Accordingly, there is established the Higher Education Loan Purchase Program to provide greater access to federal loan program loans at a lower cost, enabling all residents of this State as well as nonresidents attending an institution of higher education in this State to attend the institutions of higher education of their choice. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11492. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 455, §2 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine established in Title 10, section 961 and its successors or assigns.

[2003, c. 455, §2 (NEW) .]

2. **Bonds.** "Bonds" includes bonds, notes, commercial paper, pass-through instruments or any other evidences of indebtedness the authority issues under this chapter.

[2003, c. 455, §2 (NEW) .]

3. **Borrower.** "Borrower" means a person who is obligated as a borrower to make payment of an eligible loan.

[2003, c. 455, §2 (NEW) .]

4. **Eligible lender.** "Eligible lender" means the authority and the Federal Government and any financial institution, credit union or institution of higher education that is an eligible lender under the federal Higher Education Act of 1965, Public Law 89-329, 79 Stat. 1219, Title IV, as amended, or under the federal Health Professions Educational Assistance Act of 1976, Public Law 94-484, 90 Stat. 2243, as amended, as applicable or, in each case, any successor provision, that is approved by the authority for participation in the program.

[2003, c. 455, §2 (NEW) .]

5. **Eligible loan or loan.** "Eligible loan" or "loan" means a loan originated under the federal Higher Education Act of 1965, Public Law 89-329, 79 Stat. 1219, Title IV, as amended, or under the federal Health Professions Educational Assistance Act of 1976, Public Law 94-484, 90 Stat. 2243, as amended, in each case along with any successor provision, by an eligible lender to a borrower, or under any student loan program administered by the authority.

[2003, c. 455, §2 (NEW) .]

6. **Finance.** "Finance" means the origination, acquisition or refinancing of eligible loans, including through loans to eligible lenders.

[2007, c. 520, §3 (AMD) .]

7. **Program.** "Program" means the Higher Education Loan Purchase Program established by this chapter.

[2003, c. 455, §2 (NEW) .]

SECTION HISTORY
2003, c. 455, §2 (NEW). 2007, c. 520, §3 (AMD).

§11493. HIGHER EDUCATION LOAN PURCHASE PROGRAM

1. **Program.** The authority is authorized to carry out the program by issuing bonds for the purpose of financing eligible loans and may use any net earnings on those bonds to administer the program, to pay or further secure the bonds and to make eligible loans.

[2007, c. 520, §4 (AMD) .]

2. **Authorization.**

[2007, c. 520, §5 (RP) .]

3. **Rules.** The authority shall adopt rules to implement and administer the program. All rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 455, §2 (NEW) .]

SECTION HISTORY
2003, c. 455, §2 (NEW). 2007, c. 520, §§4, 5 (AMD).

§11494. RECORDS CONFIDENTIAL

1. **Confidential information.** Records containing any information acquired by the authority or a member, employee or agent of the authority from borrowers whose loans are financed by the authority are confidential for purposes of Title 1, section 402, subsection 3, paragraph A.

[2003, c. 455, §2 (NEW) .]

2. **Wrongful disclosure prohibited.** A member, employee, agent, other representative of the authority or other person may not knowingly divulge or disclose records declared confidential by this section, except that the authority may, in its discretion, make or authorize any disclosure of information of the following types:

A. Impersonal, statistical or general information; [2003, c. 455, §2 (NEW).]

B. Information to an eligible lender or credit reporting service; [2003, c. 455, §2 (NEW).]

C. Information necessary to comply with the federal Higher Education Act of 1965, Public Law 89-329, 79 Stat. 1219, Title IV, as amended, or the federal Health Professions Educational Assistance Act of 1976, Public Law 94-484, 90 Stat. 2243, as amended, in each case along with any successor provision, or any administrative requirement under either of those Acts or of any other federal or state law or rule or with any agreement pertaining to financial assistance; [2003, c. 455, §2 (NEW).]

D. Information, the disclosure of which the authority determines is necessary or convenient to the sale or transfer of its bonds or loans; [2003, c. 455, §2 (NEW).]

E. Information necessary to ensure collection of any obligation in which the authority has or may have an interest; [2003, c. 455, §2 (NEW).]

F. In any litigation or proceeding in which the authority has appeared, any information obtained from records declared confidential by this section; and [2003, c. 455, §2 (NEW).]

G. Information required pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, provided that any such order appears to have first been served on the person to whom confidential information sought pertains or belongs and provided that any such order appears on its face or otherwise to have been issued or made upon lawful authority. [2003, c. 455, §2 (NEW).]

[2003, c. 455, §2 (NEW) .]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11495. BONDS

1. **Issuance; purpose; payment; authorization; interim receipts or certificates.** The authority may issue bonds for the purposes of this chapter, including financing eligible loans, which may include originating eligible loans, including consolidation loans, financing loans to eligible lenders to fund the origination of eligible loans and acquiring existing portfolios of eligible loans from eligible lenders. The bonds of each issue must be authorized by the authority and be payable only from such sources specified in the agreement with bondholders, which may include, without limitation, payments on or with respect to eligible loans from any source, including sale proceeds; reserves established by the authority for the bonds; payments pursuant to agreements with financial institutions, credit unions, educational institutions or any governmental entity; payments pursuant to interest rate exchange agreements; investment earnings from funds or accounts maintained pursuant to a trust agreement or other document; proceeds of refunding bonds; and other fees, charges or revenues of the authority.

Bonds issued by the authority for the purposes of this chapter, the resolution authorizing the issuance of such bonds or any trust agreement securing such bonds may include such provisions, which may be part of the contract with the holders of the bonds of such issue and with any 3rd-party credit or liquidity provider or counterparties to interest rate exchange agreements, as the authority considers necessary or convenient to the security or issuance of the bonds, including without limitation:

A. Specifying the terms of bonds, including the basis upon which interest accrues on those bonds, which may be fixed, variable, auction-based or adjustable; the date from which interest begins to accrue; the time and manner of principal payment upon scheduled maturity or redemption; the denominations and form, which may include coupon, registered, coupon and registered or book entry; and such privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the authority may establish; [2003, c. 455, §2 (NEW).]

B. Providing that bonds be payable in lawful money of the United States at a designated place or be payable in another form of currency if the authority so designates and be considered to be negotiable instruments issued under the laws of the State within the meaning and for all purposes of Title 11, Article 3-A, whether or not of the form or character to so qualify under the terms of Title 11, Article 3-A, subject only to the applicable provisions of any trust agreement; [2003, c. 455, §2 (NEW).]

C. Providing that bonds be executed by the manual or facsimile signatures of the officers or designees of the authority; [2003, c. 455, §2 (NEW).]

D. Providing that bonds be sold in the manner and upon the terms determined by the authority at public or private sale, with or without public bidding; [2003, c. 455, §2 (NEW).]

E. Pledging or assigning revenues, contractual rights and other assets to secure the bonds; [2003, c. 455, §2 (NEW).]

F. Establishing loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds and other accounts and their regulation, investment and disposition; [2003, c. 455, §2 (NEW).]

G. Providing for the issuance of additional bonds and refunding bonds; [2003, c. 455, §2 (NEW).]

H. Defining the acts or omissions that constitute a default in the duties of the authority or its obligations to bondholders and providing the rights or remedies of such bondholders in the event of a default; [2003, c. 455, §2 (NEW).]

I. Providing for guarantees, letters of credit, lines of credit, insurance policies, surety bonds, purchase agreements or similar instruments or other security for the benefit of the bondholders; [2003, c. 455, §2 (NEW).]

J. Providing for interest rate or exchange agreements; and [2003, c. 455, §2 (NEW).]

K. Any other matter relating to the bonds that the authority determines appropriate. [2003, c. 455, §2 (NEW).]

[2007, c. 520, §6 (AMD) .]

2. **Credit not pledged.** Bonds issued under this chapter do not constitute or create any debt or liability on behalf of the State, of any political subdivision of the State or the authority, a loan of the credit of the State or a pledge of the faith and credit of the State, of any political subdivision of the State or the authority, but are payable solely from the funds provided for the payment of those bonds. All the bonds issued under this chapter must contain a statement to the effect that the State, any political subdivision of the State or the authority is not obligated to pay the bonds or the interest on the bonds, except from funds provided for the payment of those bonds pursuant to one or more agreements, and that neither the faith and credit nor the taxing power of the State or of any political subdivision of the State is pledged to the payment of the principal

of, premium, if any, or the interest on such bonds. The issuance of bonds under this chapter does not directly or indirectly or contingently obligate the State or any political subdivision of the State to levy or to pledge any form of taxation whatever or to make any appropriation for the bonds' payment.

[2003, c. 455, §2 (NEW) .]

3. **Liability of members.** A member or employee of the authority or any person executing the bonds may not be held liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

[2003, c. 455, §2 (NEW) .]

4. **Interest rate exchange agreements.** In connection with, or incidental to, the issuance or carrying of bonds issued under this chapter or carrying of any investment, the authority may enter into agreements with financial institutions or credit unions that the authority determines to be necessary or appropriate to place the obligation or investment of the authority, in whole or in part, on the interest rate, cash flow or other basis as determined by the authority.

[2003, c. 455, §2 (NEW) .]

5. **Purchasing, refunding or refinancing by authority.** The authority may purchase its bonds out of any available funds and may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondholders. The authority may refund or refinance any of its bonds.

[2003, c. 455, §2 (NEW) .]

6. **Conclusive authorization.** All bonds of the authority are conclusively presumed to be fully authorized and issued under the laws of the State, and any person or governmental unit is estopped from questioning their authorization, sale, issuance, execution or delivery by the authority.

[2003, c. 455, §2 (NEW) .]

SECTION HISTORY
2003, c. 455, §2 (NEW). 2007, c. 520, §6 (AMD).

§11496. TRUST AGREEMENT; PLEDGE OF SECURITY

1. **Trust agreement.** Any bonds issued under this chapter may be secured by a trust agreement by and between any or all of the following: the authority, a financial institution, a credit union and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State.

[2003, c. 455, §2 (NEW) .]

2. **Pledge of security.** This subsection governs a pledge of security pursuant to this chapter.

A. All money received by the authority or received on behalf of the authority by any eligible lender, servicer, trustee, custodian or collection agent, pursuant to any resolution, trust agreement or any other agreement authorized by this chapter and pledged pursuant to a resolution, trust agreement or other agreement for the benefit of the bondholders, whether as proceeds from the sale of bonds or as revenues, is deemed to be trust funds to be held and applied solely as provided in such resolution, trust agreement or other agreement. Subject to the provisions of any such resolution, trust agreement or other agreement, any such money may be invested in such investments and investment agreements as may be approved by resolution of the authority. Any eligible lender, servicer, custodian or collection agent with which such money is deposited is deemed to be holding such money in trust for the benefit of the authority or

the bondholders, as specified in the applicable resolution, trust agreement or other agreement and shall apply such money solely for the purposes of this chapter, subject to such restrictions as this chapter, the applicable resolution, trust agreement or other agreement may provide. [2003, c. 455, §2 (NEW).]

B. Any pledge made by the authority of income, revenues or other property is valid and binding from the time the pledge is made. The income, revenue or other property so pledged and received after being pledged by the authority, or received on behalf of the authority by any eligible lender, servicer, trustee, custodian or collection agent, pursuant to any resolution, trust agreement or other agreement that is authorized by this chapter and pledged pursuant to a resolution, trust agreement or other agreement for the benefit of the bondholders, is immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, or such other recipient on behalf of the authority, irrespective of whether such parties have notice of that lien. Notwithstanding any other provision of law, neither possession nor the filing of any financing or continuation statement is necessary with respect to any such income, revenues or other property to establish or evidence the lien of any such pledge, including the creation, perfection, priority or enforcement of such lien, with respect thereto. A resolution authorizing bonds, a trust agreement or other agreement described in this section or any other instrument by which such a pledge is created does not need to be recorded. [2003, c. 455, §2 (NEW).]

[2003, c. 455, §2 (NEW) .]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11496-A. CAPITAL RESERVE FUNDS; OBLIGATION OF THE STATE

1. **Capital reserve fund.** The authority may create and establish one or more capital reserve funds and may pay into any capital reserve fund any money appropriated and made available by the State for the purposes of any such fund, any proceeds of the sale by the authority of bonds to the extent determined by the authority and any other money available to the authority. The authority may not create or establish any capital reserve fund under this subsection after June 30, 2010.

[2009, c. 83, §2 (AMD) .]

2. **Application.** Money held in any capital reserve fund established pursuant to subsection 1, except as provided in this subsection, must be used solely with respect to bonds, the repayment of which is secured by any such fund, and solely for the payment of principal of the securities, the purchase or redemption of the securities, including any fees or premiums, or the payment of interest on the securities. In addition, if the authority obtains a letter of credit, insurance contract, surety bond or similar financial undertaking to establish and fund a capital reserve fund under subsection 1, money in that capital reserve fund may be used to pay, as and when due, all reimbursement obligations of the authority established in connection with that letter of credit, insurance contract, surety bond or similar financial undertaking, including, but not limited to, all fees, expenses, indemnities and commissions. Money in excess of the reserve requirement established pursuant to subsection 3 may be transferred to other funds and accounts of the authority.

[2007, c. 665, §1 (NEW) .]

3. **Capital reserve requirement.** For purposes of this section, the capital reserve requirement applicable to a capital reserve fund established pursuant to subsection 1 is:

A. The amount stated in the applicable trust agreement or other document used to establish the capital reserve fund, with respect to any capital reserve fund established before June 30, 2010; or [2009, c. 83, §3 (AMD).]

B. If paragraph A does not apply, the amount of principal of the bonds directly secured by that capital reserve fund becoming due by reason of maturity or a required sinking fund payment, and interest on bonds directly secured by that capital reserve fund, in any succeeding 12-month period. [2007, c. 665, §1 (NEW).]

[2009, c. 83, §3 (AMD) .]

4. **Withdrawals from capital reserve fund.** Money in any capital reserve fund may not be withdrawn at any time in an amount that would reduce the amount of that capital reserve fund to less than the applicable capital reserve requirement under subsection 3, except for the purposes of:

A. Paying the amounts of principal and interest due on bonds directly secured by that capital reserve fund:

(1) At a maturity or sinking fund payment date of those bonds;

(2) On any date on which accelerated principal payment is required pursuant to a credit facility or liquidity facility applicable to those bonds; or

(3) On any interest payment date with respect to those bonds; or [2007, c. 665, §1 (NEW).]

B. Paying any other amount expressly permitted by subsection 2. [2007, c. 665, §1 (NEW).]

[2007, c. 665, §1 (NEW) .]

5. **Issuance limit.** The authority may provide in the applicable trust agreement or other document used to establish a capital reserve fund pursuant to subsection 1 that it may not issue bonds directly secured by the capital reserve requirement under subsection 3 with respect to bonds outstanding and then to be issued that are or will be directly secured by that capital reserve fund that will exceed the amount of that fund at the time of issuance, unless the authority, at the time of issuance of the bonds, deposits in that fund from proceeds of the bonds to be issued, or from other sources, an amount that, together with the amount then in that fund, is not less than the capital reserve requirement.

[2007, c. 665, §1 (NEW) .]

6. **Appropriation.** On or before December 1st, annually, the authority shall certify to the Governor the amount, if any, necessary to restore the amount in any capital reserve fund established pursuant to subsection 1, in accordance with the trust agreement or other document pursuant to which bonds secured by the capital reserve fund were issued, to the capital reserve requirement under subsection 3. The Governor shall transmit directly to the Legislature that certification and a statement of the amount, if any, remaining to be paid. The amount certified must be appropriated and paid to the authority during that state fiscal year.

[2007, c. 665, §1 (NEW) .]

7. **Maturity of bonds.** Notwithstanding Title 10, section 1044, subsection 5, a series of bonds that is directly secured by a capital reserve fund described in this section must mature no more than 50 years from its issue date.

[2007, c. 665, §1 (NEW) .]

SECTION HISTORY
2007, c. 665, §1 (NEW). 2009, c. 83, §§2, 3 (AMD).

§11497. LOAN TRANSACTIONS

The authority may finance, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, all on such terms and conditions as the authority may specify, any eligible loan or portfolio of loans or loan pass-through certificate, pledge, including any pledge of loan revenue, loan participation certificate or other loan-backed or loan-related security. Any such transaction may be conducted by public or private offering. In connection with the financing or sale of an eligible loan or of a beneficial interest or participation in an eligible loan or portfolio of eligible loans, or other interest in eligible loans, the authority may enter into one or more agreements providing for the origination, guarantee, financing, purchase, sale, servicing, custody, control and administration of such eligible loan or portfolio of eligible loans. Any such agreement may provide that the authority, any other eligible lender, a financial institution, a credit union or other person may act as trustor, trustee or custodian under the agreement. Any such agreement may provide that, with respect to loans governed by the agreement, title to such eligible loans or portfolio of eligible loans or other interest in eligible loans is deemed to have been transferred on terms and to the extent specified in that agreement and that the effect of a sale of an interest in a loan is the same as a sale of a loan. The authority may issue or cause to be issued certificates or other instruments evidencing the holder's fractional interest in a pool of loans, which interest may be undivided or limited to one or more specific loans. Whether or not the certificates or instruments are of such form or character as to be negotiable instruments under Title 11, Article 3-A, the certificates or instruments are made negotiable instruments within the meaning of and for all purposes of Title 11, Article 3-A, subject only to such registration requirements as the authority may establish. [2007, c. 520, §7 (AMD).]

SECTION HISTORY
2003, c. 455, §2 (NEW). 2007, c. 520, §7 (AMD).

§11498. TAX EXEMPTION

Bonds issued under this chapter constitute a proper public purpose and the securities, their transfer and the income from them, including any profits made on their sale, are at all times exempt from taxation within the State, whether or not those securities, their transfer or the income from them, including any profits made on their sale, are subject to federal taxation. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11499. BONDS AS LEGAL INVESTMENTS

Bonds issued by the authority under this chapter are securities in which all public officers and public bodies of the State and its political subdivisions; insurance companies and associations and other persons carrying on an insurance business; trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations; financial institutions; credit unions; building and loan associations; investment companies; executors, administrators, trustees and other fiduciaries; pension, retirement funds and profit-sharing plans; other persons carrying on a banking business; and all other persons may properly and legally invest funds, including capital in their control or belonging to them. These bonds are made securities that may properly and legally be deposited with and received by any state, municipal or public officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11499-A. TAXABLE BOND OPTION

With respect to all or any portion of any issue of any bonds or any series of bonds that the authority may issue in accordance with the limitations and restrictions of this chapter, the authority may covenant, elect and consent that the interest on the bonds be includable under the federal Internal Revenue Code or any subsequent corresponding internal revenue law of the United States in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the federal Internal Revenue Code or any subsequent law. Bonds issued pursuant to this section are not subject to any limitations or restrictions of any law that may limit the authority's power to issue those bonds. The grant of power in this section may not be construed as limiting the inherent power of the State or its agencies under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders under the federal Internal Revenue Code or any subsequent law. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11499-B. AGREEMENT OF THE STATE

The State pledges to and agrees with the holders of any bonds issued under this chapter and with those parties who may enter into any contract with the authority pursuant to this chapter that the State will not limit, alter, restrict or impair the rights vested by this chapter in the authority until the bonds issued pursuant to this chapter, together with interest, including interest on any unpaid installment of interest and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders, are fully met and discharged and such contracts are fully performed on the part of the authority. Nothing in this chapter precludes that limitation or alteration if and when adequate provision is made by law for the protection of the holders of such bonds and of those parties entering into contracts with the authority. The authority is authorized to include this pledge and undertaking for the State in those bonds or contracts. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11499-C. CHAPTER CUMULATIVE; NO NOTICE REQUIRED

This chapter may not be construed as a restriction or limitation upon any powers that the authority might otherwise have under any laws of this State and this chapter is cumulative of any such powers. Neither the making of contracts nor the issuance of bonds pursuant to this chapter need comply with the requirements of any other state law applicable to the making of contracts, the issuance of bonds or the construction, acquisition or management of any project undertaken pursuant to this chapter. No proceedings, notice or approval is required for the issuance of any bonds or any instrument as security for those bonds, except as is provided in this chapter or in the federal Internal Revenue Code, if applicable. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

§11499-D. CHAPTER LIBERALLY CONSTRUED

This chapter being necessary for the welfare of the State and its inhabitants must be liberally construed so as to effect its purposes. [2003, c. 455, §2 (NEW).]

SECTION HISTORY
2003, c. 455, §2 (NEW).

Chapter 418: STUDENT LOAN CORPORATIONS

§11501. DECLARATION OF POLICY

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11502. DEFINITIONS

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 1985, c. 779, §54 (AMD). 2011, c. 595, §1 (RP).

§11503. STUDENT LOAN CORPORATIONS AUTHORIZED

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11504. INCORPORATORS

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11505. PURPOSES

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11506. ISSUANCE OF BONDS

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11507. RIGHTS OF THE AUTHORITY AND STUDENT LOAN CORPORATIONS

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11508. BONDS OF THE AUTHORITY

(REPEALED)

SECTION HISTORY

1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11509. SOURCE OF PAYMENT OF EXPENSES

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11510. ADMINISTRATION OF STUDENT LOAN CORPORATION ISSUED LOANS; NO DISCRIMINATION

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11511. EXEMPTION FROM TAXATION

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11512. BONDS DECLARED LEGAL INVESTMENTS

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11513. ACT CUMULATIVE; NO NOTICE REQUIRED

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 2011, c. 595, §1 (RP).

§11514. UNIVERSITY OF MAINE SYSTEM

(REPEALED)

SECTION HISTORY
1983, c. 422, §21 (NEW). 1985, c. 779, §55 (AMD). 2011, c. 595, §1 (RP).

Chapter 419: STUDENT INCENTIVE SCHOLARSHIP PROGRAM

§11601. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §84 (AMD). 1989, c. 559, §9 (RP).

§11602. ESTABLISHMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11603. ELIGIBILITY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11604. DETERMINATION OF NEED

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11605. DETERMINATION OF GRANTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11606. SCHEDULE OF REDUCTIONS IN GRANTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11607. LENGTH OF GRANT; PERIOD OF STUDY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 559, §9 (RP).

§11608. PROGRAM ADMINISTRATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 228, (AMD). 1985, c. 779, §56 (AMD). 1987, c. 795, (AMD). 1989, c. 443, §26 (AMD). 1989, c. 559, §9 (RP). 1989, c. 911, §3 (AMD).

§11609. (REPEALED)

(REPEALED)

SECTION HISTORY
1987, c. 796, (NEW). 1989, c. 559, §9 (RP).

Chapter 419-A: MAINE STATE GRANT PROGRAM

§11611. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 559, §10 (NEW).]

1. **Academic year and in attendance.** "Academic year" and "in attendance" have the same meanings as in the definitions of these terms contained in the Higher Education Act of 1965, Section 1201, as amended, United States Code, Title 20, Section 1141; and the Higher Education Act of 1965, Section 491, as amended, United States Code, Title 20, Section 1088; and the regulations, guidelines and procedures promulgated by the Secretary of Education and published in the Federal Register pursuant to these sections of federal law.

[1989, c. 559, §10 (NEW) .]

2. **Authority.** The "authority" means the Finance Authority of Maine.

[1989, c. 559, §10 (NEW) .]

3. **Eligible program of study.** "Eligible program of study" means a certificate program of at least one year, an associate degree program or a baccalaureate degree program.

[1989, c. 559, §10 (NEW) .]

4. **Expected family contribution.** "Expected family contribution" means the amount which the family of a student may be reasonably expected to contribute toward postsecondary education for the academic year for which the student is seeking a Maine State Grant.

[2001, c. 70, §3 (AMD) .]

4-A. **Grant.** "Grant" means a grant under the Maine State Grant Program authorized under this chapter.

[2001, c. 70, §4 (NEW) .]

5. **Institution of higher education.** "Institution of higher education" means an institution of higher education located within this State that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, Section 1201, as amended, United States Code, Title 20, Section 1141; and the federal Higher Education Act of 1965, Section 491, as amended, United States Code, Title 20, Section 1088; and the regulations, guidelines and procedures promulgated by the Secretary of Education and published in the Federal Register pursuant to these sections of law.

[2011, c. 642, §1 (AMD) .]

6. **Portability.**

[2011, c. 642, §2 (RP) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 1991, c. 582, §§1,2 (AMD). 1991, c. 582, §3 (AFF). 2001, c. 70, §§3,4 (AMD). 2011, c. 642, §§1, 2 (AMD).

§11612. ELIGIBILITY

The Maine State Grant Program is established. Under the program, grants may be given only to residents of the State who: [2001, c. 70, §5 (AMD).]

1. **Graduated.** Have graduated from an approved secondary school or matriculated at a post-secondary school prior to high school graduation, or have successfully completed a general educational development examination or its equivalent;

[1989, c. 559, §10 (NEW) .]

2. **Accepted as undergraduate.** Have been accepted for enrollment as undergraduates or are in good standing as undergraduates at institutions of higher education in an eligible program of study and have not received a previous baccalaureate degree;

[1989, c. 559, §10 (NEW) .]

3. **Applied for grants.** Have applied for a Maine State Grant according to schedules and procedures and on forms developed by the authority;

[2001, c. 70, §6 (AMD) .]

4. **Demonstrate financial need.** Have been determined by the authority to have a financial need according to the criteria set forth in section 11613; and

[1989, c. 559, §10 (NEW) .]

5. **State residency requirements.** Meet the state residency requirements that may be established by rules adopted by the authority in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[1989, c. 559, §10 (NEW) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 1991, c. 573, §1 (AMD). 2001, c. 70, §§5,6 (AMD).

§11613. DETERMINATION OF NEED

The authority shall establish the need of a student for a Maine State Grant for an academic year for which the student applies. A student is considered to have a need to qualify for a grant if the total of the cost of attendance of the student, minus the expected family contribution for the student, minus estimated student financial assistance not received under this program, is greater than zero. The total of the expected family contribution, together with any other student financial assistance received by the student, may not exceed the cost of attendance at the institution the student attends. [2003, c. 103, §1 (AMD).]

1. **Rules.** The authority shall establish standard methods by rules adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to determine:

A. The parental contribution; and [1989, c. 559, §10 (NEW).]

B. The student and spouse contribution. [1989, c. 559, §10 (NEW).]

These standard methods shall consider all income, assets and any other resources available to the parents, student and spouse.

[1989, c. 559, §10 (NEW) .]

2. **Expected family contribution.** The expected family contribution is the sum of the parental contribution and the student and spouse contribution. The method of determining the expected family contribution shall be established by rule of the authority adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, and shall be uniformly applied to all students.

[1989, c. 559, §10 (NEW) .]

3. **Cost of attendance.** In determining the cost of attendance to determine eligibility under this chapter, the authority shall include the following:

A. Tuition and required fees charged to all full-time students; [1989, c. 559, §10 (NEW).]

B. Standard room and board costs charged by the University of Maine to calculate room and board costs of applicants; and [1989, c. 559, §10 (NEW).]

C. Books and personal expenses or other amounts determined by the authority to be appropriate. [1989, c. 559, §10 (NEW).]

[1989, c. 559, §10 (NEW) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 1991, c. 612, §4 (AMD). 2001, c. 70, §7 (AMD). 2001, c. 480, §1 (AMD). 2003, c. 103, §1 (AMD).

§11614. DETERMINATION OF GRANTS

Grants to eligible students must be determined as follows, subject to the limitations set forth in section 11613. [2001, c. 70, §8 (AMD).]

1. **Priority for awards of grants.** Students with the lowest expected family contributions must be given priority over all other eligible students for the awards of grants.

[2001, c. 70, §8 (AMD) .]

2. **Minimum amount.** It is the intent of the Legislature that grants awarded under this chapter, except as provided in subsections 4, 5 and 6, may not be less than $1,000. The authority may establish by rule increased grant amounts for students attending their 2nd, 3rd and 4th years, or the equivalents thereof, at institutions of higher education. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 642, §3 (AMD) .]

3. **Scholarships for students attending private institutions.**

[1997, c. 643, Pt. HH, §2 (RP) .]

4. **Prorated grants.** A grant recipient whose course load is reduced from full time is entitled to receive a grant prorated for that term of the recipient's enrollment.

[2001, c. 70, §8 (AMD) .]

5. **Withdrawal.** If a recipient of a grant withdraws from an institution and the student is entitled to a refund of tuition, fees or other charges, the institution shall make a refund payment directly to the authority in accordance with the institution's refund policy.

[2001, c. 70, §8 (AMD) .]

6. **Safety net.** Notwithstanding the provisions of this section, the authority may not allocate less in grants under this chapter for students attending the University of Maine System, the Maine Maritime Academy, the Maine Community College System and private postsecondary institutions than was allocated for students in each of those institutions or groups of institutions of higher education in 1988-89.

[2001, c. 70, §8 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

7. **Part-time students.** The authority may allocate grants to eligible part-time students. The authority must establish eligibility criteria by rulemaking pursuant to the Maine Administrative Procedure Act.

[2011, c. 642, §4 (AMD) .]

8. **Exception for certain public institutions outside the State.** The authority may adopt rules establishing criteria and an application process for making grant awards to students who wish to pursue a course of study available only at a public institution outside the State as part of the New England regional student program offered by the New England Board of Higher Education established by Title 5, section 12004-K, subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 642, §5 (NEW) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 1991, c. 573, §2 (AMD). 1991, c. 832, §3 (AMD). 1997, c. 643, §§HH1,2 (AMD). 1999, c. 233, §1 (AMD). 2001, c. 70, §8 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2011, c. 642, §§3-5 (AMD).

§11615. PUBLICATION OF GRANT AMOUNTS

Prior to March 1st of each year, the authority shall publish grant amounts for the succeeding academic year. [2001, c. 70, §9 (AMD).]

SECTION HISTORY
1989, c. 559, §10 (NEW). 2001, c. 70, §9 (AMD).

§11616. LENGTH OF GRANT; PERIOD OF STUDY

1. **Length of grant.** A grant is for a period not to exceed one academic year. A student may apply for a new grant for each year during the period required for completion of an eligible program of study being pursued by that student. A grant recipient who remains eligible must be considered in the succeeding award year.

[2001, c. 70, §9 (AMD) .]

2. **Period of study.** An eligible full-time or part-time student may receive a grant for a period not to exceed 10 semesters or the equivalent thereof at the institution that the student is attending.

A. [2001, c. 70, §9 (RP).]

B. [2001, c. 70, §9 (RP).]

[2011, c. 642, §6 (AMD) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 2001, c. 70, §9 (AMD). 2011, c. 642, §6 (AMD).

§11617. PROGRAM ADMINISTRATION

1. **Responsibility of authority.** The authority shall administer the Maine State Grant Program, including establishing and maintaining fund accounting and control procedures as required by state law or as necessary for the State to be eligible to receive federal assistance under the Federal Student Assistance Program, Higher Education Act of 1965, Title IV, Part A, Subpart 3, as amended, United States Code, Title 20, Sections 1070c-1, 1070c-2 and 1070c-3.

[2001, c. 70, §10 (AMD) .]

2. **Guidelines and rules.** The following provisions shall apply to the program.

A. The authority shall develop rules, procedures, schedules and forms necessary to carry out the purposes of this program, including the adoption of reciprocal agreements with other states. [1989, c. 559, §10 (NEW).]

B. To the maximum extent possible consistent with the need for state control of this program, the authority shall use the guidelines, rules, regulations, procedures, forms and schedules set forth by the Secretary of Education for the administration of the Federal Student Assistance Program, Higher Education Act of 1965, Title IV, Part A, Subpart 1, as amended, United States Code, Title 20, Section 1070c. [1989, c. 559, §10 (NEW).]

[1989, c. 559, §10 (NEW) .]

3. **Decennial review.** The authority shall, by January 1, 2021, and every 10 years thereafter, conduct a review of the Maine State Grant Program. The authority shall establish a stakeholder group, through a partnership with other appropriate entities, to work together on the review. The review must include, but is not limited to, the following:

A. A review of the history and efficacy of the program and any necessary changes to the program; [2011, c. 642, §7 (NEW).]

B. Ideas to enhance the program in light of current and future higher education trends and needs; [2011, c. 642, §7 (NEW).]

C. Any recommendations on state funding for the program in light of trends in higher education costs and federal and private sector funding for student financial aid; and [2011, c. 642, §7 (NEW).]

D. Current and future grant and financial aid needs of students and families in the State. [2011, c. 642, §7 (NEW).]

The authority shall submit a written report of the findings of the decennial review by the January 1st the decennial review is due, along with any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

[2011, c. 642, §7 (NEW) .]

SECTION HISTORY
1989, c. 559, §10 (NEW). 2001, c. 70, §10 (AMD). 2011, c. 642, §7 (AMD).

§11618. NONLAPSING FUND

Any unexpended funds appropriated by the Legislature to carry out the purposes of this program shall not lapse, but shall be carried forward for continued use in the program. [1989, c. 559, §10 (NEW).]

SECTION HISTORY
1989, c. 559, §10 (NEW).

§11619. REDUCTION OF INSTITUTIONAL OR OTHER GRANT AID

(REPEALED)

SECTION HISTORY
2001, c. 70, §11 (NEW). 2001, c. 70, §13 (AFF). MRSA T. 20-A, §11619 (RP).

§11619-A. REDUCTION OF INSTITUTIONAL OR OTHER GRANT AID

Effective July 1, 2004, a grant received by a student under this chapter may be applied to reduce institutional or other grant aid to that student only if that institutional or grant aid is subsequently granted to a student with demonstrated financial need. [2003, c. 2, §68 (COR).]

SECTION HISTORY
RR 2003, c. 2, §68 (COR). 2003, c. 673, §QQ2 (NEW). 2003, c. 673, §QQ4 (AFF).

§11620. REDUCTION OF INSTITUTIONAL OR OTHER GRANT AID

(REPEALED)

SECTION HISTORY
2001, c. 70, §11 (NEW). 2003, c. 673, §QQ4 (AFF). 2003, c. 673, §QQ3 (RP).

Chapter 419-B: UNIVERSITY OF MAINE SYSTEM SCHOLARSHIP FUND

§11631. UNIVERSITY OF MAINE SYSTEM SCHOLARSHIP FUND

(REPEALED)

SECTION HISTORY
1993, c. 465, §1 (NEW). 2001, c. 70, §12 (AMD). 2001, c. 623, §3 (AMD). 2005, c. 109, §3 (RP).

Chapter 419-C: SCHOLARSHIPS FOR MAINE FUND

§11651. SCHOLARSHIPS FOR MAINE FUND

The Scholarships for Maine Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as scholarships based on need for residents of the State who are enrolled in an accredited postsecondary education program of at least one year. The Finance Authority of Maine shall award scholarships and adopt

rules for determining eligibility, terms and conditions of grants. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Interest earned on amounts in the fund may be used for the costs of administering the grants. [1997, c. 97, §5 (NEW).]

SECTION HISTORY
1997, c. 97, §5 (NEW).

§11652. FINANCE AUTHORITY OF MAINE SPONSORED CREDIT CARD

1. **Finance Authority of Maine sponsored credit card.** The Finance Authority of Maine may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17-A or a credit union, as defined in Title 9-B, section 131, subsection 12-A, or other credit card issuer to issue a credit card for the benefit of the Scholarships for Maine Fund.

[1997, c. 97, §5 (NEW) .]

2. **Agreement.** If the Finance Authority of Maine enters into an agreement with a financial institution, credit union or other credit card issuer in accordance with subsection 1, the Finance Authority of Maine shall negotiate the most favorable agreement for the Finance Authority of Maine, considering such factors as:

A. The rate of the fee by a credit card issuer; [1997, c. 97, §5 (NEW).]

B. The ability of a financial institution, credit union or other credit card issuer to market the card successfully; and [1997, c. 97, §5 (NEW).]

C. Customer service offered by the financial institution, credit union or other credit card issuer. [1997, c. 97, §5 (NEW).]

[1997, c. 97, §5 (NEW) .]

3. **Distribution of proceeds.** Funds received by the Finance Authority of Maine under the agreement with the financial institution, credit union or other credit card issuer must be deposited into the Scholarships for Maine Fund.

[1997, c. 97, §5 (NEW) .]

SECTION HISTORY
1997, c. 97, §5 (NEW).

Chapter 419-D: QUALITY CHILD CARE EDUCATION SCHOLARSHIP FUND

§11670. QUALITY CHILD CARE EDUCATION SCHOLARSHIP FUND

The Quality Child Care Education Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as scholarships based on financial need for residents of the State who are enrolled in one or more courses related to early childhood education or child development at accredited institutions of higher education or at course-offering institutions that have articulated agreements with accredited institutions of higher education. The Finance Authority of Maine shall award scholarships and adopt rules for determining eligibility, amounts, terms and conditions of scholarships. Interest earned on amounts in the fund may be used for the costs of administering the scholarships. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [1999, c. 783, §1 (AMD).]

SECTION HISTORY
1999, c. 401, §OOO5 (NEW). 1999, c. 783, §1 (AMD).

Chapter 421: POSTGRADUATE EDUCATION IN THE FIELD OF MEDICINE

§11801. LEGISLATIVE INTENT

1. **Admission of Maine residents to educational institutions.** It is the intent of the Legislature to assure, to the greatest extent possible, the admission of qualified Maine residents to educational institutions providing programs of instruction leading to doctoral degrees in allopathic medicine, dentistry, optometry and veterinary medicine.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Responsibility for program.** It is the intent of the Legislature, consistent with the purposes of this chapter, that the Chief Executive Officer of the Finance Authority of Maine shall administer the program and develop a plan that ensures, to the extent practicable, that Maine contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State, in underserved areas.

[1989, c. 698, §14 (AMD); 1989, c. 698, §76 (AFF) .]

3. **Advisory committee.** The Advisory Committee on Medical Education, established by Title 5, section 12004-I, subsection 7, shall assist the chief executive officer in planning and administration of the professional health program and particularly in the development of clinical education sites and continuing education, which are funded primarily by sources other than patient charges.

[1989, c. 698, §15 (AMD); 1989, c. 698, §76 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §111 (AMD). 1985, c. 455, §§1,11 (AMD). 1989, c. 503, §B77 (AMD). 1989, c. 698, §§14,15 (AMD).

§11802. DEFINITIONS

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Clinical education site.** "Clinical education site" includes both clinical clerkship sites and preceptorship sites.

A. "Clinical clerkship site" means an on-location teaching environment in conjunction with residency training. [1981, c. 693, §§5, 8 (NEW).]

B. "Preceptorship site" means a training site ranging from a one-to-one training site between a physician and medical student to a training site in a health clinic or hospital without a residency program. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

1-A. **Authority.** "Authority" means the Finance Authority of Maine.

[1989, c. 698, §16 (NEW); 1989, c. 698, §76 (AFF) .]

1-B. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[1989, c. 698, §16 (NEW); 1989, c. 698, §76 (AFF) .]

2. **Final determination of residency.** "Final determination of residency" means the decision on residency made subject to rules of the department. Criteria for these rules shall include length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Primary care.** "Primary care" means the practice of general or family medicine, internal medicine, pediatrics, obstetrics and gynecology.

[1981, c. 693, §§5, 8 (NEW) .]

4. **State capitation payment.** "State capitation payment" means the amount agreed on between the State and the institution for the purchase of the student space.

[1981, c. 693, §§5, 8 (NEW) .]

5. **State contract student.** A "state contract student" means a Maine resident who is enrolled in an educational program at an educational institution for which program the State:

A. Has entered into a contractual arrangement with the institution; and [1981, c. 693, §§5, 8 (NEW).]

B. Expends funds under this arrangement in return for a guarantee on the part of the institution that student positions will be made available to Maine residents. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

6. **Underserved area.** "Underserved area" means an underserved geographic area, underserved specialty area, underserved population group or any combination of these in the State.

[1985, c. 455, §§2, 11 (RPR) .]

7. **Obligated national service.** "Obligated national service" means:

A. An Armed Forces service obligation incurred in return for financial assistance provided during undergraduate and graduate education; [1985, c. 455, §§3, 11 (NEW).]

B. An obligation incurred for internship or residency training in the Armed Forces of the United States; or [1985, c. 455, §§3, 11 (NEW).]

C. An obligation for compulsory national service required by Act of Congress. [1985, c. 455, §§3, 11 (NEW).]

[1985, c. 455, §§3, 11 (NEW) .]

8. **Nonresident tuition.** "Nonresident tuition" means tuition charged persons who do not hold residency in the State where the institution is located. If no distinction is made at the institution between the tuition charged resident and nonresident students, then nonresident tuition means the tuition charged all students.

[1985, c. 455, §§3, 11 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 455, §§2,3,11 (AMD). 1989, c. 698, §16 (AMD).

§11803. AGREEMENT OF STATE CONTRACT STUDENT

1. **Agreement.** State contract students commencing their professional education between September 1, 1977, and June 30, 1981, shall, as a condition precedent to the commencement of that education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution; [1981, c. 693, §§5, 8 (NEW).]

B. That, on the conclusion of the student's professional education, including internship, residency and obligated public health service and Armed Forces' service, the student shall pay the State or authority an amount of money equal to the state capitation payment for the student position that the student occupied. The authority may adopt or amend rules to define the conclusion of professional education; and [1989, c. 698, §17 (AMD); 1989, c. 698, §76 (AFF).]

C. The payments are payable at 6% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the chief executive officer for a total repayment period not to exceed 20 years. [1989, c. 698, §17 (AMD); 1989, c. 698, §76 (AFF).]

[1989, c. 698, §17 (AMD); 1989, c. 698, §76 (AFF) .]

2. **Forgiveness of indebtedness.** The agreement must provide that 1/4 of the indebtedness is forgiven for each year in which the state contract student practices the student's profession within the State in primary care or other specialized areas as determined by the chief executive officer, with the advice of the Advisory Committee on Medical Education. For other state contract students returning to practice their profession in Maine, 1/4 of their indebtedness is forgiven for each of the first 2 years of practice.

[1989, c. 698, §17 (AMD); 1989, c. 698, §76 (AFF) .]

3. **Deferment.** Contract students under this section who, during the repayment period, either return to a Maine practice and then leave the State or who initially remain outside the State and then return to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest must be assessed during this time and the student's total debt to the State, including principal and interest, must be repaid either through return service or cash payments as established by the chief executive officer. Requests for deferments must be made to the chief executive officer who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.

[1989, c. 698, §17 (AMD); 1989, c. 698, §76 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§85,86 (AMD). 1985, c. 286, §1 (AMD). 1989, c. 698, §17 (AMD).

§11804. AGREEMENT FOR CONTRACT STUDENTS AFTER JULY 1, 1981 *(REPEALED)*

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §22 (AMD). 1983, c. 806, §87 (AMD). 1983, c. 816, §A13 (RPR). 1983, c. 862, §66 (RP). 1985, c. 286, §2 (AMD). 1985, c. 737, §§A42,A43 (AMD). 1987, c. 402, §A122 (AMD).

§11804-A. AGREEMENT FOR CONTRACT STUDENTS AFTER JULY 1, 1981 AND PRIOR TO JANUARY 1, 1993

1. **Agreement.** Any state contract student commencing professional education on or after July 1, 1981 and prior to January 1, 1993 shall, as a condition precedent to the commencement of the education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution; and [1983, c. 862, §67 (NEW).]

B. Upon the conclusion of professional education, including internship, residency, fellowship, obligated public health service and obligated national service, to pay the State an amount of money equal to the difference between the nonresident tuition at the institution being attended by the state contract student and the tuition charged the state contract student.

(1) This amount is payable at 9% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the chief executive officer for a total repayment period not to exceed 20 years.

(2) These installment payments commence upon conclusion of the state contract student's professional education under rules adopted by the authority. [1991, c. 832, §4 (AMD).]

After March 16, 1990, the agreement provided for in this subsection must be entered into by the student and the authority.

[1991, c. 832, §4 (AMD) .]

2. **Forgiveness.** Any student who, upon the conclusion of the student's professional education, including, if applicable, internship, residency, fellowship, obligated public health service and obligated national service, elects to serve as a practitioner of allopathic medicine, dentistry, optometry or veterinary medicine in a designated, underserved area in the State is forgiven 25% of the original outstanding indebtedness for each year of that practice.

A. Any student electing to complete an entire residency at any family practice residency program in the State is forgiven 50% of the original outstanding indebtedness upon completion. [1991, c. 612, §5 (NEW).]

B. Any student electing to serve as a practitioner of allopathic medicine or any other underserved specialty area established by rule under this chapter who practices in an underserved geographic area is forgiven the larger of 25% of the original outstanding indebtedness or $10,000 for each year of that practice. [1991, c. 612, §5 (NEW).]

Any student who elects to practice in the State and receives the benefits of these provisions shall provide a reasonable level of service to all patients regardless of their ability to pay, including Medicare and Medicaid patients, and participate in public health clinics where necessary.

This subsection applies to all contract students commencing their professional education on or after July 1, 1981 and prior to January 1, 1993.

[1991, c. 832, §4 (AMD) .]

3. **Determination.** The Commissioner of Health and Human Services shall determine underserved areas for the practice of allopathic medicine, dentistry and optometry.

The Commissioner of Agriculture, Food and Rural Resources shall determine underserved areas for the practice of veterinary medicine.

[1985, c. 455, §6, 11 (RPR); 2003, c. 689, Pt. B, §7 (REV) .]

4. **Deferment.** Contract students under this section who, during the repayment period, either return to a Maine practice and then leave the State or initially remain outside the State and then return to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest must be assessed during this time and the student's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments as established by the chief executive officer. Requests for deferments must be made to the chief executive officer, who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.

[1991, c. 832, §4 (AMD) .]

SECTION HISTORY
1983, c. 862, §67 (NEW). 1985, c. 455, §§4-6,11 (AMD). 1985, c. 737, §A44 (AMD). 1987, c. 402, §A123 (AMD). 1989, c. 698, §§18,19 (AMD). 1991, c. 612, §5 (AMD). 1991, c. 832, §4 (AMD). 2003, c. 689, §B7 (REV).

§11805. POSITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §20 (AMD). 1989, c. 700, §A60 (AMD). 1991, c. 572, (AMD). 1991, c. 612, §6 (AMD). 1991, c. 824, §A36 (AMD). 1991, c. 832, §§13,14 (AFF). 1991, c. 832, §5 (RP). 2005, c. 683, §B11 (RP).

§11806. INSTATE CLINICAL EDUCATION PROGRAMS; DEVELOPMENT OF A PLAN

1. **Return to practice in Maine.** The chief executive officer shall develop a plan that ensures, to the extent practicable, that contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State, particularly in underserved areas of the State. This plan must be completed and presented to the Legislature and the Governor before February 1st each year.

[1989, c. 698, §21 (AMD); 1989, c. 698, §76 (AFF) .]

2. **Plan.**

[1991, c. 832, §14 (AFF); 1991, c. 832, §6 (RP) .]

3. **Coordination.**

[1991, c. 832, §14 (AFF); 1991, c. 832, §7 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 455, §§7,8,11 (AMD). 1989, c. 698, §§21,22 (AMD). 1991, c. 832, §§6,7 (AMD). 1991, c. 832, §14 (AFF).

§11807. ADVISORY COMMITTEE ON MEDICAL EDUCATION

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1989, c. 698, §23 (AMD). 1991, c. 832, §14 (AFF). 1991, c. 832, §8 (RP).

§11808. NONLAPSING FUND

There is created under the jurisdiction of the authority a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority as determined appropriate by the authority. [1991, c. 612, §7 (RPR).]

The authority may allocate a portion of the annual loan repayments for the purpose of recruiting primary care physicians to designated underserved geographic areas of the State. Such portion may be used: [1991, c. 612, §7 (NEW).]

1. **Generation of funds.** To generate additional matching funds for recruitment of physicians to designated underserved geographic areas; or

[1991, c. 612, §7 (NEW) .]

2. **Criteria established.** In accordance with criteria established by the authority, to encourage primary care physicians to practice medicine in designated underserved areas.

[1991, c. 612, §7 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 455, §§9,11 (AMD). 1989, c. 698, §24 (RPR). 1991, c. 612, §7 (RPR).

§11809. ANNUAL REVIEW

The legislative committee having jurisdiction over appropriations and financial affairs shall annually review the program established under this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§11810. RULES

The authority shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Health and Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section are adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II. [1991, c. 612, §8 (RPR); 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY
1985, c. 455, §§10,11 (NEW). 1989, c. 698, §25 (AMD). 1989, c. 700, §A61 (AMD). 1991, c. 612, §8 (RPR). 2003, c. 689, §B7 (REV).

§11811. CURRICULUM IMPROVEMENTS

The authority may allocate a portion of the fund established in section 11808 to support improvements in the curricula of primary care residency programs offered in this State. In accordance with criteria established by rules adopted pursuant to section 11810, the chief executive officer may disburse funds allocated under this section to hospitals that provide primary care residency programs in the amounts necessary to make improvements in the curricula offered in those programs. [1991, c. 830, §3 (NEW).]

SECTION HISTORY
1991, c. 830, §3 (NEW).

Chapter 423: LOANS FOR CANDIDATES FOR PRACTICE OF OSTEOPATHIC MEDICINE

§12001. PURPOSE

1. **Purpose.** The purpose of this chapter is to provide for persons who desire to practice osteopathic medicine in this State.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Findings.** The provision of financial assistance in securing this type of higher education is an important public purpose. Many qualified youth are deterred by financial considerations from securing this type of higher education resulting in irreparable loss to the State in maintaining the health of its residents.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§12001-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 698, §26 (NEW); 1989, c. 698, §76 (AFF).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[1989, c. 698, §26 (NEW); 1989, c. 698, §76 (AFF) .]

2. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[1989, c. 76, (AFF); 1989, c. 698, §26 (NEW) .]

SECTION HISTORY
1989, c. 698, §26 (NEW).

§12002. STATE OSTEOPATHIC LOAN FUND

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §88 (AMD). 1989, c. 698, §27 (RP).

§12002-A. STATE OSTEOPATHIC LOAN FUND

The State Osteopathic Loan Fund is created under the jurisdiction of the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority as determined appropriate by the authority. [1991, c. 612, §9 (RPR).]

The authority may allocate a portion of the annual loan repayments for the purpose of recruiting primary care physicians to designated underserved geographic areas of the State. That portion may be used: [1991, c. 612, §9 (NEW).]

1. **Generate funds.** To generate additional matching funds for recruitment of physicians to designated underserved geographic areas; or

[1991, c. 612, §9 (NEW) .]

2. **Criteria established.** In accordance with criteria established by the authority, to encourage primary care physicians to practice medicine in a designated underserved area.

[1991, c. 612, §9 (NEW) .]

The chief executive officer shall include in the authority's biennial budget an appropriate request adequate to fund the loan program. [1991, c. 612, §9 (NEW).]

SECTION HISTORY
1989, c. 698, §28 (NEW). 1991, c. 612, §9 (RPR).

§12003. ELIGIBILITY FOR LOANS

An applicant shall be eligible for a loan under this chapter when the chief executive officer, after consultation with the executive committee of the Maine Osteopathic Association, finds that the applicant: [1989, c. 698, §29 (AMD); 1989, c. 698, §76 (AFF).]

1. **Residency.** Has been a resident of this State for a minimum of 3 years at any time prior to application;

[1981, c. 693, §§5, 8 (NEW) .]

2. **Qualifications.** Is attending or will immediately attend an osteopathic college or university accredited by the American Osteopathic Association;

[1981, c. 693, §§5, 8 (NEW) .]

3. **Financial resources.** Will, in the absence of a loan, be deterred by financial considerations from beginning or completing a course of study at an osteopathic college or university; and

[1981, c. 693, §§5, 8 (NEW) .]

4. **Return to Maine.** Shows a genuine interest in returning to this State to practice osteopathic medicine.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 698, §29 (AMD).

§12004. REPAYMENT FOR PRE-JUNE 30, 1981 STUDENTS

1. **Agreement.** A student commencing professional education between September 1, 1971 and June 30, 1981, as a condition of receiving a loan, shall enter into an agreement with the State that the student, after the completion of an internship, residency, obligated public health service or Armed Forces' service, shall enter in the practice of osteopathic medicine in this State and continue in that practice for a period of one year for each $2,000 of the loan utilized.

[1985, c. 797, §48 (AMD) .]

2. **Initial interest.** The loan shall be granted to the applicant with no interest or principal payments until one year after he or she has ended his or her attendance at that osteopathic college or university.

[1983, c. 806, §89 (AMD) .]

3. **Breach of contract.** If a recipient of a loan fails to comply with the terms of the agreement with the State for reasons other than death, the recipient shall immediately be liable to the State for all loan payments received plus interest on each payment at the rate of 6% each year compounded semiannually.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Repayment process.** If a recipient of a loan practices osteopathic medicine in a community in this State for only a part of the total compensatory practice agreed upon, the recipient shall be liable to the State only for the amount granted under the loan plus interest at the rate of 6% each year compounded semiannually. This amount shall be reduced by a credit at the rate of $2,000 plus interest for each year the recipient has actually practiced in the State. The loan shall be repaid within 12 years of graduation.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §89 (AMD). 1985, c. 797, §48 (AMD).

§12005. AGREEMENT FOR OSTEOPATHIC LOAN STUDENTS AFTER JULY 1, 1981 AND PRIOR TO JANUARY 1, 1993

1. **Agreement.** Any osteopathic loan student commencing professional education on or after July 1, 1981 and prior to January 1, 1993 shall, as a condition precedent to receiving the loan, enter into an agreement with the authority stating that following completion of professional education including internship, residency, fellowship, obligated public health service or obligated national service the student will pay the State an amount of money equal to the loan received.

[1991, c. 832, §9 (AMD) .]

2. **Repayment.** This amount is payable at 9% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the chief executive officer for a total repayment period not to exceed 20 years. These payments commence at such time as the student concludes professional education under rules adopted by the authority.

[1991, c. 832, §9 (AMD) .]

3. **Deferment.** Any student who has received a loan under this section who, during the repayment period, either returns to a Maine practice and then leaves the State or initially remains out of state and then returns to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest must be assessed during this time and the student's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments within 10 years from the date that marks the beginning of the repayment period. Requests for deferments must be made to the chief executive officer, who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.

[1991, c. 832, §9 (AMD) .]

4. **Forgiveness.** Any student who, upon the conclusion of the student's professional education, including, if applicable, internship, residency, fellowship, obligated public health service and obligated national service as defined in section 11802, subsection 7, elects to serve as a practitioner of osteopathic medicine in a designated, underserved area, as determined by the Commissioner of Health and Human Services and as defined in section 11802, subsection 6, in the State is forgiven 25% of the original outstanding indebtedness for each year of that practice.

A. Any student electing to complete an entire residency at any family practice residency program in the State is forgiven 50% of the original outstanding indebtedness upon completion. [1991, c. 612, §11 (NEW).]

B. Any student who practices osteopathic medicine in an underserved geographic area is forgiven the larger of 25% of the original outstanding indebtedness or $10,000 for each year of that practice. [1991, c. 612, §11 (NEW).]

Any student who elects to practice in the State and receive the benefits of these provisions shall provide a reasonable level of service to all patients regardless of their ability to pay, including Medicare and Medicaid patients, and participate in public health clinics where necessary.

[1991, c. 832, §9 (AMD); 2003, c. 689, Pt. B, §7 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 756, §§1-3 (AMD). 1989, c. 698, §30 (AMD). 1989, c. 700, §A62 (AMD). 1991, c. 612, §§10,11 (AMD). 1991, c. 832, §9 (AMD). 2003, c. 689, §B7 (REV).

§12006. RULES

The authority shall establish rules necessary to carry out the purposes of this chapter, except that the Commissioner of Health and Human Services shall develop rules for determining underserved areas for the practice of osteopathic medicine. [1991, c. 612, §12 (RPR); 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY
1985, c. 756, §4 (NEW). 1989, c. 698, §31 (AMD). 1989, c. 700, §A63 (AMD). 1991, c. 612, §12 (RPR). 2003, c. 689, §B7 (REV).

Chapter 424: MEDICAL EDUCATION AND RECRUITMENT

§12101. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

2. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

3. **Clinical education.** "Clinical education" means any on-location teaching environment ranging from a one-to-one training between a physician and a medical student to a training in a health clinic or hospital with or without a residency program.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

4. **Health professional shortage area.** "Health professional shortage area" means an area in the State lacking in medical professionals as designated by the Commissioner of Health and Human Services.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

5. **Insufficient veterinary services.** "Insufficient veterinary services" means an insufficient number of practitioners of veterinary medicine in either a veterinary specialty or a geographic area, as determined by the Commissioner of Agriculture, Conservation and Forestry.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

6. **Maine resident.** "Maine resident" means a person who has been a resident of the State for a minimum of one year as determined by rule of the authority who shall consider:

A. Length of residence in Maine for other than tuition purposes; [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

B. Secondary school attended; [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

C. Legal residence of parents; [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

D. Place of voting registration, if registered to vote; [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

E. Place where taxes are paid; and [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

F. Other indicators established by the authority. [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

7. **Nonresident tuition.** "Nonresident tuition" means tuition charged to persons who are not residents in the state where an institution of allopathic or osteopathic medical education with which the authority has a contract is located. If the institution makes no distinction between the tuition charged resident and nonresident students, then "nonresident tuition" means the tuition charged all students.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

8. **Primary health care.** "Primary health care" means general or family practice of medicine, general internal medicine, general pediatrics, general dentistry and obstetrics and gynecology.

[1995, c. 117, Pt. D, §1 (AMD); 1995, c. 117, Pt. D, §3 (AFF) .]

8-A. **Qualifying Maine-based medical school program.** "Qualifying Maine-based medical school program" means an allopathic or osteopathic medical school program affiliated with a medical school accredited by the Liaison Committee on Medical Education or its successor or the American Osteopathic Association or its successor in which:

A. An educational or health care institution located in this State participates in curriculum development and the selection of students for admission; [2009, c. 410, §1 (NEW).]

B. No fewer than 10 students per class year are enrolled and in which these students are required to complete not less than one academic year of the medical school curriculum at facilities located in this State; [2009, c. 410, §1 (NEW).]

C. Funds are raised through philanthropic resources and the private sector to match 100% of those funds appropriated or allocated by the State for scholarships under section 12103; and [2009, c. 410, §1 (NEW).]

D. The program curriculum includes required clerkship experiences in and training and course completion in rural health care and primary care. [2009, c. 410, §1 (NEW).]

[2009, c. 410, §1 (NEW) .]

9. **Underserved group.** "Underserved group" means a population group in the State receiving insufficient primary health care, as determined by the Commissioner of Health and Human Services.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

10. **Underserved specialty.** "Underserved specialty" means a medical specialty in which there are insufficient practitioners either throughout the State or within a designated geographic area of the State, as determined by rule of the Commissioner of Health and Human Services.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2003, c. 689, Pt. B, §7 (REV) .]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 1995, c. 117, §D1 (AMD). 1995, c. 117, §D3 (AFF). 2003, c. 689, §B7 (REV). 2009, c. 410, §1 (AMD). 2011, c. 657, Pt. W, §6 (REV).

§12102. COMPREHENSIVE PROGRAMS

The chief executive officer shall administer the comprehensive programs established in this chapter and chapter 424-A to address the shortage of primary health care professionals and veterinarians in the State. With the assistance of the Advisory Committee on Medical Education, established by Title 5, section 12004-

I, subsection 7, the chief executive officer shall plan, evaluate and update the programs to ensure that Maine residents have access to medical education and veterinary education and that Maine residents have access to primary health care and to veterinary care for their animals. [2009, c. 488, §1 (AMD).]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 2009, c. 488, §1 (AMD).

§12103. ACCESS TO MEDICAL EDUCATION PROGRAM

1. **Positions.** The Access to Medical Education Program is established under this section. Under this program, the chief executive officer shall secure up to 21 positions annually for Maine students at schools of allopathic, osteopathic or veterinary medical education up to an aggregate of 84 positions. Five positions are for students of osteopathic medicine, 15 positions are for students of allopathic medicine and one position is for students of veterinary medicine. If there is an insufficient number of qualified applicants for positions in either allopathic or osteopathic medicine, the chief executive officer may increase or decrease the number of positions available in either discipline. The allopathic and osteopathic medicine positions are available only to eligible students commencing professional education on or after January 1, 1993 and on or before September 30, 2009. The veterinary medicine positions are available only to eligible students commencing professional education on or after January 1, 1999 and on or before September 30, 2010. Commencing January 1, 2010, the chief executive officer may not secure any new positions for students at schools of allopathic or osteopathic medicine and shall secure only the number of positions necessary to allow students already occupying such positions as of January 1, 2010 to complete their remaining medical education, up to 3 years, at the institution. Commencing January 1, 2011, the chief executive officer may not secure a new position for a student at a school of veterinary medicine and shall secure only the number of positions necessary to allow students occupying such positions as of January 1, 2011 to complete their remaining medical education, up to 3 years, at the institution. Commencing July 1, 2013, the chief executive officer may not secure any further positions at schools of allopathic or osteopathic medicine under this section. Commencing July 1, 2014, the chief executive officer may not secure any further positions at a school of veterinary medicine under this section.

[2009, c. 488, §2 (AMD) .]

2. **Application process.** Students shall apply directly to an institution of allopathic, osteopathic or veterinary medical education with which the authority has a contract to secure positions.

[1997, c. 765, §1 (AMD) .]

3. **Requirements.** Each student obtaining a position in an institution of allopathic or osteopathic medical education shall enter into an agreement with the authority by which the student agrees during the student's medical education to complete clinical education in rural areas and health professional shortage areas of this State as provided in the contract between the institutions of medical education and the authority. Each student obtaining a position in an institution of veterinary medical education shall enter into an agreement with the authority by which the student agrees during the student's medical education to complete clinical education in an area determined to have insufficient veterinary services as provided in the contract between the institutions of veterinary medicine and the authority.

[1997, c. 765, §1 (AMD) .]

4. **Repayment of tuition differential.** A student receiving a position secured by the authority shall enter into an agreement with the authority promising to pay back to the authority any amounts expended by the authority that reduce the nonresident tuition to be paid by the student. Such an agreement must be on the same terms and conditions as the agreement required by section 12104.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 1997, c. 765, §1 (AMD). 2009, c. 410, §2 (AMD). 2009, c. 488, §2 (AMD).

§12103-A. DOCTORS FOR MAINE'S FUTURE SCHOLARSHIP PROGRAM

There is established the Doctors for Maine's Future Scholarship Program, referred to in this section as "the scholarship program," to provide a tuition subsidy of 50% of the cost of attendance annually, up to a maximum of $25,000 per student annually, for eligible students who enter qualifying Maine-based medical school programs for the purpose of increasing the number of physicians in this State who practice in primary care, underserved specialties or underserved areas of the State. For the purposes of this section, "cost of attendance" means the tuition and fees applicable to an eligible student, together with estimated other expenses reasonably related to cost of attendance at a qualifying Maine-based medical school program. [2009, c. 410, §3 (NEW).]

1. **Eligibility.** For purposes of this section, "eligible student" means a student who meets eligibility requirements set by the authority by rule that include at least the following:

A. The student is or will be enrolled in a qualifying Maine-based medical school program; and [2009, c. 410, §3 (NEW).]

B. The student has a substantial connection to the State as evidenced by factors such as prior education in this State, parental residence in this State and at least one year of non-education-related residence in this State. [2009, c. 410, §3 (NEW).]

[2009, c. 410, §3 (NEW) .]

2. **Priority.** In awarding scholarships, the authority shall give priority to an eligible student who meets at least 2 of the following provisions:

A. The student has received a high school diploma, or its equivalent, in this State; [2009, c. 410, §3 (NEW).]

B. The student has received a baccalaureate degree from a 4-year college or university in this State; and [2009, c. 410, §3 (NEW).]

C. The legal residence of a parent of the student is in this State. [2009, c. 410, §3 (NEW).]

[2009, c. 410, §3 (NEW) .]

3. **Allocation.** The total number of scholarships available under the scholarship program must be allocated equally among qualifying Maine-based medical school programs, except that a program may not be allocated more than the number of scholarships for which the program has raised matching funds as of January 1st immediately preceding the scholarship award.

[2009, c. 410, §3 (NEW) .]

4. **Matching funds.** Commencing January 1, 2013, if a qualifying Maine-based medical school program raises matching funds in an amount less than the amount of scholarship funds allocable to it under this section from the State for a given year or does not have a sufficient number of qualified applicants to fill the number of scholarships allocable to it, the number of scholarships allocated to that program must be reduced

accordingly and scholarships must be reallocated for that year to students of other qualifying Maine-based medical school programs. Qualifying Maine-based medical school programs must use funds raised through philanthropic and private medical education fundraising to increase the number of scholarships available to eligible students and must use matching funds to provide no fewer than the number of scholarships allocated to the program by the State in a given academic year.

[2009, c. 410, §3 (NEW) .]

5. **Notification.** For each student receiving a scholarship under this section, the student's qualifying Maine-based medical school program must notify the authority of the location of the student's medical residency, specialty and place of employment for each of the 8 years after the student's graduation from the school.

[2009, c. 410, §3 (NEW) .]

6. **Doctors for Maine's Future Scholarship Fund created.** A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority, known as the Doctors for Maine's Future Scholarship Fund, and referred to in this subsection as "the fund," is created to carry out the purposes of this section. Any unexpended balance in the fund carries over for continued use under this section. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations or other sources in addition to money appropriated or allocated by the State. Money in the fund must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the purposes of this section; interest income may be used for such purposes or to pay student financial assistance administrative costs incurred by the authority.

[2009, c. 410, §3 (NEW) .]

SECTION HISTORY
2009, c. 410, §3 (NEW).

§12104. LOANS FOR MEDICAL EDUCATION

The Health Professions Loan Program, referred to in this section as the "program," is established and is administered by the authority. [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

1. **Eligibility.** Loans are available to Maine residents pursuing allopathic, osteopathic, veterinary and dentistry education and to Maine residents obtaining a first loan under this section for the pursuit of an education in optometry prior to January 1, 2011. To be eligible for a loan under this section, a person must meet eligibility criteria, established by rule of the authority, which at a minimum must require:

A. That the student show financial need for a loan; and [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

B. That priority be given to students:

(1) Who have previously received a loan pursuant to this section and who exhibit financial need as determined by the authority;

(2) Who are participants in the Access to Medical Education Program established in section 12103; or

(3) Who are participants in the Maine Veterinary Medicine Loan Program established in chapter 424-A. [2009, c. 488, §3 (AMD).]

[2009, c. 488, §3 (AMD) .]

2. **State contract students.**

[2009, c. 488, §4 (RP) .]

2-A. **Access to Medical Education Program students.** As long as the student is otherwise eligible, a student occupying a position at a school of allopathic or osteopathic medicine pursuant to section 12103 that was secured by the chief executive officer on or before January 1, 2010 continues to be eligible for loans under the program under this section through June 30, 2013. As long as the student is otherwise eligible, a student occupying a position at a school of veterinary medicine pursuant to section 12103 that was secured by the chief executive officer on or before January 1, 2011 continues to be eligible for loans under the program under this section through June 30, 2014.

[2009, c. 488, §5 (AMD) .]

3. **Maximum loan amount.** The chief executive officer may establish the maximum loan amount and may provide for a different maximum loan amount for applicants in different categories.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

4. **Allocation of loan fund.**

[2009, c. 488, §6 (RP) .]

5. **Loan agreement for students obtaining first program loans prior to January 1, 2010 or January 1, 2011.** This subsection applies to allopathic and osteopathic students under section 12103 who obtained their first program loan prior to January 1, 2010 and to all other students who obtained their first program loan prior to January 1, 2011. The student shall enter into a loan agreement that provides for the following.

A. Upon completion of professional education the student shall repay the loan in accordance with the following schedule.

(1) A loan recipient who does not obtain loan forgiveness pursuant to this section shall repay the entire principal portion of the loan plus simple interest at a rate to be determined by rule of the authority. Interest does not begin to accrue until the loan recipient completes medical education, including residency and internship. The authority may establish differing interest rates to encourage loan recipients to practice primary health care medicine in the State.

(2) Primary health care physicians and dentists practicing in a designated health professional shortage area, any physician practicing in an underserved specialty or any physician providing services to a designated underserved group are forgiven the larger of 25% of the original outstanding indebtedness plus any accrued interest or $7,500 for each year of practice.

Primary health care physicians and dentists practicing in the State, but not practicing in a designated health professional shortage area, are forgiven the larger of 12.5% of the original outstanding indebtedness plus any accrued interest or $3,750 for each year of practice.

(3) Veterinarians providing services to Maine residents with insufficient veterinary services are forgiven the larger of 25% of the original outstanding indebtedness plus any accrued interest or $7,500 for each year of practice.

(4) Any student completing an entire residency at any primary health care residency program in the State is forgiven 50% of the original outstanding indebtedness for each year of practice in a designated health professional shortage area, as a physician practicing in an underserved specialty or as a physician providing services to an underserved group or 25% of the original outstanding indebtedness for each year of primary health care practice in the State. [1995, c. 117, Pt. D, §2 (AMD); 1995, c. 117, Pt. D, §3 (AFF).]

B. Loans must be repaid over a term no greater than 10 years, except that the chief executive officer may extend an individual's term as necessary to ensure repayment of the loan. Repayment must commence when the loan recipient completes, withdraws from or otherwise fails to continue medical education. [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

C. The Department of Health and Human Services may require a loan recipient requesting forgiveness or an interest rate benefit under this section, excluding veterinarians, to report annually to the Department of Health and Human Services, office of rural health and primary care the following:

(1) The number of Medicaid patients served by the loan recipient and the percentage of the loan recipient's overall service provided to Medicaid patients;

(2) The number of instances in which a loan recipient accepted a Medicare assignment and the number of and basis for any rejections during the period of the report; and

(3) The amount of time devoted by the loan recipient to practice in a public health clinic during the period of the report.

If the office of rural health and primary care determines that the level of service provided was not reasonable or if the loan recipient fails to provide the report by the date required, the loan recipient is not entitled to any loan forgiveness or interest rate benefit under this section for the year of the report. [2009, c. 488, §7 (AMD).]

[2009, c. 488, §7 (AMD) .]

5-A. **Loan agreement for students obtaining first program loans after January 1, 2010 or January 1, 2011.** This subsection applies to students who are not eligible for loan agreements under subsection 5. The student shall enter into a loan agreement that provides for the following.

A. Upon completion of professional education the student shall repay the entire principal portion of the loan plus simple interest at a rate that may range from 0% up to a maximum to be determined by rule of the authority and depending upon the type and location of medical practice undertaken by the loan recipient. Interest does not begin to accrue until the loan recipient completes medical education, including residency and internship. The authority may establish differing interest rates to encourage loan recipients to provide primary health care or dentistry in certain areas of the State, or to certain underserved groups, to practice in underserved specialties or to provide veterinary services in areas of the State with insufficient veterinary services as defined in chapter 424-A. [2009, c. 488, §8 (NEW).]

B. Loans must be repaid over a term no greater than 10 years, except that the chief executive officer may extend an individual's term as necessary to ensure repayment of the loan. Repayment must commence when the loan recipient completes, withdraws from or otherwise fails to continue medical education. [2009, c. 488, §8 (NEW).]

C. The Department of Health and Human Services may require a loan recipient requesting an interest rate benefit under this section, excluding veterinarians, to report annually to the Department of Health and Human Services, office of rural health and primary care the following:

(1) The number of Medicaid patients served by the loan recipient and the percentage of the loan recipient's overall service provided to Medicaid patients;

(2) The number of instances in which a loan recipient accepted a Medicare assignment and the number of and basis for any rejections during the period of the report; and

(3) The amount of time devoted by the loan recipient to practice in a public health clinic during the period of the report. [2009, c. 488, §8 (NEW).]

If the Department of Health and Human Services, office of rural health and primary care determines that the level of service provided was not reasonable or if the loan recipient fails to provide the report by the date required, the loan recipient is not entitled to any interest rate benefit under this section for the year of the report.

[2009, c. 488, §8 (NEW) .]

6. **Deferments.** Deferments may be granted for causes established by rule of the authority. Interest at a rate to be determined by rule of the authority must be assessed during the deferment. The student's total debt to the authority, including principal and interest, must be repaid either through return service, if eligible, or cash payments. The chief executive officer shall make determinations of deferment on a case-by-case basis. The decision of the chief executive officer is final.

[2009, c. 488, §9 (AMD) .]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 1995, c. 117, §D2 (AMD). 1995, c. 117, §D3 (AFF). 2003, c. 689, §B6 (REV). 2009, c. 410, §4 (AMD). 2009, c. 488, §§3-9 (AMD).

§12105. NONLAPSING FUND

1. **Fund created.** A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority is created to carry out the purposes of this chapter and chapter 424-A. The fund may be used only for the following purposes:

A. Prior to July 1, 2013, to secure positions under section 12103 and make loans under section 12104 for allopathic and osteopathic medical students; [2009, c. 488, §10 (NEW).]

B. Prior to July 1, 2014, to secure positions under section 12103 and make loans under section 12104 for veterinary students; [2009, c. 488, §10 (NEW).]

C. Beginning January 1, 2011, to make loans under the Maine Veterinary Medicine Loan Program established in chapter 424-A; [2009, c. 488, §10 (NEW).]

D. Prior to July 1, 2014, to make loans under section 12104 to students who are not occupying positions secured under section 12103 and who obtain their first loan under section 12104 prior to January 1, 2011; and [2009, c. 488, §10 (NEW).]

E. Beginning January 1, 2011, to make loans under section 12104 to students who have not received a loan under section 12104 prior to January 1, 2011. [2009, c. 488, §10 (NEW).]

Beginning July 1, 2009, the authority shall use any unexpended balance of funds previously designated for the purchase of positions of allopathic or osteopathic medicine under section 12103 to fund scholarships awarded under section 12103-A. Any unexpended balance in the fund after the unused portion is redesignated to support the scholarships described in section 12103-A carries over for use under section 12104.

The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, or other sources in addition to money appropriated or allocated by the State. Loan repayments under this chapter or chapter 424-A or other repayments to the authority under section 12103 or 12104 must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for such purposes; interest income may be used for such purposes or to pay student financial assistance administrative costs incurred by the authority.

[2009, c. 488, §10 (RPR) .]

2. **Separate account authorized.** The authority may divide each of the funds under subsection 1 and section 12103-A, subsection 6 into separate accounts it determines necessary or convenient for implementing this chapter or chapter 424-A, including, but not limited to, accounts reserved for the purchase of positions and accounts reserved for loans under this chapter or chapter 424-A and accounts reserved for scholarships under this chapter.

[2009, c. 488, §11 (AMD) .]

3. **Allocation of repayments.** The authority may allocate a portion of the annual loan repayments received under section 12104 for the purpose of recruiting primary health care physicians for designated health professional shortage areas and a portion of any loan repayments received under chapter 424-A for the purpose of recruiting veterinarians to areas of the State with insufficient veterinary services as defined in chapter 424-A. Those portions may be used:

A. To generate additional matching funds for recruitment of physicians for designated health professional shortage areas or veterinarians to areas with insufficient veterinary services as defined in chapter 424-A; or [2009, c. 488, §12 (AMD).]

B. In accordance with criteria established by the authority, to encourage primary health care physicians to practice medicine in health professional shortage areas or to encourage veterinarians to practice in areas of the State with insufficient veterinary services as defined in chapter 424-A, as applicable. [2009, c. 488, §12 (AMD).]

[2009, c. 488, §12 (AMD) .]

4. **Borrowing permitted.** The authority may borrow funds pursuant to chapter 417-B for application to the fund established in subsection 1 and may pledge all or part of the fund or any assets or revenues of the fund in connection with any such borrowing.

[2001, c. 479, §2 (AMD) .]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 1993, c. 410, §EEEE3 (AMD). 2001, c. 479, §§1-2 (AMD). 2009, c. 410, §§5-7 (AMD). 2009, c. 488, §§10-12 (AMD).

§12106. ADVISORY COMMITTEE ON MEDICAL EDUCATION

1. **Committee.** The Advisory Committee on Medical Education, established pursuant to Title 5, section 12004-I, subsection 7, shall assist the chief executive officer in evaluating and improving the programs established by this chapter.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

2. **Members.** The Advisory Committee on Medical Education consists of the following members:

A. Nine members appointed by the chief executive officer and subject to approval by the joint standing committee of the Legislature having jurisdiction over education matters. Of these members:

(1) One must be a representative of a major statewide agency representing allopathic physicians;

(2) One must be a representative of a major statewide agency representing osteopathic physicians;

(3) One must be a representative of a major statewide agency representing family physicians;

(4) One must be a member of the major statewide agency representing hospitals;

(5) One must be a representative of the major statewide agency representing community health centers;

(7) One must be a representative of an association of commercial health insurance companies doing business in the State;

(8) One must be a representative of a statewide area health education center program; and

(9) Two must be at-large members; [2001, c. 417, §22 (AMD).]

B. The Commissioner of Health and Human Services or the commissioner's designee; [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2003, c. 689, Pt. B, §7 (REV).]

C. [2001, c. 417, §23 (RP).]

D. Three at-large members from areas of the State lacking reasonable access to health care: one appointed by the Governor; one appointed by the President of the Senate; and one appointed by the Speaker of the House of Representatives, all of whom are subject to approval by the joint standing committee of the Legislature having jurisdiction over education matters; and [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW).]

E. The following members appointed by the chief executive officer and subject to approval by the joint standing committee of the Legislature having jurisdiction over education matters:

(1) A chief executive of a family practice residency in the State;

(4) A Maine student, resident or practicing physician who has obtained a position secured by the authority at an institution of allopathic medical education under section 12103 or who has obtained a scholarship under section 12103-A;

(5) A Maine student, resident or practicing physician who has obtained a position secured by the authority at an institution of osteopathic medical education under section 12103 or who has obtained a scholarship under section 12103-A; and

(6) A representative of each qualifying Maine-based medical school program with students receiving scholarships under section 12103-A. [2009, c. 488, §13 (AMD).]

[2009, c. 488, §13 (AMD) .]

3. **Vacancies.** In the case of vacancies or resignations, appointments must be made as for a new member to fill the vacancies until the expiration of the terms.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

4. **Terms.** The terms of office for all appointees is 2 years.

[1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW) .]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 2001, c. 417, §§21-24 (AMD). 2003, c. 689, §B7 (REV). 2009, c. 488, §13 (AMD).

§12107. RULES

The authority shall establish rules necessary to implement this chapter. The Commissioner of Health and Human Services shall develop rules for determining health professional shortage areas for the practice of primary health care medicine and dentistry, for determining the reasonableness of the service provided by loan recipients to Medicaid and Medicare patients and participation by loan recipients in public health clinics, for determining underserved groups and for determining underserved specialties. The Commissioner of Agriculture, Conservation and Forestry shall develop rules for the determination of insufficient veterinary

services. The rules authorized by this section must be adopted in accordance with Title 5, chapter 375, subchapter II. [1991, c. 830, §4 (NEW); 1991, c. 832, §10 (NEW); 2003, c. 689, Pt. B, §7 (REV); 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY
1991, c. 830, §4 (NEW). 1991, c. 832, §10 (NEW). 2003, c. 689, §B7 (REV). 2011, c. 657, Pt. W, §6 (REV).

Chapter 424-A: MAINE VETERINARY MEDICINE LOAN PROGRAM

§12121. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 488, §14 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[2009, c. 488, §14 (NEW) .]

2. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[2009, c. 488, §14 (NEW) .]

3. **Insufficient veterinary services.** "Insufficient veterinary services" means an insufficient number of practitioners of veterinary medicine in a veterinary specialty related to livestock, as determined by the Commissioner of Agriculture, Conservation and Forestry.

[2009, c. 488, §14 (NEW); 2011, c. 657, Pt. W, §6 (REV) .]

4. **Maine resident.** "Maine resident" means a person who has been a resident of the State for a minimum of 2 years for purposes other than education at the time of the person's entry to a school of veterinary medicine as determined by rule of the authority. In determining residency, the authority shall consider:

A. Length of residence in the State for other than tuition purposes; [2009, c. 488, §14 (NEW).]

B. Secondary school attended; [2009, c. 488, §14 (NEW).]

C. Legal residence of parents; [2009, c. 488, §14 (NEW).]

D. Place of voting registration, if registered to vote; [2009, c. 488, §14 (NEW).]

E. Place where taxes are paid; and [2009, c. 488, §14 (NEW).]

F. Other indicators established by the authority. [2009, c. 488, §14 (NEW).]

[2009, c. 488, §14 (NEW) .]

5. **Program.** "Program" means the Maine Veterinary Medicine Loan Program established under section 12122.

[2009, c. 488, §14 (NEW) .]

SECTION HISTORY
2009, c. 488, §14 (NEW). 2011, c. 657, Pt. W, §6 (REV).

§12122. MAINE VETERINARY MEDICINE LOAN PROGRAM

1. **Establishment.** The Maine Veterinary Medicine Loan Program is established. The authority shall administer the program. Beginning January 1, 2011, the chief executive officer shall, as resources allow, award up to 2 loans annually up to an aggregate of 8. Loans are available to Maine residents enrolled in a school of veterinary medicine.

[2009, c. 488, §14 (NEW) .]

2. **Application process.** Application for participation in the program must be made directly to the authority.

[2009, c. 488, §14 (NEW) .]

3. **Eligibility.** To be eligible to participate in the program, a person must be a Maine resident, be enrolled in a school of veterinary medicine and meet additional eligibility criteria established in rules adopted under section 12124. In selecting recipients, priority must be given to a student who:

A. Previously received a loan pursuant to this section; [2009, c. 488, §14 (NEW).]

B. Exhibits financial need; and [2009, c. 488, §14 (NEW).]

C. Demonstrates an interest in practicing in an area of the State with insufficient veterinary services. [2009, c. 488, §14 (NEW).]

[2009, c. 488, §14 (NEW) .]

4. **Maximum amount.** The maximum loan amount available under the program to each participant is $25,000 per year for a period of up to 4 years.

[2009, c. 488, §14 (NEW) .]

5. **Loan agreement; forgiveness.** A student selected as a loan recipient shall enter into a loan agreement as set out in this subsection.

A. Upon completion of professional education, the loan recipient shall repay the loan in accordance with this paragraph.

(1) A loan recipient who does not obtain loan forgiveness pursuant to subparagraph (2) shall repay the entire principal of the loan plus simple interest at a rate to be determined by rule of the authority. Interest does not begin to accrue until the loan recipient completes veterinary medical education.

(2) A loan recipient who, upon conclusion of the loan recipient's professional education, including any fellowships, elects to serve as a veterinarian in an area of the State with insufficient veterinary services is forgiven 25% of the original outstanding indebtedness for each year of that practice. A loan recipient who practices in an area of the State with insufficient veterinary services less than full time may receive prorated loan forgiveness. A loan recipient who devotes less than 50% of the recipient's practice to the care of livestock may receive prorated loan forgiveness.

(3) A loan recipient must make a commitment to undertake specific training, including clinical experiences in livestock medicine. [2009, c. 488, §14 (NEW).]

B. Loans must be repaid over a term no longer than 10 years, except that the chief executive officer may extend an individual's term as necessary to ensure repayment of the loan. Repayment must commence within 6 months of when the loan recipient completes, withdraws from or otherwise fails to continue veterinary medical education. [2009, c. 488, §14 (NEW).]

C. A veterinarian requesting forgiveness or an interest rate benefit under this section shall report annually to the Department of Agriculture, Conservation and Forestry on the portion of the veterinarian's practice dedicated to livestock. [2009, c. 488, §14 (NEW); 2011, c. 657, Pt. W, §5 (REV).]

[2009, c. 488, §14 (NEW); 2011, c. 657, Pt. W, §5 (REV) .]

6. **Default.** A loan recipient under the program who agrees to practice in an area of the State with insufficient veterinary services and who fails to complete the period of service required to pay off the loan is liable to the authority for an amount equal to the sum of the total amount paid by or on behalf of the authority to or on behalf of the recipient under the agreement plus interest at a rate determined by the authority. Credit for practicing in an area with insufficient veterinary services is awarded for each consecutive 12-month period served. Exceptions may be made by the authority in accordance with subsection 7.

[2009, c. 488, §14 (NEW) .]

7. **Deferments.** Deferments on the repayment of a loan under the program may be granted for causes established by rule of the authority. Interest at a rate to be determined by rule of the authority must be assessed during the deferment. The loan recipient's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments. The chief executive officer shall make determinations of deferment on a case-by-case basis. The decision of the chief executive officer is final.

[2009, c. 488, §14 (NEW) .]

SECTION HISTORY
2009, c. 488, §14 (NEW). 2011, c. 657, Pt. W, §5 (REV).

§12123. SELECTION COMMITTEE FOR STUDENTS OF VETERINARY MEDICINE

The chief executive officer shall annually convene a selection committee of not fewer than 3 members to advise the authority in developing application materials designed to identify students likely to practice livestock veterinary medicine in the State and to make recommendations to the authority regarding the priority of applicants for loans to students of veterinary medicine. The selection committee must include the state veterinarian and a representative of a statewide association of veterinarians. [2009, c. 488, §14 (NEW).]

SECTION HISTORY
2009, c. 488, §14 (NEW).

§12124. RULES

The authority shall establish rules necessary to implement this chapter. The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to establish criteria for determining areas of insufficient veterinary services for livestock, a definition of livestock and a method for determining the percent of a practice that is devoted to livestock. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2009, c. 488, §14 (NEW); 2011, c. 657, Pt. W, §6 (REV).]

SECTION HISTORY
2009, c. 488, §14 (NEW). 2011, c. 657, Pt. W, §6 (REV).

Chapter 425: NATIONAL DEFENSE EDUCATION PROGRAM

§12201. ACCEPTANCE OF PROGRAM

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §6 (RP).

§12202. CUSTODIAN OF FUNDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §6 (RP).

§12203. STATE AGENCY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §6 (RP).

§12204. APPROPRIATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §6 (RP).

Chapter 426: MAINE DENTAL EDUCATION AND RECRUITMENT

§12301. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

2. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

3. **Maine resident.** "Maine resident" means a person who has been a resident of the State for a minimum of 2 years at the time of the person's entry to dental school for purposes other than education, as determined by rule of the authority. In determining residency, the authority shall consider:

A. Length of residence in the State for other than tuition purposes; [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

B. Secondary school attended; [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

C. Legal residence of parents; [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

D. Place of voting registration, if registered to vote; [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

E. Place where taxes are paid; and [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

F. Other indicators established by the authority. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

4. **Underserved population area.** "Underserved population area" means a population group or geographical area receiving insufficient oral health care, as determined by the Commissioner of Health and Human Services and as defined in rules adopted by the Department of Health and Human Services pursuant to section 12305. The rules must take into consideration factors that include, but are not limited to, family income levels, availability of dental care and percentage of families qualifying for Medicaid coverage.

[2001, c. 471, Pt. B, §11 (RPR); 2003, c. 689, Pt. B, §§6,7 (REV) .]

SECTION HISTORY
1999, c. 401, §NN2 (NEW). 1999, c. 401, §NN4 (AFF). 1999, c. 496, §2 (NEW). 2001, c. 471, §B11 (AMD). 2003, c. 689, §§B6,7 (REV).

§12302. MAINE DENTAL EDUCATION LOAN PROGRAM

1. **Establishment.** The Maine Dental Education Loan Program, referred to in this chapter as "the program," is established. The authority shall administer the program. Under this program, beginning in fiscal year 2000-01 and ending in fiscal year 2007-08, the chief executive officer shall award up to 3 loans or loan repayment agreements annually up to an aggregate of 12. Beginning in fiscal year 2008-09, the chief executive officer shall award up to 3 loans or loan repayment agreements annually and may award additional loans or loan repayment agreements annually as funds permit. As provided in subsection 3:

A. Loans are available to Maine residents enrolled in a dental school; or [2003, c. 510, Pt. E, §1 (RPR).]

B. A loan repayment agreement is available to a person who is eligible for licensure as a doctor of dental medicine in Maine and who has outstanding dental education loans. [2003, c. 510, Pt. E, §1 (RPR).]

[2009, c. 8, §1 (AMD) .]

2. **Application process.** Application must be made directly to the authority.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

3. **Eligibility.** The following persons are eligible to participate in the program:

A. Applicants under subsection 1, paragraph A who meet eligibility criteria established by rule of the authority, which at a minimum must require:

(1) That the student be a Maine resident;

(2) That the student be enrolled in a dental school; and

(3) That priority be given to a student:

(a) Who previously received a loan pursuant to this section;

(b) Who exhibits financial need; and

(c) Who demonstrates an interest in serving an underserved population area; and [2005, c. 397, Pt. A, §17 (RPR).]

B. Applicants under subsection 1, paragraph B who meet eligibility criteria established by rule of the authority, which at a minimum must require:

(1) That the applicant be eligible for licensure to practice dental medicine in Maine;

(2) That the applicant have outstanding dental education loans; and

(3) That the applicant be willing to serve an underserved population area. [2005, c. 397, Pt. A, §17 (RPR).]

[2005, c. 397, Pt. A, §17 (AMD) .]

4. **Maximum amount.** The maximum loan or loan repayment amount available to each participant is $20,000 per year for a period of up to 4 years.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

5. **Loan agreement; forgiveness.** A student applying under subsection 1, paragraph A shall enter into a loan agreement as set out in this subsection.

A. Upon completion of professional education, the student shall repay the loan in accordance with this paragraph.

(1) A loan recipient who does not obtain loan forgiveness pursuant to subparagraph (2) shall repay the entire principal of the loan plus simple interest at a rate to be determined by rule of the authority.

Interest does not begin to accrue until the loan recipient completes dental education.

(2) A loan recipient who, upon conclusion of the recipient's professional education, including any fellowships, elects to serve as a practitioner of dental medicine in an underserved population area is forgiven 25% of the original outstanding indebtedness for each year of that practice. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

B. Loans must be repaid over a term no longer than 10 years, except that the chief executive officer may extend an individual's term as necessary to ensure repayment of the loan. Repayment must commence when the loan recipient completes, withdraws from or otherwise fails to continue dental education. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

C. A loan recipient serving an underserved population area pursuant to paragraph A, subparagraph (2) must serve all patients regardless of ability to pay through insurance or other payment source. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

6. **Loan repayment agreement.** An applicant under subsection 1, paragraph B shall enter into a loan repayment agreement as set out in this subsection.

A. An applicant will receive payment from the authority on the applicant's outstanding indebtedness for dental education at a rate of $20,000 per year of service for up to 4 years as long as the applicant continues to serve as a practitioner of dental medicine in an underserved population area. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

B. A person receiving loan repayment payments under this subsection must serve all patients regardless of ability to pay through insurance or other payment source. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

7. **Default.** A loan recipient who agrees to practice in an underserved population area and who fails to complete the period of service required to pay off the loan is liable to the authority for an amount equal to the sum of the total amount paid by or on behalf of the authority to or on behalf of the recipient under the contract plus interest at a rate determined by the authority. Credit for practice in an underserved population area will be awarded for each consecutive 12-month period served. Exceptions may be made by the authority in accordance with subsection 8.

A loan recipient may be granted permission to default without penalty from an agreement to serve in an underserved population area by petitioning the authority. Grounds for permission to default without penalty include, but are not limited to, catastrophic circumstances that prevent the recipient from remaining in an underserved population area for the required period of time. The recipient receives credit for the number of months served and the remaining financial obligation plus interest must be repaid to the authority in cash under the terms of the original agreement.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

8. **Deferments.** Deferments on the repayment of a loan under the program may be granted for causes established by rule of the authority. Interest at a rate to be determined by rule of the authority must be assessed during the deferment. The student's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments. The chief executive officer shall make determinations of deferment on a case-by-case basis. The decision of the chief executive officer is final.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

SECTION HISTORY
1999, c. 401, §NN2 (NEW). 1999, c. 401, §NN4 (AFF). 1999, c. 496, §2 (NEW). 2003, c. 510, §E1 (AMD). 2005, c. 397, §A17 (AMD). 2009, c. 8, §1 (AMD).

§12303. NONLAPSING FUND

1. **Fund created.** A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority is created to carry out the purposes of this chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State. Loan repayments under this chapter or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf

of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority for the operation of the program.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

2. **Allocation of repayments.** The authority may reallocate a portion of the annual loan repayments for the purpose of recruiting dentists for underserved population areas. That portion may be used:

A. In accordance with criteria established by the authority, to encourage dentists to practice in underserved population areas; or [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

B. To repay education loans for the dental education of licensed dentists to enable the dentists to practice in underserved population areas. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

SECTION HISTORY
1999, c. 401, §NN2 (NEW). 1999, c. 401, §NN4 (AFF). 1999, c. 496, §2 (NEW).

§12304. ADVISORY COMMITTEE ON DENTAL EDUCATION

1. **Committee.** The Advisory Committee on Dental Education, established pursuant to Title 5, section 12004-I, subsection 7-C, shall assist the chief executive officer in evaluating and improving the program.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

2. **Members.** The Advisory Committee on Dental Education consists of:

A. Ten voting members appointed by the President of the Senate and the Speaker of the House as follows:

(1) One member appointed by the Speaker who represents a major statewide organization representing dentists;

(2) One member appointed by the Speaker who represents a major statewide coalition dedicated to issues concerning ambulatory care;

(3) One member appointed by the Speaker who represents a major statewide alliance dedicated to children's issues;

(4) One member appointed by the Speaker who represents the Department of Health and Human Services, Bureau of Health, Oral Health Program;

(5) Two members of the House of Representatives appointed by the Speaker;

(6) One member appointed by the President who represents a major statewide organization of consumers dedicated to the cause of affordable health care;

(7) One member appointed by the President who represents a major statewide organization dedicated to ensuring equal justice;

(8) One member appointed by the President who represents the Department of Health and Human Services, Bureau of Medical Services; and

(9) One Senator appointed by the President.

The chief executive officer may submit recommendations for appointees under this paragraph to the President of the Senate and the Speaker of the House; and [2001, c. 471, Pt. B, §12 (RPR); 2003, c. 689, Pt. B, §6 (REV).]

B. Two nonvoting members, one of whom represents the authority, appointed by the Speaker, and one of whom represents an office of primary health care appointed by the President. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW).]

[2001, c. 471, Pt. B, §12 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

3. **Vacancies.** In the case of a vacancy or resignation, an appointment must be made as for a new member to fill the vacancy until the expiration of the term.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

4. **Terms.** The term of office for all appointees is 2 years.

[1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW) .]

SECTION HISTORY
1999, c. 401, §NN2 (NEW). 1999, c. 401, §NN4 (AFF). 1999, c. 496, §2 (NEW). 2001, c. 471, §B12 (AMD). 2003, c. 689, §B6 (REV).

§12305. RULES

The authority shall establish rules necessary to implement this chapter. The Commissioner of Health and Human Services shall develop rules for determining underserved population areas. These rules must include a process for ensuring guaranteed access to dental care through technical assistance and site visits to participating providers. The rules authorized by this section must be adopted in accordance with Title 5, chapter 375, subchapter II. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [1999, c. 401, Pt. NN, §2 (NEW); 1999, c. 401, Pt. NN, §4 (AFF); 1999, c. 496, §2 (NEW); 2003, c. 689, Pt. B, §7 (REV).]

SECTION HISTORY
1999, c. 401, §NN2 (NEW). 1999, c. 401, §NN4 (AFF). 1999, c. 496, §2 (NEW). 2003, c. 689, §B7 (REV).

Chapter 427: NORTH AMERICAN INDIAN SCHOLARSHIPS

§12401. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §7 (RP).

§12402. SCHOLARSHIP FUND

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §7 (RP).

§12403. COMMITTEE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 812, §112 (AMD). 1985, c. 318, §7 (RP).

§12404. APPLICATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §90 (AMD). 1985, c. 318, §7 (RP).

§12405. INSTITUTIONAL GRANT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §7 (RP).

§12406. GRANT LIMITATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 318, §7 (RP).

Chapter 428: EDUCATORS FOR MAINE PROGRAM

§12501. DEFINITIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1987, c. 611, §1 (AMD). 1989, c. 414, §§21,22 (AMD). 1989, c. 596, §M (AMD). 1989, c. 698, §32 (AMD). 1989, c. 911, §§4-6 (AMD). 1991, c. 553, §§1,2 (AMD). 1991, c. 612, §§13,14 (AMD). 1995, c. 117, §§E2-4 (AMD). 1995, c. 117, §E13 (AFF). 1999, c. 441, §§2-5 (AMD). 1999, c. 783, §2 (AMD). 2003, c. 427, §1 (RP).

§12501-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 427, §2 (NEW).]

1. **Academic achievement.** "Academic achievement" means earning a grade point average of 3.0 or more, based on a 4.0 grade point system, or the equivalent, based upon the most recent cumulative grade point average.

[2003, c. 427, §2 (NEW) .]

2. **Authority.** "Authority" means the Finance Authority of Maine.

[2003, c. 427, §2 (NEW) .]

3. **Chief executive officer.** "Chief executive officer" means the chief executive officer of the Finance Authority of Maine.

[2003, c. 427, §2 (NEW) .]

4. **Child care.** "Child care" means a regular service of care and protection provided for compensation for any part of a day less than 24 hours to a child or children under 13 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

[2003, c. 427, §2 (NEW) .]

5. **Child care facility.** "Child care facility" means a child care center or a family child care provider as defined in Title 22, section 8301-A.

[2005, c. 530, §1 (AMD) .]

6. **Child care provider qualifications.** "Child care provider qualifications" means a degree or certificate in child development or a related area as determined by rule of the authority.

[2003, c. 427, §2 (NEW) .]

7. **Cost of attendance.** "Cost of attendance" has the same meaning as in 20 United States Code, Section 1087ll and the regulations, guidelines and procedures promulgated under that section except, for students attending less than half-time, cost of attendance is determined on the same basis as for students attending half-time.

[2003, c. 427, §2 (NEW) .]

8. **Duly enrolled.** "Duly enrolled" means, for an undergraduate, enrolled full-time and, for a graduate student, enrolled at least part-time at an institution of higher education, as evidenced in a form satisfactory to the authority.

[2003, c. 427, §2 (NEW) .]

9. **Eligible individual.** "Eligible individual" means a student who meets the eligibility requirements of section 12505.

[2003, c. 427, §2 (NEW) .]

10. **Graduating high school senior.** "Graduating high school senior" means a student who is a resident of the State, who graduates from a secondary school approved pursuant to section 2901 and who is entering that student's first year in an institution of higher education at the beginning of the next academic year. An academic year for graduating high school seniors is considered to be from September to June.

[2003, c. 427, §2 (NEW) .]

11. **Institution of higher education.** "Institution of higher education" means an institution of higher education located within this State, another state or a foreign country that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 United States Code, Section 1001(a) and the regulations, guidelines and procedures promulgated by the Secretary of Education pursuant to these sections of the law.

[2003, c. 427, §2 (NEW) .]

12. **Return service.** "Return service" means service in public elementary or secondary school or private school in this State approved for tuition purposes for a full school year as a certified teacher or a speech pathologist, service as a Jobs for Maine's Graduates specialist with similar teacher certification or service for a 12-month period in a child care facility by an individual who has attained child care provider qualifications.

[2013, c. 7, §1 (AMD) .]

13. **Student pursuing postbaccalaureate certification.** "Student pursuing postbaccalaureate certification" means a student who has earned a baccalaureate degree or its equivalent and is pursuing a program of study leading to certification as a teacher or speech pathologist or to the attainment of child care provider qualifications.

[2003, c. 427, §2 (NEW) .]

14. **Undergraduate.** "Undergraduate" means an individual who has not been awarded any baccalaureate degree and who is currently enrolled or accepted for enrollment as a full-time student at an institution of higher education, including a graduating high school senior.

[2003, c. 427, §2 (NEW) .]

15. **Underserved subject areas.** "Underserved subject areas" means those subjects or programs, required or authorized to be taught in the public schools, for which there is an insufficient supply of teachers or speech pathologists as determined by the chief executive officer in consultation with the commissioner.

[2003, c. 427, §2 (NEW) .]

SECTION HISTORY
2003, c. 427, §2 (NEW). 2005, c. 530, §1 (AMD). 2013, c. 7, §1 (AMD).

§12502. EDUCATORS FOR MAINE PROGRAM

There is established the Educators for Maine Program to provide financial assistance for postsecondary education to undergraduate students and students pursuing postbaccalaureate certification who demonstrate academic achievement and an interest in pursuing a career in teaching, speech pathology or child care in this State. The chief executive officer shall administer the program and shall establish pursuant to rules of the authority the rates of interest or fees to be charged. [2003, c. 427, §3 (AMD).]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1987, c. 611, §2 (AMD). 1989, c. 698, §33 (AMD). 1989, c. 911, §7 (AMD). 1991, c. 553, §3 (RPR). 1991, c. 612, §15 (RPR). 1991, c. 664, §1 (RPR). 1995, c. 117, §E5 (AMD). 1995, c. 117, §E13 (AFF). 1999, c. 401, §OOO6 (AMD). 1999, c. 441, §6 (AMD). 1999, c. 783, §3 (RPR). 2003, c. 427, §3 (AMD).

§12503. EDUCATORS FOR MAINE LOAN RECIPIENTS

Each year graduating high school seniors, undergraduates and students pursuing postbaccalaureate certification who show evidence of academic achievement may be considered for recognition as Educators for Maine loan recipients. Applications must be submitted to the chief executive officer at a time and in a format to be determined by rule of the authority. In determining loan recipients, the chief executive officer shall consider candidates in 3 categories: graduating high school seniors; undergraduates, other than graduating high school seniors; and students pursuing postbaccalaureate certification. [2003, c. 427, §4 (AMD).]

The Governor, after consultation with the chief executive officer, shall announce the names of those individuals selected by the chief executive officer to be Educators for Maine loan recipients. [1999, c. 441, §7 (AMD).]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1987, c. 611, §3 (AMD). 1989, c. 698, §34 (AMD). 1991, c. 553, §4 (AMD). 1995, c. 117, §E6 (AMD). 1995, c. 117, §E13 (AFF). 1999, c. 441, §7 (AMD). 2003, c. 427, §4 (AMD).

§12504. ALLOCATION OF FUNDS

The authority shall establish by rule the allocation of funds available under this chapter. [2003, c. 427, §5 (AMD).]

Loans of up to $2,000 per academic year or $8,000 total may be made to students pursuing postbaccalaureate certification. Loans of up to $3,000 per academic year or $12,000 total may be made to eligible undergraduate students. An individual who has received an Educators for Maine loan as an undergraduate may also receive a loan for students pursuing postbaccalaureate certification. In no event may an individual receive more than $20,000 in total Educators for Maine loans. Loans are for one academic year and are renewable if the recipient maintains a grade point average of at least 2.5 based on a 4.0 grade point system or the equivalent and submits a complete renewal application by the deadline annually. [2003, c. 427, §5 (AMD).]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1991, c. 553, §5 (AMD). 1995, c. 117, §E7 (AMD). 1995, c. 117, §E13 (AFF). 1997, c. 24, §G1 (AMD). 1999, c. 441, §8 (AMD). 1999, c. 783, §4 (AMD). 2001, c. 417, §25 (AMD). 2003, c. 427, §5 (AMD).

§12505. ELIGIBILITY REQUIREMENTS

1. **Eligibility for loans for undergraduate education.** An Educators for Maine loan recipient must be an undergraduate at an institution of higher education. Preference must be given to students enrolled in a program that has been determined to be an underserved subject area.

[2003, c. 427, §6 (AMD) .]

2. **Eligibility for graduate study or continuing education loans.**

[2003, c. 427, §7 (RP) .]

3. **Eligibility for postbaccalaureate certification.** A loan to a student pursuing postbaccalaureate certification may be given only to a resident of the State who has shown academic achievement, who has a baccalaureate degree, who is pursuing a course of study that will lead to certification as a teacher, to licensure as a speech pathologist or to attainment of child care provider qualifications and who has met other eligibility criteria established by rule of the authority.

[2003, c. 427, §8 (AMD) .]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1989, c. 414, §23 (AMD). 1989, c. 698, §35 (AMD). 1991, c. 553, §6 (AMD). 1995, c. 117, §E8 (AMD). 1995, c. 117, §E13 (AFF). 1999, c. 441, §9 (AMD). 2003, c. 427, §§6-8 (AMD).

§12506. PAYMENT PROVISIONS

Payment of loans shall be made directly to the institution for credit to the student's account and be made within 60 days following evidence that the student has become duly enrolled at the post-secondary institution. [1983, c. 859, Pt. F, §§1, 2 (NEW).]

These loans must only be used to substitute or replace the family contribution or interest-accruing loans. A loan recipient may not receive student financial assistance in excess of the cost of attendance. [2003, c. 427, §9 (AMD).]

If a recipient of a loan withdraws from an institution and if the student is entitled to a refund of tuition, fees or other charges, the institution shall pay directly to the authority from that refund a sum which represents the portion of the loan paid to the student for the portion of the academic year that the student did not complete. [1989, c. 698, §36 (AMD).]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1989, c. 7, §O5 (AMD). 1989, c. 698, §36 (AMD). 2003, c. 427, §9 (AMD).

§12507. REPAYMENT AND RETURN SERVICE PROVISIONS

Each student who receives a loan may cancel the total amount of the loan by completing one year of return service in the public schools or private schools approved for tuition purposes in the State for each year the individual receives a loan. An individual who received that individual's first program loan after January 1, 2000 may also cancel the total amount of the loan by completing one year of return service by working in a child care facility. The return service requirement is one year for every 2 years or less that the individual receives a loan if return service is performed in an underserved subject area. Return service for this purpose must be performed within 5 years of graduation from the institution of higher education. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Return service may not be credited for the same semester for which an individual receives a loan pursuant to this chapter. Pro rata loan forgiveness may be granted for part-time return service as determined by rule of the authority. Failure to fulfill the return service option necessitates repayment to the authority as follows. [2003, c. 427, §10 (AMD).]

1. **Debt calculation.** The debt must include the total amount of the loan and interest at the rate established by rule of the authority, less the amount, if any, that has been cancelled by return service.

[1997, c. 489, §8 (AMD) .]

2. **Time for repayment.** The total debt must be repaid to the authority within 11 years of graduation from the institution of higher education according to a schedule established by the chief executive officer. Due dates for repayments are set by the chief executive officer and may be extended for the same period of any deferment granted by the chief executive officer.

[2003, c. 427, §10 (AMD) .]

3. **Deferment.** A recipient of a loan may seek a deferment of the annual payments for a period or periods as established by rule of the authority. A request for deferment must be made to the chief executive officer who shall make a determination on a case-by-case basis. The chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of the intent annually and grant a deferment for each successful request for deferment for a period not to exceed one year. The chief executive officer may establish limits to the number of deferments that may be granted to any recipient by rule of the authority.

[2003, c. 427, §10 (AMD) .]

4. **Child development students.**

[2003, c. 427, §10 (RP) .]

5. **Death or disability.** The authority may forgive loans of loan recipients who have died or who have become permanently disabled, as determined by the chief executive officer.

[2003, c. 427, §10 (NEW) .]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1985, c. 819, §C2 (AMD). 1989, c. 698, §§37-39 (AMD). 1991, c. 612, §16 (AMD). 1991, c. 664, §2 (AMD). 1995, c. 117, §E9 (AMD). 1995, c. 117, §E13 (AFF). 1997, c. 489, §8 (AMD). 1999, c. 441, §10 (AMD). 1999, c. 783, §5 (AMD). 2003, c. 427, §10 (AMD).

§12508. REPAYMENT AND RETURN SERVICE PROVISIONS - LOANS FOR TEACHERS AND SPEECH PATHOLOGISTS AND STUDENTS PURSUING POSTBACCALAUREATE CERTIFICATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1989, c. 698, §§40,41 (AMD). 1991, c. 553, §7 (AMD). 1991, c. 664, §3 (AMD). 1995, c. 117, §E10 (AMD). 1995, c. 117, §E13 (AFF). 1997, c. 24, §G2 (AMD). 1999, c. 441, §11 (AMD). 2003, c. 427, §11 (RP).

§12509. NONLAPSING REVOLVING FUND

The Educators for Maine fund is created under the jurisdiction of the authority as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the Educators for Maine fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the funds, money from gifts, grants, bequests, loans, including loans obtained pursuant to chapter 417-B, and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except

interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority as determined appropriate by the authority. [1999, c. 441, §12 (AMD).]

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1989, c. 698, §42 (RPR). 1993, c. 410, §EEEE4 (AMD). 1995, c. 117, §E11 (AMD). 1995, c. 117, §§E12,13 (AFF). 1999, c. 441, §12 (AMD).

§12510. RULES

(REPEALED)

SECTION HISTORY
1983, c. 859, §§F1,F2 (NEW). 1989, c. 698, §43 (RP).

§12511. RULES

Rules adopted by the authority pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 427, §12 (NEW).]

SECTION HISTORY
2003, c. 427, §12 (NEW).

Chapter 428-A: MAINE ENGINEERS RECRUITMENT AND RETENTION PROGRAM

§12521. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 710, §2 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[2003, c. 710, §2 (NEW) .]

2. **Chief executive officer.** "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

[2003, c. 710, §2 (NEW) .]

3. **Eligible employer.** "Eligible employer" means a business in the State that employs engineers and that demonstrates a need to fill an eligible employment position.

[2003, c. 710, §2 (NEW) .]

4. **Eligible employment position.** "Eligible employment position" means a full-time position of employment with an employer located in this State, a requirement of which is a bachelor's degree in an engineering discipline.

[2003, c. 710, §2 (NEW) .]

5. **Eligible individual.** "Eligible individual" means a person who:

A. Holds a bachelor's degree from a college of engineering within the University of Maine System; or [2003, c. 710, §2 (NEW).]

B. Received a high school diploma, or its equivalent, in this State and holds a bachelor's degree from a college of engineering in a state other than this State. [2003, c. 710, §2 (NEW).]

[2003, c. 710, §2 (NEW) .]

6. **Program.** "Program" means the Maine Engineers Recruitment and Retention Program established in section 12522.

[2003, c. 710, §2 (NEW) .]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12522. MAINE ENGINEERS RECRUITMENT AND RETENTION PROGRAM

The Maine Engineers Recruitment and Retention Program is established to provide assistance to eligible employers seeking to recruit engineers for full-time employment in this State by providing financial assistance to eligible individuals who fill such positions. [2003, c. 710, §2 (NEW).]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12523. MAINE ENGINEERS RECRUITMENT AND RETENTION ADVISORY COMMITTEE ESTABLISHED

(REPEALED)

SECTION HISTORY
2003, c. 710, §2 (NEW). 2009, c. 369, Pt. A, §30 (RP).

§12524. LOAN REPAYMENT AGREEMENT APPLICATION

Beginning July 1, 2007, an eligible employer seeking to fill an eligible employment position with an eligible individual who has outstanding student loans from financial institutions may apply on behalf of that individual to obtain one or more program loan repayment agreements under section 12526. Applications must be submitted to the authority at a time and in a format to be determined by the authority. [2003, c. 710, §2 (NEW).]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12525. MAXIMUM LOAN REPAYMENT; PARTICIPATION

The maximum program loan repayment amount available to each eligible individual, excluding the employer's match under section 12526, is $2,500 per year, for a maximum of 4 years. No more than 10 program loan repayment agreements may be awarded in any year. The authority may not award more than 40% of the program loan repayment agreements in any one year to individuals who are eligible under the provisions of section 12521, subsection 5, paragraph B. [2003, c. 710, §2 (NEW).]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12526. ELIGIBILITY REQUIREMENTS

1. **Program loan repayment agreement.** A program loan repayment agreement may be given only to an individual who is employed in this State in an eligible employment position and who has met other eligibility criteria established by rules of the authority.

[2003, c. 710, §2 (NEW) .]

2. **Matching funds.** An eligible employer must provide funds to match the amount provided by the authority for program loan repayments under this section. The employer's match must be paid to the authority for payment to the financial institution holding the employee's student loan and must be in an amount equal to the amount of the program loan repayment to be provided by the authority.

[2003, c. 710, §2 (NEW) .]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12527. PAYMENT PROVISIONS

The authority shall enter into a program loan repayment agreement with an eligible individual on terms and conditions that are acceptable to the authority and that at a minimum must require the eligible individual and the eligible individual's employer to certify annually, before payment of any installment by the authority under the program loan agreement, that the eligible individual has been employed in an eligible employment position for the preceding 12-month period. Payment of any installment by the authority, including matching funds provided to the authority by the employer, must be made directly for credit to the eligible individual's account at the financial institution certified by the eligible individual as responsible for administration of that person's student loans. [2003, c. 710, §2 (NEW).]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12528. NONLAPSING REVOLVING FUND

1. **Creation of fund.** The Maine Engineers Recruitment and Retention Program Fund, referred to in this section as "the fund," is created as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. The fund must be deposited with, maintained and administered by the authority. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests, loans and donations in addition to money appropriated or allocated by the State. Money received by the authority on behalf of the fund, except interest income, must be used for the purposes of this chapter; interest income may be used for the purposes of this chapter or to pay administrative costs incurred by the authority, as determined appropriate by the authority.

[2003, c. 710, §2 (NEW) .]

2. **Administrative expenses.** Costs and expenses of maintaining, servicing and administering the fund and administering the program may be paid out of amounts in the fund.

[2003, c. 710, §2 (NEW) .]

SECTION HISTORY
2003, c. 710, §2 (NEW).

§12529. RULES

The authority shall adopt rules to implement this chapter. Rules adopted by the authority pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2003, c. 710, §2 (NEW).]

SECTION HISTORY
2003, c. 710, §2 (NEW).

Chapter 428-B: FUTURE FOR YOUTH IN MAINE LOAN REPAYMENT PROGRAM

§12531. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2005, c. 427, §1 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[2005, c. 427, §1 (NEW) .]

2. **Eligible employment position.** "Eligible employment position" means a full-time position within the State as the founder or employee of a statewide recognized economic development entity.

[2009, c. 369, Pt. A, §31 (AMD) .]

SECTION HISTORY
2005, c. 427, §1 (NEW). 2009, c. 369, Pt. A, §31 (AMD).

§12532. FUTURE FOR YOUTH IN MAINE LOAN REPAYMENT PROGRAM

1. **Establishment; administration.** There is established the Future for Youth in Maine Loan Repayment Program, referred to in this chapter as "the program." The program is established to recruit and retain college graduates in the State to start new technology-based businesses. The authority shall administer the program.

[2005, c. 427, §1 (NEW) .]

2. **Eligibility requirements.** Eligibility requirements must be established by rule of the authority in consultation with the Governor and, at a minimum, must include:

A. That the applicant has received a bachelor's degree or graduate degree within 2 years of the date of application; [2005, c. 427, §1 (NEW).]

B. That the applicant has outstanding education loans; and [2005, c. 427, §1 (NEW).]

C. That the applicant is willing to accept and maintain employment in an eligible employment position. [2005, c. 427, §1 (NEW).]

[2005, c. 427, §1 (NEW) .]

3. **Application.** An application to the program must be made directly to the authority at a time and in a format to be determined by the authority.

[2005, c. 427, §1 (NEW) .]

4. **Maximum loan repayment.** The maximum loan repayment amount available to a participant in the program is $5,000 per year for a maximum of 4 years.

[2005, c. 427, §1 (NEW) .]

5. **Loan repayment agreement; provisions.** The authority shall enter into loan repayment agreements with participants in the program on terms and conditions acceptable to the authority, which at a minimum must require the participant and the participant's employer to certify annually, before any payment by the authority under the loan repayment agreement may be made, that the participant has been employed in an eligible employment position for the preceding 12-month period.

[2005, c. 427, §1 (NEW) .]

SECTION HISTORY
2005, c. 427, §1 (NEW).

§12533. NONLAPSING FUND

A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority is created to carry out the purposes of this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State. Money received by the authority under this chapter must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money in the fund must be used for the designated purposes of the fund and for the payment of administrative costs incurred by the authority for the operation of the program. [2005, c. 427, §1 (NEW).]

SECTION HISTORY
2005, c. 427, §1 (NEW).

§12534. RULES

The authority shall establish rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2005, c. 427, §1 (NEW).]

SECTION HISTORY
2005, c. 427, §1 (NEW).

§12535. REPORT

The authority shall report on the program to the Department of Economic and Community Development, to the joint standing committee of the Legislature having jurisdiction over education matters and to the joint standing committee of the Legislature having jurisdiction over business matters no later than January 15, 2007 and annually thereafter. [2005, c. 427, §1 (NEW).]

SECTION HISTORY
2005, c. 427, §1 (NEW).

Chapter 428-C: JOB CREATION THROUGH EDUCATIONAL OPPORTUNITY PROGRAM

§12541. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 469, Pt. A, §1 (NEW).]

1. **Accredited Maine community college, college or university.** "Accredited Maine community college, college or university" means an institution that is accredited by a regional accrediting association or by one of the specialized accrediting agencies recognized by the United States Secretary of Education and is:

A. Any campus of the Maine Community College System; [2007, c. 469, Pt. A, §1 (NEW).]

B. Any campus of the University of Maine System; [2007, c. 469, Pt. A, §1 (NEW).]

C. The Maine Maritime Academy; [2007, c. 469, Pt. A, §1 (NEW).]

D. Any educational institution that is located in this State and has authorization to confer an associate degree or a bachelor's degree, in accordance with sections 10704 and 10704-A; [2007, c. 469, Pt. A, §1 (NEW).]

E. Any educational institution that is located in this State and is exempted from chapter 409 under section 10708, subsections 1 and 2; and [2007, c. 469, Pt. A, §1 (NEW).]

F. Any educational institution that is located in this State and is operating under a certificate of temporary approval from the state board under section 10703, to the extent that a student is ultimately able either to obtain an associate or a bachelor's degree at that institution or to transfer to and obtain a degree from an institution described in paragraphs A to E. [2007, c. 469, Pt. A, §1 (NEW).]

[2009, c. 553, Pt. A, §1 (AMD) .]

1-A. **Accredited non-Maine community college, college or university.** "Accredited non-Maine community college, college or university" means an institution located outside the State that is accredited by a regional accrediting association or by one of the specialized accrediting agencies recognized by the United States Secretary of Education.

[2011, c. 665, §1 (NEW) .]

2. **Benchmark loan payment.**

[2013, c. 525, §1 (RP) .]

2-A. **Educational cost-of-living adjustment.**

[2013, c. 525, §2 (RP) .]

3. **Educational institution.** "Educational institution" has the same meaning as in section 10701, subsection 3.

[2007, c. 469, Pt. A, §1 (NEW) .]

4. **Educational opportunity tax credit.** "Educational opportunity tax credit" means the tax credit provided for in Title 36, section 5217-D.

[2007, c. 469, Pt. A, §1 (NEW) .]

4-A. **Financial aid package.** "Financial aid package" means financial aid obtained by a student for attendance at an accredited Maine community college, college or university. For purposes of a qualified individual claiming an educational opportunity tax credit for tax years beginning on or after January 1, 2013,

"financial aid package" may include financial aid obtained for up to 30 credit hours of course work at an accredited non-Maine community college, college or university earned prior to transfer to an accredited Maine community college, college or university, if the 30 credit hours were earned after December 31, 2007 and the transfer occurred after December 31, 2012. For purposes of an employer claiming an educational opportunity tax credit for tax years beginning on or after January 1, 2013, "financial aid package" may include financial aid obtained by a qualified employee for attendance at an accredited non-Maine community college, college or university. The financial aid package may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited Maine or non-Maine community college, college or university. Loans are includable in the financial aid package only if entered into prior to July 1, 2023.

[2015, c. 300, Pt. A, §4 (AMD) .]

5. **Maine resident.** "Maine resident" means an individual who qualifies for Maine residence under Title 21-A, section 112. An individual is a Maine resident if, at the time the individual commences the relevant degree program, the individual is registered to vote in the State or occupies a dwelling in the State and continues to occupy a dwelling in the State during the school year, except periods when it is reasonably necessary for the individual to live elsewhere as part of an accredited Maine community college, college or university's academic programs.

[2009, c. 553, Pt. A, §5 (AMD) .]

6. **Opportunity contract.**

[2009, c. 553, Pt. A, §6 (RP) .]

7. **Principal cap.**

[2013, c. 525, §4 (RP) .]

8. **Qualified employee.** "Qualified employee" has the same meaning as in Title 36, section 5217-D, subsection 1, paragraph E.

[2013, c. 525, §5 (NEW) .]

9. **Qualified individual.** "Qualified individual" has the same meaning as in Title 36, section 5217-D, subsection 1, paragraph G.

[2013, c. 525, §6 (NEW) .]

SECTION HISTORY
2007, c. 469, Pt. A, §1 (NEW). 2009, c. 553, Pt. A, §§1-7 (AMD). 2011, c. 665, §1 (AMD). 2013, c. 525, §§1-6 (AMD). 2015, c. 300, Pt. A, §4 (AMD).

§12542. PROGRAM ESTABLISHED

1. **Program created; goals.** The Job Creation Through Educational Opportunity Program, referred to in this chapter as "the program," is created to provide an educational opportunity tax credit to Maine residents who obtain an associate degree or a bachelor's degree in this State, and live, work and pay taxes in this State thereafter. The program is designed to achieve the following goals:

A. Promote economic opportunity for people in this State by ensuring access to the training and higher education that higher-paying jobs require; [2007, c. 469, Pt. A, §1 (NEW).]

B. Bring more and higher-paying jobs to this State by increasing the skill level of this State's workforce; [2007, c. 469, Pt. A, §1 (NEW).]

C. Offer educational opportunity and retraining to individuals impacted by job loss, workplace injury, disability or other hardship; [2007, c. 469, Pt. A, §1 (NEW).]

D. Keep young people in this State through incentives for educational opportunity and creation of more high-paying jobs; and [2007, c. 469, Pt. A, §1 (NEW).]

E. Accomplish all of the goals in this subsection with as little bureaucracy as possible. [2007, c. 469, Pt. A, §1 (NEW).]

[2013, c. 525, §7 (AMD) .]

2. **Principal cap.**

[2009, c. 553, Pt. A, §8 (RP) .]

2-A. **Principal cap.**

[2013, c. 525, §8 (RP) .]

3. **Eligibility for the program.**

[2013, c. 525, §9 (RP) .]

3-A. **Educational loans.**

[2013, c. 525, §10 (RP) .]

4. **Administration.**

[2009, c. 553, Pt. A, §12 (RP) .]

4-A. **Administration.** The program must be administered as described in this subsection.

A. The department, in consultation with the State Tax Assessor, shall make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office. The assessor shall provide to an accredited Maine community college, college or university information that is necessary to document a student's eligibility for the educational opportunity tax credit. [2009, c. 553, Pt. A, §13 (NEW).]

B. A Maine resident who enrolls in an accredited Maine community college, college or university who receives financial aid in the form of loans must have the opportunity to participate in the program. An accredited Maine community college, college or university shall, at a minimum, provide information about the program in financial aid award materials, entrance interviews, exit interviews, materials listing financial aid resources and, as appropriate, any promotional materials provided by state agencies, to the extent such contacts with students are already part of the accredited Maine community college, college or university's procedures. [2009, c. 553, Pt. A, §13 (NEW).]

C. An accredited Maine community college, college or university must document for the student information required for purposes of the educational opportunity tax credit, including, once the student has earned the degree, the total principal of loans the student received as part of that student's financial aid package related to course work completed at the accredited Maine community college, college or university. The accredited Maine community college, college or university shall provide an original or certified copy to the student and shall retain a copy of the documentation in its files for at least 10 years after the student graduates. [2013, c. 525, §11 (AMD).]

D. [2013, c. 525, §12 (RP).]

[2013, c. 525, §§11, 12 (AMD) .]

5. **Effective date; participation by individual already enrolled in degree program.** The program must commence for the first semester that begins after the effective date of this chapter. A Maine resident who when the program commences is enrolled in an associate or a bachelor's degree program at an accredited Maine community college, college or university may participate, subject to the same essential terms as other program participants.

[2013, c. 525, §13 (AMD) .]

6. **Promotion by state agencies.** The department, the Finance Authority of Maine, the Department of Economic and Community Development and any other agency engaging in education-related outreach shall integrate promotion of the program into existing educational opportunity outreach efforts to the extent possible in a manner consistent with the scope of the program and its centrality to the State's efforts to raise educational attainment.

A. The department shall notify superintendents about the program annually and encourage the superintendents to publicize the availability of the program among students, parents and school staff. [2013, c. 417, §1 (NEW).]

B. The Department of Labor shall require that publicly funded workforce development programs, including state and local workforce investment boards and the Competitive Skills Scholarship Program established in Title 26, section 2033, include within their plans and programs efforts to promote and increase awareness of the program. [2013, c. 417, §1 (NEW).]

[2013, c. 417, §1 (AMD) .]

7. **Promotion by institutions.** Public higher education institutions identified in section 12541, subsection 1, paragraphs A to C shall make reasonable efforts to inform students about the program.

[2013, c. 417, §2 (NEW) .]

8. **Publicity.** To assist institutions of higher education to promote the program, the Finance Authority of Maine shall contract with a private nonprofit corporation in the amount of at least $20,000 annually to market the program throughout the State, targeting high schools, postsecondary educational institutions and organizations of parents, teachers and other relevant audiences. Marketing efforts must include printed materials, online information and in-person promotional efforts.

[2013, c. 417, §2 (NEW) .]

SECTION HISTORY
2007, c. 469, Pt. A, §1 (NEW). 2009, c. 553, Pt. A, §§8-15 (AMD). 2011, c. 548, §7 (AMD). 2011, c. 665, §§2-4 (AMD). 2013, c. 417, §§1, 2 (AMD). 2013, c. 525, §§7-13 (AMD).

§12543. EFFECT ON FUNDING OF HIGHER EDUCATION

It is the intent of the Legislature that neither the existence of the program nor the benefits provided under the educational opportunity tax credit serve as justification to decrease other funds appropriated or allocated to accredited Maine community colleges, colleges or universities, including institutions in the Maine Community College System and the University of Maine System, or to other higher education programs. [2009, c. 553, Pt. A, §16 (AMD).]

SECTION HISTORY

2007, c. 469, Pt. A, §1 (NEW). 2009, c. 553, Pt. A, §16 (AMD).

§12544. RULES

(REPEALED)

SECTION HISTORY
2007, c. 469, Pt. A, §1 (NEW). 2009, c. 553, Pt. A, §17 (RP).

§12545. REPORT

By February 1, 2021, each accredited Maine community college, college and university, as defined in section 12541, subsection 1, shall report to the department on efforts to promote the program and to train admissions and financial aid staff about the program. By March 1, 2021, the department shall report findings and recommendations regarding the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters. By March 1, 2021, the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall report on implementation of the educational opportunity tax credit, including statistics on credits claimed, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters. The Office of Tax Policy, in conjunction with the State Economist and the Department of Labor, shall include in its report an analysis of the costs of the credits claimed and the impact of the program on the State's labor force. After receipt and review of the information required under this section, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs or the joint standing committee of the Legislature having jurisdiction over taxation matters may report out to the Legislature a bill regarding the program. [2015, c. 328, §1 (AMD).]

SECTION HISTORY
2011, c. 665, §5 (NEW). 2015, c. 328, §1 (AMD).

Chapter 429: TUITION WAIVER AT STATE POST-SECONDARY EDUCATIONAL INSTITUTIONS

§12551. PURPOSE

In recognition of the indispensable public service role that firefighters, law enforcement officers and emergency medical services persons play in the well-being of the people of this State, it is the purpose of this chapter to provide for assistance to the children and spouses of firefighters, law enforcement officers and emergency medical services persons who are killed in the line of duty so that these children and spouses may have the opportunity to pursue a degree at one of the state postsecondary educational institutions. [1999, c. 234, §1 (AMD).]

SECTION HISTORY
1985, c. 472, (NEW). 1989, c. 502, §A61 (AMD). 1997, c. 160, §1 (AMD).
1999, c. 234, §1 (AMD).

§12552. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 472, (NEW).]

1. **Firefighter.** "Firefighter" means a person who is an active member of a municipal fire department in this State or a volunteer firefighters' association in this State and who aids in the extinquishing of fires, regardless of whether he has administrative or other duties as a member of the department or association.

[1985, c. 472, (NEW) .]

1-A. **Authority.** "Authority" means the Finance Authority of Maine.

[1989, c. 698, §44 (NEW); 1989, c. 698, §76 (AFF) .]

1-B. **Emergency medical service.** "Emergency medical service" means a nonprofit, incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119 except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

[1999, c. 234, §2 (NEW) .]

1-C. **Emergency medical services person.** "Emergency medical services person" means a person who is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is serving a public agency in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation, or who is an employee of an emergency medical service as defined in subsection 1-B.

[1999, c. 234, §2 (NEW) .]

2. **Law enforcement officer.** "Law enforcement officer" means an active state police officer, municipal police officer, county sheriff or deputy sheriff in this State. "Law enforcement officer" also means an active game warden, fire marshal, forest ranger, Baxter State Park ranger, detective employed by the Office of the Attorney General pursuant to Title 5, section 202, person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, juvenile community corrections officer as described in Title 34-A, section 5602, probation officer, security officer appointed by the Commissioner of Public Safety pursuant to Title 25, section 2908, motor vehicle investigator or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, military security police officer appointed by the Adjutant General, University of Maine System police officer or marine patrol officer, if employed on a full-time basis in that position in this State.

[2009, c. 421, §1 (AMD) .]

2-A. **Public agency.** "Public agency" means a governmental entity as defined in Title 14, section 8102, subsection 2 or a political subdivision as defined in Title 14, section 8102, subsection 3.

[1999, c. 234, §3 (NEW) .]

3. **State post-secondary educational institution.** "Post-secondary educational institution" means the University of Maine System, the Maine Maritime Academy and the community colleges.

[1989, c. 443, §27 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY

1985, c. 472, (NEW). 1985, c. 779, §57 (AMD). 1989, c. 443, §27 (AMD). 1989, c. 698, §44 (AMD). 1997, c. 160, §2 (AMD). 1999, c. 234, §§2,3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2009, c. 421, §1 (AMD).

§12553. TUITION WAIVER

The child or spouse of a firefighter, law enforcement officer or emergency medical services person who has been killed or who has received an injury during the performance of that firefighter's, law enforcement officer's or emergency medical services person's duties, which results in death, may attend, as provided in this section, any state postsecondary educational institution free of tuition charges. [1999, c. 234, §4 (AMD).]

1. **Eligibility of a child.** The child of a firefighter, law enforcement officer or emergency medical services person is eligible for tuition waiver under this chapter if the child is:

A. The natural or legally adopted child of a firefighter, law enforcement officer or emergency medical services person; [1999, c. 234, §5 (AMD).]

B. Is less than 21 years old at the time of the death of the parent who is a firefighter, law enforcement officer or emergency medical services person; [1999, c. 234, §5 (AMD).]

C. A Maine resident; [1985, c. 472, (NEW).]

D. A high school graduate or has attained equivalent certification; and [1987, c. 402, Pt. A, §124 (RPR).]

E. Accepted for admission to a state postsecondary educational institution. [1997, c. 160, §3 (AMD).]

[1999, c. 234, §5 (AMD) .]

1-A. **Eligibility of a spouse.** The spouse of a firefighter, law enforcement officer or emergency medical services person is eligible for tuition waiver under this chapter if the spouse is:

A. Legally married to the firefighter, law enforcement officer or emergency medical services person at the time of the firefighter's, law enforcement officer's or emergency medical services person's death; [1999, c. 234, §6 (AMD).]

B. A Maine resident; [1997, c. 160, §3 (NEW).]

C. A high school graduate or has attained equivalent certification; and [1997, c. 160, §3 (NEW).]

D. Accepted for admission to a state postsecondary educational institution. [1997, c. 160, §3 (NEW).]

[1999, c. 234, §6 (AMD) .]

2. **Limitation.** The tuition waiver provided by this chapter is limited to undergraduate degree programs and is limited to not more than 5 years of full-time enrollment or its equivalent.

[1997, c. 160, §3 (AMD) .]

3. **Continuation.** The tuition waiver provided by this chapter is awarded on a yearly basis and continues to be available, if the child or spouse is otherwise eligible under this section, as long as the child or spouse remains in good academic standing at a state institution.

[1997, c. 160, §3 (AMD) .]

SECTION HISTORY
1985, c. 472, (NEW). 1985, c. 779, §58 (AMD). 1987, c. 402, §A124 (AMD). 1997, c. 160, §3 (AMD). 1999, c. 234, §§4-6 (AMD).

§12554. ADMINISTRATION

1. **Application.** A person desiring tuition waiver under this chapter may apply to the authority for determination of eligibility. Application must be on forms and in a manner prescribed by rule of the authority.

[1991, c. 612, §17 (RPR) .]

2. **Decision.** The authority shall determine whether an applicant is eligible and notify the applicant. The authority shall also notify the state post-secondary educational institution at which the person is accepted of the eligibility of that child for tuition waiver. Unless notified by the authority of a change in the student's eligibility, the institution may not bill an eligible student for tuition during that school year.

[1989, c. 698, §45 (AMD); 1989, c. 698, §76 (AFF) .]

3. **Rules.**

[1989, c. 698, §76 (AFF); 1989, c. 698, §45 (RP) .]

SECTION HISTORY
1985, c. 472, (NEW). 1989, c. 698, §45 (AMD). 1989, c. 700, §A64 (AMD). 1991, c. 612, §17 (AMD).

Chapter 429: ADMINISTRATION OF THE MAINE VOCATIONAL-TECHNICAL INSTITUTES

§12551. PURPOSE AND MISSION

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12552. DEFINITIONS

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12553. BOARD OF TRUSTEES OF THE MAINE VOCATIONAL-TECHNICAL INSTITUTE

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12554. BOARD OF TRUSTEES; POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12555. DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP). 1985, c. 779, §59 (AMD). 1987, c. 402, §A125 (AMD).

§12556. DIRECTORS OF INSTITUTES

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12557. NAME AND PROGRAM OF VOCATIONAL-TECHNICAL INSTITUTES

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12557-A. OPERATION OF COURSES AT A SECONDARY

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12558. ACCREDITATION

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12559. STATE SCHOLARSHIPS AT THE VOCATIONAL-TECHNICAL INSTITUTE

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12560. LOAN FUND REVOLVING ACCOUNTS

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12561. INSTRUCTIONAL PROJECTS REVOLVING FUND

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12562. JOURNEYMAN'S EXAMINATIONS

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12563. ANNUAL REPORT

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

§12564. REPAYMENT OF BONDS

(REPEALED)

SECTION HISTORY
1985, c. 497, §5 (NEW). 1985, c. 695, §10 (RP).

Chapter 429-A: TUITION WAIVER AT STATE POSTSECONDARY EDUCATIONAL INSTITUTIONS FOR PERSONS WHO HAVE RESIDED IN FOSTER CARE

§12571. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 216, §1 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[1999, c. 216, §1 (NEW) .]

2. **Family foster home.** "Family foster home" means the same as defined in Title 22, section 8101, subsection 3.

[1999, c. 216, §1 (NEW) .]

2-A. **Permanency guardian.** "Permanency guardian" means the person described in Title 22, section 4038-C.

[2005, c. 471, §1 (NEW) .]

3. **State postsecondary educational institution.** "Postsecondary educational institution" means the University of Maine System, the Maine Maritime Academy and the Maine Community College System.

[1999, c. 216, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

4. **Unmet need.**

[1999, c. 774, §1 (RP) .]

SECTION HISTORY
1999, c. 216, §1 (NEW). 1999, c. 774, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 471, §1 (AMD).

§12572. TUITION WAIVER

Any person who was in the custody of the Department of Health and Human Services and resided in foster care or subsidized adoptive care or was a minor ward of a subsidized permanency guardian as provided in Title 22, section 4038-D at the time that person graduated from high school or successfully completed a general educational development examination or its equivalent under section 257 may attend, as provided in this section, any state postsecondary educational institution free of tuition charges. [2005, c. 471, §2 (AMD).]

1. **Eligibility of person.** A person is eligible for a tuition waiver under this chapter if the person is:

A. A Maine resident; [1999, c. 216, §1 (NEW).]

B. A high school graduate or has attained a high school equivalency diploma as described under section 257; and [1999, c. 216, §1 (NEW).]

C. Accepted for admission to a state postsecondary educational institution. [1999, c. 216, §1 (NEW).]

[1999, c. 216, §1 (NEW) .]

2. **Limitation.** The tuition waiver provided by this chapter is limited to:

A. Persons participating in undergraduate degree programs or certificate programs of at least one year; [1999, c. 216, §1 (NEW).]

B. Persons who have not been enrolled full time for more than 5 years or the equivalent; and [1999, c. 774, §2 (AMD).]

C. Persons who have completed an application for federal student financial aid programs for which they may be eligible. [1999, c. 774, §2 (AMD).]

D. [1999, c. 774, §2 (RP).]

[1999, c. 774, §2 (AMD) .]

3. **Continuation.** The tuition waiver provided by this chapter is awarded on a yearly basis and continues to be available, if the person is otherwise eligible under this section, as long as the person remains in good academic standing at a state postsecondary educational institution.

[1999, c. 216, §1 (NEW) .]

4. **Revenue reduction.** A state postsecondary educational institution shall absorb the reduction in tuition revenues that results from providing a tuition waiver to an eligible person under this chapter. The institution may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition revenues.

[1999, c. 774, §3 (NEW) .]

SECTION HISTORY
1999, c. 216, §1 (NEW). 1999, c. 774, §§2,3 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 471, §2 (AMD).

§12573. ADMINISTRATION

1. **Application.** A person desiring a tuition waiver under this chapter may apply to the authority for determination of eligibility. Application must be on forms and in a manner prescribed by rule of the authority. Rules adopted pursuant to this chapter are routine technical rules as defined in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A.

[1999, c. 216, §1 (NEW) .]

2. **Decision.** The authority shall determine whether an applicant is eligible and notify the applicant. The authority shall also notify the state postsecondary educational institution at which the person is accepted of the eligibility of that person for a tuition waiver. Unless notified by the authority of a change in the student's eligibility, the institution may not bill an eligible student for tuition during that school year.

[1999, c. 216, §1 (NEW) .]

3. **Limitation.** Tuition waivers to eligible persons are limited to 30 new students per year in each year at state postsecondary educational institutions as follows:

A. The first 25 tuition waivers must be available to eligible persons at the University of Maine System, the Maine Maritime Academy and the Maine Community College System; and [2003, c. 187, §1 (NEW).]

B. Of the 5 remaining tuition waivers, 3 must be available to eligible persons at the University of Maine System and 2 must be available to eligible persons at the Maine Community College System. [2003, c. 187, §1 (NEW).]

[2003, c. 187, §1 (AMD) .]

SECTION HISTORY
1999, c. 216, §1 (NEW). 1999, c. 774, §4 (AMD). 2003, c. 187, §1 (AMD).

Chapter 430: STUDENT EDUCATIONAL ENHANCEMENT DEPOSIT ACT

§12601. STUDENT EDUCATIONAL ENHANCEMENT DEPOSIT ACT

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1991, c. 603, §7 (RP).

§12602. DEFINITIONS

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §§46,47 (AMD). 1991, c. 603, §7 (RP).

§12603. STUDENT EDUCATIONAL ENHANCEMENT DEPOSIT PLAN

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §48 (AMD). 1991, c. 603, §7 (RP).

§12604. ADVANCE TUITION PAYMENT CONTRACT

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 443, §28 (AMD). 1989, c. 698, §49 (AMD). 1991, c. 603, §7 (RP).

§12605. CONTRACTS

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1991, c. 603, §7 (RP).

§12606. AUTHORIZED TERMINATION

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 443, §29 (AMD). 1991, c. 603, §7 (RP).

§12607. SETTLEMENT SUM

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 443, §30 (AMD). 1991, c. 603, §7 (RP).

§12608. DIRECT PAYMENT OF THE SETTLEMENT SUM

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 443, §31 (AMD). 1991, c. 603, §7 (RP).

§12609. ADVANCE TUITION PAYMENT FUND

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §§50,51 (AMD). 1991, c. 603, §7 (RP).

§12610. BOARD ESTABLISHED

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §52 (RP).

§12611. POWERS

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §§53-55 (AMD). 1991, c. 603, §7 (RP).

§12611-A. AMENDMENTS; ALTERNATIVE PLANS

(REPEALED)

SECTION HISTORY
1987, c. 881, (NEW). 1989, c. 698, §56 (AMD). 1991, c. 603, §7 (RP).

§12612. ANNUAL ACCOUNTING

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §57 (AMD). 1991, c. 603, §7 (RP).

§12613. ADMINISTERING AND ACCOUNTING OF PLAN

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §58 (AMD). 1991, c. 603, §7 (RP).

§12614. ENFORCEMENT OF ACT

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1991, c. 603, §7 (RP).

§12615. EXEMPT FROM TAXATION

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1991, c. 603, §7 (RP).

§12616. CONTRACT FOR SERVICES

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §59 (AMD). 1991, c. 603, §7 (RP).

§12617. ASSETS USED; INVESTING IN BONDS

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §60 (AMD). 1991, c. 603, §7 (RP).

§12618. NO GUARANTEE OF ADMITTANCE

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §60 (AMD). 1991, c. 603, §7 (RP).

§12619. EXEMPT FROM THE REVISED MAINE SECURITIES ACT

(REPEALED)

SECTION HISTORY
1987, c. 527, §2 (NEW). 1989, c. 698, §61 (AMD). 1991, c. 603, §7 (RP).

Chapter 430-A: MAINE CHOICE PROGRAM

§12651. MAINE CHOICE PROGRAM

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §62 (AMD). 1993, c. 252, §A2 (RP).

§12651-A. DEFINITIONS

(REPEALED)

SECTION HISTORY
1989, c. 698, §63 (NEW). 1993, c. 252, §A2 (RP).

§12652. MAINE CHOICE SCHOLARS

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §64 (AMD). 1993, c. 252, §A2 (RP).

§12653. ALLOCATION OF FUNDS

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §65 (AMD). 1993, c. 252, §A2 (RP).

§12654. ELIGIBILITY REQUIREMENTS

(REPEALED)

SECTION HISTORY

1989, c. 579, §2 (NEW). 1989, c. 698, §66 (AMD). 1993, c. 252, §A2 (RP).

§12655. PAYMENT PROVISIONS

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §67 (AMD). 1993, c. 252, §A2 (RP).

§12656. REPAYMENT PROVISIONS

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §68 (AMD). 1993, c. 252, §A2 (RP).

§12657. NONLAPSING REVOLVING FUND

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §69 (RPR). 1993, c. 252, §A2 (RP).

§12658. MAINE CHOICE ADVISORY BOARD

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §70 (AMD). 1989, c. 700, §A65 (AMD). 1991, c. 612, §18 (AMD). 1993, c. 252, §A2 (RP).

§12659. FUTURE APPROPRIATION

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §71 (AMD). 1993, c. 252, §A2 (RP).

§12660. RULES

(REPEALED)

SECTION HISTORY
1989, c. 579, §2 (NEW). 1989, c. 698, §72 (RP).

Chapter 430-B: FINANCIAL AID AND CAREER COUNSELING

§12671. PROGRAM ESTABLISHED

The Finance Authority of Maine shall administer an outreach program of post-secondary education information services as provided in this chapter. [1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF).]

1. **Duties.** The authority shall implement a program that:

A. Provides middle school and high school students, the parents of these students and adults seeking to acquire a post-secondary education with career and financial aid counseling; [1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF).]

B. Provides, to the extent of available resources, counseling services throughout the State in accessible locations to assist eligible participants; and [1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF).]

C. Provides to eligible participants information concerning career options, educational programs and post-secondary schools. [1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF).]

[1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF) .]

2. **Nonlapsing fund.** There is created under the jurisdiction of the authority a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the State. Loan repayments under this section or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority as determined appropriate by the authority.

[1989, c. 698, §73 (NEW); 1989, c. 698, §76 (AFF) .]

SECTION HISTORY
1989, c. 698, §73 (NEW).

Chapter 431: MAINE COMMUNITY COLLEGE SYSTEM

§12701. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 695, §11 (NEW).]

1. **Administrative council.** "Administrative council" means the administrative council of the system as established in section 12713.

[1985, c. 695, §11 (NEW) .]

2. **Board of trustees.** "Board of trustees" means the board of trustees of the system.

[1985, c. 695, §11 (NEW) .]

3. **President.** "President" means the president of a community college.

[1989, c. 443, §32 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

4. **President of the system.** "President of the system" means the President of the Maine Community College System.

[1989, c. 878, Pt. I, §1 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

5. **College.** "College" means a community college as established in section 12714.

[1989, c. 443, §32 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

6. **System.** "System" means the Maine Community College System.

[1989, c. 443, §32 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

7. **Maine Community College System Office.** "Maine Community College System Office" means the office of the president of the system, together with the offices of supporting staff, as established in section 12710.

[1989, c. 878, Pt. I, §2 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 532, §1 (AMD). 1989, c. 443, §§32,33 (AMD). 1989, c. 878, §§I1,2 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12702. SYSTEM ESTABLISHED

There is established the Maine Community College System which shall be a body corporate and politic and a public instrumentality of the State and the exercise of the powers conferred by this chapter shall be deemed and held to be the performance of essential governmental functions. The system shall consist of the board of trustees, the Community College Support Office and the community colleges. [1989, c. 443, §34 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §34 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12703. MISSION AND GOALS

The basic mission of the Maine Community College System is to provide associate degree, diploma and certificate programs directed at the educational, career and technical needs of the State's citizens and the workforce needs of the State's employers. [2011, c. 679, §23 (AMD).]

The primary goals of postsecondary career and technical education and the Maine Community College System are to create an educated, skilled and adaptable labor force that is responsive to the changing needs of the economy of the State and to promote local, regional and statewide economic development. [2011, c. 679, §23 (AMD).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §35 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2011, c. 679, §23 (AMD).

§12704. TASKS

The tasks of the system shall include, but not be limited to: [1985, c. 695, §11 (NEW).]

1. **Long-term and short-term training.** Providing, in close cooperation with the private sector, both the long-term education and training required for certain career and technical occupations, including occupational health and safety aspects of those occupations, and the short-term training necessary to meet specific private sector and economic development needs;

[2011, c. 679, §24 (AMD) .]

2. **Statewide and regional planning and coordination.** Coordinating, on a statewide and regional basis, the planning and operation of the post-secondary career and technical education programs offered by the institutes with the planning and operation of:

A. The college and university programs offered by the several other institutions of higher learning in the State; [1985, c. 695, §11 (NEW).]

B. The adult, continuing and community education programs overseen by the Department of Education, Division of Adult and Community Education, or its successor; [1989, c. 700, Pt. A, §66 (AMD).]

C. The secondary occupational and career and technical education programs overseen by the Department of Education, Division of Career and Technical Education, or its successor; [1991, c. 716, §§3, 6 (AMD); 2003, c. 545, §§3, 6 (REV).]

D. The employment and training programs funded under the federal Workforce Investment Act of 1998, Public Law 105-220, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and [2003, c. 114, §3 (AMD).]

E. The economic development programs overseen by the Department of Economic and Community Development, or its successor, and other economic development programs and agencies throughout the State; [1987, c. 534, Pt. B, §§11, 23 (AMD).]

[2003, c. 2, §69 (COR) .]

3. **Job skills and flexibility.** Providing each college student with the opportunity to obtain job skills and an understanding of how to adapt these skills to the requirements of an evolving technology and a changing economy;

[1989, c. 443, §36 (AMD) .]

4. **General and related education.** Offering each college student a general education designed to complement specific career and technical skills and offering courses and curricula designed to teach students to think clearly, logically and analytically and to comprehend the multiple dimensions and facets of public and private issues and problems;

[2011, c. 679, §25 (AMD) .]

5. **Adult training and retraining.** Providing supplementary education programs designed to upgrade the skills of persons already employed or retrain persons for new employment opportunities;

[1985, c. 695, §11 (NEW) .]

6. **Special training and education.** Provide, directly or through contractual or other arrangements, remedial and special training and education programs for disadvantaged and handicapped persons, designed to enable them to make maximum use of their aptitudes and abilities and achieve meaningful employment and economic self-sufficiency; and

[1985, c. 695, §11 (NEW) .]

7. **Temporary Assistance for Needy Families Program.** In cooperation with the Department of Health and Human Services, Division of Welfare Employment, provide, directly or through contractual or other arrangements, preparatory, educational and training programs for recipients of Temporary Assistance for Needy Families, designed to enable them to achieve meaningful employment and economic self-sufficiency.

[1985, c. 695, §11 (NEW); 1997, c. 530, Pt. A, §34 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 534, §§B11,B23 (AMD). 1989, c. 443, §36 (AMD). 1989, c. 700, §A66 (AMD). 1991, c. 615, §A1 (AMD). 1991, c. 716, §§3,6 (AMD). 1995, c. 560, §G5 (AMD). 1995, c. 560, §G29 (AFF). 1997, c. 530, §A34 (AMD). RR 2003, c. 2, §69 (COR). 2003, c. 114, §3 (AMD). 2003, c. 545, §§3,6 (REV). 2003, c. 689, §B6 (REV). 2011, c. 679, §§24, 25 (AMD).

§12705. BOARD OF TRUSTEES

The board of trustees is the policy-making authority of the system. [1991, c. 140, §1 (AMD).]

1. **Membership.** The board of trustees consists of 13 appointed voting members, one ex officio voting member and 1 ex officio, nonvoting member as follows:

A. [1991, c. 140, §2 (RP).]

B. [1991, c. 140, §2 (RP).]

C. Twelve from the field of business and industry, the field of labor, the field of education and the general public; [1993, c. 111, §1 (AMD).]

D. The Commissioner of Education, or the commissioner's successor, who serves as an ex officio voting member; [1995, c. 688, §11 (AMD).]

E. [2005, c. 425, §25 (RP).]

F. The Commissioner of Labor, or the commissioner's successor, who serves as an ex officio nonvoting member; and [1995, c. 688, §11 (AMD).]

G. One member who is from the student body of one of the community college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 6 eligible students from the student governments from 6 of the campuses within the Maine Community College System, the 7th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of

enrollment is the campus excluded when the next student trustee is appointed. [1995, c. 688, §11 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

[2005, c. 425, §25 (AMD) .]

2. **Appointment; terms.** Members of the board of trustees are appointed by the Governor to 4-year terms of office, subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature. In appointing members to the board, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. No classified or unclassified employee of the State or person who holds elected state office may serve on the board of trustees, with the exception of the ex officio members.

[1991, c. 140, §3 (AMD) .]

3. **Vacancies.** Vacancies on the board of trustees shall be filled for the unexpired term only. A member shall serve until a successor has been appointed and qualified.

[1985, c. 695, §11 (NEW) .]

4. **Compensation.** Members shall be compensated for their expenses according to Title 5, chapter 379.

[1985, c. 695, §11 (NEW) .]

5. **Chairman.** From among the appointed members, the board of trustees shall elect a chairman and a vice-chairman. The terms for the chairman and vice-chairman shall be established in the bylaws adopted by the board of trustees.

[1985, c. 695, §11 (NEW) .]

6. **Meetings.** The board of trustees shall meet at least 6 times each year and at the call of the chair or at the request of a majority of the members.

[1991, c. 376, §32 (AMD) .]

7. **Quorum.** A quorum consists of a majority of the voting members of the board of trustees. No action may be taken without the affirmative vote of a majority of the members present and voting.

[1995, c. 688, §12 (AMD) .]

8. **Secretary.** The president of the system shall serve as the secretary of the board of trustees.

[1989, c. 878, Pt. I, §3 (AMD) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 402, §A126 (AMD). 1987, c. 532, §2 (AMD). 1987, c. 534, §§B12,B23 (AMD). 1987, c. 693, (AMD). 1987, c. 769, §A63 (AMD). 1989, c. 502, §A62 (AMD). 1989, c. 700, §A67 (AMD). 1989, c. 878, §I3 (AMD). 1991, c. 20, §1 (AMD). 1991, c. 20, §2 (AFF). 1991, c. 140, §§1-3 (AMD). 1991, c. 376, §32 (AMD). 1993, c. 111, §1 (AMD). 1995, c. 688, §§11,12 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 425, §25 (AMD).

§12706. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

The powers and duties of the board of trustees shall include the following: [1985, c. 695, §11 (NEW).]

1. **Policies.** To develop and adopt policies for the operation of the system, the Maine Community College System Office and the colleges; establish the administrative council; and approve programs and policies recommended by the president of the system and the administrative council;

[1989, c. 878, Pt. I, §4 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **Administration.** To oversee the administration of the system;

[1985, c. 695, §11 (NEW) .]

3. **Bylaws and seal.** To develop and adopt bylaws for the regulation of its affairs and the conduct of its business and develop and adopt an official seal and alter it as necessary or convenient;

[1985, c. 695, §11 (NEW) .]

4. **Budget development.** To prepare and adopt a biennial, line-category, operating budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund the operations of the system. The budget is to be used in support of any requests to the Legislature for General Fund appropriations that the board of trustees may deem appropriate and necessary to supplement other resources available to the system and shall also serve as the foundation for an annual fiscal management plan for the system;

[1985, c. 695, §11 (NEW) .]

4-A. **Public improvements budgetary submission.** To prepare and adopt a biennial capital improvements budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund public improvements, as defined by Title 5, section 1741, for the system. In accordance with Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of General Services and must represent the capital improvement priorities within the system;

[2013, c. 368, Pt. R, §4 (AMD) .]

5. **Fiscal management.** To receive, expend, allocate and transfer funds within the system, as necessary to fulfill the purposes of this chapter, in accordance with the biennial, line-category, operating budget;

[1991, c. 376, §34 (AMD) .]

6. **Loans and grants.** To receive and accept, from any source, loans, aid or contributions of money, property, labor or other things of value to be held, used or applied to carry out the purposes of this chapter, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, loans, grants or gifts from any federal agency or governmental subdivision or the State and its agencies;

[1985, c. 695, §11 (NEW) .]

7. **Fees and charges.** To establish and collect room and board fees and tuition and to set policies relating to other charges, including fees for the reasonable use of the colleges' facilities by others, as determined necessary by the board of trustees for the efficient administration of this chapter, to be credited to a separate fund and used for the purposes of this chapter;

[1991, c. 376, §35 (AMD) .]

8. **Investments.** Except as otherwise provided in this chapter, to invest any funds not needed for immediate use, including any funds held in reserve, in property and securities in which fiduciaries in the State may legally invest funds;

[1985, c. 695, §11 (NEW) .]

9. **Contracts and agreements.** To enter into any contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter;

[1985, c. 695, §11 (NEW) .]

10. **Legal affairs.** To sue and be sued in its own name. Services of process in any action shall be made by service upon the president of the system, either in hand or by leaving a copy of the process at the Maine Community College System Office;

[1989, c. 878, Pt. I, §5 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

11. **Personnel policies.** To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of trustees shall appoint the president of the system and the presidents of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system, except that the same protections for personnel records provided in Title 5, section 7070 to state employees apply to the personnel records of system employees;

[2007, c. 67, §2 (AMD) .]

12. **Purchasing.** To acquire consumable supplies, materials and incidental services, through cash purchase, sole-source purchase orders, bids or contract, as necessary or convenient to fulfill the purposes of this chapter;

[1985, c. 695, §11 (NEW) .]

13. **Property management.** To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities, and license dormitory rooms for occupancy by students. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;

[2007, c. 67, §3 (AMD) .]

14. **Facilities management; construction and renovation.** To authorize the construction, maintenance, renovation, reconstruction or other necessary improvements of buildings, structures and facilities;

[1985, c. 695, §11 (NEW) .]

15. **Courses of study and degrees.** To offer courses of study, grant diplomas and certificates on completion of courses of study, confer associate degrees based on 2 years of instruction and establish qualifications for admission; to offer short-term and on-site training, to meet the needs of the private and public sectors and economic development and employment training programs; and to offer adult education and continuing educational opportunities to meet the needs of nontraditional students and of adults who need training or retraining in response to changes in technology or the needs of the economy;

[1985, c. 695, §11 (NEW) .]

16. **Employment training coordination.**

[1991, c. 376, §37 (RP) .]

17. **Apprenticeship education.**

[1997, c. 522, §1 (RP) .]

18. **Delegation; other powers.** To delegate duties and responsibilities as necessary for the efficient operation of this chapter and to do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter;

[2001, c. 590, §1 (AMD) .]

19. **Advisory committees.** To appoint or identify advisory committees to advise the board of trustees with respect to career and technical education and training policies and programs, to procedures for modifying the programs of the colleges to meet the needs of the State's economy and the changing job market and to the efficient operation of the colleges and the Maine Community College System Office. These committees may include, but need not be limited to, the Maine Council on Vocational Education, authorized under the United States Carl D. Perkins Vocational Education Act, Section 112, Public Law 98-524, or its successor; and

[2001, c. 590, §2 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF); 2005, c. 397, Pt. D, §3 (REV) .]

20. **Debt.** To borrow funds, issue bonds and negotiate notes and other evidences of indebtedness or obligations of the system for renovation, public improvements, land acquisition and construction purposes to pay for costs as defined in Title 22, section 2053, subsection 3. The board of trustees may issue temporary notes and renewal notes to pay for those costs. Bonds, notes or other evidences of indebtedness or obligations of the system are legal obligations of the system on behalf of the State and are payable solely from the system's revenues and other sources of funds, including funds obtained pursuant to Title 22, section 2053, subsection 4-B, paragraph A. These borrowings by the system do not constitute debts or liabilities of, and are not includable in, any debt obligation of the State. The board of trustees has the discretion to fix the date, maturities, denomination, interest rate, place of payment, form and other details of the bonds or notes of the system. Unless otherwise provided in the vote authorizing their issuance, bonds or notes of the system must be signed by the president of the system and countersigned by the chair of the board of trustees. The aggregate principal amount of outstanding bonds, notes or other evidences of indebtedness of the system may not exceed $35,000,000 at any one time, excluding temporary notes and renewal notes. The bonds may be issued through the Maine Health and Higher Education Facilities Authority. The board of trustees may pledge or assign its revenues, including any funds that have been or may be appropriated to the system, and the proceeds of those revenues and its other property as security toward its bonds, notes, other evidences of indebtedness or other obligations of the system. The proceeds of bonds, notes or other evidences

of indebtedness may be invested in accordance with subsection 8. Bonds, notes and other evidences of indebtedness issued under this subsection are not debts of the State, nor a pledge of the credit of the State, but are payable solely from the funds of the system. Indebtedness incurred and evidences of indebtedness issued under this chapter constitute a proper public purpose, and all income derived is exempt from taxation in the State. The net earnings of the system may not inure to the benefit of any private person, and no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated.

[2001, c. 590, §3 (NEW) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 402, §A127 (AMD). 1987, c. 532, §3 (AMD). 1989, c. 443, §§37-39 (AMD). 1989, c. 761, (AMD). 1989, c. 878, §§I4-6 (AMD). 1991, c. 246, §10 (AMD). 1991, c. 376, §§33-37 (AMD). 1995, c. 96, §1 (AMD). 1997, c. 522, §1 (AMD). 2001, c. 590, §§1-3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 397, §D3 (REV). 2007, c. 67, §§2, 3 (AMD). 2011, c. 691, Pt. B, §20 (AMD). 2013, c. 368, Pt. R, §4 (AMD).

§12707. OCCUPATIONAL INFORMATION

(REPEALED)

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §40 (AMD). 1991, c. 716, §7 (AMD). 1997, c. 410, §4 (RP).

§12708. PRESIDENT OF THE COMMUNITY COLLEGE SYSTEM

The board of trustees shall appoint the president of the system who must be qualified by education and experience and shall serve at the pleasure of the board of trustees. [1989, c. 878, Pt. I, §7 (AMD).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 878, §I7 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12709. POWERS AND DUTIES OF THE PRESIDENT OF THE COMMUNITY COLLEGE SYSTEM

The president of the system shall implement the policies of the board of trustees and be responsible for the operation of the system. The powers and duties of the president of the system include: [1989, c. 878, Pt. I, §8 (AMD).]

1. **Leadership.** To develop policies, goals and objectives with respect to the operation of the colleges, to be reviewed and, when necessary, approved by the board of trustees. The president of the system shall meet regularly with the administrative council to develop these policies and goals;

[1991, c. 376, §38 (AMD) .]

2. **Maine Community College System Office staff appointment.** Under procedures and standards developed by the board of trustees, to appoint the staff of the Maine Community College System Office, including professional and nonprofessional personnel and including, but not limited to, private legal counsel and financial experts;

[1989, c. 443, §42 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

3. **Nomination of presidents.** To nominate the presidents for appointment by the board of trustees;

[1989, c. 443, §43 (AMD) .]

4. **Staff oversight.** To oversee the staff of the Maine Community College System Office and the presidents of the colleges;

[1989, c. 443, §44 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

5. **Personnel evaluation.** Under policies and standards developed by the board of trustees, to evaluate the performance of the Maine Community College System Office staff and of the presidents of the colleges and to make personnel recommendations to the board of trustees;

[1989, c. 443, §44 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

6. **Perkins allocations.** As the representative of the board of trustees, to meet and confer with representatives of the State Board of Education regarding the distribution or allocation of federal money for career and technical education in the State under the United States Carl D. Perkins Vocational Education Act, Public Law 98-524, or its successor, and report the results to the board of trustees;

[1985, c. 695, §11 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

7. **Budget preparation.** To assist the board of trustees in the preparation of the biennial operating budget for the system, as provided in section 12706, subsection 4;

[1985, c. 695, §11 (NEW) .]

8. **Accounting system and procedures.** To provide for an accounting system and procedures that reflect and identify all appropriations, allocations, income and revenues and all expenditures of each college and the Maine Community College System Office;

[1989, c. 878, Pt. I, §8 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

9. **Long-range planning and research.** In cooperation with the administrative council, to undertake long-range planning and research, including planning for construction, renovation and reconstruction projects and report findings and recommendations to the board of trustees;

[1985, c. 695, §11 (NEW) .]

10. **Intercampus cooperation and coordination.** To promote cooperation among the community colleges and prepare plans for approval by the board of trustees with respect to the coordination of programs, activities and personnel;

[1989, c. 443, §45 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

11. **Interagency cooperation and communication.** To promote cooperation and communication with the Department of Education and the Bureau of Employment Services, or their successors, with the University of Maine System and with other public and private educational and training institutions;

[1995, c. 560, Pt. G, §6 (AMD); 1995, c. 560, Pt. G, §29 (AFF) .]

11-A. **Memorandum of understanding with career and technical education system.** To enter into a memorandum of understanding with the Department of Education that establishes a process by which the Maine Community College System will review programs of the career and technical education centers and career and technical education regions established in chapter 313 that are using national industry or state certification standards to determine the nature and amount of college credit that must be awarded upon successful completion of an approved secondary school program. College credits must be awarded upon completion of a program directly to the student regardless of whether the student has matriculated in the college awarding the credit. The awarding of college credits to a secondary career and technical education student does not entitle the student to acceptance into the community college awarding the credits.

[2011, c. 686, §5 (NEW) .]

12. **Coordination with the public sector.** To work closely with other state and local agencies that have an impact upon career and technical education, to promote consistent and coordinated policies, procedures and programs;

[1985, c. 695, §11 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

13. **Coordination with the private sector.** To work closely with the private sector in order to ensure that the colleges respond expeditiously to the needs of the private sector and the State's economy, particularly with respect to changing technology, industries and job training needs;

[1989, c. 443, §45 (AMD) .]

14. **Delegated duties.** To undertake other duties as delegated by the board of trustees;

[1985, c. 695, §11 (NEW) .]

15. **Delegate responsibility.** To delegate duties and responsibilities as necessary to administer this chapter; and

[1985, c. 695, §11 (NEW) .]

16. **Fulfillment of mission and goals.** To implement the mission and goals set forth in section 12703.

[1987, c. 695, §11 (NEW) .]

SECTION HISTORY

1985, c. 695, §11 (NEW). 1987, c. 402, §A128 (AMD). 1987, c. 532, §4 (AMD). 1989, c. 443, §§41-45 (AMD). 1989, c. 700, §A68 (AMD). 1989, c. 878, §I8 (AMD). 1991, c. 376, §38 (AMD). 1995, c. 560, §G6 (AMD). 1995, c. 560, §G29 (AFF). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 397, §D3 (REV). 2011, c. 686, §5 (AMD).

§12710. MAINE COMMUNITY COLLEGE SYSTEM OFFICE

The Maine Community College System Office shall implement the policies of the board of trustees and shall provide staff and technical assistance to each college and state-level coordination and leadership to the system. [1989, c. 443, §46 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 532, §5 (AMD). 1989, c. 443, §46 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12711. PRESIDENTS OF THE COLLEGES

The president of the system shall nominate the presidents for appointment by the board of trustees. The presidents must be qualified by education and experience and shall serve at the pleasure of the board of trustees. [1989, c. 443, §47 (AMD); 1989, c. 878, Pt. I, §9 (AMD).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §47 (AMD). 1989, c. 878, §I9 (AMD).

§12712. POWERS AND DUTIES OF THE PRESIDENTS OF THE COLLEGES

The presidents shall implement the policies of the board of trustees and be responsible for the day-to-day operation of the colleges. The powers and duties of the presidents shall include the following. [1989, c. 443, §48 (AMD).]

1. **Administration of the colleges.** The presidents are responsible for the administration of the colleges. The presidents shall cooperate to provide career and technical education and training that best meets the needs of students, the private sector and the changing economy of the State. The presidents shall administer the colleges in a manner consistent with the mission and goals set forth in section 12703.

[2003, c. 2, §70 (COR) .]

2. **College staff appointment.** Under procedures and standards developed by the board of trustees, the presidents shall appoint vice-presidents, deans, directors of finance and the faculty and staff of the colleges, including professional and nonprofessional personnel.

[1991, c. 376, §39 (AMD) .]

3. **Nomination of vice-presidents.**

[1991, c. 376, §40 (RP) .]

4. **Staff oversight.** The presidents shall oversee the administrators, faculty and staff of the colleges.

[1989, c. 443, §48 (AMD) .]

5. **Personnel evaluation.** Under policies and standards developed by the board of trustees, the presidents shall evaluate the performance of the administrators, faculty and staff of the colleges and make personnel recommendations to the president of the system and the board of trustees.

[1989, c. 443, §48 (AMD); 1989, c. 878, Pt. I, §10 (AMD) .]

6. **Assist in preparation of the budget.** The presidents shall assist the board of trustees and the president of the system in the preparation of the budget for the system. Each president shall prepare a proposed line-item budget for the college that each president represents. A copy of the proposed budget of each college must be provided to the board of trustees and the president of the system for their examination. Nothing in this subsection may be construed to mean that the presidents have approval authority for the budgets of the colleges.

[1989, c. 443, §48 (AMD); 1989, c. 878, Pt. I, §10 (AMD) .]

7. **Appointment of police officers.** The presidents may appoint persons to act as police officers who, while within the limits of the property owned by or under control of the colleges, possess all the powers of police officers in criminal cases.

A. Each president may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the college. These rules may include special provisions for employees of the system and college students. A president's rule has the same force and effect as a municipal ordinance. District courts may impose governing penalties and fines, and a college may impose appropriate discipline, for each violation of these rules. [2007, c. 67, §4 (AMD).]

B. Each president may adopt the provisions of Title 30-A, section 3009, subsection 1, paragraph C, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees. [1991, c. 376, §41 (AMD).]

[2007, c. 67, §4 (AMD) .]

8. **Advisory committees.** Each president shall appoint advisory committees to advise on the development and operation of the educational programs at the colleges.

[1989, c. 443, §48 (AMD) .]

9. **Delegated duties.** Each president shall undertake other duties as delegated by the board of trustees and the president of the system.

[1989, c. 443, §48 (AMD); 1989, c. 878, Pt. I, §10 (AMD) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1987, c. 737, §§C56,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1989, c. 443, §48 (AMD). 1989, c. 878, §I10 (AMD). 1991, c. 376, §§39-41 (AMD). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §70 (COR). 2007, c. 67, §4 (AMD).

§12713. ADMINISTRATIVE COUNCIL

The administrative council shall be a nonvoting, advisory council composed of the presidents of the colleges to advise the board of trustees and the president of the system. The administrative council shall advise the president of the system in the performance of the duties assigned under this chapter and shall make recommendations to the president of the system and the board of trustees with respect to the administration of the colleges, courses of study, educational programs, curricula, coordination of programs between the

colleges, coordination with other institutions of higher learning and other educational and training institutions and other matters as requested by the president of the system or the board of trustees. [1989, c. 443, §49 (AMD); 1989, c. 878, Pt. I, §11 (AMD).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §49 (AMD). 1989, c. 878, §I11 (AMD).

§12714. NAME AND PROGRAM OF THE COMMUNITY COLLEGES

The program of the community colleges shall be designed to educate, train and prepare high school graduates, or the equivalent, for possible employment as technicians or technologists, including health technicians and technologists, engineering assistants, business and office administrators or workers, mechanics or repairers, craft workers, construction workers or precision production workers or other skilled workers, in accordance with the mission and goals set forth in section 12703. Unless and until the board of trustees deems it necessary to adopt other nomenclature to fulfill the purposes of this chapter, the names of the colleges shall be: [1989, c. 443, §50 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

1. **Central Maine.** Central Maine Community College;

[1989, c. 443, §50 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **Eastern Maine.** Eastern Maine Community College;

[1989, c. 443, §50 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

3. **Kennebec Valley.** Kennebec Valley Community College;

[1989, c. 443, §50 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

4. **Northern Maine.** Northern Maine Community College;

[1989, c. 443, §50 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

5. **Southern Maine.** Southern Maine Community College;

[1993, c. 707, Pt. O, §1 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

6. **Washington County.** Washington County Community College; and

[1993, c. 707, Pt. O, §1 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

7. **York County.** York County Community College.

[1993, c. 707, Pt. O, §2 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY

1985, c. 695, §11 (NEW). 1989, c. 443, §50 (AMD). 1993, c. 707, §§01,2 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF).

§12715. ACCREDITATION

The colleges may seek and maintain membership in the appropriate regional accrediting association and shall strive to satisfy the requirements necessary to achieve and maintain accreditation as community colleges and to meet the requirements necessary to receive federal aid. Whenever feasible and appropriate, programs of study offered by the colleges shall meet the requirements of the corresponding occupations for licensing, certification or registration. As provided in Title 32, college graduates with appropriate training and experience shall be eligible for licensure as journeyman workers in certain specified occupations upon passage of the journeyman's examination. [1989, c. 443, §51 (AMD); 2003, c. 20, Pt. 00, §2 (AMD); 2003, c. 20, Pt. 00, §4 (AFF).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §51 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF).

§12716. FINANCIAL AID

1. **State scholarships.** The board of trustees shall develop and administer a program of scholarships for college students. Awards shall be based on evidence of individual need and worth.

Students selected to receive a scholarship shall fulfill the following qualifications:

A. Show evidence of the qualifications necessary to complete a course of study successfully and to become a competent technical or craft worker in an industrial, administrative or trade pursuit; [1985, c. 695, §11 (NEW).]

B. Show demonstrated ability and willingness to support the expenses of education and training; and [1985, c. 695, §11 (NEW).]

C. Show demonstrated need of financial assistance to help pay the cost of college attendance. [1989, c. 443, §52 (AMD).]

[1989, c. 443, §52 (AMD) .]

2. **National Guard Scholarship Program.** Members of the Maine National Guard with over 10 years of continuous service may be awarded scholarships on the basis of their guard membership, not to exceed 3 credit hours or the equivalent each semester. The guard shall select those who are to receive scholarships from among those members eligible for admission to a college. The program shall be administered by the board of trustees.

[1989, c. 443, §52 (AMD) .]

3. **Loan fund revolving accounts.** In compliance with federal regulations, the board of trustees may establish and administer loan fund revolving accounts to provide effective and efficient student loan programs for the colleges. The board of trustees shall adopt rules governing the giving of loans to college students in need of financial aid, repayment plans and other aspects of the loan programs. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

[1989, c. 443, §52 (AMD) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §52 (AMD).

§12717. INSTRUCTIONAL PROJECTS REVOLVING FUND

The board of trustees shall establish and administer an Instructional Projects Revolving Fund to aid instruction at the colleges. The fund shall be used to pay necessary costs of projects which are carried out as part of the instructional program. No project may be undertaken unless the fund contains enough money to cover its proposed budget. All money generated through the operation of any project shall be placed into the fund for use in other instructional projects. [1989, c. 443, §53 (AMD).]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §53 (AMD).

§12718. ANNUAL REPORT BY TRUSTEES

The board of trustees shall prepare an annual report by January 1st of each year, to be submitted to the Governor and joint standing committees of the Legislature having jurisdiction over education and over appropriations and financial affairs. This report must include: [1991, c. 376, §42 (AMD).]

1. **Budget expenditures.** Budget expenditures for the last complete fiscal year and projected expenditures for the fiscal year in which the report is submitted;

[1985, c. 695, §11 (NEW) .]

2. **Current enrollments.** Current enrollments by program at each college;

[1989, c. 443, §54 (AMD) .]

3. **Description of new courses or curricula.** A description of any new college courses or curricula;

[1989, c. 443, §54 (AMD) .]

4. **Description of activities.** A description of activities undertaken to coordinate postsecondary career and technical training and education throughout the State with secondary career and technical education, adult career and technical education, employment training programs, other employment-related training and other institutions of higher learning;

[1991, c. 376, §42 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

5. **Analysis.**

[1991, c. 376, §42 (RP) .]

6. **List.** A list of needs, in order of priority, of the colleges; and

[1989, c. 443, §54 (AMD) .]

7. **Other information.** Any other information deemed significant by the board of trustees.

[1985, c. 695, §11 (NEW) .]

SECTION HISTORY
1985, c. 695, §11 (NEW). 1989, c. 443, §54 (AMD). 1991, c. 376, §42 (AMD). 2005, c. 397, §D3 (REV).

§12719. DRIVER EDUCATION

(REPEALED)

SECTION HISTORY
1989, c. 179, §3 (NEW). 1991, c. 376, §43 (RP).

§12720. REPORT BY SYSTEM PRESIDENT

The President of the Senate and the Speaker of the House of Representatives may invite the system president to appear in January of each year before a joint session of the Legislature to address the Legislature on the status of the system and such other matters as the system president desires to bring to the attention of the Legislature. [1991, c. 376, §44 (NEW).]

SECTION HISTORY
1991, c. 376, §44 (NEW).

§12721. DISTRIBUTION OF STRATEGIC PLANS

Upon the development of any system-wide strategic planning document that has been approved by the board of trustees, the system shall distribute copies of that plan to each member of the Legislature. [1991, c. 376, §44 (NEW).]

SECTION HISTORY
1991, c. 376, §44 (NEW).

§12722. DEFINED CONTRIBUTION RETIREMENT PLAN

1. **Eligibility; plan contents.** Subject to applicable bargaining agreements, the board of trustees may authorize persons employed in the faculty and instructors and the administrative staff bargaining units to participate in a defined contribution retirement plan offered by the board of trustees instead of any plan offered by the Maine Public Employees Retirement System. The defined contribution retirement plan must include the requirement that any disbursement of the accumulated assets in a person's defined contribution plan account or accounts must include pay out of at least 40% of the assets as a life annuity. The defined contributions retirement plan must also offer an option providing a life annuity pay out to a surviving spouse.

[1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV) .]

2. **Election periods.** An eligible person is considered to be a participant in the defined contribution plan offered by the board of trustees unless that person makes a one-time irrevocable election to participate in the Maine Public Employees Retirement System. The election must be made in writing no later than 30 days after the date of hire in an eligible position, and notice of the election must be filed with the administrative officer of the employing institution. The employing institution shall notify the Maine Public Employees Retirement System of the election in accordance with procedures established by the Executive Director of the Maine Public Employees Retirement System. Participation in the Maine Public Employees Retirement System pursuant to an election under this subsection is effective as of the date of hire, and the system shall remit all required contributions to the Maine Public Employees Retirement System retroactively to the date of hire.

A. [2009, c. 474, §45 (RP).]

B. [2009, c. 474, §45 (RP).]

[2009, c. 474, §45 (RPR) .]

3. **Maine Public Employees Retirement System members.**

[2009, c. 474, §46 (RP) .]

4. **No service credit for defined contribution plan participation.** At no time may an employee who participates in the defined contribution plan offered by the board of trustees pay contributions or pick-up contributions to the Maine Public Employees Retirement System or receive Maine Public Employees Retirement System service credit for any time during which the employee participated in the defined contribution plan.

[1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV) .]

5. **Retiree health benefits.** For purposes of Title 5, section 285, subsection 7, participants in the defined contribution plan offered by the board of trustees must be treated as persons who were previously eligible pursuant to Title 5, section 285, subsection 1, paragraph A if those persons have terminated employment with the system, its colleges and subsidiaries, if that employment represents the last place of employment in which those persons are eligible for health insurance coverage under Title 5, section 285 and if those persons are at least 60 years of age, except for termination due to disability when those persons are receiving disability benefits under a disability benefit program provided by the board of trustees under subsection 6. The board of trustees is responsible for payment of the State's share of health plan premiums under Title 5, section 285, subsection 7 for defined contribution plan participants if the requirements of this subsection are met.

[1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF) .]

6. **Disability benefits.** For employees covered under the defined contribution plan, the board of trustees shall provide a disability benefit program, the cost of which must be paid by the board of trustees. At a minimum, that program must establish eligibility criteria, provide coverage for physical and mental disabilities and provide a level of benefits at least equal to 60% of the employee's annual compensation.

[1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF) .]

7. **Administration.** The board of trustees and the Maine Public Employees Retirement System shall administer this section as follows.

A. The board of trustees is responsible for providing an employee with information as to membership under the Maine Public Employees Retirement System and as to coverage under the defined contribution plan offered by the board of trustees to assist the employee in making an election decision. The Maine Public Employees Retirement System shall provide the board of trustees with information as to membership in the Maine Public Employees Retirement System. [1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV).]

B. The board of trustees is responsible for determining eligibility and providing procedures for making an election under this section, for maintaining all records relevant to the election process and an individual employee's election, for informing the Maine Public Employees Retirement System as to employee elections in accordance with procedures established by the Executive Director of the Maine Public Employees Retirement System and for making all administrative decisions, including the final administrative decision, in any dispute related to an employee's election or to any issue as to the plan offered by the board of trustees. Neither the Maine Public Employees Retirement System nor the Board of Trustees of the Maine Public Employees Retirement System has responsibility or jurisdiction to make the final administrative decision with respect to any of these matters. The Maine Public Employees Retirement System is responsible only to ensure that its records accurately reflect the information provided by the board of trustees, the board of trustees' decision as to any of these matters and the legally recognized outcome of any dispute related to any of these matters. [1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV).]

C. With respect to matters related to participation and membership in the Maine Public Employees Retirement System other than those specified in paragraph B, the Maine Public Employees Retirement System and the Board of Trustees of the Maine Public Employees Retirement System retain responsibility and authority according to applicable retirement system law and rules as to the system

and its employees to whom this section applies, including the authority to make final administrative decisions. [1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV).]

[1997, c. 763, §4 (NEW); 1997, c. 763, §7 (AFF); 2007, c. 58, §3 (REV) .]

8. **Participation in Maine Public Employees Retirement System.**

[2009, c. 474, §47 (RP) .]

SECTION HISTORY
1997, c. 763, §4 (NEW). 1997, c. 763, §7 (AFF). 1999, c. 614, §1 (AMD). 2001, c. 442, §4 (AMD). 2001, c. 545, §1 (AMD). 2001, c. 710, §7 (AMD). 2001, c. 710, §8 (AFF). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2007, c. 58, §3 (REV). 2007, c. 137, §25 (AMD). 2009, c. 236, §3 (AMD). 2009, c. 474, §§45-47 (AMD).

Chapter 431-A: MAINE QUALITY CENTERS

§12725. ESTABLISHMENT

There are established, under the Maine Community College System, the Maine Quality Centers, in this chapter referred to as the "centers." The mission of the centers is to meet the workforce education and training needs of new and expanding businesses in the State and provide new employment and career advancement opportunities for Maine people. The centers shall fulfill their mission by working in close coordination with state and regional economic development agencies. [1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
1993, c. 707, §CC1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12726. PURPOSE

The primary purposes of the Maine Quality Centers are as follows: [1993, c. 707, Pt. CC, §1 (NEW).]

1. **Job creation.** To encourage and facilitate the creation of new jobs in the State by offering customized education and training programs at the community colleges free of charge to businesses that are seeking to create new jobs in the State. The eligibility criteria for free customized education and training programs and other policies and terms governing the centers are established by the Maine Community College System Board of Trustees;

[1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **Workforce preparation.** To offer education and training opportunities for unemployed Maine people to allow them to prepare for future jobs in new or expanding businesses in the State, and for underemployed Maine people seeking to upgrade their education, skills and credentials in order to facilitate career advancement and enhance job security; and

[1993, c. 707, Pt. CC, §1 (NEW) .]

3. **Partnerships.** To establish and maintain long-term partnerships with prospective and established businesses with the goal of creating and maintaining a skilled, adaptable and competitive workforce.

[1993, c. 707, Pt. CC, §1 (NEW) .]

SECTION HISTORY
1993, c. 707, §CC1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12727. MAINE QUALITY CENTERS

1. **State and regional delivery.** The centers are located at the Maine Community College System Office and the community colleges. Staff of the centers shall work in close coordination with the Department of Economic and Community Development, the Office of the Governor and other state and local education and economic development agencies.

[1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **Recruitment and screening.** Recruitment of trainees and preliminary screening and testing for programs developed through the centers must be conducted by the community colleges in conjunction with the Bureau of Employment Services, state job training providers, human service offices and other referring agencies.

[1995, c. 560, Pt. G, §7 (AMD); 1995, c. 560, Pt. G, §29 (AFF); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

3. **Eligibility for enrollment.** To be considered eligible for programs developed under this chapter, applicants must meet community college and program admissions standards. Students who have enrolled in such programs must maintain satisfactory academic performance and meet all requirements in order to continue enrollment in the program.

[1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

4. **Cost to trainees.** Education and training programs developed through the centers must be offered to trainees free of charge.

[1993, c. 707, Pt. CC, §1 (NEW) .]

5. **Certification of competencies.** Upon completion of a program, trainees are issued certification from the community college providing the training that delineates the education or skill competencies obtained through the program.

[1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

6. **Training guarantee.** If the employer of the trainee finds that the trainee fails to meet any of the competencies listed on the certification, the community college providing the training must retrain the employee at no cost to the employer or trainee.

[1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

7. **Placement of trainees.** Placement of trainees in jobs with the employer for which a program has been provided is not guaranteed. Final determination of hire rests with the employer.

[1993, c. 707, Pt. CC, §1 (NEW) .]

SECTION HISTORY
1993, c. 707, §CC1 (NEW). 1995, c. 560, §G7 (AMD). 1995, c. 560, §G29 (AFF). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12728. COORDINATION WITH EDUCATION PROVIDERS

If an education or training requirement can not be delivered directly by a community college, staff of the centers shall work with other education and training providers to develop and deliver the program. [1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
1993, c. 707, §CC1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12729. REPORT

The President of the Maine Community College System shall provide to the joint standing committee of the Legislature having jurisdiction over economic development matters an annual report that must include the following for each business assisted under this chapter: the name and location of the business; the number of employees trained or retrained; the dollar amount expended; and, where applicable, the number of new jobs created. [1993, c. 707, Pt. CC, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY
1993, c. 707, §CC1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12730. PUT ME TO WORK PROGRAM

1. **Establishment; purpose.** The Put ME to Work Program, referred to in this section as "the program," is established within the centers. The program must facilitate the establishment of job training programs at community colleges in this State by working with private businesses and community colleges.

[2015, c. 267, Pt. AAAA, §1 (NEW) .]

2. **Job training programs; criteria.** The job training programs in the program must provide training to prepare workers for jobs in high-demand fields. The centers shall work with private businesses and trade associations to determine the demand for jobs and the skills needed for those jobs in those industries and with community colleges to determine the ability of those institutions to provide the appropriate education and training, including teaching faculty and any necessary infrastructure. A qualified job training program must meet the following criteria:

A. Support of at least 50% of the start-up costs for the job training program must be provided by a business or group of businesses or an industry partnership that chooses to participate in a job training program. The support may be provided through funds or through an in-kind contribution, such as equipment or teaching faculty; [2015, c. 267, Pt. AAAA, §1 (NEW).]

B. The job training program must provide education or training for employment in a trade or industry with a significant demand for skilled labor either statewide or in a region that has been identified by the Center for Workforce Research and Information within the Department of Labor as providing

employment for high-compensation jobs or in an industry in which technology or work practices have significantly changed to require training to assist new workers to acquire needed skills or incumbent workers to remain current and competitive; [2015, c. 267, Pt. AAAA, §1 (NEW).]

C. A person who successfully completes the job training program must be awarded a certificate, degree or similar credential that is universally recognized by the trade or industry that meets the requirements of paragraph B in which the person intends to seek employment; and [2015, c. 267, Pt. AAAA, §1 (NEW).]

D. In order to participate, a business must agree to hire a person who successfully completes the job training program at a post-training wage that is at least $2.50 per hour more than the minimum hourly wage rate established in state law and to provide successful incumbent worker trainees with an increase in the hourly wage to meet or exceed the median wage for that occupation in the State as identified by the Center for Workforce Research and Information within the Department of Labor. [2015, c. 267, Pt. AAAA, §1 (NEW).]

[2015, c. 267, Pt. AAAA, §1 (NEW) .]

3. **Financial aid; funding.** The centers shall make available needs-based scholarships, grants and other financial aid to persons participating in a qualified job training program. If the job training program includes academic credit, the program may coordinate with the financial aid office of the sponsoring postsecondary education institution to deliver an award to an individual student; the award must be used to assist with all or partial unmet expenses for tuition, fees or books after any existing financial aid resources are used. The centers may accept funding from private businesses and other interests for this purpose.

[2015, c. 267, Pt. AAAA, §1 (NEW) .]

4. **Rules.** The Board of Trustees of the Maine Community College System shall amend or adopt as necessary the centers' operational policies and procedures in order to implement the provisions of this section. In selecting awardees for the program, the board of trustees shall consider:

A. Whether the business or industry partnership provides fringe benefits and what those fringe benefits are; [2015, c. 267, Pt. AAAA, §1 (NEW).]

B. Economic impacts to the local or regional economy; [2015, c. 267, Pt. AAAA, §1 (NEW).]

C. The ability of the business or industry partnership to leverage other resources both in the short term and the long term; [2015, c. 267, Pt. AAAA, §1 (NEW).]

D. The record of the business or industry partnership in training individuals who have historically faced barriers to employment and individuals who are unemployed or underemployed; [2015, c. 267, Pt. AAAA, §1 (NEW).]

E. Occupational outcomes of individuals who have been trained by the business or industry partnership; and [2015, c. 267, Pt. AAAA, §1 (NEW).]

F. Factors determined appropriate by the board of trustees. [2015, c. 267, Pt. AAAA, §1 (NEW).]

Recruitment of prospective trainees and preliminary screening and testing for funded partnerships must be done in conjunction with the Department of Labor's career centers, as well as with state job training providers, industry partners and other referring organizations as appropriate and consistent with the program.

To be considered eligible for training under this program, applicants must meet the specific training program's related academic and admissions standards. Individuals that do not meet threshold academic standards may be referred to available community remediation services. Individuals enrolled in the program must maintain satisfactory academic performance and meet all requirements in order to continue enrollment in the program.

[2015, c. 267, Pt. AAAA, §1 (NEW) .]

SECTION HISTORY
2015, c. 267, Pt. AAAA, §1 (NEW).

Chapter 432: MAINE CAREER ADVANTAGE

§12731. ADMINISTRATION AND PURPOSE

The Maine Community College System in cooperation with the Department of Education is authorized to provide comprehensive administrative and financial services to the Maine Career Advantage program, to assist high school students in making a successful transition from secondary school to college and careers through a combination of scholarships, college transition assistance, career exploration and planning services and internships. The purpose of the Maine Career Advantage program, referred to in this chapter as "the program," is to assist the Maine Community College System, public secondary schools and other publicly supported educational institutions in the State by providing additional resources and support for students who have not traditionally gone on to higher education and who may need assistance in developing educational and career goals and in pursuing those goals. [2005, c. 178, §2 (AMD).]

The Maine Community College System is authorized to receive and administer on behalf of the program any grants, fees, charges, appropriations and other funds from whatever source. The program shall retain its name unless and until the Board of Trustees of the Maine Community College System authorizes a change in the program name. [2005, c. 178, §2 (AMD).]

SECTION HISTORY
1993, c. 392, §2 (NEW). 1995, c. 515, §2 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 178, §2 (AMD).

§12732. GOALS

The goals of the program as delineated by its articles of incorporation and bylaws are: [1993, c. 392, §2 (NEW).]

1. **Education and training.** To provide higher education and training opportunities for youth in this State to become highly skilled and productive members of the work force;

[2005, c. 178, §3 (AMD) .]

2. **Skilled work force.** To provide a skilled and educated work force for businesses in the State to increase their competitiveness in the global economy; and

[1993, c. 392, §2 (NEW) .]

3. **Economic future.** To enhance the economic future of the State and improve its productivity and competitive position in a world economy by creating a skilled and educated work force.

[1993, c. 392, §2 (NEW) .]

SECTION HISTORY
1993, c. 392, §2 (NEW). 2005, c. 178, §3 (AMD).

§12733. ACTIVITIES

To assist the State in increasing higher education attainment and developing a skilled workforce, the program shall provide career and college transition services to young adults who are not currently enrolling in higher education and who could benefit from enrolling in a community college. These services may include scholarships, internships and other work-based learning experiences; career exploration and planning; assistance in completing the community college application and financial aid processes; academic planning; and information related to continuing higher education beyond the certificate, diploma and associate degree levels, consistent with the student's educational and career objectives. These services must be provided either directly by the program or through referrals to other programs and services available within the Maine Community College System or by other education and service providers. To participate in any of these services, young adults must be enrolled in a public secondary school or a state community college or have recently completed a public secondary education program. The program shall provide those activities and services that best serve the goals of the program as defined in this chapter and the needs of students and the State and that are consistent with the Maine Community College System's goals and resources. [2005, c. 683, Pt. A, §29 (RPR).]

SECTION HISTORY
1993, c. 392, §2 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2005, c. 178, §4 (RPR). 2005, c. 294, §21 (AMD). 2005, c. 683, §A29 (RPR).

§12734. SKILL STANDARDS BOARD

(REPEALED)

SECTION HISTORY
1993, c. 392, §2 (NEW). 1995, c. 515, §3 (AMD). 2005, c. 178, §5 (RP). 2005, c. 294, §22 (RP).

Chapter 432-A: HEALTH CARE TRAINING

§12741. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2001, c. 439, Pt. HHHH, §1 (NEW).]

1. **President of the system.** "President of the system" means the President of the Maine Community College System.

[2001, c. 439, Pt. HHHH, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

2. **System.** "System" means the Maine Community College System.

[2001, c. 439, Pt. HHHH, §1 (NEW); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

SECTION HISTORY
2001, c. 439, §HHHH1 (NEW). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF).

§12742. HEALTH WORKFORCE RETRAINING PROGRAM

The president of the system shall establish the Health Workforce Retraining Program for the purpose of making these education and training programs available to eligible businesses and organizations, including, but not limited to, hospitals, long-term care facilities and other health care facilities, to support the training and retraining of health care employees to address changes in the health care workforce. The education and training programs must be established on the basis of need for workers in a particular area of health care. [2001, c. 439, Pt. HHHH, §1 (NEW).]

1. **Rules established.** The president of the system shall adopt rules to establish:

A. Criteria for eligible health care businesses and organizations; [2001, c. 439, Pt. HHHH, §1 (NEW).]

B. Guidelines for the establishment of education and training programs through a request-for-proposal procedure; and [2001, c. 439, Pt. HHHH, §1 (NEW).]

C. Procedures for establishing a matching grant program allowing state funds to match contributions from the private sector. [2001, c. 439, Pt. HHHH, §1 (NEW).]

[2001, c. 439, Pt. HHHH, §1 (NEW) .]

2. **Program lapses.** The Health Workforce Retraining Program under subsection 1 is based on a 50-50 partnership between the State and the private sector. If, by June 30, 2003, there are no funds from the private sector to be matched by state funds, the program expires and all state funds lapse to the General Fund.

[2001, c. 439, Pt. HHHH, §1 (NEW) .]

SECTION HISTORY
2001, c. 439, §HHHH1 (NEW).

§12743. HEALTH CARE TRAINING FUND

1. **Establishment.** The Health Care Training Fund, referred to in this section as the "program fund," is established as a dedicated fund to be directed and administered by the president of the system and held by the Treasurer of State. The Treasurer of State shall keep the program fund segregated from all other funds held by the Treasurer of State and shall invest and reinvest the program fund for the benefit of the Health Workforce Retraining Program.

[2001, c. 439, Pt. HHHH, §1 (NEW) .]

2. **Sources of money.** The following sources of money must be paid into the program fund:

A. All money appropriated for inclusion in the program fund; [2001, c. 439, Pt. HHHH, §1 (NEW).]

B. All interest, dividends or other pecuniary gains from investment of money in the program fund; [2001, c. 439, Pt. HHHH, §1 (NEW).]

C. All money received pursuant to participation agreements; and [2001, c. 439, Pt. HHHH, §1 (NEW).]

D. Any grants, gifts and other money from the State and from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the program fund. [2001, c. 439, Pt. HHHH, §1 (NEW).]

[2001, c. 439, Pt. HHHH, §1 (NEW) .]

3. **Application of program fund.** Money in the program fund must be continuously applied by the president of the system to carry out this section and may not be used for any other purpose.

[2001, c. 439, Pt. HHHH, §1 (NEW) .]

SECTION HISTORY
2001, c. 439, §HHHH1 (NEW).

§12744. RULEMAKING

The president of the system shall adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [2001, c. 439, Pt. HHHH, §1 (NEW).]

SECTION HISTORY
2001, c. 439, §HHHH1 (NEW).

Chapter 433: PERSONS FAILING TO REGISTER UNDER UNITED STATES MILITARY SELECTIVE SERVICES ACT

§12801. DISQUALIFICATION FOR STATE FINANCIAL ASSISTANCE

Any person who is required to present himself and submit to registration under the United States Military Selective Services Act, 50 United States Code, Section 451, et seq., and who fails to do so is ineligible to receive any state funded grant, scholarship or loan made available to persons enrolled in post-secondary educational programs. [1987, c. 142, (NEW).]

The officials who administer those financial assistance programs may require an applicant to submit written proof of registration prior to the award of a post-secondary educational grant, loan or scholarship. [1987, c. 142, (NEW).]

SECTION HISTORY
1987, c. 142, (NEW).

Chapter 435: MAINE AREA HEALTH EDUCATION CENTERS SYSTEM

§12851. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 372, §2 (NEW).]

1. **Center.** "Center" means a community-based area health education center that is designated in accordance with section 12857 or that exists on the effective date of this chapter and contracts with the system.

[1991, c. 372, §2 (NEW) .]

2. **Committee.**

[2001, c. 352, §7 (RP) .]

3. **System.** "System" means the Maine Area Health Education Centers System.

[1991, c. 372, §2 (NEW) .]

SECTION HISTORY
1991, c. 372, §2 (NEW). 2001, c. 352, §7 (AMD).

§12852. SYSTEM DESIGNATION

The Area Health Education Center at the University of New England is designated as the system. The system operates statewide and consists of a program office at the University of New England College of Osteopathic Medicine and centers. The statewide consortium for health professions education and any regional area health education center that exists on the effective date of this chapter or any merged or successor entities of those agencies that meet federal area health education center requirements may become part of the system by contractual agreement. [2001, c. 352, §8 (AMD).]

SECTION HISTORY
1991, c. 372, §2 (NEW). 2001, c. 352, §8 (AMD).

§12853. MISSION

The mission of the system is to improve the distribution, supply, quality, utilization and efficiency of health personnel in underserved geographical, cultural or medical specialty areas of the State by encouraging the regionalization and decentralization of educational responsibilities, and to develop culturally appropriate clinical curriculums at participating health professions schools. The system shall implement educational system incentives to attract and retain health care personnel in underserved areas and for underserved cultural groups through the: [1991, c. 372, §2 (NEW).]

1. **Preceptorships.** Development and implementation of preceptorships and other education programs in underserved areas and with underserved cultural groups;

[1991, c. 372, §2 (NEW) .]

2. **Recruitment.** Development and implementation of strategies to recruit representatives from underserved geographical and cultural areas into the health professions;

[1991, c. 372, §2 (NEW) .]

3. **Retention.** Development and implementation of strategies to encourage health professionals to practice and to remain in practice in underserved geographical, cultural and medical specialty areas; and

[1991, c. 372, §2 (NEW) .]

4. **Linkage.** Development and implementation of strategies to link cultural and educational resources of communities to the educational resources of participating health professions schools.

[1991, c. 372, §2 (NEW) .]

SECTION HISTORY
1991, c. 372, §2 (NEW).

§12854. SYSTEM RESPONSIBILITIES

The system shall: [1991, c. 372, §2 (NEW).]

1. **Recruitment and retention.** Develop and implement strategies that support the efforts of state and private agencies to enhance recruitment and retention of health professionals in inadequately served geographical, cultural and medical speciality areas of the State;

[1991, c. 372, §2 (NEW) .]

2. **Recruitment of state residents.** Develop and implement strategies for enhancing the recruitment of state residents into health professions, especially those residents who are disadvantaged or members of insufficiently represented populations;

[1991, c. 372, §2 (NEW) .]

3. **Needs assessment.** Conduct studies, establish data management mechanisms and undertake any other activities that improve the State's ability to assess the need for health professionals and health profession education;

[1991, c. 372, §2 (NEW) .]

4. **Clinical and continuing education.** Develop and implement strategies for conducting clinical and continuing education programs for health professionals that use community-based and culturally appropriate curricula;

[1991, c. 372, §2 (NEW) .]

5. **Contracts.** Establish contractual relationships to carry out system plans with health profession education programs, the statewide consortium for health professions education, and centers;

[1991, c. 372, §2 (NEW) .]

6. **Assistance to centers.** Provide technical and administrative services to the centers and the statewide consortium for health professions education;

[1991, c. 372, §2 (NEW) .]

7. **System funds.** Manage system funds in accordance with policies developed under this chapter and develop and implement plans to raise public and private funds to promote the goals of the system;

[1991, c. 372, §2 (NEW) .]

8. **Coordination.** Coordinate the efforts of the system with state and federal health and education initiatives; and

[1991, c. 372, §2 (NEW) .]

9. **Annual report.** Beginning in 1992, submit a written report on or before November 15th of each year to the Governor, the President of the Senate and the Speaker of the House of Representatives. The report must include the following:

A. The fiscal status of the system and the status of contracts with regional centers and other system contractors; [1991, c. 372, §2 (NEW).]

B. Information regarding education, outreach and training programs; [1991, c. 372, §2 (NEW).]

C. Information regarding placement of health care personnel in inadequately served areas; [1991, c. 372, §2 (NEW).]

D. An assessment of system accomplishments; and [1991, c. 372, §2 (NEW).]

E. Recommended legislation. [1991, c. 372, §2 (NEW).]

[1991, c. 372, §2 (NEW) .]

SECTION HISTORY
1991, c. 372, §2 (NEW).

§12855. DIRECTOR

The University of New England shall appoint a system director who meets federal area health education center requirements. The director is responsible for the administration of the system in accordance with policies established under this chapter. [2001, c. 352, §9 (AMD).]

SECTION HISTORY
1991, c. 372, §2 (NEW). 2001, c. 352, §9 (AMD).

§12856. MAINE AREA HEALTH EDUCATION CENTERS ADVISORY COMMITTEE

(REPEALED)

SECTION HISTORY
1991, c. 372, §2 (NEW). 2001, c. 352, §10 (RP).

§12857. AREA HEALTH EDUCATION CENTERS; STATEWIDE CONSORTIUM FOR HEALTH PROFESSIONS EDUCATION

Each center is an autonomous unit of the system. Each center must be exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), pursuant to the United States Internal Revenue Code of 1986, Section 501(c)(3). Each center must have a governing board that includes a balance of health care providers or health profession educators and individuals who reflect the ethnic, cultural and geographical characteristics of the center's service area. [1991, c. 372, §2 (NEW).]

Centers and the statewide consortium for health professions education are responsible to the system only for the programs and initiatives they agree to provide through contracts with the system and may develop initiatives, programs and contracts with other public and private agencies and educational institutions. [1991, c. 372, §2 (NEW).]

SECTION HISTORY
1991, c. 372, §2 (NEW). 2001, c. 352, §11 (AMD).

§12858. RELATIONSHIP OF MAINE AREA HEALTH EDUCATION CENTERS SYSTEM TO STATE HEALTH PROFESSION SCHOLARSHIP AND LOAN PROGRAMS

The system shall cooperate with health profession students and programs that receive state support through the Finance Authority of Maine or other state entities. The system may provide clinical training and other support to those students and programs as appropriate. [1991, c. 372, §2 (NEW).]

SECTION HISTORY
1991, c. 372, §2 (NEW).

§12859. RELATIONSHIP OF THE MAINE AREA HEALTH EDUCATION CENTERS SYSTEM TO OTHER AREA HEALTH EDUCATION CENTER SYSTEMS

This chapter does not prohibit an existing or proposed area health education center program from operating in the State separate from the system. [1991, c. 372, §2 (NEW).]

SECTION HISTORY
1991, c. 372, §2 (NEW).

Chapter 437: STATE EDUCATION AND EMPLOYMENT OUTCOMES TASK FORCE

§12901. STATE EDUCATION AND EMPLOYMENT OUTCOMES TASK FORCE

1. **Task force established.** The State Education and Employment Outcomes Task Force, established in Title 5, section 12004-G, subsection 10-E and referred to in this chapter as "the task force," is established to develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcome database, referred to in this chapter as "the database," including but not limited to information and data on education results, program completion, graduation, credentials earned and employment and earnings outcomes for graduates of postsecondary educational institutions in the State over time.

[2013, c. 593, §2 (NEW) .]

2. **Membership.** The task force consists of 15 members as follows:

A. Four members appointed by the President of the Senate as follows:

(1) Two members of the Senate, one from each of the 2 parties holding the largest number of seats in the Legislature;

(2) A representative from the University of Maine System; and

(3) A representative from the Maine School Management Association or a successor organization; [2013, c. 593, §2 (NEW).]

B. Three members appointed by the Speaker of the House as follows:

(1) Two members of the House of Representatives, one from each of the 2 parties holding the largest number of seats in the Legislature; and

(2) A representative from the Maine Community College System; [2013, c. 593, §2 (NEW).]

C. Four members appointed by the Governor as follows:

(1) A representative from the Maine Maritime Academy;

(2) A representative from a private postsecondary educational institution in the State;

(3) A representative from the Maine State Chamber of Commerce or a successor organization; and

(4) A person with expertise in state and national higher education policy; [2013, c. 593, §2 (NEW).]

D. The Commissioner of Education or the commissioner's designee; [2013, c. 593, §2 (NEW).]

E. The Commissioner of Labor or the commissioner's designee; [2013, c. 593, §2 (NEW).]

F. The administrator of the database or the administrator's designee; and [2013, c. 593, §2 (NEW).]

G. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee. [2013, c. 593, §2 (NEW).]

[2013, c. 593, §2 (NEW) .]

3. **Meetings.** The task force may meet no more than 4 times per calendar year.

[2013, c. 593, §2 (NEW) .]

4. **Chairs.** The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force.

[2013, c. 593, §2 (NEW) .]

5. **Terms of appointment.** Nonlegislative appointed members of the task force are appointed for terms of 3 years and may serve beyond their designated terms until their successors are appointed. Terms of appointment of Legislators coincide with their respective legislative terms of office.

[2013, c. 593, §2 (NEW) .]

6. **Staffing.** The Legislative Council shall provide staff support to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The Department of Education and the Department of Labor shall provide assistance and information to the task force as is consistent with the departments' current federal grants related to the work of the task force and to the extent time and funding allow as determined by the departments.

[2013, c. 593, §2 (NEW) .]

7. **Duties.** The task force shall:

A. Review procedures to maintain and disseminate information regarding the employment and earnings of graduates of postsecondary educational institutions in the State based on the database; [2013, c. 593, §2 (NEW).]

B. Advise on the use of the information provided in the database by state agencies, higher education organizations that have partnerships with the task force, local school systems and the public; [2013, c. 593, §2 (NEW).]

C. Make recommendations regarding the design and content of a website jointly hosted by the Department of Education and the Department of Labor that provides maximum information to the public regarding higher education and employment; [2013, c. 593, §2 (NEW).]

D. Identify a viable long-term funding method to maintain the database; [2013, c. 593, §2 (NEW).]

E. Produce recommendations for the Department of Education regarding how to provide relevant, timely information to secondary school students who are making higher education decisions; [2013, c. 593, §2 (NEW).]

F. Address any issues that may arise from the use or impact of the database; and [2013, c. 593, §2 (NEW).]

G. Explore the feasibility of and possible methods for including data from the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation regarding licensure, as well as data covering other workforce credentials, into the database. [2013, c. 593, §2 (NEW).]

[2013, c. 593, §2 (NEW) .]

8. **Reports; legislation.** The task force shall report to the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over labor matters and the joint select or joint standing committee of the Legislature having jurisdiction over workforce training matters by November 1st each year on the status of the database. The reports must describe funding sources for the database and the sustainability of that funding, how the website under subsection 7, paragraph C is used, including by whom and how frequently they use it, efforts to incorporate its use into secondary schools and any other issues the task force determines necessary. The task force shall as part of its report recommend whether the task force should continue its work, or if its work could best be handled by another entity. If the task force recommends that the task force should continue its work, it shall recommend any suggested changes in the membership and size of the task force. The task force may submit with the reports legislation required to implement its recommendations.

[2013, c. 593, §2 (NEW) .]

SECTION HISTORY
2013, c. 593, §2 (NEW).

Chapter 439: MAINE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS LOAN PROGRAM

§12921. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 435, §1 (NEW).]

1. **Authority.** "Authority" means the Finance Authority of Maine.

[2015, c. 435, §1 (NEW) .]

2. **Fund.** "Fund" means the Maine Science, Technology, Engineering and Mathematics Loan Fund established in section 12923.

[2015, c. 435, §1 (NEW) .]

3. **Program.** "Program" means the Maine Science, Technology, Engineering and Mathematics Loan Program established in section 12922.

[2015, c. 435, §1 (NEW) .]

4. **STEM student.** "STEM student" means an undergraduate or graduate student who is a resident of the State and is engaged in the study of science, computer science, technology, engineering or mathematics at an accredited institution of higher education eligible to receive federal assistance under a federal student assistance program authorized under the federal Higher Education Act of 1965, Title IV and has been selected by the authority pursuant to section 12922 to receive a loan. "STEM student" also means a high school senior committed to the study of science, computer science, technology, engineering or mathematics at an accredited institution of higher education eligible to receive federal assistance under a federal student assistance program authorized under the federal Higher Education Act of 1965, Title IV and has been selected by the authority pursuant to section 12922 to receive a loan.

[2015, c. 435, §1 (NEW) .]

SECTION HISTORY
2015, c. 435, §1 (NEW).

§12922. MAINE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS LOAN PROGRAM

The Maine Science, Technology, Engineering and Mathematics Loan Program is established to increase the number of students in this State pursuing undergraduate and graduate degrees in the fields of science, computer science, technology, engineering and mathematics. The authority shall provide loans in amounts up to $7,500 per year for a maximum of 5 years to selected STEM students. As used in this section, "employed in the field of science, computer science, technology, engineering or mathematics" includes a person employed as an educator in any of those fields. [2015, c. 435, §1 (NEW).]

1. **Annual interest rate of 0%.** A STEM student may receive a loan bearing an annual interest rate of 0% if the student upon graduation:

A. Remains in or returns to the State to live and work; and [2015, c. 435, §1 (NEW).]

B. Is employed in the field of science, computer science, technology, engineering or mathematics. [2015, c. 435, §1 (NEW).]

[2015, c. 435, §1 (NEW) .]

2. **Annual interest rate of 5%.** A STEM student may receive a loan bearing an annual interest rate of 5% if the student upon graduation:

A. Remains in or returns to the State to live and work; and [2015, c. 435, §1 (NEW).]

B. Is not employed in the field of science, computer science, technology, engineering or mathematics. [2015, c. 435, §1 (NEW).]

[2015, c. 435, §1 (NEW) .]

3. **Annual interest rate of 8%.** A STEM student may receive a loan bearing an annual interest rate of 8% if the student does not remain in or return to the State to live and work upon graduation.

[2015, c. 435, §1 (NEW) .]

SECTION HISTORY
2015, c. 435, §1 (NEW).

§12923. MAINE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS LOAN FUND

1. **Fund established.** The Maine Science, Technology, Engineering and Mathematics Loan Fund is created as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter.

[2015, c. 435, §1 (NEW) .]

2. **Funds.** The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the Legislature to the fund and any federal funds received by the State for the benefit of students in this State who have outstanding education loans. Money received by the authority on behalf of the fund must be used for the purposes of this chapter. Interest income may be used for the designated purpose or to pay administrative costs incurred by the authority as determined appropriate by the authority. Any unexpended balance in the fund carries forward for continued use under this chapter.

[2015, c. 435, §1 (NEW) .]

SECTION HISTORY
2015, c. 435, §1 (NEW).

§12924. LOAN AGREEMENT; REPAYMENT

A STEM student applying for a loan under section 12922 shall enter into an agreement with the authority that includes the following provisions. [2015, c. 435, §1 (NEW).]

1. **Principal; interest.** Upon completion of postsecondary education, the STEM student shall repay the entire principal of the loan plus simple interest. Interest does not begin to accrue until 6 months following completion of the loan recipient's education, withdrawal from school or discontinuance in school.

[2015, c. 435, §1 (NEW) .]

2. **Term of loan.** Loans must be repaid over a term no longer than 10 years, except that the authority may extend a loan recipient's term as necessary to ensure repayment of the loan.

Repayment must commence within 6 months following completion of the loan recipient's education, withdrawal from school or discontinuance in school.

[2015, c. 435, §1 (NEW) .]

SECTION HISTORY
2015, c. 435, §1 (NEW).

§12925. DEFAULT

If a recipient of a loan under the program agrees to live and work in the State or be employed in the field of science, computer science, technology, engineering or mathematics and that recipient does not remain living and working in the State or does not remain employed in such a field, the interest rate on the loan held by that recipient is subject to change in accordance with the interest rates set forth in section 12922. A recipient who fails to pay the loan is liable to the authority for an amount equal to the sum of the total amount paid by or on behalf of the authority to or on behalf of the recipient under the agreement under section 12924 plus interest at a rate determined by the authority. Exceptions may be made by the authority for good cause. [2015, c. 435, §1 (NEW).]

SECTION HISTORY

2015, c. 435, §1 (NEW).

§12926. DEFERMENTS

The authority may grant deferments on the repayment of a loan under the program for causes established by rule. Interest at a rate to be determined by rule of the authority may be assessed during a deferment. The student's total debt to the authority, including principal and interest, must be repaid. The authority shall make determinations of deferment on a case-by-case basis. The decision of the authority regarding deferment is final. [2015, c. 435, §1 (NEW).]

SECTION HISTORY
2015, c. 435, §1 (NEW).

§12927. ADMINISTRATION; RULES

The authority shall administer the program and the fund. The authority shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2015, c. 435, §1 (NEW).]

SECTION HISTORY
2015, c. 435, §1 (NEW).

Part 6: TEACHERS

Chapter 501: CERTIFICATION AND REGISTRATION OF TEACHERS

§13001. DUTIES OF THE STATE BOARD

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 470, §§6-10 (AMD). 1983, c. 845, §1 (RP).

§13002. DUTIES OF THE COMMISSIONER

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 845, §2 (RP).

§13003. MANDATORY CERTIFICATION; PENALTY

1. **Certification.** A person must be certified by the commissioner under this chapter or chapter 502 in order to:

A. Teach in any public elementary or secondary school in the State; or [1981, c. 693, §§ 5, 8 (NEW).]

B. Teach in any private school receiving basic approval under section 2901. [1981, c. 693, §§ 5, 8 (NEW).]

[1983, c. 845, §3 (AMD) .]

2. **Penalty.** A person not certified under section 13001 is barred from receiving any salary or fringe benefits if he or she teaches or performs any other professional function in a public school and:

A. He or she has never held the required certificate; or [1983, c. 806, §91 (AMD).]

B. He or she knew or should have known that his or her certificate had expired. Prima facie evidence of that knowledge would be records on file in either the department or the employing school administrative unit that he or she was notified that his or her certificate had lapsed or that it would be lapsing on a given date. [1983, c. 806, §91 (AMD).]

The person shall forfeit to the employing school administrative unit any salary or fringe benefits received in violation of this subsection.

[1983, c. 806, §91 (AMD) .]

3. **Exception.** This section does not apply to teachers in secondary schools approved under section 2901, subsection 2, paragraph A.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Rules.** The state board may adopt rules to carry out this section.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 39, §2 (AMD). 1983, c. 806, §91 (AMD). 1983, c. 845, §3 (AMD).

§13004. LIST OF PERSONS CERTIFIED; RECORDS CONFIDENTIAL

1. **Records.** The commissioner shall keep a list of certified teachers. This list shall be a public record. The commissioner shall send copies of the list to school boards and superintendents on their request.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Records confidential.** Transcripts, recommendations and other documents submitted in support of an application for certification or collected by the department for verification of certification records and maintained in the office of the commissioner shall be confidential. They may only be made available to the following:

A. School boards and superintendents; [1981, c. 693, §§5, 8 (NEW).]

B. Authorized personnel of the department in fulfilling assigned duties; and [1981, c. 693, §§5, 8 (NEW).]

C. Individuals and their representatives who request to examine their own records. [1981, c. 693, §§5, 8 (NEW).]

[1983, c. 806, §92 (AMD) .]

2-A. **Confidentiality.** The provisions of this subsection govern confidentiality. For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification. [2009, c. 331, §1 (NEW).]

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

(1) Complete its own investigations;

(2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;

(3) Assist other public authorities to investigate the same teacher's certification in another jurisdiction;

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A. [2009, c. 331, §1 (NEW).]

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information. [2009, c. 331, §1 (NEW).]

D. Notwithstanding paragraph A, the following information concerning final written decisions relating to disciplinary action taken by the commissioner against a person holding certification is a public record:

(1) The name of the person;

(2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;

(3) The grounds for the action taken;

(4) The relevant dates of the action;

(5) The type of certification and endorsements held, including relevant dates;

(6) The schools where the person was or is employed; and

(7) The dates of employment. [2009, c. 567, §10 (NEW).]

[2009, c. 567, §10 (AMD) .]

2-B. **Teacher addresses.** Home addresses held by the department of teachers certified to teach in the State may be made available in response to the following:

A. Formal request from a commissioner or chief executive officer of other state agencies, including the judicial branch when access to that information may be necessary in carrying out an official function; and [1987, c. 395, Pt. A, §86 (NEW).]

B. Formal request by majority vote of any joint standing committee of the Legislature when access to that information may be necessary in carrying out an official function. [1987, c. 395, Pt. A, §86 (NEW).]

The use of these addresses by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished. It shall be unlawful for any person to solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving assistance, directly or indirectly, derived from the records, papers, files or communications of the State or subdivisions or agencies, or acquired in the course of the performance of official duties. Any person violating this subsection shall be punished by a fine of not more than $500 or by imprisonment for not more than 11 months, or by both.

[1987, c. 395, Pt. A, §86 (NEW) .]

3. **Duplication costs.** Individuals requesting copies of their records shall bear the costs of copying them.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Rules.** The state board may adopt rules to carry out this section.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 470, §11 (AMD). 1983, c. 806, §92 (AMD). 1987, c. 395, §A86 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 666, §1 (AMD). 2009, c. 331, §1 (AMD). 2009, c. 567, §10 (AMD).

§13005. REGISTRATION; LIST FURNISHED; FEE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1997, c. 266, §14 (RP).

§13006. CLERICAL ASSISTANCE; DISPOSITION OF FEES

1. **Rules.** The commissioner may adopt or amend rules for carrying out section 13004 and for obtaining information required as to the experience, qualifications and character of persons seeking employment as teachers. A teacher may be eligible for consideration for employment only so long as the teacher complies with these rules.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Accounting.** The commissioner shall:

A. Collect and give a receipt for all registration fees; and [1981, c. 693, §§ 5, 8 (NEW).]

B. Report and pay these fees to the Treasurer of State. These fees shall be credited to the General Fund. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Clerical assistants.** The commissioner may employ clerical and other assistants, subject to the Civil Service Law. They shall perform their duties under the general supervision of the commissioner.

[1985, c. 785, Pt. B, §81 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 785, §B81 (AMD).

§13007. CERTIFICATION FEE; DISPOSITION OF FEES

1. **Fees.** The commissioner shall establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates. The commissioner shall, by rule, establish the following fees and the procedures required to assess them:

A. Fees for the initial certification process for those teachers, education specialists and administrators found eligible and those found ineligible; [2015, c. 395, §4 (NEW).]

B. Renewal fees for each active and inactive teacher, education specialist and administrator; [2015, c. 395, §4 (NEW).]

C. A fee for each additional evaluation of teacher endorsements beyond the initial endorsement; [2015, c. 395, §4 (NEW).]

D. A fee for duplicate certificates; and [2015, c. 395, §4 (NEW).]

E. A fee for administrative portfolios. [2015, c. 395, §4 (NEW).]

The department shall annually post the fees established by the commissioner for the initial issuance of and the renewal of teacher, education specialist and administrator certificates on its publicly accessible website. The commissioner shall adopt rules to carry out this subsection. Rules adopted under this subsection to establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[2015, c. 395, §4 (RPR) .]

2. **Accounting.** The commissioner shall:

A. Collect and account for all certificate fees; [2011, c. 702, §1 (AMD).]

B. Report and pay fees collected pursuant to subsection 1, except those fees collected and credited to the National Board Certification Scholarship Fund pursuant to paragraph C and the National Board Certification Salary Supplement Fund pursuant to paragraph D, to the Treasurer of State to be credited to the General Fund; [2011, c. 702, §1 (AMD).]

C. Report and pay $50,000 in fiscal year 2012-13 and $75,000 in fiscal year 2013-14 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Scholarship Fund, Other Special Revenue Funds account within the Department of Education; and [2011, c. 702, §1 (NEW).]

D. Report and pay no more than $150,000 in fiscal year 2012-13, no more than $240,000 in fiscal year 2013-14 and no more than $335,000 in fiscal year 2014-15 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education. [2015, c. 389, Pt. C, §1 (AMD); 2015, c. 395, §5 (AMD).]

[2015, c. 389, Pt. C, §1 (AMD); 2015, c. 395, §5 (AMD) .]

SECTION HISTORY
1991, c. 528, §I5 (NEW). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I5 (NEW). 2005, c. 457, §FF1 (AMD). 2011, c. 702, §1 (AMD). 2015, c. 389, Pt. C, §1 (AMD). 2015, c. 395, §§4, 5 (AMD).

§13008. EDUCATOR PREPARATION PROGRAM DATA

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Educator preparation program" means a public or private baccalaureate-level or postbaccalaureate-level program approved by the state board to recommend graduates for certification pursuant to chapter 502 as prekindergarten to grade 12 teachers, educational specialists or school leaders. [2011, c. 635, Pt. B, §1 (NEW).]

B. "Program completer" means a person who, by successfully completing all of an educator preparation program's requirements, has qualified for a recommendation for certification as a prekindergarten to grade 12 teacher, an educational specialist or a school leader. [2011, c. 635, Pt. B, §1 (NEW).]

[2011, c. 635, Pt. B, §1 (NEW) .]

2. **Data collection.** The department shall collect data relating to educator preparation programs, including but not limited to the following information with respect to each educator preparation program:

A. The number of program completers; [2011, c. 635, Pt. B, §1 (NEW).]

B. The number of program completers who pass certification tests and the number of those who attain provisional licensure in the State; [2011, c. 635, Pt. B, §1 (NEW).]

C. The number of program completers who proceed from provisional licensure to professional licensure; and [2011, c. 635, Pt. B, §1 (NEW).]

D. The number of program completers who are teaching in schools in this State 3 and 5 years after they complete that educator preparation program. [2011, c. 635, Pt. B, §1 (NEW).]

[2011, c. 635, Pt. B, §1 (NEW) .]

3. **Report.** The department shall annually report the data collected under this section to the Governor, the state board and the joint standing committee of the Legislature having jurisdiction over education matters.

[2011, c. 635, Pt. B, §1 (NEW) .]

SECTION HISTORY
2011, c. 635, Pt. B, §1 (NEW).

Chapter 502: CERTIFICATION OF EDUCATIONAL PERSONNEL

§13011. GENERAL AUTHORIZATION OF STATE BOARD

1. **Certification and revocation rules.** All certificates issued or revoked after June 30, 1988, are in accordance with this chapter. The state board shall adopt rules to carry out the purposes of this chapter under which the commissioner shall:

A. Certify teachers and other professional personnel for service in a public school or in an approved private school, except that certification is not required for a person holding a valid license as a speech-language pathologist under Title 32, section 17301 who has received approval pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school; [2011, c. 49, §1 (AMD).]

B. Certify adult education teachers and other teaching and professional personnel in publicly supported educational programs other than postsecondary school institutions, colleges and universities; [1995, c. 207, §1 (AMD).]

C. Authorize educational technicians for service in schools and approve the employment of other semiprofessional personnel; [1997, c. 553, §1 (RPR).]

D. Seek a revocation of a certificate or authorization in the District Court; [1997, c. 683, Pt. A, §11 (RPR); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

E. Certify or authorize personnel who provide early childhood educational programs or developmental therapy to children from birth to 5 years of age in the home, in community-based special purpose and integrated programs and in public schools; and [2005, c. 152, §1 (AMD).]

F. Approve all individuals for whom certification or authorization is not required prior to being hired or being placed under contract by a public school or a private school that enrolls 60% or more publicly funded students. [1999, c. 791, §5 (RPR).]

[2011, c. 49, §1 (AMD) .]

2. **Moral character.** Rules adopted by the state board under this chapter must require that an applicant for certification furnish evidence of:

A. Good moral character. [2005, c. 152, §2 (AMD).]

B. [2005, c. 152, §2 (RP).]

[2005, c. 152, §2 (AMD) .]

3. **Teacher certificates.** The state board rules shall recognize at least 3 categories of teacher certificates as identified in sections 13012 to 13014.

[1983, c. 845, §4 (NEW) .]

4. **Appeal.** An applicant who has been denied the issuance or renewal of a certificate or authorization by the commissioner under this chapter may appeal that denial in accordance with rules established by the state board and consistent with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

[1997, c. 553, §3 (AMD) .]

5. **Administrator certificates.** The state board rules shall establish qualifications for certifying superintendents of schools, principals and directors of career and technical education and shall also establish qualifications for such other certificates for administrators as may be determined to be necessary and beneficial for the efficient operation of the schools.

[1985, c. 287, §1 (NEW); 2005, c. 397, Pt. D, §3 (REV) .]

6. **Alternative pathways to certification.** The state board shall develop and adopt rules providing a method for a person who has not completed an approved educator preparation program as defined under section 13008 to obtain provisional educator certification through an alternative pathway that:

A. Is designed for candidates who can demonstrate subject matter competency that is directly related to the certificate endorsement being sought and obtained through prior academic achievement or work experience; [2011, c. 635, Pt. B, §2 (NEW).]

B. May feature an accelerated program of preparation; [2011, c. 635, Pt. B, §2 (NEW).]

C. Uses mentorship programs that partner teacher candidates with mentor teachers; and [2011, c. 635, Pt. B, §2 (NEW).]

D. Includes accountability provisions to ensure that teacher candidates demonstrate the knowledge and skills established pursuant to section 13012, subsection 2-B prior to issuance of a provisional teacher certificate. [2011, c. 635, Pt. B, §2 (NEW).]

[2011, c. 635, Pt. B, §2 (RPR) .]

7. **Certification waiver.** Under rules adopted by the state board, the commissioner may grant a waiver for an appropriate period of time to an individual seeking the issuance or renewal of a certificate. The commissioner may grant a waiver to an individual who:

A. Receives allegedly inaccurate, incomplete or untimely information or action from the department, the local support system or a regional support system. The waiver must be for a reasonable period of time to permit the applicant to complete certification requirements; or [1995, c. 321, §1 (AMD).]

B. Demonstrates compliance with certification requirements by professional alternative methods, including the following:

(1) Scores on Graduate Record Examinations demonstrating content area proficiency equal to approved course work, with passing scores established under rules adopted by the state board;

(2) Examinations accepted by state-approved programs in lieu of course work, with passing scores established under rules adopted by the state board;

(3) Examinations from professional testing corporations demonstrating content area proficiency equal to approved course work, with professional testing corporations approved by the state board and passing scores established under rules adopted by the state board; and

(4) Work experience equivalent to outcomes for approved course work and a formal recommendation from the state professional organization in that content area. The professional organizations are established under rules adopted by the state board. The waiver is for the duration of the certificate or endorsement sought. [1995, c. 321, §1 (AMD).]

[1995, c. 321, §1 (AMD) .]

8. **Criminal history record checks.** Criminal history record checks of an applicant for certification, authorization, approval or renewal must be conducted in accordance with this section, section 6103 and pursuant to rules adopted by the state board. Rules adopted pursuant to this subsection are minor technical rules in accordance with Title 5, chapter 375, subchapter II-A.

[1997, c. 452, §7 (NEW) .]

9. **Targeted need area certificate; exception.** The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §6 (AMD) .]

10. **Conditional certificate; transitional endorsement; exception.** A conditional certificate is a certificate for teachers and educational specialists who have not met all of the requirements for a provisional or professional certificate. A school administrative unit may employ a conditionally certified teacher or educational specialist who is in the process of becoming professionally certified notwithstanding the availability of provisionally or professionally certified teachers or educational specialists. Any amendment to the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

[2015, c. 395, §7 (AMD) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1985, c. 287, §1 (AMD). 1989, c. 889, §8 (AMD). 1993, c. 200, §1 (AMD). 1995, c. 207, §1 (AMD). 1995, c. 321, §1 (AMD). 1997, c. 452, §§4-7 (AMD). 1997, c. 553, §§1-3 (AMD). 1997, c. 683, §A11 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 673, §1 (AMD). 1999, c. 791, §5 (AMD). 2003, c. 445, §§1, 2 (AMD). 2005, c. 152, §§1,2 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 49, §1 (AMD). 2011, c. 635, Pt. B, §§2, 3 (AMD). 2015, c. 395, §§6, 7 (AMD).

§13012. PROVISIONAL TEACHER CERTIFICATE

1. **Definition.** A provisional teacher certificate is the entry level certificate issued to an individual who has not taught previously in the State, except as provided in section 13013, subsection 2-A, paragraphs B and D.

[1997, c. 266, §15 (AMD) .]

2. **Qualifications.**

[2001, c. 534, §1 (RP) .]

2-A. **Qualifications.** State board rules governing the qualifications for a provisional teacher certificate must require that a certificate may only be issued to an applicant who meets the requirements of subsection 2-B, has successfully completed a student teaching experience of at least 15 weeks and:

A. For elementary school, has met academic and preprofessional requirements established by the state board for teaching at the elementary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

(1) A bachelor's degree from a 4-year accredited college or university;

(2) A 4-year program in liberal arts and sciences; or

(3) An approved 4-year teacher preparation program and has majored in the subject area to be taught or an interdisciplinary program in liberal arts; [2001, c. 534, §2 (NEW).]

B. For secondary school, has met academic and preprofessional requirements established by the state board for teaching at the secondary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

(1) A bachelor's degree from a 4-year accredited college or university;

(2) A 4-year program in liberal arts and sciences; or

(3) An approved 4-year teacher preparation program and has majored in the subject area to be taught; [2001, c. 534, §2 (NEW).]

C. Is otherwise qualified by having met separate educational criteria for specialized teaching areas, including, but not limited to, special education, home economics, agriculture, career and technical education, art, music, business education, physical education and industrial arts, as established by the state board for teaching in these specialized areas; or [2001, c. 534, §2 (NEW); 2005, c. 397, Pt. D, §3 (REV).]

D. Has completed 6 credit hours of approved study within 5 years prior to application, has met entry-level standards and has held either a professional teacher certificate that expired more than 5 years prior to the application date or a provisional teacher certificate issued prior to July 1, 1988 that expired more than 5 years prior to the application date. [2001, c. 534, §2 (NEW).]

[2011, c. 635, Pt. B, §4 (AMD) .]

2-B. **Learning results.** In order to help students achieve learning results as established in section 6209, a provisional teacher certificate may be issued only if the applicant:

A. Demonstrates knowledge of the central concepts, tools of inquiry and structures of the discipline that the applicant teaches and can create learning experiences that make these aspects of the subject matter meaningful to students; [2001, c. 534, §2 (NEW).]

B. Demonstrates the ability to integrate the concepts, tools of inquiry and structures among the disciplines that the applicant teaches; [2001, c. 534, §2 (NEW).]

C. Demonstrates a knowledge of the diverse ways in which students learn and develop by providing learning opportunities that support their intellectual, physical, emotional and social development; [2001, c. 534, §2 (NEW).]

D. Plans instruction based upon knowledge of subject matter, students and curriculum goals; [2001, c. 534, §2 (NEW).]

E. Understands and uses a variety of instructional strategies and appropriate technologies; [2001, c. 534, §2 (NEW).]

F. Creates and maintains a classroom environment that supports and encourages learning; [2001, c. 534, §2 (NEW).]

G. Demonstrates the ability to support students' learning and well-being by engaging students and their homes, school, colleagues and community; [2001, c. 534, §2 (NEW).]

H. Understands and uses a variety of formal and informal assessment strategies to evaluate and support the development of the student; [2001, c. 534, §2 (NEW).]

I. Demonstrates an awareness of and commitment to the ethical and legal responsibilities of a teacher; and [2001, c. 534, §2 (NEW).]

J. Demonstrates a strong professional ethic and a desire to contribute to the education profession. [2001, c. 534, §2 (NEW).]

[2001, c. 534, §2 (NEW) .]

3. **Endorsements.** The provisional teacher certificate shall be issued with an endorsement which specifies the grades and subject area which the teacher is deemed qualified to teach. The state board shall by rule establish the criteria for assessing teacher proficiency and subject matter competency for the provisional certificate. A holder of a provisional teacher certificate may not teach outside his or her area of endorsement unless he or she has received a waiver from the commissioner in accordance with state board rules. These endorsements shall not apply to teachers in private schools approved for attendance purposes only.

[1983, c. 845, §4 (NEW) .]

4. **Two-year limit.** The provisional teacher certificate may be issued for a 2-year period and may only be renewed in accordance with section 13016.

[1985, c. 287, §§2,8 (AMD) .]

5. **Qualifying examinations.** The provisional teacher certificate shall only be issued to those applicants who have taken the teacher qualifying examinations set forth in chapter 502-A.

[1983, c. 859, Pt. I, §1 (NEW) .]

6. **Rulemaking.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §3 (NEW) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1983, c. 859, §I1 (AMD). 1985, c. 287, §§2,8 (AMD). 1991, c. 682, §1 (AMD). 1995, c. 320, §§1,2 (AMD). 1997, c. 266, §15 (AMD). 2001, c. 534, §§1-3 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 635, Pt. B, §4 (AMD).

§13013. PROFESSIONAL TEACHER CERTIFICATE

1. **Definition.** A professional teacher certificate is a renewable certificate issued to an individual who has held a provisional certificate and has met the qualifications of this section, except as provided in subsection 2-A, paragraphs B and D.

[1997, c. 266, §16 (AMD) .]

2. **Qualifications.**

[1991, c. 682, §3 (RP) .]

2-A. **Qualifications.** State board rules governing the qualifications for a professional teacher certificate must require that the certificate may only be issued to an applicant who, at a minimum, either:

A. Holds a provisional teacher certificate and has taught in a classroom for 2 academic years or has held a professional teacher certificate that has lapsed within the last 5 years. In this case, an applicant must receive a recommendation to the commissioner by an approved support system pursuant to section 13015; [1997, c. 266, §17 (AMD).]

B. Is a teacher with 5 or more years of experience teaching within the 7 years prior to application in the State under a valid certificate in another state and who has graduated from a state-approved preparation program that utilizes the standards of a national association of state directors of teacher education and certification or a national council for accreditation of teacher education or a national board certificate issued by the National Board for Professional Teaching Standards, or its successor organization, or, with the exception of the national teachers exam, meets entry-level standards for the endorsement; [1999, c. 75, §6 (AMD).]

C. Holds a provisional teacher certificate issued pursuant to section 13012, subsection 2-A, paragraph D and has taught for at least one year under a provisional teacher certificate; or [2001, c. 534, §4 (AMD).]

D. Is seeking to hold only adult education or from birth to under age 6 endorsements. [1997, c. 266, §17 (NEW).]

[2001, c. 534, §4 (AMD) .]

3. **Endorsements.** The professional teacher certificate shall be issued with an endorsement which specifies the grades and subject area which the teacher is deemed qualified to teach. A holder of a professional teacher certificate may not teach outside his or her area of endorsement unless he or she has received a waiver from the commissioner in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

4. **Five-year certificate.** A professional teacher certificate shall be issued for a 5-year period and may be renewed in accordance with section 13016.

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1991, c. 682, §§2-4 (AMD). 1993, c. 435, §5 (AMD). 1995, c. 320, §§3,4 (AMD). 1997, c. 266, §§16,17 (AMD). 1999, c. 75, §6 (AMD). 2001, c. 534, §4 (AMD).

§13013-A. SALARY SUPPLEMENTS FOR NATIONAL BOARD-CERTIFIED TEACHERS

1. **Department of Education salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

A. For fiscal year 2012-13, $2,500; [2011, c. 702, §2 (NEW).]

B. For fiscal year 2013-14, $2,750; and [2011, c. 702, §2 (NEW).]

C. For fiscal year 2014-15 and succeeding years, $3,000. [2011, c. 702, §2 (NEW).]

[2011, c. 702, §2 (AMD) .]

1-A. **Funding revenue.** The National Board Certification Salary Supplement Fund is established as a nonlapsing dedicated fund within the Department of Education beginning in fiscal year 2012-13. The salary supplement under subsection 1 must be funded from fees collected by the department pursuant to section 13007, subsection 1.

[2011, c. 702, §2 (NEW) .]

2. **Local filing; certification.** On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a publicly supported secondary school or a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.

[2011, c. 702, §2 (AMD) .]

3. **Payment.** The department shall provide the salary supplement to school administrative units and publicly supported secondary schools for eligible teachers no later than February 15th of each year.

[2011, c. 702, §2 (AMD) .]

4. **Expend funds.** A school administrative unit or a publicly supported secondary school may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.

[2011, c. 702, §2 (AMD) .]

5. **Scholarship fund.** The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization, referred to in this subsection and subsection 6 as "the certification program." A school administrative unit or a publicly supported secondary school may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.

A. In fiscal year 2012-13, the department shall allocate $50,000 from fees collected by the department pursuant to section 13007, subsection 1 to the scholarship fund. The department shall award an amount equal to the cost of the certification program less any other funds received by the applicant on a first-come first-served basis for the first 20 teachers accepted into the certification program annually. [2011, c. 702, §2 (NEW).]

B. Beginning in fiscal year 2013-14, the department shall allocate $75,000 from fees collected by the department pursuant to section 13007, subsection 1 each fiscal year to the scholarship fund. The department shall award an amount equal to the cost of enrollment in the certification program less any other funds received by the applicant to not more than 30 teachers accepted into the program annually. [2011, c. 702, §2 (NEW).]

[2011, c. 702, §2 (NEW) .]

6. **Eligibility requirements.** In order to receive scholarship funds according to subsection 5 on behalf of a teacher, the school administrative unit or a publicly supported secondary school must certify to the department that the teacher:

A. Is currently employed by a school administrative unit or a publicly supported secondary school; [2011, c. 702, §2 (NEW).]

B. Has completed at least 3 years of teaching in the State; [2011, c. 702, §2 (NEW).]

C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program; [2011, c. 702, §2 (NEW).]

D. Has provided documentation of acceptance into the certification program; and [2011, c. 702, §2 (NEW).]

E. Has disclosed any other funds received to cover the cost of the certification program. [2011, c. 702, §2 (NEW).]

[2011, c. 702, §2 (NEW) .]

7. **Nonlapsing funds.** Any unencumbered balance of the National Board Certification Scholarship Fund under subsection 5 remaining at the end of a fiscal year may not lapse but must be carried forward to be used for the same purpose.

[2011, c. 702, §2 (NEW) .]

SECTION HISTORY
2005, c. 519, §AAAA1 (NEW). 2005, c. 683, §H1 (AMD). 2007, c. 58, §3 (REV). 2007, c. 240, Pt. D, §§1, 2 (AMD). 2011, c. 702, §2 (AMD).

§13014. MASTER TEACHER CERTIFICATE

1. **Definition.** A master teacher certificate is a renewable certificate issued to an individual who has achieved additional professional standards in accordance with this section.

[1983, c. 845, §4 (NEW) .]

2. **Qualifications.** State board rules governing the qualifications for a master teacher certificate shall require that the certificate may only be issued to an applicant who, at a minimum:

A. Possesses a professional teacher certificate; [1983, c. 845, §4 (NEW).]

B. Has demonstrated exemplary professional skills in classroom instruction and who may have additionally contributed to the profession in such areas as:

(1) Curriculum development;

(2) Teacher in-service training and effective staff development; or

(3) Student-teacher supervision; and [1983, c. 845, §4 (NEW).]

C. Has obtained the support system's positive recommendation based on the contents of a teacher action plan pursuant to section 13015. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

3. **Endorsements.** The holder of a master teacher certificate shall possess, at a minimum, the endorsements held under the professional certificate.

[1983, c. 845, §4 (NEW) .]

4. **Five-year certificate.** A master teacher certificate may be issued for a 5-year period and may be renewed in accordance with section 13016.

[1983, c. 845, §4 (NEW) .]

5. **Effective date.** Notwithstanding the July 1, 1988, reference in section 13011, the state board shall establish as a target date, September 1, 1987, to adopt rules governing the issuance of master teacher certificates. Following the effective date of these rules, eligible teachers may apply to qualify for a master teacher certificate. Master teacher certificates may be issued starting in July 1988.

[1985, c. 797, §49 (RPR) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1985, c. 797, §49 (AMD).

§13015. SUPPORT SYSTEM

1. **Employment.** No public school or private school approved for tuition purposes under section 2901, subsection 2, paragraph B may employ a provisional teacher unless it has an approved, locally designed, support system or has received specific authorization from the commissioner in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

2. **Purpose.** The purpose of an approved support system is to:

A. Provide strong support services for developing good teaching and classroom management skills to teachers with provisional certificates; [1983, c. 845, §4 (NEW).]

B. Provide assistance and review to all individuals who are candidates for a higher level certificate or who are teaching under a waiver of the requirement to be certified under this chapter; and [1999, c. 238, §1 (AMD).]

C. Assist all teachers in becoming better teachers. [1983, c. 845, §4 (NEW).]

This support system is separate from local practices and procedures regarding the supervision and evaluation of a teacher for retention by an administrative unit.

[1999, c. 238, §1 (AMD) .]

3. **Approval.** Each administrative unit's support system is subject to approval by the commissioner in accordance with state board rules which shall require, at a minimum, that an approved support system contains the following:

A. A majority of classroom teachers, including a master teacher, if available, and other personnel such as administrators, personnel from the Department of Education or institutions of higher education and other outside consultants as the commissioner may approve. The approved support system may consist of as few as 2 teachers and one administrator. For the purposes of this paragraph, the state board shall establish by rule the definition of classroom teacher; [1991, c. 622, Pt. X, §7 (AMD).]

B. A description of the duties and responsibilities of the support system in the preparation of a teacher action plan for both provisional teachers and applicants for master teacher certification; [1983, c. 845, §4 (NEW).]

C. A description of the duties of the master teacher responsible for the design and coordination of a teacher action plan; and [1983, c. 845, §4 (NEW).]

D. A description of any current or planned linkages the support system has or will have with institutions of higher education, department personnel and members of the public in the operation of its support system. [1983, c. 845, §4 (NEW).]

[1991, c. 622, Pt. X, §7 (AMD) .]

4. **Teacher action plan.** A teacher action plan is developed by the support system in consultation with the teacher who is the subject of the plan. The teacher action plan shall describe the specific skills which must be developed and improved by the teacher, as well as any other requirements, which may include additional professional graduate and advanced study, in order to achieve a positive recommendation to receive a higher level of certificate. A teacher action plan shall contain the basis for the positive or negative recommendation of a support system as to whether a teacher should be granted a professional teacher certificate or a master teacher certificate, as applicable.

[1983, c. 845, §4 (NEW) .]

5. **Records confidential.** A teacher action plan shall be considered an employee record and shall be kept confidential in accordance with sections 6101 and 6102.

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1989, c. 700, §A69 (AMD). 1991, c. 622, §X7 (AMD). 1999, c. 238, §1 (AMD).

§13016. RENEWAL OF TEACHER CERTIFICATES

Teacher certificates issued in accordance with this chapter may be renewed pursuant to state board rules which shall include, but not be limited to, the following. [1983, c. 845, §4 (NEW).]

1. **Provisional teacher certificates.** A provisional teacher certificate is not renewable except for the following:

A. Teachers employed in private schools approved for attendance purposes only; [1983, c. 845, §4 (NEW).]

B. Unemployed teachers who apply to renew their certificates during periods of unemployment so long as they have been employed for less than 2 consecutive school years while holding a preliminary certificate; [1983, c. 845, §4 (NEW).]

C. Notwithstanding paragraphs A and B, the commissioner may grant an extension for not more than 2 years based on:

(1) The recommendation of the superintendent;

(2) The recommendation of the support system that includes a Teacher Action Plan describing the goals to be met by the teacher to achieve a professional certificate, specific steps needed to achieve those goals, and criteria for measuring whether those steps have been successfully completed;

(3) If there is an inconsistency between the recommendations in subparagraphs (1) and (2), the commissioner may hold a fact-finding hearing in the school administrative unit where the teacher is employed. At the hearing, the Teacher Action Plan, superintendent's recommendations and support system recommendations must be presented. With the consent of the teacher the hearing may be open to the public; and [1991, c. 824, Pt. C, §3 (AMD).]

D. Notwithstanding paragraphs A, B and C on a case-by-case basis to be determined by the commissioner on the basis of documented hardship or other extraordinary circumstances as set forth in state board rules. [1983, c. 845, §4 (NEW).]

[1991, c. 824, Pt. C, §3 (AMD) .]

2. **Professional teacher certificates.** A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher complete at least 6 hours of professional or academic study, or in-service training designed to improve the performance of the teacher in the field for which the teacher holds an endorsement, or in a related subject area, or to improve

the teacher's knowledge of, and skill in, standards-based education. Teachers who desire to qualify for a master teacher certificate must coordinate their continuing professional education with the requirements of an applicable teacher action plan.

[2011, c. 669, §8 (AMD) .]

3. **Master teacher certificate.** A master teacher certificate may be renewed for 5-year periods in accordance with state board rules which shall require, at a minimum, that the master teacher has obtained a recommendation of the support system that the master teacher has maintained a high level of professional teacher skills. If the holder of a master teacher certificate fails to maintain master teacher skills or chooses not to seek a renewal of the master teacher certificate, the teacher will be deemed to hold a professional teacher certificate and shall meet the requirements for its renewal.

[1983, c. 845, §4 (NEW) .]

4. **Renewal of nonteacher, professional certificates.**

[1985, c. 287, §3 (RP) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1985, c. 287, §3 (AMD). 1991, c. 622, §X8 (AMD). 1991, c. 824, §C3 (AMD). 2011, c. 669, §8 (AMD).

§13017. INTERSTATE AGREEMENTS

(REPEALED)

SECTION HISTORY
1983, c. 845, §4 (NEW). 1993, c. 200, §2 (RP).

§13017-A. PROFESSIONAL CERTIFICATE WITH EXPERIENCE

Notwithstanding any other requirements of this chapter, a teacher or educational specialist who holds a provisional certificate, has taught for fewer than 2 years in this State under a provisional certificate and who has taught for a minimum of 2 years in the same content area may be awarded a professional certificate if recommended by the administrative unit's support system and if otherwise determined eligible by the commissioner. [1993, c. 200, §3 (NEW).]

SECTION HISTORY
1993, c. 200, §3 (NEW).

§13018. RECERTIFICATION OF 5-YEAR AND 10-YEAR TEACHER CERTIFICATES

Teachers, who hold certificates issued in accordance with chapter 501, shall continue to hold those certificates until their termination dates. All certificates issued after June 30, 1988, shall be issued in accordance with this chapter. Teachers who held 5-year or 10-year certificates prior to June 30, 1988, shall be considered to have held professional teacher certificates for the purpose of recertification under this chapter. [1985, c. 287, §4 (AMD).]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1985, c. 287, §4 (AMD).

§13019. VISITING TEACHER PERMIT

1. **Definition.** A visiting teacher permit is designed to allow those who do not intend to enter the teaching profession full time to offer their special expertise to schools. The visiting teacher shall act as an adjunct to existing staff and shall not be used to avoid the hiring of professional, certified teachers.

[1983, c. 845, §4 (NEW) .]

2. **Qualifications.** A visiting teacher permit shall be issued for a limited period in accordance with state board rules.

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY
1983, c. 845, §4 (NEW).

§13019-A. SUPERINTENDENT CERTIFICATE

1. **Initial certification.** A superintendent's certificate is the certificate required for employment as a superintendent of a school administrative unit in the State. State board rules shall require that qualifications for such a certificate include the following:

A. Evidence of at least 3 years of satisfactory teaching experience or an equivalent experience; [1985, c. 287, §5 (NEW).]

B. Evidence of previous administrative experience in schools or equivalent experience; [1985, c. 287, §5 (NEW).]

C. Academic and professional knowledge as demonstrated through the completion of required graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [1985, c. 287, §5 (NEW).]

D. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §5 (AMD).]

E. Satisfactory completion of an approved internship or practicum relating to the duties of a superintendent. [1985, c. 287, §5 (NEW).]

[2001, c. 534, §5 (AMD) .]

2. **Certificate renewal.** A superintendent's certificate is limited to 5 years in duration and may be renewed based on further approved study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1985, c. 287, §5 (NEW) .]

3. **Rulemaking.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §6 (NEW) .]

SECTION HISTORY
1985, c. 287, §5 (NEW). 1989, c. 889, §9 (AMD). 2001, c. 534, §§5,6 (AMD).

§13019-B. PRINCIPAL CERTIFICATE

1. **Initial certificate.** A principal's certificate is the certificate required for employment as principal of a public school and as chief administrator of a private school approved for attendance purposes pursuant to section 2901, subsection 2, paragraph B. State board rules shall require that qualifications for such a certificate include the following:

A. Three years of satisfactory teaching experience or an equivalent relevant experience; [1985, c. 287, §5 (NEW).]

B. Academic and professional knowledge as demonstrated through the completion of graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [1985, c. 287, §5 (NEW).]

C. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §7 (AMD).]

D. Satisfactory completion of an approved internship or practicum in the duties of a principal. [1985, c. 287, §5 (NEW).]

[2001, c. 534, §7 (AMD) .]

2. **Certificate renewal.** A principal's certificate is limited to 5 years in duration and may be renewed based on further approved study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1985, c. 287, §5 (NEW) .]

3. **Rulemaking.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §8 (NEW) .]

SECTION HISTORY
1985, c. 287, §5 (NEW). 1989, c. 889, §10 (AMD). 2001, c. 534, §§7,8 (AMD).

§13019-C. DIRECTOR OF CAREER AND TECHNICAL EDUCATION CERTIFICATE

1. **Initial certificate.** A director of career and technical education certificate is required of each director of a career and technical education region or center established pursuant to this Title and of a career and technical education program in an approved school. State board rules must require that qualifications for such a certificate include the following:

A. Three years of satisfactory experience in teaching or career and technical education training or equivalent experience; [2011, c. 679, §26 (AMD).]

B. Academic and professional knowledge as demonstrated through completion of graduate or undergraduate courses or programs, performance in examinations or completion of specialized programs approved for this purpose; [1989, c. 878, Pt. B, §18 (RPR).]

C. A basic level of knowledge in competency areas determined by the state board; and [2001, c. 534, §9 (AMD).]

D. Satisfactory completion of an approved internship or practicum relating to the duties of a director of career and technical education. [1989, c. 878, Pt. B, §18 (RPR); 2005, c. 397, Pt. D, §3 (REV).]

[2011, c. 679, §26 (AMD) .]

2. **Certificate renewal.** A certificate issued under this section is limited to 5 years in duration and may be renewed based on further graduate study or demonstrated professional growth and improvement through an approved administrator action plan in accordance with state board rules.

[1989, c. 878, Pt. B, §18 (RPR) .]

3. **Rulemaking.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[2001, c. 534, §10 (NEW) .]

SECTION HISTORY
1985, c. 287, §5 (NEW). 1989, c. 878, §B18 (RPR). 2001, c. 534, §§9,10 (AMD). 2005, c. 397, §D3 (REV). 2011, c. 679, §26 (AMD).

§13019-D. RECERTIFICATION OF ADMINISTRATORS

Administrators who hold certificates issued in accordance with chapter 501 continue to hold those certificates until their termination dates. Renewal of administrator certificates issued in accordance with chapter 501 that are granted after September 19, 1985 and before July 1, 1988 are valid for 5 years. All certificates issued after June 30, 1988 must be issued in accordance with this chapter. [1991, c. 2, §67 (COR).]

SECTION HISTORY
1985, c. 287, §5 (NEW). RR 1991, c. 2, §67 (COR).

§13019-E. RECERTIFICATION OF OTHER PROFESSIONAL PERSONNEL

Professional personnel other than teachers and administrators who hold certificates issued pursuant to chapter 501 of this Title shall continue to hold those certificates until their termination dates. All certificates issued after June 30, 1988, shall be issued and renewed in accordance with rules of the state board adopted pursuant to this chapter. [1985, c. 287, §5 (NEW).]

SECTION HISTORY
1985, c. 287, §5 (NEW).

§13019-F. ONE-YEAR CONDITIONAL CERTIFICATES FOR ADMINISTRATORS

An individual may be granted a maximum of 2 one-year conditional administrator certificates in a specific capacity if the individual: [2005, c. 152, §3 (AMD).]

1. **Conditional administrator certificate.** Will be employed in this State under that one-year conditional administrator certificate;

[2005, c. 152, §4 (AMD) .]

2. **Basic level knowledge areas.** Meets a majority of the basic level knowledge areas described in sections 13019-A, 13019-B and 13019-C; and

[1995, c. 282, §1 (NEW) .]

3. **Other requirements.** Meets other requirements in accordance with state board rules that are adopted pursuant to this section.

[1995, c. 282, §1 (NEW) .]

SECTION HISTORY
1995, c. 282, §1 (NEW). 2005, c. 152, §§3,4 (AMD).

§13020. REVOCATION OR SUSPENSION OF A CERTIFICATE

1. **General.** The state board's rules adopted under this chapter shall specify the procedure to be followed by the commissioner in seeking the revocation or suspension of a certificate in the District Court and shall authorize the commissioner to enter into a consent agreement with any certificated person in lieu of initiating or completing a proceeding in the District Court.

[1983, c. 845, §4 (NEW); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

2. **Grounds for revocation or suspension of a certificate.** The following are grounds for revocation or suspension of a certificate issued under this Title:

A. Evidence that a person has injured the health or welfare of a child through physical or sexual abuse or exploitation shall be grounds for revocation or suspension of a certificate. Notwithstanding Title 5, chapter 341, a certified court record that a person certificated under this Title was convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child within the previous 5 years shall be sufficient grounds for revocation or suspension of that person's certificate; and [1983, c. 845, §4 (NEW).]

B. Other grounds as may be established by the state board in its rules relating to criminal offenses not inconsistent with Title 5, chapter 341, fraud or gross incompetence. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

3. **Denial of certificate for prior immoral conduct.** Evidence that an applicant for initial certification or renewal has injured the health or welfare of a child through physical or sexual abuse or exploitation is grounds for a denial of a certificate. Notwithstanding Title 5, chapter 341, every person, who, within 5 years of the application for initial certification or renewal, has been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child, may be presumed by the commissioner to lack good moral character for the purposes of this chapter. This presumption shall be a rebuttable presumption. Notwithstanding Title 5, chapter 341, the commissioner shall be entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate.

[1983, c. 845, §4 (NEW) .]

4. **Reinstatement of certificate.** Revoked certificates may only be reinstated in accordance with state board rules. The following provisions govern the reinstatement of any certificate revoked for reasons of child abuse or exploitation.

A. Notwithstanding Title 5, chapter 341, no certificate revoked for reasons of child abuse or exploitation may be reinstated within 5 years of the revocation and in no case less than 3 years from the expiration of probation or parole or discharge from imprisonment for a criminal conviction involving child abuse or exploitation. [1983, c. 845, §4 (NEW).]

B. In determining whether a certificate may be reinstated, the commissioner shall determine whether the applicant has been sufficiently rehabilitated to warrant the public trust. The applicant shall be required to demonstrate sufficient evidence of rehabilitation, notwithstanding Title 5, chapter 341, and the commissioner shall state in writing the basis for any decision which denies reinstatement of a certificate. [1983, c. 845, §4 (NEW).]

C. Denial of reinstatement pursuant to paragraph B may be appealed to the Superior Court. [1983, c. 845, §4 (NEW).]

[1983, c. 845, §4 (NEW) .]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF).

§13021. PERIODIC REVIEW

The state board shall review teacher and administrator certificate standards every 6 years and report the results of its review to the Legislature, along with any proposed legislation. The first report to the Legislature shall be due starting with the legislative session beginning in December 1990. [1985, c. 287, §6 (AMD).]

SECTION HISTORY
1983, c. 845, §4 (NEW). 1985, c. 287, §6 (AMD).

§13022. SCHOOL PSYCHOLOGISTS

1. **Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "School psychologist" means a professional certified by the department as a school psychologist who provides school psychological services consistent with the national standards articulated by the most current Model for Comprehensive and Integrated School Psychological Services as published by the National Association of School Psychologists. "School psychologist" includes a school psychologist - doctoral and a school psychologist - specialist. [2011, c. 386, §2 (NEW).]

B. "School psychologist - doctoral" means a professional who meets the qualifications established in subsection 3 and holds a doctoral degree in psychology or a related field as determined by the advisory committee established in subsection 7. [2011, c. 386, §2 (NEW).]

C. "School psychologist - specialist" means a professional who meets the qualifications established in subsection 3 and holds a master's degree or specialist-level degree. [2011, c. 386, §2 (NEW).]

[2011, c. 386, §2 (AMD) .]

1-A. **Scope of services.** A school psychologist delivers services to children from birth to grade 12 who are eligible to be enrolled in educational and intermediate educational units, special education programs and approved private schools. The services delivered are the services articulated under the domains of practice in the current Model for Comprehensive and Integrated School Psychological Services developed and published by the National Association of School Psychologists.

[2011, c. 386, §2 (NEW) .]

2. **Certification by commissioner.** The commissioner shall certify school psychologists pursuant to rules adopted by the state board. The rules must include practice standards for certified school psychologists that follow national standards set forth by the National Association of School Psychologists or a successor organization and ethics standards set forth by the National Association of School Psychologists or a successor organization and the American Psychological Association or a successor organization, violation of which constitutes grounds for suspension or revocation of the certification.

[2011, c. 386, §2 (AMD) .]

3. **Qualifications.** State board rules governing the qualifications for a school psychologist certificate must require that a certificate be issued only to an applicant who has met the academic and preprofessional requirements established by the state board for the provision of school psychological services and who, at a minimum:

A. Holds a graduate degree from an accredited program in school psychology that was approved by the National Association of School Psychologists/National Council for Accreditation of Teacher Education or the American Psychological Association in School Psychology at the time the degree was awarded; [1993, c. 207, §3 (NEW).]

B. Has completed graduate work that is determined by the commissioner to be substantially similar to the programs referred to in paragraph A; or [1993, c. 207, §3 (NEW).]

C. Holds a valid license from the State Board of Examiners of Psychologists with demonstrated competency in the area of school psychology as established by the state board. [1993, c. 207, §3 (NEW).]

[2011, c. 386, §2 (AMD) .]

4. **Term of issuance.** The commissioner shall issue a school psychologist certificate for a term of years consistent with rules adopted by the state board. The length of the term may vary among certificate holders so as to be coterminous with any other professional license or certificate held by the school psychologist. The school psychologist certificate may be renewed in accordance with academic and professional requirements established by the state board. A certificate holder must be supervised for the first year following initial certification at no additional cost to the school administrative unit or the department. The state board shall require evidence of supervision prior to renewing a first-year certificate. Supervision of the first-year school psychologist must be in accordance with supervision standards established by the National Association of School Psychologists or a successor organization and provided by a person who is certified as a school psychologist under subsection 2 and is:

A. A member of the Maine Association of School Psychology or a successor organization; or [2011, c. 386, §2 (NEW).]

B. Employed by or under contract with a school administrative unit. [2011, c. 386, §2 (NEW).]

[2011, c. 386, §2 (AMD) .]

5. **Exclusive regulatory authority.** The provisions of Title 32, chapter 56 do not apply to persons certified as school psychologists under this section except to the extent that the persons are also licensed or seek licensure under that chapter, engage in the practice of psychology beyond the scope of this section or hold themselves out as psychologists or psychological examiners.

[2011, c. 386, §2 (AMD) .]

6. **Designation.** Persons certified under this section may hold themselves out as school psychologists but must include the word "school" in the designation, or as nationally certified school psychologists if they hold the credentials as designated by the National Association of School Psychologists or a successor organization. Persons certified under this section may not hold themselves out as psychologists, psychological examiners or any business name incorporating variations of those titles other than school psychologists or nationally certified school psychologists unless they are appropriately licensed under Title 32, chapter 56.

[2011, c. 386, §2 (AMD) .]

7. **Advisory committee.** There is established within the department, in accordance with Title 5, section 12004-I, the Advisory Committee on School Psychologists, referred to in this subsection as "the committee."

A. The duties of the committee are:

(1) To advise the state board in the adoption of rules and a code of ethics and practice standards for school psychologists; and

(2) To assist the commissioner in:

(i) Certifying school psychologists;

(ii) Investigating alleged violations of the code of ethics and practice standards adopted by the state board; and

(iii) Investigating alleged violations of section 13020 and certification rules governing school psychologists. [2011, c. 386, §2 (AMD).]

B. The committee consists of 9 members appointed by the commissioner. The membership consists of 2 certified school psychologists, 2 licensed psychologists, one faculty member from a graduate program in school psychology, one educator from a public school or approved private school and 3 parents or guardians of students. [2011, c. 386, §2 (AMD).]

C. Three members of the committee must be initially appointed for a term of one year, 3 for a term of 2 years and 3 for a term of 3 years. All appointments must be for a term of 3 years thereafter. Any member may serve beyond the expiration date of that member's term until a successor has been appointed and qualified. Any vacancy on the committee must be filled for the unexpired portion of the term. The committee shall elect its own chair. [1993, c. 207, §3 (NEW).]

D. Members of the committee are entitled to receive compensation according to the provisions of Title 5, chapter 379. [1993, c. 207, §3 (NEW).]

[2011, c. 386, §2 (AMD) .]

8. **Transition.** Persons certified as school psychological service providers and school psychological examiners on or after October 13, 1993 may continue to provide the services authorized by their respective certificates until the scheduled expiration of those certificates. The state board's rules must contain a schedule affording all certified school psychological service providers a reasonable amount of time to meet the requirements of the certificate authorized by subsection 2.

[2011, c. 386, §2 (AMD) .]

SECTION HISTORY
1993, c. 207, §3 (NEW). 2011, c. 386, §2 (AMD).

§13023. EDUCATIONAL TECHNICIAN AUTHORIZATION

1. **Authorization.** The educational technician authorization is a renewable authorization issued to paraprofessional personnel who have achieved minimum educational standards and to those personnel who have been grandfathered into their current positions for work in schools.

[1997, c. 553, §4 (NEW) .]

2. **Qualifications.** The commissioner shall adopt rules to define the function, preparation and supervision for the different levels of educational technician authorization. The rules must recognize applicable work experience credits earned by educational technicians through completion of work apprenticeship programs offered by the Department of Labor. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[2001, c. 98, §1 (AMD) .]

3. **Five-year authorization.** An educational technician authorization is issued for a 5-year period and may be renewed upon presentation of documentation that the educational technician has completed at least 3 credit hours of professional or academic study or in-service training that is new learning and related to the occupation of educational technicians. Nothing in this section requires a school administrative unit to pay for the cost of the professional or academic study or in-service training of an educational technician.

[1997, c. 553, §4 (NEW) .]

4. **Upgrade of authorization.** An educational technician may at any time apply for and receive an upgraded authorization so long as the educational technician presents evidence of meeting the educational preparation requirements for that authorization.

[1997, c. 553, §4 (NEW) .]

5. **Optional local authorization.** A school administrative unit may develop and operate an optional local educational technician authorization system under rules adopted by the commissioner. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A.

[1997, c. 553, §4 (NEW) .]

6. **Fees.** The commissioner shall assess fees for authorization under this section. The fee for each initial educational technician authorization and for renewal of an educational technician authorization must be set annually by the commissioner.

[2015, c. 395, §8 (AMD) .]

SECTION HISTORY
1997, c. 553, §4 (NEW). 2001, c. 98, §1 (AMD). 2005, c. 457, §FF2 (AMD). 2015, c. 395, §8 (AMD).

§13024. APPROVAL FOR PERSON PAID TO WORK IN SCHOOL

1. **Approval.** A person paid to work in a school in a position that does not require certification or authorization must be issued an approval by the department. This section applies to:

A. Personnel employed in a public school or an approved private school as regular or substitute employees; [2005, c. 457, Pt. FF, §3 (NEW).]

B. Personnel in a private school that enrolls more than 60% of its students at public expense; [2005, c. 457, Pt. FF, §3 (NEW).]

C. Personnel employed by or serving the school administrative unit as contracted service providers; and [2005, c. 662, Pt. A, §38 (AMD).]

D. Personnel for whom certification or authorization is not required prior to being hired or being placed under contract by a public school or an intermediate educational unit. [2005, c. 662, Pt. A, §39 (RPR).]

E. [2005, c. 662, Pt. A, §40 (RP).]

[2005, c. 662, Pt. A, §§38-40 (AMD) .]

2. **Qualifications.** The commissioner shall adopt rules to define the function, eligibility, term and renewal of the approval under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2005, c. 457, Pt. FF, §3 (NEW) .]

3. **Fees.** The commissioner shall assess fees for approvals under subsection 1. The fee is $15 for the initial approval and for renewal.

[2005, c. 457, Pt. FF, §3 (NEW) .]

SECTION HISTORY
2005, c. 457, §FF3 (NEW). 2005, c. 662, §§A38-40 (AMD).

§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. [2013, c. 167, Pt. D, §1 (NEW).]

SECTION HISTORY
2013, c. 167, Pt. D, §1 (NEW).

Chapter 502-A: QUALIFYING EXAMINATIONS FOR INITIAL TEACHERS

§13031. PURPOSE

The Legislature declares that the purpose of this chapter is to establish standardized qualifying examinations for those persons seeking provisional teacher certificates to teach in the State. [1983, c. 859, Pt. I, §§ 2, 3 (NEW).]

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW).

§13032. QUALIFYING EXAMINATION

The provisional teacher certificate may only be issued to those applicants who have taken the teacher qualifying examination. The examination may be administered in separate parts and may be taken by applicants for provisional teacher certificates at any time after completion of the sophomore year of attendance at a post-secondary higher education institution. The examination must test the applicant in the following area: [1999, c. 569, §1 (AMD); 1999, c. 569, §6 (AFF).]

1. **Communication skills.**

[1999, c. 569, §6 (AFF); 1999, c. 569, §1 (RP) .]

2. **General knowledge.**

[1999, c. 569, §6 (AFF); 1999, c. 569, §1 (RP) .]

3. **Professional knowledge.**

[1999, c. 569, §6 (AFF); 1999, c. 569, §1 (RP) .]

4. **Basic skills.** Basic skills, which include reading, writing and mathematics.

[2001, c. 471, Pt. A, §24 (AMD) .]

The applicant is responsible for the costs associated with taking the teacher qualifying examination. [1999, c. 569, §1 (AMD); 1999, c. 569, §6 (AFF).]

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW). 1999, c. 569, §1 (AMD). 1999, c. 569, §6 (AFF). 2001, c. 471, §A24 (AMD).

§13033. TRANSITIONAL PERIOD AND STUDY

(REPEALED)

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW). 1989, c. 700, §A70 (AMD). 1991, c. 682, §5 (RP).

§13034. CERTIFICATION RECORDS

The score on the teacher qualifying examinations shall become part of a teacher's certification records. These records shall be confidential to the extent authorized under section 13004. [1983, c. 859, Pt. I, §§ 2, 3 (NEW).]

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW).

§13035. QUALIFYING SCORES

(REPEALED)

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW). 1999, c. 569, §6 (AFF). 1999, c. 569, §2 (RP).

§13035-A. QUALIFYING SCORES

1. **Basic skills scores.** Beginning September 1, 2000, in order to be eligible for a provisional teacher certificate, an applicant must achieve the minimum qualifying scores on the teacher qualifying examination in basic skills pursuant to section 13032, subsection 4.

[1999, c. 569, §3 (NEW); 1999, c. 569, §6 (AFF) .]

2. **Core battery scores.** Until September 1, 2004, notwithstanding subsection 1, an applicant that has taken and achieved minimum qualifying scores under former section 13035 on the communications skills and general knowledge sections of the core battery of a national teachers examination taken on or after November 1, 1982 and before September 1, 2000 is eligible for a provisional teacher certificate.

[1999, c. 569, §3 (NEW); 1999, c. 569, §6 (AFF) .]

SECTION HISTORY
1999, c. 569, §3 (NEW). 1999, c. 569, §6 (AFF).

§13036. APPLICANT RIGHTS

An applicant shall be informed of the results of the qualifying examinations and have the right to retake the qualifying examinations, in whole or in part. [1983, c. 859, Pt. I, §§ 2, 3 (NEW).]

SECTION HISTORY
1983, c. 859, §§I2,I3 (NEW).

§13037. ONE-YEAR, NONRENEWABLE CERTIFICATE

An individual who has failed to achieve the minimum qualifying scores of this State on qualifying examinations taken pursuant to section 13035 on or after July 1, 1988 may be issued on or after September 1, 2000 a one-year, nonrenewable certificate as long as other criteria as required by the State Board of Education have been met. [1999, c. 569, §4 (NEW); 1999, c. 569, §6 (AFF).]

SECTION HISTORY
1999, c. 569, §4 (NEW). 1999, c. 569, §6 (AFF).

§13038. RULEMAKING

The State Board of Education may adopt rules to implement sections 13031 to 13036. Rules adopted pursuant to these sections are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A. [1999, c. 569, §4 (NEW); 1999, c. 569, §6 (AFF).]

SECTION HISTORY
1999, c. 569, §4 (NEW). 1999, c. 569, §6 (AFF).

Chapter 502-B: PROFESSIONAL STANDARDS BOARD

§13101. PROFESSIONAL STANDARDS BOARD

1. **Board established.** There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:

A. Two elementary school teachers; [2005, c. 457, Pt. GG, §1 (NEW).]

B. Two middle school teachers; [2005, c. 457, Pt. GG, §1 (NEW).]

C. Two high school teachers; [2005, c. 457, Pt. GG, §1 (NEW).]

D. Two educational specialists; [2005, c. 457, Pt. GG, §1 (NEW).]

E. Two special education teachers; [2005, c. 457, Pt. GG, §1 (NEW).]

F. Two education technicians; [2005, c. 457, Pt. GG, §1 (NEW).]

G. Three building administrators, one from an elementary school, one from a middle school and one from a high school; [2005, c. 457, Pt. GG, §1 (NEW).]

H. One special education director; [2005, c. 457, Pt. GG, §1 (NEW).]

I. One curriculum coordinator; [2005, c. 457, Pt. GG, §1 (NEW).]

J. Two district-level administrators; [2005, c. 457, Pt. GG, §1 (NEW).]

K. Two faculty members teaching in an approved teacher preparation program; [2005, c. 457, Pt. GG, §1 (NEW).]

L. One member of the public; [2005, c. 457, Pt. GG, §1 (NEW).]

M. One member, ex officio, of the state board; and [2005, c. 457, Pt. GG, §1 (NEW).]

N. The commissioner, or the commissioner's designee, serving as an ex officio, nonvoting member of the board.

The board shall consider the commissioner's or the designee's recommendations. [2005, c. 457, Pt. GG, §1 (NEW).]

A member whose employment status changes during that member's term on the board remains on the board for the duration of the term for which that member was appointed.

[2005, c. 457, Pt. GG, §1 (NEW) .]

2. **Appointments.** The Governor shall appoint the 23 members of the board specified in subsection 1, paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.

[2005, c. 683, Pt. E, §1 (AMD) .]

3. **Terms.** The appointed members of the board serve for 3-year terms and may not serve more than 2 full terms.

[2005, c. 457, Pt. GG, §1 (NEW) .]

4. **Compensation.** The appointed members of the board serve without compensation and are entitled to reimbursement by the state board for mileage and expenses incurred in performing required duties. The state board shall furnish the board with materials, secretarial assistance and meeting facilities.

[2005, c. 457, Pt. GG, §1 (NEW) .]

5. **Chair; duties.** The members of the board shall annually elect a chair from among their membership. The chair shall present budget requests to the state board.

[2005, c. 457, Pt. GG, §1 (NEW) .]

6. **Powers and duties.** The board has the following powers and duties.

A. The board shall make recommendations to the state board, including, but not limited to, preservice education, continuing education, professional growth, initial certification, recertification and paraprofessional training and certification, and shall advise the department on rule-making procedures. [2005, c. 457, Pt. GG, §1 (NEW).]

B. The board shall monitor the impact of the policies adopted pursuant to paragraph A on the education profession in making recommendations and reports to the commissioner and the state board. [2005, c. 457, Pt. GG, §1 (NEW).]

C. In making policy recommendations on the certification process, the board shall consider complaints received by the department regarding the certification or certification approval process. [2005, c. 457, Pt. GG, §1 (NEW).]

D. The board shall meet 5 times annually. [2005, c. 457, Pt. GG, §1 (NEW).]

E. The board shall maintain records and minutes of its meetings and shall file them in the certification office within the department. [2005, c. 457, Pt. GG, §1 (NEW).]

[2005, c. 457, Pt. GG, §1 (NEW) .]

SECTION HISTORY
2005, c. 457, §GG1 (NEW). 2005, c. 683, §E1 (AMD).

§13102. WORK PLAN AND ANNUAL REPORT

The board shall develop an annual work plan in consultation with the commissioner and the state board that includes ongoing work and new issues for study. The annual work plan must be set by September 1st of each year. [2005, c. 457, Pt. GG, §1 (NEW).]

The board shall submit a report by June 30th of each year to the commissioner and the state board with its recommendations. [2005, c. 457, Pt. GG, §1 (NEW).]

SECTION HISTORY
2005, c. 457, §GG1 (NEW).

§13103. RECOMMENDATIONS TO STATE BOARD OF EDUCATION

The state board shall act on standards definitions or other recommendations within 60 days of presentation to the state board by the board. [2005, c. 457, Pt. GG, §1 (NEW).]

SECTION HISTORY
2005, c. 457, §GG1 (NEW).

§13104. RULEMAKING

The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2005, c. 457, Pt. GG, §1 (NEW).]

SECTION HISTORY
2005, c. 457, §GG1 (NEW).

Chapter 503: TEACHER EMPLOYMENT

§13201. NOMINATION AND ELECTION OF TEACHERS; TEACHER CONTRACTS

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board makes. Upon the approval of nominations by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent determines proper, subject to the approval of the school board. The superintendent, subject to the approval of the school board, shall implement a program to support probationary teachers pursuant to section 13015. Prior to May 15th before the expiration of a first, 2nd or 3rd year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate

that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to legally elect a teacher, the commissioner has the authority to appoint a substitute teacher who serves until such election is made. [2011, c. 172, §2 (AMD); 2011, c. 172, §4 (AFF).]

After a probationary period of 3 years, subsequent contracts of duly certified teachers must be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract must be extended automatically for one year and similarly in subsequent years, except for duly certified teachers who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties. Unless a duly certified teacher who received a summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for the preceding school year receives written notice to the contrary from the superintendent not later than May 15th, the contract must be extended automatically for one year. [2015, c. 65, §1 (AMD).]

Just cause for dismissal or nonrenewal is a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A for teachers who have served beyond the probationary period. [2011, c. 172, §2 (AMD); 2011, c. 172, §4 (AFF).]

After a probationary period of 3 years, any teacher who receives notice in accordance with this section that the teacher's contract is not going to be renewed may during the 15 days following such notification request a hearing with the school board. The teacher may request reasons. The hearing must be private except by mutual consent and except that either or both parties may be represented by counsel. That hearing must be granted within 30 days of the receipt of the teacher's request. [2011, c. 172, §2 (AMD); 2011, c. 172, §4 (AFF).]

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall must include the teacher's effectiveness rating pursuant to chapter 508 as a factor and may also include, but may not be limited to, seniority. [2011, c. 635, Pt. A, §2 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 147, §2 (AMD). 1983, c. 371, (AMD). 1983, c. 806, §93 (AMD). 1985, c. 797, §§50,51 (AMD). 1989, c. 285, (AMD). 2011, c. 172, §2 (AMD). 2011, c. 172, §4 (AFF). 2011, c. 420, Pt. F, §1 (AMD). 2011, c. 420, Pt. F, §2 (AFF). 2011, c. 635, Pt. A, §2 (AMD). 2015, c. 65, §1 (AMD).

§13202. TEACHER DISMISSAL

A school board, after investigation, due notice of hearing and hearing thereon, shall dismiss any teacher, although having the requisite certificate, who proves unfit to teach or whose services the board deems unprofitable to the school; and give to that teacher a certificate of dismissal and of the reasons for the dismissal, a copy of which the board shall retain. That dismissal shall not deprive the teacher of compensation for previous services. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 504: EMPLOYMENT OF PRINCIPALS

§13301. DEFINITION

For the purposes of this chapter, "principal" means any person certified as a principal in accordance with chapter 501 or 502 who is employed as a supervising principal for more than 50% of the time in any public elementary or secondary school in the State. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

SECTION HISTORY
1991, c. 556, §1 (NEW). 1991, c. 556, §2 (AFF).

§13302. NOMINATION AND APPROVAL; CONTRACTS

1. **Employment of principals.** The superintendent shall nominate principals for employment, subject to regulations established by the school board governing salaries and qualifications and the requirements of section 1001, subsection 13. If the school board approves the nomination, the superintendent may employ a principal for a term not to exceed 3 years as determined by the school board.

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

2. **Written contract.** Employment of principals must be by written contract that includes, but is not limited to:

A. The identification of the parties to the contract; [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

B. The responsibilities of the position; [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

C. The renewal or extension provisions; and [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

D. The salary and benefits for the position.

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

SECTION HISTORY
1991, c. 556, §1 (NEW). 1991, c. 556, §2 (AFF).

§13303. CONTRACT RENEWAL

1. **Notice.** A school board shall provide notice of the renewal or nonrenewal of a principal's employment contract as follows.

A. Notwithstanding any contract provision to the contrary and no later than March 1st of the year the contract expires, the school board shall notify a principal who has been employed by the board for more than 2 years of its decision to renew the principal's contract for a period not to exceed 3 years or not to renew the principal's contract. Notice of a principal's nonrenewal of contract must be in writing. Upon written request, the school board shall provide a written statement of the reasons for nonrenewal to a principal. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

B. Notwithstanding any contract provision to the contrary and no later than April 1st of the year the contract expires, the school board shall notify a principal who has been employed by the board for 2 years or less of its decision to renew the principal's contract for a period not to exceed 3 years or not to renew the principal's contract. Notice of nonrenewal of a principal's contract must be in writing. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

2. **Failure to give notice.** If the board fails to notify the principal in accordance with subsection 1, the following provisions apply.

A. A principal may request in writing within 15 days of the March 1st or April 1st notice deadline, as applicable, a meeting with the school board to discuss contract renewal issues. The board shall hold that meeting within 30 days of receipt of the principal's request. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

B. A school administrative unit shall pay a forfeiture to the principal. The amount of that forfeiture is equal to the sum of 1/260th of the principal's present annual salary rate multiplied by the number of days between the notification deadline and the date on which notification is made or a complaint is filed in accordance with this paragraph. A principal who believes notice has not been provided as required in subsection 1 may file a complaint with the commissioner. Following the filing of a complaint, the commissioner shall make a determination of whether the school board has failed to notify the principal as required by subsection 1 and of the amount of forfeiture due. If a complaint is not filed within 30 days after the termination of the principal's contract, the right to a forfeiture is no longer available. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

3. **Hearing.** Within 15 days of receipt of notice of nonrenewal of a contract by a principal who has been employed for more than 2 years, the principal may request in writing a hearing with the school board on the decision not to renew the contract. The board shall hold the hearing within 30 days of receipt of the principal's request and either or both parties may be represented by counsel.

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

4. **Meeting.** Within 15 days of receipt of notice of nonrenewal of a contract by a principal who has been employed for 2 years or less, the principal may request in writing a meeting with the school board to discuss contract renewal issues. The board shall hold the meeting within 30 days of receipt of the principal's request and either or both parties may be represented by counsel.

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

SECTION HISTORY
1991, c. 556, §1 (NEW). 1991, c. 556, §2 (AFF).

§13304. DISMISSAL

In accordance with this section, a school board may dismiss a principal before the expiration of the contract term. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

1. **Requirements.** The principal may be dismissed only:

A. After consideration of a recommendation of the superintendent; [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

B. For cause; [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

C. After due notice and investigation; [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

D. After a hearing before the school board, if requested; and [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

E. By a majority vote of the school board. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

2. **Salary.** Upon dismissal, the principal's salary ceases.

[1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF) .]

SECTION HISTORY
1991, c. 556, §1 (NEW). 1991, c. 556, §2 (AFF).

§13305. ELIMINATION OF PRINCIPAL'S POSITION

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the principal's position for which the contract was made. [1991, c. 556, §1 (NEW); 1991, c. 556, §2 (AFF).]

SECTION HISTORY
1991, c. 556, §1 (NEW). 1991, c. 556, §2 (AFF).

Chapter 505: TEACHERS' SALARIES

§13401. EQUAL PAY

In assigning salaries to teachers of public schools, discrimination may not be made between male and female teachers with the same training and experience employed in the same grade or performing the same kinds of duties. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13402. MINIMUM SALARIES

1. **Minimum salary schedule.**

[1985, c. 505, §2 (RP) .]

2. **Increase.**

[2005, c. 635, §3 (RP) .]

3. **Substitute teachers.** Substitute teachers must be compensated at the rate of not less than $30 for each day of service. Any substitute teacher under contract with the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is deemed for the purposes of civil liability to be an employee of a governmental entity under the Maine Tort Claims Act.

[2005, c. 279, §12 (AMD) .]

4. **Annuity contract premiums.** Money paid by a school administrative unit as a premium for an annuity contract for the benefit of an employee shall, for purposes of minimum salaries for teachers, be considered part of that employee's salary.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Reimbursement for additional professional training.** When a certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the superintendent, the school administrative unit shall pay that teacher not less than $100.

[1981, c. 693, §§5, 8 (NEW) .]

6. **Permits or special licenses.** If the employment of teachers under permit or other special license is authorized by the commissioner, the commissioner may prescribe minimum salaries and other rules for this class of teachers.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 520, (AMD). 1985, c. 505, §2 (AMD). 1995, c. 676, §7 (AMD). 1995, c. 676, §13 (AFF). 2005, c. 279, §12 (AMD). 2005, c. 635, §3 (AMD).

§13403. RECOMMENDED MINIMUM SALARIES FOR 1986-87

(REPEALED)

SECTION HISTORY
1985, c. 505, §3 (NEW). 2005, c. 635, §4 (RP).

§13404. MINIMUM SALARIES FOR 1987-88

(REPEALED)

SECTION HISTORY
1985, c. 505, §3 (NEW). 2005, c. 635, §4 (RP).

§13405. MINIMUM SALARIES FOR 2006-2007

(REPEALED)

SECTION HISTORY
2005, c. 635, §5 (NEW). 2013, c. 506, §15 (RP).

§13406. MINIMUM SALARIES BEGINNING IN 2007-2008

Each school administrative unit shall establish a minimum salary of $30,000 for certified teachers for the school year starting after June 30, 2007 and in each subsequent school year. [2005, c. 635, §6 (NEW).]

SECTION HISTORY
2005, c. 635, §6 (NEW).

Chapter 505-A: RETIRED TEACHERS' HEALTH INSURANCE

§13451. GROUP ACCIDENT AND SICKNESS OR HEALTH INSURANCE FOR RETIRED TEACHERS

Group accident and sickness or health insurance must be available to retired and certain inactive teachers as defined in Title 5, section 17001, subsection 42, subject to the following. [1997, c. 652, §3 (AMD); 1997, c. 652, §4 (AFF).]

1. **Access to a group plan.** The group accident and sickness and health insurance plan that is in effect for active teachers in a public school system or school unit must be made available to all teachers eligible under subsection 2 who retired under the Maine Public Employees Retirement System when they left that system or school unit or who terminated employment without retiring as provided in subsection 2-B. The rate for the insurance coverage must be the same as the rate provided for active teachers in that school system or school unit.

[1997, c. 652, §3 (AMD); 1997, c. 652, §4 (AFF); 2007, c. 58, §3 (REV) .]

2. **Eligible for membership prior to July 1, 2011; retired teacher members.** A retired teacher who receives a retirement benefit from and who became eligible for membership in the State Employee and Teacher Retirement System before July 1, 2011 is eligible for group accident and sickness or health insurance, as long as the retired teacher has a minimum of 5 years creditable service and also meets the eligibility requirements for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement or October 1, 1987, whichever comes last. Retired teachers may not be required to maintain a dues-paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

[2011, c. 380, Pt. W, §1 (AMD); 2011, c. 380, Pt. W, §5 (AFF) .]

2-A. **Access to group plan; retired teachers who serve as Legislators or are employed by the Legislature.** Any retired teacher eligible for group accident and sickness or health insurance under subsection 2, or terminated teacher who does not retire but who elects group accident and sickness or health insurance under subsection 2-B, who becomes a member of the Legislature or who becomes employed by the Legislature must be permitted to reenroll in the teachers' group plan within 90 days of the date the retired teacher ceases to be a Legislator or terminates employment with the Legislature. The retired or terminated teacher seeking to reenroll must show that continuous insurance coverage was maintained from at least one year immediately prior to retirement from the school district to within 90 days of the date of reenrollment.

[2001, c. 559, Pt. QQ, §1 (AMD) .]

2-B. **Eligibility; teachers who terminate employment but do not retire.** Any teacher who terminates employment but does not retire at that time, who has 25 years of creditable service under Title 5, chapter 423, subchapter IV and remains a member of the Maine Public Employees Retirement System after termination, who makes a one-time election to continue coverage from the date of termination until retirement and who pays the cost of the coverage plus the cost incurred by the association or organization offering the plan in administering coverage under the plan is eligible to participate in the teacher group plan. If a terminated teacher who elects coverage under this subsection fails to pay the cost of coverage and any administrative costs in the amount and manner determined by the division, the coverage may be cancelled in accordance with the requirements of Title 24 and Title 24-A. Regardless of election of coverage or cancellation of coverage under this paragraph, a teacher terminating employment as provided in this subsection may elect coverage upon retirement under subsection 2-C.

[1997, c. 652, §3 (NEW); 1997, c. 652, §4 (AFF); 2007, c. 58, §3 (REV) .]

2-C. **Eligibility; teachers who retire following break in employment.** A teacher who retires but who is not in service immediately prior to retirement and who has at least 25 years of creditable service under Title 5, chapter 423, subchapter 4 may make a one-time election at retirement to rejoin the teacher group plan. If previous service terminated due to the elimination of the teacher's position as a result of closure of a school in School Administrative District Number 10 where the teacher was employed, the teacher may make one additional election to rejoin the plan, which election may be exercised at any time after retirement. Coverage of preexisting conditions upon rejoining the plan under this subsection is governed by Title 24-A, chapter 36. The payment provisions of subsection 3 apply to retirees exercising an option under this subsection.

[2005, c. 666, §1 (AMD) .]

2-D. **Eligible for membership on or after July 1, 2011; retired teacher members.** A retired teacher who receives a retirement benefit from and who became eligible for membership in the State Employee and Teacher Retirement System on or after July 1, 2011 is eligible for group accident and sickness or health insurance, as long as the retired teacher has a minimum of 10 years creditable service and also meets the eligibility requirement for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement. Retired teachers may not be required to maintain a dues-paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

[2011, c. 380, Pt. W, §2 (NEW); 2011, c. 380, Pt. W, §5 (AFF) .]

3. **Payment by State.** The State shall pay a percentage of the retired teacher members' share of this insurance according to the following schedule:

A. Thirty percent until July 1, 2002; [2001, c. 559, Pt. N, §1 (NEW).]

B. Thirty-five percent from July 1, 2002 to July 31, 2003; [2005, c. 12, Pt. X, §1 (AMD).]

C. Forty percent from August 1, 2003 to December 31, 2005; and [2005, c. 457, Pt. TT, §1 (AMD).]

D. Forty-five percent after December 31, 2005. [2005, c. 457, Pt. TT, §2 (AMD).]

Except for individuals who are receiving or who have received retirement benefits under Title 5, section 17907 or 17929, for a teacher who retires after July 1, 2012, the State shall begin paying the percentage of the retired teacher member's share pursuant to this subsection when the retiree reaches normal retirement age.

For the fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014 and June 30, 2015, the State's total cost for retired teachers' health insurance premiums is budgeted at the fiscal year 2010-11 funding level adjusted for projected membership growth. The increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015 is budgeted at no more than any percentage increase in the Consumer Price Index as defined in Title 5, section 17001, subsection 9 plus 3%. A provider of a health insurance benefit plan for retired teachers must make available data related to the provider's premium costs and any related data as requested by the Executive Director of Health Insurance within the Department of Administrative and Financial Services.

[2013, c. 368, Pt. H, §3 (AMD) .]

3-A. **School units that change plans.** If a school unit changes its group health insurance plan or provider, the school unit at the time that it transfers active teachers to the new plan or provider shall also transfer all retired teachers, and terminated teachers who do not retire and who elect coverage under the teacher group plan under subsection 2-B, from that school unit to the new plan or provider and shall inform each retired and terminated teacher in writing that, unless the school receives written notice from an individual retired or terminated teacher to the contrary, each retired or terminated teacher will be transferred automatically to the new plan or provider. The school unit shall also provide each retired or terminated teacher a description of the benefits and costs of the new plan or provider. A retired or terminated teacher may

decline to participate with the new plan or provider upon written notice to the school unit. If any retired or terminated teacher so elects, there is no obligation or responsibility on the part of the replaced group plan or provider beyond conversion or continuity options provided for in Title 24, chapter 19 or Title 24-A, chapters 35 and 36. If any retired or terminated teacher declines to participate with the new plan or provider, there is no obligation or responsibility on the part of the replaced group plan or provider.

[1997, c. 652, §3 (AMD); 1997, c. 652, §4 (AFF) .]

3-B. **Plan experience.**

[2005, c. 457, Pt. UU, §1 (RP) .]

4. **Master policy certificates.** The insurance company or companies or nonprofit organizations, or both, shall furnish the usual master policy and certificates. The original master policy and certificate must be held by the organization offering the insurance plan and the Commissioner of Administrative and Financial Services shall hold a certified copy. Each insured retired or terminated teacher-member must receive a certificate setting forth the benefits to which entitled, to whom payable, to whom claims must be submitted and summarizing the provisions of the policy principally affecting the retired or terminated teacher-member.

[1997, c. 652, §3 (AMD); 1997, c. 652, §4 (AFF) .]

5. **Payment by State.**

[1991, c. 447, §4 (RP) .]

SECTION HISTORY
1987, c. 450, §§2,3 (NEW). 1987, c. 816, §KK17 (AMD). 1989, c. 501, §P23 (AMD). 1989, c. 875, §§E25,26 (AMD). 1989, c. 878, §A46 (RPR). 1991, c. 447, §§1-4 (AMD). 1991, c. 780, §Y118 (AMD). 1993, c. 43, §1 (AMD). 1995, c. 368, §G14 (AMD). 1997, c. 643, §OO1 (AMD). 1997, c. 643, §OO3 (AFF). 1997, c. 652, §3 (AMD). 1997, c. 652, §4 (AFF). 2001, c. 439, §§PP1,2 (AMD). 2001, c. 559, §§N1,QQ1 (AMD). 2001, c. 714, §EE1 (AMD). 2003, c. 20, §C1 (AMD). 2003, c. 451, §OO1 (AMD). 2005, c. 12, §§X1-3 (AMD). 2005, c. 457, §§TT1,2,UU1 (AMD). 2005, c. 666, §1 (AMD). 2007, c. 58, §3 (REV). 2011, c. 380, Pt. W, §§1-3 (AMD). 2011, c. 380, Pt. W, §5 (AFF). 2011, c. 540, §2 (AMD). 2011, c. 540, §3 (AFF). 2013, c. 368, Pt. H, §3 (AMD).

§13461. ELIGIBILITY FOR GROUP PLAN

(REPEALED)

SECTION HISTORY
1987, c. 324, (NEW). 1989, c. 878, §A46 (RP).

Chapter 506: TEACHER RECOGNITION GRANTS

§13501. PURPOSE

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 2009, c. 274, §14 (RP).

§13502. DEFINITIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1989, c. 700, §A71 (AMD). 1995, c. 676, §8 (AMD). 1995, c. 676, §13 (AFF). 2009, c. 274, §14 (RP).

§13503-A. TEACHER RECOGNITION GRANTS

(REPEALED)

SECTION HISTORY
1985, c. 505, §5 (NEW). 2009, c. 274, §14 (RP).

§13504. SCHEDULE OF PAYMENT

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 2009, c. 274, §14 (RP).

§13505. LOCAL FILING; CERTIFICATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1985, c. 505, §6 (AMD). 2009, c. 274, §14 (RP).

§13506. RESPONSIBILITY OF THE COMMISSIONER

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1985, c. 505, §7 (AMD). 1985, c. 785, §A92 (AMD). RR 1993, c. 1, §51 (COR). 2005, c. 683, §A30 (AMD). 2007, c. 466, Pt. A, §38 (AMD). 2009, c. 274, §14 (RP).

§13507. LOCAL COLLECTIVE BARGAINING

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1985, c. 505, §8 (RPR). 2009, c. 274, §14 (RP).

§13507-A. STATE COLLECTIVE BARGAINING

(REPEALED)

SECTION HISTORY
1985, c. 797, §52 (NEW). 1987, c. 524, (AMD). 2007, c. 466, Pt. A, §39 (AMD). 2009, c. 274, §14 (RP).

§13508. FUTURE APPROPRIATIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1985, c. 505, §9 (AMD). 2009, c. 274, §14 (RP).

§13509. PAYMENTS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§J2,J7 (NEW). 1985, c. 505, §10 (RPR). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV). 2009, c. 274, §14 (RP).

Chapter 507: LEAVES OF ABSENCE

§13601. SICK LEAVE

1. **Minimum annual sick leave.** A school administrative unit shall grant all certified teachers, except substitute teachers as defined by the commissioner, a minimum annual sick leave of 10 school days, cumulative to a minimum of 90 school days, without loss of salary.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Transferrance of sick leave.** A school administrative unit which employs certified teachers who have accumulated sick leave in the teacher's immediately previous position in a public school system within the State shall accept up to 20 days of that sick leave for transfer to the employing school administrative unit. This sick leave shall be credited and made effective upon achieving continuing contract status in the employing unit, provided that:

A. There shall have been no break in service in that teacher's public school employment within the State; and [1981, c. 693, §§ 5, 8 (NEW).]

B. The teacher was eligible to receive sick leave in his or her previous position at the time of his or her termination of employment. [1983, c. 806, §94 (AMD).]

[1983, c. 806, §94 (AMD) .]

3. **Alternate sick leave plans.** The commissioner may approve another plan of sick leave which provides at least equal benefits to those of subsections 1 and 2.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Teachers' assistants and aides.** Full-time teachers' assistants and teachers' aides shall be granted minimum annual sick leave of 10 school days.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §94 (AMD).

§13602. LEAVE OF ABSENCE AS LEGISLATORS

A school administrative unit shall grant a certified teacher, except a substitute teacher as defined by the commissioner, leave of absence without pay and without forfeiture of continuing contract status and other accumulated benefits to fulfill the duties of a Legislator, provided that the teacher provides a written notice of intent to become a candidate for the Legislature at the time teacher contracts are issued. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13603. MILITARY LEAVE OF ABSENCE OF TEACHERS

Teachers who are members of the National Guard or the Reserves of the United States Armed Forces are entitled to take a military leave of absence from their respective duties, without loss of pay or time when engaged in military training not to exceed 17 calendar days in any calendar year, provided that the teachers have made a reasonable effort to perform their military training during the period when school is not in session. [2001, c. 662, §10 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2001, c. 662, §10 (AMD).

§13604. LEAVES OF ABSENCE

1. **Leaves of absence granted by school board.** To increase the efficiency of the public schools and to permit teachers, principals or other persons to pursue a further course of study or to travel to be better qualified by education and culture for the position they hold in the schools, a school board may grant a leave of absence to any teacher, principal or other person regularly employed by the school board.

[1989, c. 901, §1 (NEW); 1989, c. 901, §2 (AFF) .]

2. **Maximum length; years of service.** A leave of absence may not exceed one year and may be granted only after 7 years of service.

[1989, c. 901, §1 (NEW); 1989, c. 901, §2 (AFF) .]

3. **Other terms and conditions.** All other terms and conditions of a leave of absence, including, but not limited to, compensation during a leave of absence, may be determined by a collective bargaining agreement negotiated under Title 26, chapter 9-A. In the absence of or to the extent not inconsistent with any applicable collective bargaining agreement, the school board may establish these terms and conditions.

[1989, c. 901, §1 (NEW); 1989, c. 901, §2 (AFF) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 901, §§1,2 (RPR).

Chapter 508: EDUCATOR EFFECTIVENESS

§13701. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2011, c. 635, Pt. A, §3 (NEW).]

1. **Educator.** "Educator" means a teacher or a principal.

[2011, c. 635, Pt. A, §3 (NEW) .]

2. **Effectiveness rating.** "Effectiveness rating" means the level of effectiveness of an educator derived through implementation of a performance evaluation and professional growth system.

[2011, c. 635, Pt. A, §3 (NEW) .]

3. **Performance evaluation and professional growth system.** "Performance evaluation and professional growth system" or "system" means a method developed in compliance with this chapter by which educators are evaluated, rated on the basis of effectiveness and provided opportunities for professional growth.

[2011, c. 635, Pt. A, §3 (NEW) .]

4. **Professional improvement plan.** "Professional improvement plan" means a written plan developed by a school or district administrator with input from an educator that outlines the steps to be taken over the coming year to improve the effectiveness of the educator. The plan must include but need not be limited to appropriate professional development opportunities.

[2011, c. 635, Pt. A, §3 (NEW) .]

5. **Summative effectiveness rating.** "Summative effectiveness rating" means the effectiveness rating of an educator that is assigned at the end of an evaluation period. Ratings or comments provided to the educator during the evaluation period for the purpose of providing feedback, prior to assignment of a final effectiveness rating, are not summative effectiveness ratings.

[2011, c. 635, Pt. A, §3 (NEW) .]

SECTION HISTORY
2011, c. 635, Pt. A, §3 (NEW).

§13702. LOCAL DEVELOPMENT AND IMPLEMENTATION OF SYSTEM

Each school administrative unit shall develop and implement a performance evaluation and professional growth system for educators. The system must meet the criteria set forth in this chapter and rules adopted pursuant to this chapter and must be approved by the department. [2011, c. 635, Pt. A, §3 (NEW).]

SECTION HISTORY
2011, c. 635, Pt. A, §3 (NEW).

§13703. USE OF EFFECTIVENESS RATING; GRIEVANCE

A superintendent shall use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal. [2011, c. 635, Pt. A, §3 (NEW).]

Receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract unless the ratings are the result of bad faith. [2011, c. 635, Pt. A, §3 (NEW).]

Any appeal of, or grievance relating to, an evaluation conducted pursuant to this chapter or an effectiveness rating resulting from implementation of a system is limited to matters relating to the implementation of the system or the existence of bad faith in an evaluation or the assignment of a rating. The professional judgment involved in an evaluation or implementation of the system is not subject to appeal or grievance. [2011, c. 635, Pt. A, §3 (NEW).]

SECTION HISTORY
2011, c. 635, Pt. A, §3 (NEW).

§13704. ELEMENTS OF SYSTEM

A performance evaluation and professional growth system consists of the following elements: [2011, c. 635, Pt. A, §3 (NEW).]

1. **Standards of professional practice.** Standards of professional practice by which the performance of educators must be evaluated.

A. The department shall provide, by rule, a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for teachers and a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for principals; [2011, c. 635, Pt. A, §3 (NEW).]

[2011, c. 635, Pt. A, §3 (NEW) .]

2. **Multiple measures of effectiveness.** Multiple measures of educator effectiveness, other than standards of professional practice, including but not limited to student learning and growth;

[2011, c. 635, Pt. A, §3 (NEW) .]

3. **Rating scale.** A rating scale consisting of 4 levels of effectiveness.

A. The rating must be based on standards of professional practice and measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision, but measurements of student learning and growth must be a significant factor in the determination of the rating of an educator. School administrative units shall use state assessment growth data for English language arts, literacy and mathematics as at least one measure of the performance of English language arts and mathematics teachers in tested grades and as a measure for the performance of principals.

An educator whose summative effectiveness rating indicates ineffectiveness must receive an annual summative effectiveness evaluation and rating until the rating improves.

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence from which learning objectives and learning targets may be developed. [2015, c. 3, §1 (AMD).]

B. The rating scale must set forth the professional growth opportunities and the employment consequences tied to each level. [2011, c. 635, Pt. A, §3 (NEW).]

C. At least 2 of the levels must represent effectiveness, and at least one level must represent ineffectiveness; [2011, c. 635, Pt. A, §3 (NEW).]

[2015, c. 3, §1 (AMD) .]

4. **Professional development.** A process for using information from the evaluation process to inform professional development;

[2011, c. 635, Pt. A, §3 (NEW) .]

5. **Implementation procedures.** Implementation procedures that include the following:

A. Evaluation of educators on a regular basis, performed by one or more trained evaluators. The frequency of evaluations may vary depending on the effectiveness level at which the educator is performing, but observations of professional practice, formative feedback and continuous improvement conversations must occur throughout the year for all educators; [2011, c. 635, Pt. A, §3 (NEW).]

B. Ongoing training on implementation of the system to ensure that all educators and evaluators understand the system and have the knowledge and skills needed to participate in a meaningful way; [2011, c. 635, Pt. A, §3 (NEW).]

C. A peer review component to the evaluation and professional growth system and opportunities for educators to share, learn and continually improve their practice; and [2011, c. 635, Pt. A, §3 (NEW).]

D. Formation of a steering committee composed of teachers, administrators and other school administrative unit staff that regularly reviews and refines the performance evaluation and professional growth system to ensure that it is aligned with school administrative unit goals and priorities; and [2011, c. 635, Pt. A, §3 (NEW).]

[2011, c. 635, Pt. A, §3 (NEW) .]

6. **Professional improvement plan.** The opportunity for an educator who receives a summative effectiveness rating indicating ineffectiveness in any given year to implement a professional improvement plan.

[2011, c. 2, §18 (COR) .]

SECTION HISTORY
RR 2011, c. 2, §18 (COR). 2011, c. 635, Pt. A, §3 (NEW). 2015, c. 3, §1 (AMD).

§13705. PHASE-IN OF REQUIREMENTS

The requirements of this chapter apply to all school administrative units beginning in the 2017-2018 school year. In the 2014-2015 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the 2015-2016 school year, each unit shall operate as a pilot project the system developed in the 2014-2015 school year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. In the 2016-2017 school year, each unit shall operate as a pilot project the system developed in the 2014-2015 school year by applying it to all of the schools and applicable staff in the unit. At the end of the 2016-2017 school year, units may modify the system approved in the 2015-2016 school year. The modified system must meet the standards of this chapter. Nothing in this section prohibits a unit from fully implementing the system earlier than the 2017-2018 school year. [2015, c. 405, §1 (AMD).]

SECTION HISTORY
2011, c. 635, Pt. A, §3 (NEW). 2015, c. 18, §1 (AMD). 2015, c. 405, §1 (AMD).

§13706. RULES

The department shall adopt rules to implement this chapter, including but not limited to a rule relating to the method of identifying the educator or educators whose effectiveness ratings are affected by the measurement of learning or growth of a particular student. The department shall also adopt rules pertaining

to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [2015, c. 3, §2 (AMD).]

SECTION HISTORY
2011, c. 635, Pt. A, §3 (NEW). 2015, c. 3, §2 (AMD).

Chapter 509: MISCELLANEOUS

§13801. RESIDENCY REQUIREMENT; COLLECTIVE BARGAINING

If an administrative unit engages in collective bargaining as required in Title 26, then it shall not enact any ordinance which requires employees to reside within the boundaries of the unit as a condition for employment. A collective bargaining agreement may include a residency requirement for persons not yet employed at the time the agreement becomes effective. If an administrative unit does not engage in collective bargaining as required in Title 26, then any ordinance it enacts which requires employees to reside within the boundaries of the unit shall not apply to persons already employees at the time the regulation becomes effective. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13802. TEACHER AND PRINCIPAL EVALUATION MODELS

1. **Department to propose models.** The department shall propose models for evaluation of the professional performance of teachers and principals employed in a school administrative unit within the State. The models must include multiple measures.

[2011, c. 36, §1 (AMD) .]

2. **Use of models.** Each school administrative unit within the State may select and incorporate one or more of the models proposed pursuant to subsection 1 for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. Nothing in this section prevents a school administrative unit from developing and adopting its own models for teacher and principal evaluation.

[2011, c. 36, §2 (AMD) .]

SECTION HISTORY
1985, c. 173, (NEW). 2009, c. 646, §2 (AMD). 2011, c. 36, §§1, 2 (AMD).

Chapter 511: INTERSTATE AGREEMENT ON QUALIFICATIONS OF EDUCATIONAL PERSONNEL

Subchapter 1: AGREEMENT

§13901. PURPOSE, FINDINGS AND POLICY - ARTICLE I

1. **Purpose.** The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of

education and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Findings.** The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this agreement can increase the availability of educational manpower.

[1991, c. 2, §68 (COR) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). RR 1991, c. 2, §68 (COR).

§13902. DEFINITIONS - ARTICLE II

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Accept.** "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Designated state official.** "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his or her state, contracts pursuant to this agreement.

[1983, c. 806, §95 (AMD) .]

3. **Educational personnel.** "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Originating state.** "Originating state" means a state, and the subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Receiving state.** "Receiving state" means a state, and the subdivisions thereof, which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **State.** "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §95 (AMD).

§13903. INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS - ARTICLE III

1. **Contracts.** The designated state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration is applicable to and binding on the state whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this Article only with states in which the official finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in that official's own state.

[2009, c. 2, §45 (COR) .]

2. **Provisions.** Any such contract shall provide for:

A. Its duration; [1981, c. 693, §§ 5, 8 (NEW).]

B. The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state; [1981, c. 693, §§ 5, 8 (NEW).]

C. Such waivers, substitutions and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards; [1981, c. 693, §§ 5, 8 (NEW).]

D. Any other necessary matters. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Term.** No contract made pursuant to this agreement shall be for a term longer than 5 years but any such contract may be renewed for like or lesser periods.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Acceptance.** Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Revocation or suspension.** The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

[1981, c. 693, §§ 5, 8 (NEW) .]

6. **Review.** A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). RR 2009, c. 2, §45 (COR).

§13904. ACCEPTED AND APPROVED PROGRAMS - ARTICLE IV

1. **Training requirements.** To the extent that contracts made pursuant to this agreement deal with the academic or other educational training requirements for the proper qualification of educational personnel, the principles set forth in this Article shall govern.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Effect of approval.** The approval, by the appropriate state or local authorities pursuant to the laws of a sending state, of a program of educational training shall have such effect on the qualification of educational personnel within that state as its laws provide.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Acceptance.** Acceptance of a program of educational preparation or training for purposes of this agreement shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13905. INTERSTATE COOPERATION - ARTICLE V

The party states agree that: [1981, c. 693, §§ 5, 8 (NEW).]

1. **Multi-lateral contracts.** They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this agreement.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Cooperation.** They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations and associations interested in certification and other elements of educational personnel qualification.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13906. AGREEMENT EVALUATION - ARTICLE VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13907. -OTHER ARRANGEMENTS - ARTICLE VII

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13908. EFFECT AND WITHDRAWAL - ARTICLE VIII

1. **Effective.** This agreement shall become effective when enacted into law by 2 states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Withdrawal.** Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Obligations.** No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13909. CONSTRUCTION AND SEVERABILITY - ARTICLE IX

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the Constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Subchapter 2: PROVISIONS RELATING TO AGREEMENT

§13951. DESIGNATED STATE OFFICIAL

The commissioner shall be the "designated state official" for this State and may enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the state board. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§13952. TRUE COPIES FILES

True copies of all contracts made on behalf of this State pursuant to the agreement shall be kept on file in the office of the Commissioner of Education and in the office of the Secretary of State. The Commissioner of Education shall publish all such contracts in convenient form. [1989, c. 700, Pt. A, §72 (AMD).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 700, §A72 (AMD).

Part 7: SCHOOL FINANCE

Chapter 601: GENERAL PROVISIONS

§15001. DEFINITIONS

As used in this Title and Title 20, unless the context indicates otherwise, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Aggregate attendance.** "Aggregate attendance" means the total number of days of attendance for one school year in elementary and secondary schools of each regularly enrolled pupil resident of the municipality.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Membership.** "Membership" means active participation in the program of a school from the date of enrollment to the time the student withdraws or is absent from the school for 10 consecutive days for reasons other than illness.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Teaching positions.**

[2009, c. 274, §15 (RP) .]

4. **Pupil.** "Pupil" means elementary or secondary school student.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2005, c. 397, Pt. D, §3 (REV). 2009, c. 274, §15 (AMD).

§15002. PERMANENT SCHOOL FUND

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 774, §6 (RP).

§15002-A. PERMANENT SCHOOL FUND

The Treasurer of State shall keep a separate account of all money received from sales of lands appropriated for the support of schools or from notes taken therefor and of any other money appropriated for the same purpose. Those sums constitute the Permanent School Fund, which must be invested in such securities as are legal investments for savings banks under Title 9. The income from these investments must be placed in a dedicated revenue, interest-bearing account and must be available to be used for: [2007, c. 667, §14 (AMD).]

1. **Alternative education, school dropouts and truants.** Financing the department's obligation to provide services to encourage the development of alternative education programs, including high school completion programs through adult education programs and must address other needs of school dropouts and truants as more specifically set forth in sections 5151 to 5153; and

[2007, c. 667, §14 (AMD) .]

2. **Allocation to school units.** Allocations to school administrative units for the purpose of surveying school systems and developing school plans. The allocations may not in any case exceed the unit's local share percentage determined under chapter 606-A times the cost of those surveys or plans.

[2007, c. 667, §14 (AMD) .]

3. **Fees for equivalency certificates.**

[1989, c. 525, §2 (RP) .]

SECTION HISTORY
1985, c. 774, §7 (NEW). 1989, c. 525, §2 (AMD). 2007, c. 667, §14 (AMD).

§15003. SCHOOL FISCAL YEAR

Notwithstanding any statute or charter provision to the contrary, a school administrative unit shall annually adopt a school budget for a period beginning on July 1st and ending on June 30th. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§15004. UNEXPENDED BALANCES

The unexpended balance of all money raised by a school administrative unit, received from the State for general-purpose aid or for other educational programs; from the Federal Government directly or from the Federal Government through the State; from tuition payments made by other units, the State, or by individuals; and other receipts for school purposes shall be carried forward and credited to the unit for educational programs for the ensuing year. [1989, c. 425, §3 (AMD).]

Funds which are set aside for direct reimbursement programs or for workers' compensation self-insurance programs, established pursuant to section 1001, shall not be considered unexpended balances. These funds shall be carried forward to be used only for the reimbursement or self-insurance program for which they were originally dedicated. [1989, c. 425, §3 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1989, c. 425, §3 (AMD).

§15005. APPORTIONMENTS

1. **Apportionments.** Apportionments to school administrative units and private schools, unless specifically directed by statute, must be made annually commencing in July in the following manner. An amount not to exceed 1/12 of the subsidy must be paid each month no later than the last day of the month. Any balance must be paid within 7 days after the end of the fiscal year. If the balance of state subsidy for a fiscal year is paid after the end of the fiscal year, the final payment may be recorded as an account receivable due from the State in that fiscal year.

[1991, c. 824, Pt. A, §37 (RPR) .]

2. **Career and technical education centers.** Payments may be made to career and technical education centers at the times and in the amounts as the commissioner may authorize.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

3. **Return required.** An apportionment provided in this chapter, chapters 505 and 606-B, and section 13601, and Title 20, section 3457, may not be paid to a school administrative unit by the Treasurer of State until returns required by law have been filed with the commissioner.

[2011, c. 678, Pt. C, §3 (AMD) .]

4. **Failure to file return.** When the information required by the chapters and sections listed in subsection 3 is not available because of the failure of the school administrative unit, through its officers, to make the returns required by law, or because of the loss or destruction of the school records of the unit, the commissioner may use a basis for apportionment numbers on which the apportionment for the unit was made for the preceding year less 10%.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1991, c. 429, §5 (AMD). 1991, c. 528, §I6 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I6 (AMD). 1991, c. 716, §6 (AMD). 1991, c. 824, §A37 (AMD). 2003, c. 545, §5 (REV). 2009, c. 571, Pt. E, §16 (AMD). 2011, c. 678, Pt. C, §3 (AMD).

§15006. SCHOOL MONEY; FINANCE COMMITTEES

1. **Municipal schools.** Money appropriated for public schools for educational purposes may be paid from the treasury of a municipality by the treasurer of the municipality in the following circumstances:

A. Upon written order of the municipal officers following receipt of a bill of items certified by the superintendent of schools and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board; or [1993, c. 96, §1 (NEW).]

B. Upon presentation of a disbursement warrant as provided in Title 30-A, section 5603, subsection 2, paragraph A, subparagraph (2). [1993, c. 96, §1 (NEW).]

[1993, c. 96, §1 (RPR) .]

2. **Quasi-municipal corporations.** No money appropriated for public school or educational purposes may be paid out by a school administrative unit other than a municipality, except upon written order of its treasurer. No such order may be drawn by the treasurer, except upon presentation of a properly avouched bill of items which has first been certified as to correctness by the superintendent of schools and approved by a majority of the school board or by a financial committee appointed or otherwise duly elected by the school board.

[1987, c. 402, Pt. A, §130 (RPR) .]

3. **Finance committees.** School boards which do not otherwise have authority to appoint a finance committee under this Title may appoint 2 or more members of the board and the superintendent to act as the finance committee of the administrative unit.

[1987, c. 402, Pt. A, §130 (RPR) .]

SECTION HISTORY
1985, c. 774, §8 (NEW). 1985, c. 797, §53 (NEW). 1987, c. 402, §A130 (RPR). 1993, c. 96, §1 (AMD).

§15007. MINISTERIAL AND SCHOOL LANDS

All income derived from ministerial and school lands within a municipality and from rents and profits of real and personal estate held under Title 13, section 3166, shall be annually applied to the support of public schools in the municipality or the schooling of resident students and expended like other school money. [1985, c. 797, §53 (NEW).]

SECTION HISTORY
1985, c. 797, §53 (NEW).

§15008. FUEL COST STABILIZATION FUND

A school administrative unit may establish and expend a fuel cost stabilization fund as provided in this section. [2009, c. 104, §1 (NEW).]

1. **Establishment and funding.** The voters or other legislative body of a school administrative unit may establish a fuel cost stabilization fund and may raise and appropriate funds for that purpose in addition to the school operating budget. A separate warrant article for that purpose must be approved at the budget meeting and at the budget validation referendum. If a school administrative unit has discontinued the budget validation referendum process, the article must be approved by the voters or other legislative body using the same process as for approval of the school budget. If a school administrative unit has available fund balances at the end of a fiscal year, the transfer of those funds to the fuel cost stabilization fund may be authorized at a budget meeting or other meeting of the voters or other legislative body. An article authorizing an appropriation or transfer to the fuel cost stabilization fund must be accompanied by a statement that includes the balance in the fuel cost stabilization fund before and after the proposed appropriation or transfer, the amounts expended from the fund in each of the 2 prior fiscal years and, in the case of a transfer, the amount expended from the fund in the current fiscal year.

[2009, c. 104, §1 (NEW) .]

2. **Fund limit.** An appropriation or transfer may not cause the aggregate amount in the fuel cost stabilization fund to exceed the school administrative unit's highest annual total cost for heating and transportation fuel in the 3 completed fiscal years prior to the authorization of that proposed funding amount. During the first 3 years of operation of a new or reorganized school administrative unit, the fuel costs of the original school administrative units may be aggregated for purposes of determining the total amount that may not be exceeded due to an appropriation or transfer.

[2009, c. 104, §1 (NEW) .]

3. **Expenditures.** In addition to its approved operating budget, a school board may expend funds in the fuel cost stabilization fund to offset fuel costs for heating and transportation that exceed budgeted amounts. A school board may transfer funds from the fuel cost stabilization fund for another purpose only when authorized to do so at a budget meeting or other meeting of the voters or other legislative body.

[2009, c. 104, §1 (NEW) .]

4. **Investment.** The money in the fuel cost stabilization fund may be invested as provided by law for school reserve funds with the earnings to be credited to that fund.

[2009, c. 104, §1 (NEW) .]

5. **Fund not to lapse.** A balance in the fuel cost stabilization fund at the end of a fiscal year does not lapse.

[2009, c. 104, §1 (NEW) .]

SECTION HISTORY
2009, c. 104, §1 (NEW).

Chapter 603: FEDERAL AID

§15301. STATE ACCEPTANCE OF FEDERAL CONSTRUCTIONS AID LAWS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §54 (RP).

§15302. STATE BOARD AS STATE AGENCY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §54 (RP).

§15303. TREASURER OF STATE AS CUSTODIAN

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §54 (RP).

§15304. APPROPRIATIONS AUTHORIZED

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 797, §54 (RP).

Chapter 603-A: FEDERAL AID

§15401. ADMINISTRATION OF FEDERAL AID

1. **Authorization to administer funds.** The department may administer all allotments of federal funds pertaining to schools, educational programs and institutions of higher education. The commissioner shall act for the department except where otherwise specified in the law.

[1985, c. 797, §55 (NEW) .]

2. **Award of subgrants.** The department may award subgrants to school administrative units, private schools, nonprofit corporations, institutions of higher learning or other persons for purposes related to education out of federal grant funds when those subgrants are permitted by the terms under which the federal funds are available. Those subgrants shall be made in conformity with applicable federal requirements and with appropriate state accounting requirements and in accordance with rules of the department.

[1985, c. 797, §55 (NEW) .]

3. **Rulemaking.** The department may adopt rules to implement this section.

[1985, c. 797, §55 (NEW) .]

SECTION HISTORY
1985, c. 797, §55 (NEW).

Chapter 605: THE SCHOOL FINANCE ACT

§15501. SHORT TITLE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15502. INTENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15503. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 426, §1 (AMD). 1983, c. 576, §§2-6 (AMD). 1983, c. 806, §96 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15504. NOTIFICATION OF ACTUAL EDUCATION COSTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 576, §§7,8 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15505. COMMISSIONER'S RECOMMENDATION FOR FUNDING

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 576, §9 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15506. GOVERNOR'S RECOMMENDATION FOR FUNDING LEVELS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 576, §10 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15507. ACTIONS BY THE LEGISLATURE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15508. COMPUTATION OF THE STATE-LOCAL ALLOCATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 426, §2 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15509. ADJUSTMENTS INCLUDED IN STATE-LOCAL ALLOCATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§K4-K5,K7 (AMD). 1983, c. 859, §§G1,G4 (RP). 1985, c. 506, §§A38,39 (RP).

§15510. SCHEDULES OF PAYMENT OF STATE ALLOCATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 39, §3 (AMD). 1983, c. 806, §97 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15511. LOCAL ALLOCATION AND APPROPRIATIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 110, §§C-6 (AMD). 1983, c. 422, §23 (AMD). 1983, c. 485, §29 (AMD). 1983, c. 824, §J6 (AMD). 1983, c. 859, §§G1,G4 (RP).

§15512. LOCAL FUNDS WITHOUT STATE PARTICIPATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15513. MUNICIPAL ASSESSMENT PAID TO DISTRICT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15514. SPECIAL SCHOOL DISTRICTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15515. SCHOOL BUDGET; BUDGET FORMATS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15516. ACTIONS ON BUDGET

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15517. BONDS; NOTES; OTHER

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15518. COMPLIANCE WITH FEDERAL AND STATE LAWS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§G1,G4 (RP).

§15519. APPROVAL TO EXPEND SCHOOL FUNDS BY MUNICIPALITIES

(REPEALED)

SECTION HISTORY
1983, c. 806, §98 (NEW).

Chapter 606: SCHOOL FINANCE ACT OF 1985

§15601. SHORT TITLE

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). MRSA T. 20-A, §15622 (RP).

§15602. INTENT

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1985, c. 505, §12 (AMD). 1987, c. 848, §1 (AMD). 1989, c. 875, §E27 (AMD). RR 1991, c. 2, §70 (COR). 1991, c. 528, §I7 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I7 (AMD). 1991, c. 625, §1 (AMD). 1991, c. 625, §5 (AFF). 1991, c. 802, §3 (AMD). 1993, c. 410, §F5 (AMD). 1993, c. 684, §3 (AMD). 1995, c. 368, §Y1 (AMD). 1997, c. 469, §1 (AMD). 1997, c. 643, §D1 (AMD). 1999, c. 401, §GG1 (AMD). 1999, c. 731, §D1 (AMD). 2001, c. 358, §U1 (AMD). 2001, c. 559, §D1 (AMD). 2001, c. 714, §FF1 (AMD). 2003, c. 20, §C2 (AMD). 2003, c. 504, §§B2-15 (AMD). 2003, c. 688, §§A16,17 (AMD). MRSA T. 20-A, §15622 (RP).

§15603. DEFINITIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1985, c. 248, §1 (AMD). 1985, c. 463, §2 (AMD). 1985, c. 487, §§4,5 (AMD). 1985, c. 737, §A45 (AMD). 1985, c. 797, §§56,57 (AMD). 1987, c. 523, §§2-4 (AMD). 1987, c. 767, §§2-4 (AMD). 1987, c. 848, §§2-5 (AMD). 1987, c. 850, §§1,5 (AMD). 1989, c. 209, §§1,2 (AMD). 1989, c. 414, §24 (AMD). 1989, c. 466, §§1-3 (AMD). 1989, c. 600, §§B2-4 (AMD). 1989, c. 885, (AMD). 1991, c. 268, §§1-3 (AMD). 1991, c. 528, §§E14,15 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §§E14,15 (AMD). 1991, c. 655, §9 (AMD). 1993, c. 410, §§F6-16 (AMD). 1993, c. 625, §17 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 665, §J2 (AMD). 1997, c. 787, §§6-9 (AMD). 1999, c. 81, §§4,5 (AMD). 1999, c. 127, §A34 (AMD). 1999, c. 401, §§GG2,JJ1 (AMD). 2001, c. 344, §10 (AMD). 2001, c. 354, §3 (AMD). 2003, c. 314, §1 (AMD). 2003, c. 477, §12 (AMD). 2003, c. 504, §B16 (AMD). 2003, c. 688, §C5 (AMD). 2003, c. 689, §B6 (REV). 2003, c. 712, §4 (AMD). 2005, c. 397, §D3 (REV). MRSA T. 20-A, §15622 (RP).

§15604. NOTIFICATION OF ACTUAL EDUCATIONAL COSTS; OTHER INFORMATION; MANDATORY REPORTS; AUDIT ADJUSTMENTS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1997, c. 326, §3 (AMD). 2003, c. 688, §A18 (AMD). 2005, c. 397, §D3 (REV). MRSA T. 20-A, §15622 (RP).

§15605. COMMISSIONER'S RECOMMENDATION FOR FUNDING LEVELS; COMPUTATIONS; GUIDELINES

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1985, c. 797, §58 (AMD). 1987, c. 848, §6 (AMD). 1989, c. 466, §4 (AMD). 1991, c. 528, §E16 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §E16 (AMD). 1993, c. 410, §KKK1 (AMD). 1997, c. 643, §D2 (AMD). 1997, c. 724, §1 (AMD). MRSA T. 20-A, §15622 (RP).

§15606. GOVERNOR'S RECOMMENDATION FOR FUNDING LEVELS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). MRSA T. 20-A, §15622 (RP).

§15607. ACTIONS BY THE LEGISLATURE

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1987, c. 850, §§2,3,5 (AMD). 1989, c. 502, §§C7,C8 (AMD). 1989, c. 875, §E28 (AMD). 1995, c. 98, §1 (AMD). 1997, c. 326, §4 (AMD). 1999, c. 401, §GG3 (RPR). 1999, c. 731, §YY2 (AMD). 2003, c. 688, §A19 (AMD). MRSA T. 20-A, §15622 (RP).

§15607-A. (REPEALED)

SECTION HISTORY
1999, c. 401, §GG4 (NEW). MRSA T. 20-A, §15622 (RP).

§15608. COMPUTATION OF THE MAXIMUM STATE-LOCAL ALLOCATION PRIOR TO ADJUSTMENTS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1985, c. 797, §59 (AMD). 2005, c. 397, §D3 (REV). MRSA T. 20-A, §15622 (RP).

§15609. COMPUTATION OF MAXIMUM LOCAL SHARE OF THE FOUNDATION ALLOCATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1987, c. 848, §7 (AMD). 1993, c. 410, §F17 (AMD). 2003, c. 712, §5 (AMD). MRSA T. 20-A, §15622 (RP).

§15610. COMPUTATION OF STATE SHARE OF THE FOUNDATION ALLOCATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1989, c. 875, §E29 (AMD). 1991, c. 528, §I8 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I8 (AMD). 1991, c. 625, §2 (AMD). 1991, c. 625, §5 (AFF). 2003, c. 688, §A20 (AMD). 2003, c. 712, §6 (AMD). MRSA T. 20-A, §15622 (RP).

§15611. COMPUTATION OF LOCAL AND STATE SHARES FOR DEBT SERVICE

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1987, c. 848, §8 (AMD). 1993, c. 410, §F18 (AMD). 2003, c. 712, §7 (AMD). MRSA T. 20-A, §15622 (RP).

§15612. ADJUSTMENTS TO THE STATE SHARE OF THE FOUNDATION ALLOCATION

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1983, c. 859, §§K6,K7 (AMD). 1985, c. 487, §6 (AMD). 1985, c. 583, (AMD). 1985, c. 797, §60 (AMD). 1987, c. 603, (AMD). 1987, c. 827, §2 (AMD). 1987, c. 850, §§4,5 (AMD). 1987, c. 853, §§1,2 (AMD). 1987, c. 861, §§16,17 (AMD). 1989, c. 502, §§B19-21 (AMD). 1989, c. 534, §E3 (AMD). 1989, c. 554, §§1-3 (AMD). 1989, c. 596, §E2 (AMD). 1989, c. 697, §§1-3,5 (AMD). 1989, c. 702, §E10 (AMD). 1989, c. 875, §§E30-32 (AMD). 1989, c. 878, §D7 (AMD). 1989, c. 910, §2 (AMD). 1989, c. 911, §8 (AMD). 1991, c. 528, §I9 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §I9 (AMD). 1991, c. 625, §3 (AMD). 1991, c. 625, §5 (AFF). 1993, c. 410, §DDDD1 (AMD). 1995, c. 303, §1 (AMD). 1997, c. 736, §2 (AMD). 1999, c. 401, §§JJ2,3 (AMD). 2003, c. 504, §§B17-24 (AMD). 2003, c. 688, §B5 (AMD). MRSA T. 20-A, §15622 (RP).

§15613. AUTHORIZATION AND SCHEDULES OF PAYMENT OF STATE SUBSIDY; APPEALS; LIMITATIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1985, c. 789, §§4,9 (AMD). 1985, c. 797, §61 (AMD). 1987, c. 737, §§C57,C106 (AMD). 1987, c. 848, §§9,10 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1989, c. 414, §25 (AMD). 1989, c. 524, §§1-3 (AMD). 1989, c. 560, (AMD). 1989, c. 700, §A73 (AMD). 1989, c. 875, §E33 (AMD). 1991, c. 71, (AMD). 1993, c. 410, §F19 (AMD). 1995, c. 427, §2 (AMD). 1997, c. 326, §5 (AMD). 1997, c. 395, §R1 (AMD). 2001, c. 127, §1 (AMD). 2001, c. 559, §D2 (AMD). 2003, c. 712, §8 (AMD). MRSA T. 20-A, §15622 (RP).

§15614. LOCAL APPROPRIATIONS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1999, c. 710, §12 (AMD). 2003, c. 474, §§1-3 (AMD). MRSA T. 20-A, §15622 (RP).

§15615. MUNICIPAL ASSESSMENT PAID TO DISTRICT

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). MRSA T. 20-A, §15622 (RP).

§15616. SPECIAL SCHOOL DISTRICTS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). MRSA T. 20-A, §15622 (RP).

§15617. SCHOOL BUDGET; BUDGET FORMATS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1987, c. 737, §§C58,C59, C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 429, §6 (AMD). 1991, c. 716, §6 (AMD). 1993, c. 435, §6 (AMD). 1993, c. 435, §7 (AMD). 2003, c. 545, §5 (REV). MRSA T. 20-A, §15622 (RP).

§15618. ACTIONS ON BUDGET

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 1991, c. 824, §A38 (AMD). MRSA T. 20-A, §15622 (RP).

§15618-A. ANNUAL REPORT ON EDUCATIONAL BUDGETS

(REPEALED)

SECTION HISTORY
1987, c. 669, (NEW). 1989, c. 615, §§1,2 (AMD). 1999, c. 710, §§13,14 (AMD). 2001, c. 471, §A25 (RP).

§15619. BONDS; NOTES; OTHER

(REPEALED)

SECTION HISTORY
1983, c. 859, §§G2,G4 (NEW). 2001, c. 471, §D19 (AMD). MRSA T. 20-A, §15622 (RP).

§15620. STATE ALLOCATION PAYMENTS FOR SCHOOL BUS PURCHASES

(REPEALED)

SECTION HISTORY
1987, c. 659, (NEW). MRSA T. 20-A, §15622 (RP).

§15621. RULEMAKING

(REPEALED)

SECTION HISTORY
1989, c. 414, §26 (NEW). 1991, c. 268, §4 (AMD). 1993, c. 324, §2 (AMD). MRSA T. 20-A, §15622 (RP).

§15622. REPEAL

(REPEALED)

SECTION HISTORY
2005, c. 2, §D31 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). MRSA T. 20-A, §15622 (RP).

Chapter 606-A: SCHOOL FINANCE ACT OF 1995

§15651. SHORT TITLE

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). MRSA T. 20-A, §15660 (RP).

§15652. DEFINITIONS

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). 1997, c. 643, §D3 (AMD). 1999, c. 401, §GG5 (AMD). 2003, c. 504, §A1 (AMD). MRSA T. 20-A, §15660 (RP).

§15653. PER PUPIL GUARANTEE; STATEWIDE FEATURES

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). 1997, c. 643, §D4 (AMD). 1997, c. 724, §2 (AMD). 1999, c. 401, §§GG6,7 (AMD). 1999, c. 731, §§D2,3 (AMD). 2001, c. 358, §§U2,3 (AMD). 2001, c. 559, §D3 (AMD). 2003, c. 20, §C3 (AMD). 2003, c. 673, §N1 (AMD). MRSA T. 20-A, §15660 (RP).

§15654. SCHOOL ADMINISTRATIVE UNIT STATE AND LOCAL CONTRIBUTIONS TO THE PER PUPIL GUARANTEE

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). MRSA T. 20-A, §15660 (RP).

§15655. ALLOCATION FOR PER PUPIL GUARANTEE

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). MRSA T. 20-A, §15660 (RP).

§15656. PUPIL COUNTS

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). 1999, c. 401, §GG8 (RPR). 2003, c. 504, §A2 (AMD). MRSA T. 20-A, §15660 (RP).

§15657. WEIGHTED RELATIVE PROPERTY FISCAL CAPACITY

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). 1997, c. 643, §D5 (AMD). 1999, c. 401, §GG9 (AMD). MRSA T. 20-A, §15660 (RP).

§15658. RELATIONSHIP TO THE SCHOOL FINANCE ACT OF 1985

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). MRSA T. 20-A, §15660 (RP).

§15659. HARDSHIP CUSHION

(REPEALED)

SECTION HISTORY
1995, c. 368, §Z1 (NEW). 1995, c. 368, §Z2 (AFF). MRSA T. 20-A, §15660 (RP).

§15660. REPEAL

(REPEALED)

SECTION HISTORY
2003, c. 504, §A3 (NEW). MRSA T. 20-A, §15660 (RP).

Chapter 606-B: ESSENTIAL PROGRAMS AND SERVICES

§15670. SHORT TITLE

This chapter may be known and cited as "the Essential Programs and Services Funding Act." [2003, c. 504, Pt. A, §4 (NEW).]

SECTION HISTORY
2003, c. 504, §A4 (NEW).

§15671. ESSENTIAL PROGRAMS AND SERVICES

Essential programs and services are those educational resources that are identified in this chapter for all students to meet the standards in the 8 content standard subject areas of the system of learning results established in chapter 222. In order to achieve this system of learning results, school funding based on essential programs and services must be available in all schools on an equitable basis. Essential programs and services utilize resources including federal funds that are currently provided or could be adapted to implement

a system of learning results, as well as additional resources that are also needed to ensure that these programs and services are available to all students. These essential programs and services must provide the basis for the system of school funding no later than 2007-08. School funding must be adequate to fully provide for all of the staffing and other material resource needs of the essential programs and services identified by the Legislature. [2001, c. 660, §1 (NEW).]

1. **State and local partnership.** The State and each local school administrative unit are jointly responsible for contributing to the cost of the components of essential programs and services described in this chapter. Except as otherwise provided in this subsection, for each fiscal year, the total cost of the components of essential programs and services may not exceed the prior fiscal year's costs multiplied by one plus the average personal income growth rate as defined in Title 5, section 1665, subsection 1. The Legislature, by an affirmative vote of each House, may exceed the limitations on increases in the total cost of the components of essential programs and services provided in this subsection, as long as that vote is taken upon legislation stating that it is the Legislature's intent to override the limitation for that fiscal year. The state contribution to the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, must be made in accordance with this subsection:

A. The level of the state share of funding attributable to the cost of the components of essential programs and services must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2006-07; and [2005, c. 2, Pt. D, §32 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. By fiscal year 2008-09 the state share of the total cost of funding public education from kindergarten to grade 12, as described by essential programs and services, must be 55%. Beginning in fiscal year 2005-06 and in each fiscal year until fiscal year 2008-09, the state share of essential programs and services described costs must increase toward the 55% level required in fiscal year 2008-09. [2005, c. 2, Pt. D, §32 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

Beginning in fiscal year 2005-06 and in each fiscal year thereafter, the commissioner shall use the funding level determined in accordance with this section as the basis for a recommended funding level for the state share of the cost of the components of essential programs and services.

[2015, c. 267, Pt. L, §10 (AMD) .]

1-A. **State funding for kindergarten to grade 12 public education.** Beginning in fiscal year 2017-18 and in each fiscal year thereafter until the state share percentage of the total cost of funding public education from kindergarten to grade 12 reaches 55% pursuant to subsection 7, paragraph B, the State shall increase the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year and the department, in allocating funds, shall make this increase in funding a priority. For those fiscal years that the funding appropriated or allocated for the cost of essential programs and services is not sufficient to increase the state share percentage of the total cost of funding public education from kindergarten to grade 12 by at least one percentage point, no new programs or initiatives may be established for kindergarten to grade 12 public education within the department that would divert funds that would otherwise be distributed as general purpose aid for local schools pursuant to subsection 5.

[2015, c. 389, Pt. C, §2 (AMD) .]

2. **Per-pupil rate amounts.** A per-pupil rate represents an amount of funds that is to be made available for each subsidizable pupil. Per-pupil rates are determined pursuant to section 15676.

A. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

B. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

C. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

D. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §33 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Specialized student populations.** In recognition that educational needs can be more costly for some student populations than for others, special student populations are specifically addressed in sections 15675 and 15681-A, subsection 2.

A. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

B. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

C. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

D. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §33 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §33 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Educational cost components outside the per-pupil rate.** A per-pupil rate is not a suitable method for allocation of all educational cost components. These components may include, but are not limited to, debt service, transportation, bus purchases, career and technical education, small school adjustments, teacher educational attainment and longevity of service and adjustments to general purpose aid. The funding methodology of these educational cost components must be established based on available research.

[2005, c. 2, Pt. D, §33 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF); 2005, c. 397, Pt. D, §3 (REV) .]

5. **Local control of expenditures.** Except for those components that are targeted funds, funds provided for the essential programs and services described in this section must be distributed as general purpose aid for local schools, and each school administrative unit shall make its own determination regarding the configuration of resources best suited for its pupils and how to allocate available funds for these resources.

[2001, c. 660, §1 (NEW) .]

5-A. **Funds from casino slot machines or table games.** Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed until the end of fiscal year 2014-15 as general purpose aid for local schools, and each school administrative unit shall make its own determination as to how to allocate these resources. Beginning in fiscal year 2017-18, $4,000,000 in revenues must be distributed by the department to provide start-up funds for approved public preschool programs for children 4 years of age in accordance with chapter 203, subchapter 3. Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or

casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

[2015, c. 267, Pt. C, §5 (AMD) .]

6. **Targeted funds.** Funds for technology, implementation of a standards-based system and the costs of additional investments in educating children in kindergarten to grade 2 as described in section 15681 must be provided as targeted allocations. School administrative units shall submit a plan for the use of these funds and receive funding based on approval of the plan by the commissioner.

[2005, c. 519, Pt. LL, §1 (AMD) .]

7. **Transition; annual targets.** To achieve the system of school funding based on essential programs and services required by this section, the following annual targets are established.

A. The base total calculated pursuant to section 15683, subsection 2 is subject to the following annual targets.

(1) For fiscal year 2005-06, the target is 84%.

(2) For fiscal year 2006-07, the target is 90%.

(3) For fiscal year 2007-08, the target is 95%.

(4) For fiscal year 2008-09, the target is 97%.

(5) For fiscal year 2009-10, the target is 97%.

(6) For fiscal year 2010-11, the target is 97%.

(7) For fiscal year 2011-12, the target is 97%.

(8) For fiscal year 2012-13, the target is 97%.

(9) For fiscal year 2013-14 and succeeding years, the target is 97%. [2013, c. 368, Pt. C, §6 (AMD).]

B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

(1) For fiscal year 2005-06, the target is 52.6%.

(2) For fiscal year 2006-07, the target is 53.86%.

(3) For fiscal year 2007-08, the target is 53.51%.

(4) For fiscal year 2008-09, the target is 52.52%.

(5) For fiscal year 2009-10, the target is 48.93%.

(6) For fiscal year 2010-11, the target is 45.84%.

(7) For fiscal year 2011-12, the target is 46.02%.

(8) For fiscal year 2012-13, the target is 45.87%.

(9) For fiscal year 2013-14, the target is 47.29%.

(10) For fiscal year 2014-15, the target is 46.80%.

(11) For fiscal year 2015-16, the target is 47.54%.

(12) For fiscal year 2016-17, the target is 48.14%. [2015, c. 389, Pt. C, §3 (AMD); 2015, c. 481, Pt. D, §1 (AMD).]

C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance are as follows.

(1) For fiscal year 2011-12, the target is 49.47%.

(2) For fiscal year 2012-13, the target is 49.35%.

(3) For fiscal year 2013-14, the target is 50.44%.

(4) For fiscal year 2014-15, the target is 50.13%.

(5) For fiscal year 2015-16, the target is 50.08%.

(6) For fiscal year 2016-17, the target is 50.82%.

(7) For fiscal year 2017-18 and succeeding years, the target is 55%. [2015, c. 389, Pt. C, §4 (AMD); 2015, c. 481, Pt. D, §2 (AMD).]

[2015, c. 389, Pt. C, §§3, 4 (AMD); 2015, c. 481, Pt. D, §§1, 2 (AMD).]

SECTION HISTORY
2001, c. 660, §1 (NEW). 2003, c. 504, §A5 (AMD). 2003, c. 712, §§9,10 (AMD). 2005, c. 2, §§D32-34 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §UU1 (AMD). 2005, c. 12, §§UU12,13,WW 18 (AFF). 2005, c. 397, §D3 (REV). 2005, c. 519, §LL1 (AMD). 2007, c. 240, Pt. C, §2 (AMD). 2007, c. 539, Pt. C, §§3, 4 (AMD). 2009, c. 1, Pt. C, §1 (AMD). 2009, c. 213, Pt. C, §§3, 4 (AMD). 2009, c. 571, Pt. E, §§17, 18 (AMD). 2011, c. 1, Pt. C, §1 (AMD). 2011, c. 380, Pt. C, §§1-3 (AMD). 2011, c. 477, Pt. C, §§1, 2 (AMD). 2011, c. 655, Pt. C, §§2-4 (AMD). 2013, c. 1, Pt. C, §§1, 2 (AMD). 2013, c. 368, Pt. C, §§4-8 (AMD). 2013, c. 581, §6 (AMD). 2013, c. 595, Pt. C, §§1, 2 (AMD). 2015, c. 267, Pt. C, §§4-7 (AMD). 2015, c. 267, Pt. L, §10 (AMD). 2015, c. 389, Pt. C, §§2-4 (AMD). 2015, c. 481, Pt. D, §§1, 2 (AMD).

§15671-A. PROPERTY TAX CONTRIBUTION TO PUBLIC EDUCATION

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Funding public education from kindergarten to grade 12" means providing the cost of funding the essential programs and services described in this chapter, including the total allocations for other subsidizable costs, debt service costs and adjustments. [2005, c. 2, Pt. D, §35 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. "Local cost share expectation" means the maximum amount of money for funding public education from kindergarten to grade 12 that may be derived from property tax for the required local contribution established in section 15688, subsection 3-A. [2005, c. 2, Pt. D, §35 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. "Statewide total local share" means the local share, calculated on a statewide basis, of the statewide total cost of the components of essential programs and services as adjusted pursuant to section 15671, subsection 7 to reflect the application of the transition targets to the base total component. [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. "Statewide valuation" means the certified total state valuation for the year prior to the most recently certified total state valuation for all municipalities statewide. [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §35 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Local cost share expectation.** This subsection establishes full-value education mill rates that limit a municipality's required local contribution pursuant to section 15688, subsection 3-A. The full-value mill rates represent rates that, if applied to the statewide valuation, would produce the statewide total local share. Notwithstanding any other provision of law, with respect to the assessment of any property taxes for property tax years beginning on or after April 1, 2005, a municipality's required local contribution determined pursuant to section 15688, subsection 3-A establishes the local cost share expectation for that municipality.

A. The commissioner shall annually by February 1st notify each school administrative unit of its local cost share expectation. Each superintendent shall report to the municipal officers whenever a school administrative unit is notified of the local cost share expectation or a change made in the local cost share expectation resulting from an adjustment. [2005, c. 2, Pt. D, §35 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. For property tax years beginning on or after April 1, 2005, the commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.

(1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.

(2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.

(4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.

(4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.

(4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 54.13% statewide total local share in fiscal year 2012-13.

(6) For the 2013 property tax year, the full-value education mill rate is the amount necessary to result in a 52.71% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year, the full-value education mill rate is the amount necessary to result in a 51.86% statewide total local share in fiscal year 2016-17.

(10) For the 2017 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2017-18 and after. [2015, c. 389, Pt. C, §5 (AMD); 2015, c. 481, Pt. D, §3 (AMD).]

[2015, c. 389, Pt. C, §5 (AMD); 2015, c. 481, Pt. D, §3 (AMD) .]

3. **Exceeding maximum local cost share expectations; separate article.** Beginning with the 2005-2006 school budget, the legislative body of a school administrative unit may adopt an additional local appropriation that exceeds the local cost share expectation established by section 15688, subsection 3-A, paragraph A only if that action is approved in a separate article by a vote of the school administrative unit's legislative body through the same process that the school budget is approved in that school administrative unit and in accordance with section 15690. If that additional appropriation causes the school administrative unit to exceed the maximum state and local spending target described in subsection 4, the requirements of subsection 5 apply.

[2005, c. 2, Pt. D, §35 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Maximum state and local spending target.** The maximum state and local spending target for a school administrative unit is the sum of the following costs calculated by the commissioner for the unit:

A. The base total calculated pursuant to section 15683, subsection 1 without the adjustment for transition targets under section 15671, subsection 7, paragraph A; [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Other subsidizable costs described in section 15681-A; and [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The debt service allocation pursuant to section 15683-A. [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

The commissioner shall annually notify each school administrative unit of its maximum state and local spending target.

[2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Exceeding maximum state and local spending target.** If the sum of a school administrative unit's required local contribution determined pursuant to section 15688, subsection 3-A plus the state contribution as calculated pursuant to section 15688, subsection 3-A, paragraph D, plus any state funds resulting from a transition adjustment pursuant to section 15686, plus any additional local amount proposed to be raised pursuant to section 15690, subsection 3 exceeds the school administrative unit's maximum state and local spending target established pursuant to subsection 4, the following provisions govern approval of that additional amount.

A. The article approving the additional amount must conform to the requirements of section 15690, subsection 3, paragraph B. Notwithstanding section 1304, subsection 6; section 1701, subsection 7; Title 30-A, section 2528, subsection 5, or any other provision of law, municipal charter provision or ordinance, voter approval of the article, whether in town meeting, district meeting or other voting process established by law, municipal charter or ordinance, including, but not limited to, any vote on the

article initiated by voter petition, must be by referendum or written ballot. [2005, c. 2, Pt. D, §35 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. In a municipality where the responsibility for final adoption of the school budget is vested by the municipal charter in a council, this paragraph applies, except that the petition and referendum provisions apply only if the municipal charter does not otherwise provide for or prohibit a petition and referendum process with respect to the matters described in this paragraph.

(1) A majority of the entire membership of the school board or committee must approve the additional amount in a regular budget meeting.

(2) An article approving the additional amount must conform to the requirements of section 15690, subsection 3, paragraph B and be approved by a majority of the entire membership of the council in a vote taken in accordance with section 15690, subsection 5 or, if the council votes not to approve the article, by a majority of voters voting in a referendum called pursuant to subparagraph (4).

(3) If an article is approved by the council pursuant to subparagraph (2), the voters may petition for a referendum vote on the same article in accordance with subparagraph (4). If a petition is filed in accordance with subparagraph (4), the vote of the council is suspended pending the outcome of the referendum vote. Upon approval of the article by a majority of the voters voting in that referendum, the article takes effect. If the article is not approved by a majority of the voters voting in that referendum, the article does not take effect. Subsequent to the vote, the school committee or board may again propose an additional amount, subject to the requirements of this section.

(4) If a written petition, signed by at least 10% of the number of voters voting in the last gubernatorial election in the municipality, requesting a vote on the additional amount is submitted to the municipal officers within 30 days of the council's vote pursuant to subparagraph (2), the article voted on by the council must be submitted to the legal voters in the next regular election or a special election called for the purpose. The election must be held within 45 days of the submission of the petition. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters and absentee ballots must be prepared and made available at least 14 days prior to the date of the referendum. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the article. The results must be declared by the municipal officers and entered upon the municipal records. [2005, c. 12, Pt. WW, §3 (AMD).]

[2005, c. 519, Pt. AAAA, §2 (AMD) .]

SECTION HISTORY
2003, c. 712, §11 (NEW). 2005, c. 2, §D35 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW3 (AMD). 2005, c. 12, §WW18 (AFF). 2005, c. 519, §AAAA2 (AMD). 2007, c. 240, Pt. XXXX, §24 (AMD). 2007, c. 539, Pt. C, §5 (AMD). 2007, c. 668, §34 (AMD). 2009, c. 213, Pt. C, §5 (AMD). 2009, c. 571, Pt. E, §19 (AMD). 2011, c. 1, Pt. C, §2 (AMD). 2011, c. 380, Pt. C, §4 (AMD). 2011, c. 477, Pt. C, §3 (AMD). 2011, c. 655, Pt. C, §5 (AMD). 2013, c. 1, Pt. C, §3 (AMD). 2013, c. 368, Pt. C, §9 (AMD). 2013, c. 595, Pt. C, §3 (AMD). 2015, c. 267, Pt. C, §8 (AMD). 2015, c. 389, Pt. C, §5 (AMD). 2015, c. 481, Pt. D, §3 (AMD).

§15672. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2003, c. 504, Pt. A, §6 (NEW).]

1. **Allocation year.** "Allocation year" means the year that subsidy is distributed to school administrative units.

[2003, c. 504, Pt. A, §6 (NEW) .]

1-A. **Adjusted total cost of components of essential programs and services.** "Adjusted total cost of the components of essential programs and services" means the total cost of the components of essential programs and services adjusted to reflect the application of the transition targets to the base total component as specified in section 15671, subsection 7, paragraph A.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

1-B. **Base year.** "Base year" means the 2nd year prior to the allocation year.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

1-C. **Bus purchase costs.** "Bus purchase costs" includes expenditures for bus purchase payments approved by the commissioner and made during the year prior to the allocation year. For bus purchases approved in fiscal year 2004-05 only, 50% of first year approved payments must be allocated in fiscal year 2006-07 and 50% of first year approved payments must be allocated in fiscal year 2007-08.

[2005, c. 519, Pt. J, §1 (AMD) .]

1-D. **Career and technical education costs.** "Career and technical education costs" for subsidy purposes means all costs incurred by the career and technical education regions, centers or satellites in providing approved secondary school career and technical education programs, excluding transportation, capital costs and debt service.

[2011, c. 679, §27 (NEW) .]

2. **Clerical staff.** "Clerical staff" means full-time equivalent public school secretaries, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2-A. **Debt service costs.** "Debt service costs," for subsidy purposes, includes:

A. Principal and interest costs for approved major capital projects in the allocation year, 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; [2013, c. 167, Pt. B, §1 (AMD).]

B. Lease costs for school buildings when the leases, including leases under which the school administrative unit may apply the lease payments to the purchase of portable, temporary classroom space, have been approved by the commissioner for the year prior to the allocation year. Lease costs include costs for leasing:

(1) Administrative space. A school administrative unit engaged in a state-approved lease-purchase agreement for administrative space is eligible for state support until July 1, 2008;

(2) Temporary and interim instructional space. Temporary space is instructional space consisting of one or more mobile or modular buildings that are portable, that are constructed on- or off-site and that can be disassembled and moved economically to a new location. Interim instructional space is fixed instructional space that a school administrative unit rents for a defined period of time and then vacates at the end of the lease.

(a) A school administrative unit with state-approved need for instructional space may lease temporary or interim space, with state support, for a maximum of 5 years. A school administrative unit may appeal to the commissioner if this limitation presents an undue burden. When making a determination on a school administrative unit's request for relief based on undue burden, the commissioner may consider, but is not limited to considering, the following:

(i) Fiscal capacity;

(ii) Enrollment demographics; and

(iii) Unforeseen circumstances not within the control of the appealing school administrative unit.

An extension granted by the commissioner beyond the 5-year maximum for state support is limited to a period of one year. Any additional request for extensions must be submitted and reviewed on an annual basis. The commissioner's decision is final.

(b) A school administrative unit with state-approved need for instructional space may engage in a lease-purchase agreement for temporary or interim instructional space with state support for a maximum of 5 years; and

(3) Permanent small instructional space that replaces existing approved leased temporary or interim instructional space. Permanent small instructional space consists of new buildings or additions to existing buildings that are secured to a permanent foundation. Once an existing leased temporary or interim instructional space has been replaced by a permanent small instructional space through an approved financing agreement, that space is eligible for state support for a maximum of 10 years.

The department shall adopt rules necessary to implement this paragraph. Rules adopted by the department to implement this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A; and [2007, c. 111, §3 (AMD).]

C. The portion of the tuition costs applicable to the insured value factor for the base year computed under section 5806. [2007, c. 111, §4 (AMD).]

D. [2007, c. 111, §5 (RP).]

[2013, c. 167, Pt. B, §1 (AMD) .]

2-B. **Debt service adjustment mill rate.** "Debt service adjustment mill rate" is the mill rate derived by dividing 45% of the debt service costs by the property fiscal capacity for all school administrative units.

[2005, c. 519, Pt. AAAA, §3 (NEW) .]

3. **Economically disadvantaged students.** "Economically disadvantaged students" means students who are included in the department's count of students who are eligible for free or reduced-price meals or free milk or both.

[2003, c. 504, Pt. A, §6 (NEW) .]

4. **Education technician.** "Education technician" means a full-time equivalent public teacher aide or education technician I, associate teacher or education technician II or assistant teacher or education technician III but not a special education technician I, II or III, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Elementary free or reduced-price meals percentage.** "Elementary free or reduced-price meals percentage" means the percentage, as determined by the commissioner, that reflects either:

A. The actual percentage of elementary students in a school administrative unit who are eligible to receive free or reduced-price meals or free milk or both; or [2003, c. 504, Pt. A, §6 (NEW).]

B. The commissioner's estimated percentage of elementary students in a school administrative unit who are eligible to receive free or reduced-price meals or free milk or both. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

6. **Elementary grades.** "Elementary grades" means public preschool programs to grade 8.

[2007, c. 141, §13 (AMD) .]

7. **Elementary school level.** "Elementary school level" means the grades from public preschool programs to grade 5.

[2007, c. 141, §14 (AMD) .]

7-A. **EPS per-pupil rate.** "EPS per-pupil rate" means the rate calculated under section 15676 or 15676-A, as applicable.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

8. **Essential programs and services.** "Essential programs and services" means those educational resources that are identified in this chapter that enable all students to meet the standards in the 8 content standard subject areas of the system of learning results established in chapter 222.

[2003, c. 504, Pt. A, §6 (NEW) .]

9. **Essential programs and services transition percentage.** "Essential programs and services transition percentage" means the percentage of the base total calculated pursuant to section 15671, subsection 7, paragraph A.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

9-A. **Gifted and talented costs.** "Gifted and talented costs" means the cost of programs for gifted and talented students that have been approved by the commissioner.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

10. **Grade 9 to 12 portion.** "Grade 9 to 12 portion" means those pupils in the secondary grades or high school level.

[2003, c. 504, Pt. A, §6 (NEW) .]

11. **Guidance staff.** "Guidance staff" means full-time equivalent public guidance counselors, directors of guidance or school social workers, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

12. **Health staff.** "Health staff" means full-time equivalent public school nurses, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

13. **High school level.** "High school level" means grade 9 to grade 12.

[2003, c. 504, Pt. A, §6 (NEW) .]

13-A. **Institutional resident.** "Institutional resident" means a person between 5 years of age and 20 years of age who is attending a public school of the school administrative unit and who is committed or otherwise legally admitted to and residing at a state-operated institution. "Institutional resident" does not include students attending private facilities, regardless of the means of placement.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

14. **Income weight.**

[2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF) .]

15. **Kindergarten to grade 8 portion.** "Kindergarten to grade 8 portion" means those pupils in the elementary grades or a combination of the elementary school level and middle school level.

[2003, c. 504, Pt. A, §6 (NEW) .]

16. **Kindergarten to grade 2 student.** "Kindergarten to grade 2 student" means a student in any grade from prekindergarten to grade 2 who is at least 4 years old on October 15th of the school year.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

17. **Librarian.** "Librarian" means a full-time equivalent public librarian or media specialist, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

18. **Limited English proficiency student.** "Limited English proficiency student" means a student who was not born in the United States or whose native language is a language other than English and who satisfies the definition of a limited English proficient student under the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

[2003, c. 504, Pt. A, §6 (NEW) .]

18-A. **Major capital costs.** "Major capital costs" means costs relating to school construction projects, as defined in section 15901.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

19. **Media assistant.** "Media assistant" means a full-time equivalent public librarian aide or library technician I, librarian assistant or library technician II or librarian associate or library technician III, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

20. **Middle school level.** "Middle school level" means grade 6 to grade 8.

[2003, c. 504, Pt. A, §6 (NEW) .]

20-A. **Minor capital costs.** "Minor capital costs" means costs relating to plant maintenance, minor remodeling, site development or the purchase of land not in conjunction with a construction project.

A. "Minor capital costs" does not include construction of new buildings or the purchase of land in conjunction with a school construction project. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Expenditures to repay funds borrowed for minor capital expenditures must be considered minor capital costs in the year in which these funds are repaid. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Purchase of land made in accordance with this subsection must be approved:

(1) By the legislative body of the school administrative unit; and

(2) By the commissioner, under rules adopted for this purpose. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

21. **Municipality.** "Municipality" means a city, town or organized plantation.

[2003, c. 504, Pt. A, §6 (NEW) .]

21-A. **Other subsidizable costs.** "Other subsidizable costs" means those costs identified in section 15681-A. These costs are part of the total operating allocation under section 15683.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

21-B. **Portable, temporary classroom space.** "Portable, temporary classroom space" means one or more mobile or modular buildings that are at least partially constructed off site and that are designed to be moved to other sites with a minimum of disassembly and reassembly.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

22. **Per-pupil guarantee.**

[2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF) .]

22-A. **Predicted per-pupil transportation costs.** "Predicted per-pupil transportation costs" means the greater of:

A. A pupil density model based on the net cost per resident pupil for each school administrative unit that is predicted by pupil density per mile of Class 1 to Class 5 roads in the school administrative unit and approved adjustments; and [2005, c. 519, Pt. AAAA, §4 (NEW).]

B. The average of the pupil density model under paragraph A and an odometer miles model based on the gross cost per pupil conveyed for each school administrative unit that is predicted by the odometer miles traveled per pupil conveyed by the school administrative unit. [2005, c. 519, Pt. AAAA, §4 (NEW).]

Approved adjustments include a per-mile rate equal to the state average gross transportation operating costs per mile driven for transportation associated with out-of-district special education programs, up to 2 round trips per day to each facility for transportation associated with career and technical education programs, and adjustments for expenditures for ferry services within a school administrative unit, transportation of homeless children in accordance with section 5205 and transportation costs of island school administrative units.

[2005, c. 519, Pt. AAAA, §4 (RPR) .]

23. **Property fiscal capacity.** "Property fiscal capacity" means:

A. Prior to fiscal year 2014-15, the certified state valuation for the year prior to the most recently certified state valuation; [2013, c. 203, §1 (NEW).]

B. For fiscal year 2014-15, the average of the certified state valuations for the 2 most recent years prior to the most recently certified state valuation; and [2013, c. 203, §1 (NEW).]

C. For fiscal year 2015-16 and each subsequent fiscal year, the average of the certified state valuations for the 3 most recent years prior to the most recently certified state valuation. [2013, c. 203, §1 (NEW).]

[2013, c. 203, §1 (RPR) .]

24. **Property weight.**

[2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF) .]

25. **School administrative staff.** "School administrative staff" means full-time equivalent public school principals and assistant principals, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

25-A. **School administrative unit.** "School administrative unit" means a school administrative unit as defined by section 1, subsection 26, paragraphs A to G.

[2011, c. 655, Pt. C, §6 (AMD) .]

26. **School administrative unit's local contribution to EPS per-pupil rate.** "School administrative unit's local contribution to the EPS per-pupil rate" means the funds that a school administrative unit provides for each subsidizable pupil who resides in that unit.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

27. **School administrative unit's state contribution to EPS per-pupil rate.** "School administrative unit's state contribution to the EPS per-pupil rate" means the funds that the State provides to a school administrative unit for each subsidizable pupil who resides in that unit.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

28. **School level.** "School level" means elementary level, middle school level and high school level.

[2003, c. 504, Pt. A, §6 (NEW) .]

29. **School level teaching staff.** "School level teaching staff" means full-time equivalent public classroom teachers, itinerant classroom teachers and special teachers of reading or literacy specialists excluding special education teachers and career and technical education teachers, as documented in the department's database.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF); 2005, c. 397, Pt. D, §3 (REV) .]

30. **Secondary grades.** "Secondary grades" means grade 9 to grade 12.

[2003, c. 504, Pt. A, §6 (NEW) .]

30-A. **Special education costs.** "Special education costs" for subsidy purposes includes:

A. The salary and benefit costs of certified professionals, assistants and aides or costs of persons contracted to perform a special education service; [2005, c. 12, Pt. WW, §4 (AMD).]

B. The costs of tuition and board to other schools for programs that have been approved by the commissioner and not paid directly by the State. Medical costs are not allowable as part of a tuition charge; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The following preschool handicapped services:

(1) The salary and benefit costs of certified professionals, assistants and aides or persons contracted to perform preschool handicapped services that have been approved by the commissioner; and

(2) The cost of tuition to other schools for programs that have been approved by the commissioner; and [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. Special education costs that are the costs of educational services provided to students who are temporarily unable to participate in regular school programs. Students who may be included are pregnant students, hospitalized students or those confined to their homes for illness or injury, students involved in substance abuse programs within hospital settings or in residential rehabilitation facilities licensed

by the Department of Health and Human Services, Office of Alcoholism and Drug Abuse Prevention for less than 6 weeks duration or students suffering from other temporary conditions that prohibit their attendance at school. Students served under this paragraph may not be counted as children with disabilities for federal reporting purposes. [2005, c. 662, Pt. A, §41 (AMD).]

[2005, c. 662, Pt. A, §41 (AMD) .]

30-B. **State-operated institution.** "State-operated institution" means any residential facility or institution that is operated by the Department of Health and Human Services or a school operated by the Department of Education.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

31. **State share percentage.** "State share percentage" means the percentage of the state contribution determined under section 15688, subsection 3-A, paragraph D divided by the total cost determined in section 15688, subsection 1.

A. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

B. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

C. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

D. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §36 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 1, §3 (COR) .]

31-A. **State subsidy.** "State subsidy" means the total of the state contribution determined under section 15688, subsection 3-A, paragraph B and any applicable adjustment under section 15689.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

31-B. **Subsidizable costs.** "Subsidizable costs" includes the costs described in paragraphs A to C and used to calculate the total allocation amount:

A. The total operating allocation under section 15683; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Debt service cost; and [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Adjustments and miscellaneous costs under sections 15689 and 15689-A including special education tuition and board, excluding medical costs. For purposes of this paragraph, "special education tuition and board" means:

(1) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner; and

(2) Special education tuition and other tuition for institutional residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

32. **Subsidizable pupils.** "Subsidizable pupils" means all school level pupils who reside in a school administrative unit and who are educated at public expense at a public school or at a private school approved for tuition purposes.

[2005, c. 2, Pt. D, §36 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

32-A. **Total allocation.** "Total allocation" means the total of the operating allocation as described in section 15683 and the debt service allocation as described in section 15683-A.

Nonsubsidizable costs are not considered in the calculation of the total allocation. "Nonsubsidizable costs" includes the following:

A. Community service costs; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Major capital costs; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Expenditures from all federal revenue sources, except for amounts received under United States Public Law 81-874; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. Transportation costs not associated with transporting students from home to school and back home each day; and [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

E. Costs payable to the Maine Public Employees Retirement System under Title 5, section 17154, subsections 10 and 11. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF); 2007, c. 58, §3 (REV).]

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF); 2007, c. 58, §3 (REV) .]

32-B. **Total cost of components of essential programs and services.** "Total cost of the components of essential programs and services" means the total of the following components:

A. The base total determined pursuant to section 15683, subsection 1; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Other subsidizable costs identified in section 15681-A; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Debt service costs; [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. Adjustments determined pursuant to section 15689; and [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

E. Miscellaneous costs appropriated pursuant to section 15689-A. [2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

32-C. **Transportation operating costs.** "Transportation operating costs" means all costs incurred in the transportation of pupils in kindergarten to grade 12, including lease costs for bus garage and maintenance facilities and lease-purchase costs that the school administrative unit may apply to the purchase of bus garage and maintenance facilities, when the leases and lease-purchase agreements have been approved by the commissioner, but excluding the costs of bus purchases and excluding all costs not associated with transporting students from home to school and back home each day. The amount includable for determining the subsidy for a school administrative unit for lease-purchase of bus garage and maintenance facilities may not exceed the amount for the lease of a comparable facility.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

32-D. **Vocational education costs.**

[2011, c. 679, §28 (RP) .]

32-E. **Year.** "Year" means a fiscal year starting July 1st and ending June 30th of the succeeding year.

[2005, c. 2, Pt. D, §36 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

33. **Year of funding.** "Year of funding" means the fiscal year during which state subsidies are disbursed to school administrative units, except as specified in section 15005, subsection 1.

[2003, c. 504, Pt. A, §6 (NEW) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2003, c. 712, §12 (AMD). RR 2005, c. 1, §3 (COR). 2005, c. 2, §D36 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW4 (AMD). 2005, c. 12, §WW18 (AFF). 2005, c. 397, §D3 (REV). 2005, c. 519, §§J1,AAAA3,4 (AMD). 2005, c. 662, §A41 (AMD). 2007, c. 58, §3 (REV). 2007, c. 111, §§3-5 (AMD). 2007, c. 141, §§13, 14 (AMD). 2007, c. 668, §35 (AMD). 2011, c. 655, Pt. C, §6 (AMD). 2011, c. 679, §§27, 28 (AMD). 2013, c. 167, Pt. B, §1 (AMD). 2013, c. 203, §1 (AMD).

§15673. RELATIONSHIP TO SCHOOL FINANCE ACT OF 1985

(REPEALED)

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2003, c. 712, §13 (RPR). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D37 (RP). 2005, c. 12, §WW18 (AFF).

§15674. PUPIL COUNTS

1. **Pupil counts used for determination of operating costs.** In addition to the additional weighted counts authorized under section 15675 and except as provided in subsection 2, the pupil count used for operating costs in this Act is the sum of:

A. The average number of secondary school-age persons enrolled in an adult education course counted during the most recent calendar year counted pursuant to section 8605, subsection 2; [2003, c. 504, Pt. A, §6 (NEW).]

B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8; and [2003, c. 504, Pt. A, §6 (NEW).]

C. The greater of:

(1) The average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; and

(2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program and counted in accordance with section 5104-A. [2007, c. 667, §15 (AMD).]

[2007, c. 667, §15 (AMD) .]

2. **Exception.** Notwithstanding subsection 1, paragraph C, the pupil count identified in subsection 1, paragraph C, subparagraph (1) must be used for:

A. Elementary school level and middle school level students for school administrative units that send all their elementary school level and middle school level students as tuition students to schools elsewhere in the State; [2003, c. 504, Pt. A, §6 (NEW).]

B. High school level students for school administrative units that send all their high school level students as tuition students to schools elsewhere in the State; and [2003, c. 504, Pt. A, §6 (NEW).]

C. School level students for school administrative units that send all their school level students to schools elsewhere in the State. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

3. **Pupil count for public preschool programs.** Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the year of funding.

[2013, c. 581, §7 (NEW) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2007, c. 667, §15 (AMD). 2013, c. 581, §7 (AMD).

§15675. SPECIALIZED STUDENT POPULATIONS; ADDITIONAL WEIGHTS

For the purpose of calculating the total operating allocation under this chapter pursuant to section 15683, the following additional weights must be added to the per-pupil count calculated under section 15674, subsection 1, paragraph C, subparagraph (1). [2003, c. 504, Pt. A, §6 (NEW).]

1. **Limited English proficiency students.** The additional weights for school administrative units with limited English proficiency students are as follows:

A. For a school administrative unit with 15 or fewer limited English proficiency students, the unit receives an additional weight of .70 per student; [2007, c. 539, Pt. C, §6 (AMD).]

B. For a school administrative unit with more than 15 and fewer than 251 limited English proficiency students, the unit receives an additional weight of .50 per student; [2007, c. 539, Pt. C, §7 (AMD).]

C. For a school administrative unit with 251 or more limited English proficiency students, the unit receives an additional weight of .525 per student; and [2007, c. 539, Pt. C, §8 (AMD).]

Eligibility for state funds under this subsection is limited to school administrative units that are providing services to limited English proficiency students through programs approved by the department.

[2007, c. 539, Pt. C, §§6-8 (AMD) .]

2. **Economically disadvantaged students.** For each economically disadvantaged student, a school administrative unit receives an additional weight of .15. The number of economically disadvantaged students for each unit is determined by multiplying the number of resident pupils in the most recent calendar year by the most recent available elementary free or reduced-price meals percentage. The elementary free or reduced-price meals percentage may be applied to determine the number of economically disadvantaged students in the unit's secondary grades.

[2003, c. 504, Pt. A, §6 (NEW) .]

3. **Public preschool program to grade 2 students.** If a school administrative unit is eligible to receive targeted funds for its public preschool to grade 2 program under section 15681, then for each public preschool program to grade 2 student the unit receives an additional weight of .10.

A. For purposes of the additional weight under this subsection, the count of public preschool program to grade 2 students is calculated based on the number of resident pupils in the most recent calendar year. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the allocation year. [2013, c. 581, §8 (AMD).]

B. Only school administrative units with public preschool to grade 2 programs approved by the department are eligible for funds pursuant to this subsection or other comparable index. [2007, c. 141, §15 (AMD).]

C. Funds provided pursuant to this subsection may be expended only on behalf of public preschool program to grade 2 students. [2007, c. 141, §15 (AMD).]

[2013, c. 581, §8 (AMD) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 2, §D38 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §UU2 (AMD). 2005, c. 12, §§UU12,13,WW 18 (AFF). 2005, c. 519, §AAAA5 (AMD). 2007, c. 141, §15 (AMD). 2007, c. 539, Pt. C, §§6-8 (AMD). 2013, c. 581, §8 (AMD).

§15676. EPS PER-PUPIL RATE

For each school administrative unit, the commissioner shall calculate the unit's EPS per-pupil rate for each year as the sum of: [2005, c. 2, Pt. D, §39 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Teaching staff costs.** The salary and benefit costs for school level teaching staff that are necessary to carry out this Act, calculated in accordance with section 15678, adjusted by the regional adjustment under section 15682 and reduced by the amount of funds received by the school administrative unit during the most recent fiscal year under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.;

[2011, c. 2, §19 (COR) .]

2. **Other staff costs.** The salary and benefit costs for school-level staff who are not teachers, but including substitute teachers, that are necessary to carry out this Act, calculated in accordance with section 15679, adjusted by the regional adjustment under section 15682 and reduced by the amount of funds received by the school administrative unit during the most recent fiscal year under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.; and

[2011, c. 2, §19 (COR) .]

3. **Additional costs.** The per-pupil amounts not related to staffing, calculated in accordance with section 15680.

[2003, c. 504, Pt. A, §6 (NEW) .]

The EPS per-pupil rate is calculated on the basis of which schools students attend. For school administrative units that do not operate their own schools, the EPS per-pupil rate is calculated under section 15676-A. [2005, c. 2, Pt. D, §39 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 2, §D39 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). RR 2011, c. 2, §19 (COR).

§15676-A. EPS PER-PUPIL RATE FOR UNITS THAT DO NOT OPERATE SCHOOLS

1. **Definitions.** For purposes of this section, the following terms have the following meanings.

A. "Receiving unit" means the school administrative unit to which students are sent by the sending unit. [2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. "Receiving unit cost" means the amount arrived at by multiplying the receiving unit's EPS rate by the number of students sent to that unit by the sending unit. [2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. "Sending unit" means the school administrative unit sending students to other school administrative units. [2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Calculation of EPS per-pupil rate.** For school administrative units that do not operate certain types of schools, the commissioner shall calculate that unit's EPS per-pupil rate for each year as follows.

A. For units that do not operate elementary grade schools, the EPS per-pupil rate for elementary grades is calculated by multiplying the number of students sent by the sending unit to an elementary grade receiving unit multiplied by the receiving unit's EPS per-pupil rate for elementary grades and the result

divided by the number of students sent by the sending unit to that elementary grade receiving unit. If the sending unit sends students to more than one elementary grade receiving unit, then the elementary grade receiving unit cost for each student sent by the sending unit is added and the result divided by the total number of students sent to elementary grade receiving units by the sending unit. The result is the average elementary grade EPS per-pupil rate for the sending unit.

The EPS per-pupil rate for private schools approved for tuition purposes under chapter 117 is the statewide average EPS per-pupil rate for elementary grades. The elementary attending student count is the most recent October 1st count prior to the allocation year. [2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. For units that do not operate secondary grade schools, the EPS per-pupil rate for secondary grades is calculated by multiplying the number of students sent by the sending unit to a secondary grade receiving unit multiplied by the receiving unit's EPS per-pupil rate for secondary grades and the result divided by the number of students sent by the sending unit to that secondary grade receiving unit. If the sending unit sends students to more than one secondary grade receiving unit, then the secondary grade receiving unit cost for each student sent by the sending unit is added and the result divided by the total number of students sent to secondary grade receiving units by the sending unit. The result is the average secondary grade EPS per-pupil rate for the sending unit.

The EPS per-pupil rate for private schools approved for tuition purposes under chapter 117 is the statewide average EPS per-pupil rate for secondary grades. The secondary attending student count is the most recent October 1st count prior to the allocation year. [2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §40 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D40 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15677. SALARY MATRIX

1. **Salary matrix defined.** For purposes of this section, "salary matrix" means the relationships on a statewide basis between average staff salaries and:

A. Years of staff experience; and [2003, c. 504, Pt. A, §6 (NEW).]

B. Levels of staff education. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

2. **Determination of matrix.** The salary matrix must be determined in accordance with the following.

A. For fiscal year 2005-06, the commissioner, using information provided by a statewide education policy research institute, shall establish the salary matrix based on the most recently available relevant data and appropriate trends in the Consumer Price Index or other comparable index. [2003, c. 504, Pt. A, §6 (NEW).]

B. For fiscal year 2006-07 and each subsequent year, the commissioner shall update the previous year's salary matrix to reflect appropriate trends in the Consumer Price Index or other comparable index. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

SECTION HISTORY

2003, c. 504, §A6 (NEW).

§15678. CALCULATION OF SALARY AND BENEFIT COSTS; SCHOOL LEVEL TEACHING STAFF

1. **Salary and benefit costs; teaching positions.** The commissioner shall annually determine, for each school administrative unit, the salary and benefit costs of all school level teaching positions that are necessary to carry out this Act.

[2003, c. 504, Pt. A, §6 (NEW) .]

2. **Ratios.** In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-teacher ratios.

A. For the elementary school level, the student-to-teacher ratio is 17:1. [2003, c. 504, Pt. A, §6 (NEW).]

B. For the middle school level, the student-to-teacher ratio is 16:1. [2003, c. 504, Pt. A, §6 (NEW).]

C. For the high school level, the student-to-teacher ratio is 15:1. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

3. **Number of teaching positions required.** The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, subparagraph (1), the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.

[2003, c. 504, Pt. A, §6 (NEW) .]

4. **Estimated salary costs.** The commissioner shall determine the estimated salary cost for the number of school level teaching positions required under subsection 3. In order to calculate this amount, the commissioner shall use the salary matrix pursuant to section 15677 for all school level teaching positions in each category.

[2003, c. 504, Pt. A, §6 (NEW) .]

5. **Total salary and benefit costs for school level teaching staff.** The total salary and benefit costs for school level teaching staff are equal to the sum of:

A. The amount identified pursuant to subsection 4; and [2003, c. 504, Pt. A, §6 (NEW).]

B. The amount, as determined by the commissioner, that equals the statewide percentage of salary costs that represents the statewide average benefit costs. [2005, c. 2, Pt. D, §41 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §41 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 2, §D41 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15679. CALCULATION OF SALARY AND BENEFIT COSTS; OTHER SCHOOL LEVEL STAFF

1. **Salary and benefit costs; other school level positions.** The commissioner shall annually determine, for each school administrative unit, the salary and benefit costs of all school level positions other than teaching positions, referred to in this section as "staff," that are necessary to carry out this Act.

[2003, c. 504, Pt. A, §6 (NEW) .]

2. **Students-to-staff ratios.** In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the student-to-staff ratios specified in paragraphs A and B and adjusted as provided in paragraph C.

A. For the elementary school level and the middle school level:

(1) The student-to-education technician ratio is 100:1;

(2) The student-to-guidance staff ratio is 350:1;

(3) The student-to-librarian ratio is 800:1;

(4) The student-to-media assistant ratio is 500:1;

(5) The student-to-health staff ratio is 800:1;

(6) The student-to-school administrative staff ratio is 305:1; and

(7) The student-to-clerical staff ratio is 200:1. [2003, c. 504, Pt. A, §6 (NEW).]

B. For the high school level:

(1) The student-to-education technician ratio is 250:1;

(2) The student-to-guidance staff ratio is 250:1;

(3) The student-to-librarian ratio is 800:1;

(4) The student-to-media assistant ratio is 500:1;

(5) The student-to-health staff ratio is 800:1;

(6) The student-to-school administrative staff ratio is 315:1; and

(7) The student-to-clerical staff ratio is 200:1. [2003, c. 504, Pt. A, §6 (NEW).]

C. Beginning in fiscal year 2012-13, and for each subsequent fiscal year, if the total attending student population for a school administrative unit is less than 1,200 students, the commissioner shall reduce the ratios set forth in paragraphs A and B by 10%. [2011, c. 419, §1 (NEW).]

[2011, c. 419, §1 (AMD) .]

3. **Number of staff positions required.** The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, subparagraph (1), the number of staff positions that are required in order to achieve the student-to-staff ratios set forth in subsection 2.

[2003, c. 504, Pt. A, §6 (NEW) .]

4. **Estimated salary costs.** The commissioner shall determine the estimated salary costs for the number of staff positions required under subsection 3. In order to calculate this amount, the commissioner, where appropriate, shall use the salary matrix pursuant to section 15677 for all staff positions in each category.

[2003, c. 504, Pt. A, §6 (NEW) .]

5. **Salary costs for substitute teachers.** The commissioner shall calculate the additional salary costs for substitute teachers for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C, subparagraph (1). In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of a substitute teacher for 1/2 day.

[2003, c. 504, Pt. A, §6 (NEW) .]

6. **Total salary and benefit costs for staff.** The total salary and benefit costs for staff is equal to the sum of:

A. The estimated salary costs determined pursuant to subsection 4; [2003, c. 504, Pt. A, §6 (NEW).]

B. The amount, as determined by the commissioner, that equals the statewide percentage of estimated salary costs determined pursuant to subsection 4 that represents the statewide benefit costs; and [2003, c. 504, Pt. A, §6 (NEW).]

C. The substitute teacher salary costs determined pursuant to subsection 5. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2011, c. 419, §1 (AMD).

§15680. PER-PUPIL AMOUNTS NOT RELATED TO STAFFING

1. **Additional cost components.** The commissioner shall calculate one set of per-pupil amounts for each of the following cost categories to be applied to the elementary school level and middle school level and shall calculate another set of per-pupil amounts for each of the following cost categories to be applied to the high school level:

A. System administration. The per-pupil amount for "system administration" is the actual system administration expenditures, as defined in the State's accounting handbook for local school systems, for the most recent year available excluding expenditures for leases and the purchase of land and buildings, less revenues to system administration for services to other governments and refunds from a statewide school management association, divided by the average October and April enrollment counts for that fiscal year and then inflated to an estimated allocation year level by a 10-year average increase in the Consumer Price Index or other comparable index. Beginning in school year 2008-2009, this per-pupil amount must be based on school year 2005-2006 system administration expenditures then reduced by 50% and inflated to an estimated allocation year level by a 10-year average increase in the Consumer Price Index or other comparable index; [2007, c. 240, Pt. XXXX, §25 (AMD).]

B. Operation and maintenance of plant. The per-pupil amount for "operation and maintenance of plant" is the actual operation and maintenance of plant expenditures, as defined in the State's accounting handbook for local school systems, for the most recent year available excluding expenditures for leases and the purchase of land and buildings, divided by the average October and April enrollment counts for that fiscal year and then inflated to an estimated allocation year level by a 10-year average increase in the Consumer Price Index or other comparable index. For school year 2008-2009, the resulting per-pupil amount must be reduced by 5%; [2007, c. 240, Pt. XXXX, §26 (AMD).]

C. Supplies and equipment; [2003, c. 504, Pt. A, §6 (NEW).]

D. Cocurricular and extracurricular activities; [2003, c. 504, Pt. A, §6 (NEW).]

E. Professional development; and [2003, c. 504, Pt. A, §6 (NEW).]

F. Instructional leadership support. [2003, c. 504, Pt. A, §6 (NEW).]

[2007, c. 240, Pt. XXXX, §§25, 26 (AMD) .]

2. **Fiscal year 2005-06.** For fiscal year 2005-06, the commissioner shall submit the per-pupil amounts for additional cost components under subsection 1 to the state board for approval.

[2003, c. 504, Pt. A, §6 (NEW) .]

3. **Fiscal year 2006-07 and beyond.** For fiscal year 2006-07 and for each subsequent year, the commissioner shall recalculate the per-pupil amounts for additional cost components under subsection 1 using the amounts approved by the state board under subsection 2 as a base and appropriate trends in the Consumer Price Index or other comparable index.

[2003, c. 504, Pt. A, §6 (NEW) .]

4. **Review; approval.**

[2005, c. 519, Pt. AAAA, §6 (RP) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 519, §AAAA6 (AMD). 2007, c. 240, Pt. XXXX, §§25, 26 (AMD).

§15681. TARGETED FUNDS

1. **Eligibility.** In order for a school administrative unit to receive targeted funds under this section, the school administrative unit must meet the following eligibility criteria.

A. To receive targeted student assessment funds calculated pursuant to subsection 2, a school administrative unit must be in compliance with applicable state statutes and department rules regarding local assessment systems for the system of learning results established in section 6209 and be in compliance with applicable federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70. [2003, c. 504, Pt. A, §6 (NEW).]

B. To receive targeted technology resource funds calculated pursuant to subsection 3, a school administrative unit must be in compliance with the technology components of the unit's comprehensive education plan as required under section 4502, subsection 1. [2003, c. 504, Pt. A, §6 (NEW).]

C. To receive targeted public preschool program to grade 2 funds calculated pursuant to subsection 4, the school administrative unit must be in compliance with any applicable reporting requirements for local early childhood programs. Any program must be in compliance with chapter 203, subchapter 2 or 3. [2013, c. 581, §9 (AMD).]

D. To receive targeted educator evaluation funds, a school administrative unit must have or be in the process of developing a performance evaluation and professional growth system pursuant to chapter 508 and the rules adopted pursuant to that chapter. [2011, c. 635, Pt. A, §4 (NEW).]

[2013, c. 581, §9 (AMD) .]

2. **Targeted student assessment funds.**

[2005, c. 519, Pt. LL, §2 (RP) .]

2-A. **Targeted funds to implement a standards-based system.** For targeted funds to implement a standards-based system, the commissioner shall:

A. [2013, c. 506, §16 (RP).]

B. For fiscal year 2007-08 and every subsequent year, calculate an amount to be made available to address the components of a standards-based system. [2005, c. 635, §7 (NEW).]

[2013, c. 506, §16 (AMD) .]

3. **Targeted technology resource funds.** For targeted technology resource funds, the commissioner shall calculate one amount that may be made available to the elementary school level and middle school level and another amount that may be made available to the high school level in accordance with the following.

A. For fiscal year 2005-06, the commissioner shall establish a per-pupil amount for targeted technology resource funds. [2003, c. 504, Pt. A, §6 (NEW).]

B. For fiscal year 2006-07 and each subsequent year, the commissioner shall recalculate the per-pupil amount by using the amount calculated under paragraph A as a base and appropriate trends in the Consumer Price Index or other comparable index. [2003, c. 504, Pt. A, §6 (NEW).]

[2003, c. 504, Pt. A, §6 (NEW) .]

4. **Public preschool program to grade 2 funds.** For targeted public preschool program to grade 2 funds, the commissioner shall calculate the amount that may be made available to eligible school administrative units as follows.

A. For fiscal year 2005-06, the amount equals the product of the per-pupil guarantee calculated pursuant to section 15676 multiplied by the additional weight calculated pursuant to section 15675, subsection 3. [2003, c. 504, Pt. A, §6 (NEW).]

B. For fiscal year 2006-07 and each subsequent year, the commissioner shall recalculate the amount by using the amount calculated under paragraph A as a base and appropriate trends in the Consumer Price Index or other comparable index. [2003, c. 504, Pt. A, §6 (NEW).]

[2007, c. 141, §17 (AMD) .]

5. **Review; approval.**

[2005, c. 519, Pt. AAAA, §7 (RP) .]

6. **Targeted funds for educator evaluation.** For educator evaluation funds beginning with the 2013-2014 school year, the commissioner shall calculate the amount available to assist school administrative units in developing and implementing performance evaluation and professional growth systems pursuant to chapter 508.

[2011, c. 635, Pt. A, §5 (NEW) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 12, §D2 (AMD). 2005, c. 519, §§LL2,3,AAAA 7 (AMD). 2005, c. 635, §7 (AMD). 2007, c. 141, §§16, 17 (AMD). 2011, c. 635, Pt. A, §§4, 5 (AMD). 2013, c. 506, §16 (AMD). 2013, c. 581, §9 (AMD).

§15681-A. OTHER SUBSIDIZABLE COSTS

The following are other subsidizable costs: [2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Bus purchases.** Bus purchase costs;

[2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Special education costs.** Beginning in fiscal year 2005-06, a school administrative unit receives an additional weight of at least 1.20 but not greater than 1.40 for each special education student identified on the annual December 1st child count as required by the federal Individuals with Disabilities Education Act for the most recent year, up to a maximum of 15% of the school administrative unit's resident pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1). For those school administrative units in which the annual December 1st child count for the most recent year is less than 15% of the school administrative unit's resident pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1), the special education child count percentage may not increase more than 0.5% in any given year, up to a maximum of 1.0% in any given 3-year period. For each special education student above the 15% maximum, the unit receives an additional weight of .38. In addition, each school administrative unit must receive additional funds:

A. For lower staff-student ratios and expenditures for related services for school administrative units with fewer than 20 special education students identified on the annual December 1st child count as required by the federal Individuals with Disabilities Education Act for the most recent year; [2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. For high-cost in-district special education placements. Additional funds must be allocated for each student estimated to cost 3 times the statewide special education EPS per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 3 times the statewide special education EPS per-pupil rate; [2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. For high-cost out-of-district special education placements. Additional funds must be allocated for each student estimated to cost 4 times the statewide special education EPS per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 4 times the statewide special education EPS per-pupil rate; and [2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. To ensure the school administrative unit meets the federal maintenance of effort requirement for receiving federal Individuals with Disabilities Education Act funds. [2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

The commissioner shall develop an appeals procedure for calculated special education costs for school administrative units;

[2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2-A. **Reduction for fiscal year 2008-09.** For fiscal year 2008-09, the commissioner shall reduce by 5% the allocation for special education costs as described in subsection 2. These calculated special education costs for school administrative units for fiscal year 2008-09 are subject to the appeals procedure described in subsection 2.

[2007, c. 240, Pt. XXXX, §27 (NEW) .]

3. **Transportation costs.** For fiscal year 2006-07, the commissioner, using information provided by a statewide education policy research institute, shall establish for each school administrative unit a predicted per-pupil transportation cost as defined in section 15672, subsection 22-A. The established predicted per-pupil transportation cost multiplied by the number of the school administrative unit's resident

students for each school administrative unit must be no less than 90% of the most recent year's reported net transportation expenditures. Beginning in fiscal year 2007-08, and for each subsequent fiscal year, the per-pupil transportation costs for each school administrative unit are its predicted per-pupil transportation cost for the most recent year adjusted by the Consumer Price Index or other comparable index, except that the established predicted per-pupil transportation cost multiplied by the number of the school administrative unit's resident students for each school administrative unit must be no less than 90% of the most recent year's reported net transportation expenditures. The commissioner shall develop an appeals procedure for established per-pupil transportation costs for school administrative units;

[2005, c. 519, Pt. AAAA, §8 (RPR) .]

3-A. **Reduction for fiscal year 2008-09.** For fiscal year 2008-09, the commissioner shall reduce by 5% the allocation for transportation costs as described in subsection 3. These calculated transportation costs for school administrative units for fiscal year 2008-09 are subject to the appeals procedure described in subsection 3.

[2007, c. 240, Pt. XXXX, §28 (NEW) .]

4. **Career and technical education costs.** Career and technical education costs in the base year adjusted to the year prior to the allocation year. This subsection does not apply to the 2017-18 funding year and thereafter; and

[2015, c. 267, Pt. C, §9 (AMD) .]

5. **Gifted and talented education costs.** Gifted and talented education costs in the base year adjusted to the year prior to the allocation year.

[2005, c. 2, Pt. D, §44 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D44 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §UU3 (AMD). 2005, c. 12, §§UU12,13,WW 18 (AFF). 2005, c. 397, §D3 (REV). 2005, c. 519, §AAAA8 (AMD). 2007, c. 240, Pt. XXXX, §§27, 28 (AMD). 2013, c. 368, Pt. C, §10 (AMD). 2013, c. 595, Pt. C, §4 (AMD). 2015, c. 267, Pt. C, §9 (AMD).

§15682. REGIONAL ADJUSTMENT

The commissioner shall make a regional adjustment in the total operating allocation for each school administrative unit determined pursuant to section 15683. The regional adjustment must be based on the regional differences in teacher salary costs, for labor market areas in which the school administrative unit is located, as computed by a statewide education policy research institute, and must be applied only to appropriate teacher salary and benefits costs as calculated under section 15678 and salary and benefit costs of other school-level staff who are not teachers as calculated under section 15679. Beginning in fiscal year 2012-13, and for each subsequent fiscal year, the commissioner shall make a regional adjustment in the total operating allocation for each school administrative unit determined pursuant to section 15683. The regional adjustment must be based on the regional differences in teacher salary costs, for labor market areas in which the school administrative unit is located, as computed by a statewide education policy research institute, and must be applied only to appropriate teacher salary costs as calculated under section 15678 and salary costs of other school-level staff who are not teachers as calculated under section 15679. [2011, c. 419, §2 (AMD).]

SECTION HISTORY

2003, c. 504, §A6 (NEW). 2005, c. 2, §D46 (AMD). 2005, c. 2, §D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 519, §AAAA9 (AMD). 2009, c. 213, Pt. C, §6 (AMD). 2011, c. 419, §2 (AMD).

§15683. TOTAL OPERATING ALLOCATION

For each school administrative unit, that unit's total operating allocation is the base total set forth in subsection 1 as adjusted in accordance with subsection 2 and including the total amount of other subsidizable costs as described in section 15681-A. [2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Base total.** The base total of a school administrative unit's total operating allocation is the sum of:

A. The product of the school administrative unit's kindergarten to grade 8 EPS per-pupil rate multiplied by the total of the kindergarten to grade 8 portions of the following pupil counts:

(1) The pupil count set forth in section 15674, subsection 1, paragraph C;

(2) The additional weight for limited English proficiency students calculated pursuant to section 15675, subsection 1; and

(3) The additional weight for economically disadvantaged students calculated pursuant to section 15675, subsection 2; [2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. The product of the school administrative unit's grade 9 to 12 EPS per-pupil rate multiplied by the total of the grade 9 to 12 portion of the following pupil counts:

(1) The pupil count set forth in section 15674, subsection 1, paragraphs A, B and C;

(2) The additional weight for limited English proficiency students calculated pursuant to section 15675, subsection 1; and

(3) The additional weight for economically disadvantaged students calculated pursuant to section 15675, subsection 2; [2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. If the school administrative unit is eligible for targeted funds for the implementation of a standards-based system pursuant to section 15681, subsection 1, the sum of:

(1) The product of the elementary school level and middle school level per-pupil amount for targeted funds for the implementation of a standards-based system calculated pursuant to section 15681, subsection 2 multiplied by the kindergarten to grade 8 portion of the pupil count calculated pursuant to section 15674, subsection 1, paragraph C, subparagraph (1); and

(2) The product of the high school level per-pupil amount for targeted funds for the implementation of a standards-based system calculated pursuant to section 15681, subsection 2 multiplied by the grade 9 to 12 portion of the pupil count calculated pursuant to section 15674, subsection 1, paragraph C, subparagraph (1); [2005, c. 635, §8 (AMD).]

D. If the school administrative unit is eligible for targeted technology resource funds pursuant to section 15681, subsection 1, the sum of:

(1) The product of the elementary school level and middle school level per-pupil amount for targeted technology resource funds calculated pursuant to section 15681, subsection 3 multiplied by the kindergarten to grade 8 portion of the pupil count calculated pursuant to section 15674, subsection 1, paragraph C, subparagraph (1); and

(2) The product of the high school level per-pupil amount for targeted technology resource funds calculated pursuant of section 15681, subsection 3 multiplied by the grade 9 to 12 portion of the pupil count calculated pursuant to section 15674, subsection 1, paragraph C, subparagraph (1); [2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

E. If the school administrative unit is eligible for targeted kindergarten to grade 2 funds pursuant to section 15681, subsection 1, the product of the EPS per-pupil rate multiplied by the additional weight for kindergarten to grade 2 calculated pursuant to section 15675, subsection 3; and [2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

F. An isolated small unit adjustment. A school administrative unit is eligible for an isolated small school adjustment when the unit meets the size and distance criteria as established by the commissioner. The amount of the adjustment is the result of adjusting the necessary student-to-staff ratios determined in section 15679, subsection 2, the per-pupil amount for operation and maintenance of plant in section 15680, subsection 1, paragraph B or other essential programs and services components in chapter 606-B, as recommended by the commissioner. The isolated small school adjustment must be applied to discrete school buildings that meet the criteria for the adjustment. The adjustment is not applicable to sections, wings or other parts of a building that are dedicated to certain grade spans. [2009, c. 571, Pt. E, §20 (AMD).]

[2009, c. 571, Pt. E, §20 (AMD) .]

2. Adjustments. The base total calculated pursuant to subsection 1 must be adjusted by multiplying it by the appropriate transition percentage in accordance with section 15671, subsection 7, paragraph A.

A. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §47 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

B. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §47 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

C. [2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §47 (RP); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §47 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2003, c. 504, §A6 (NEW). 2003, c. 712, §14 (AMD). 2005, c. 2, §D47 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D48 (RP). 2005, c. 12, §WW18 (AFF). 2005, c. 519, §AAAA10 (AMD). 2005, c. 635, §8 (AMD). 2009, c. 571, Pt. E, §20 (AMD).

§15683-A. TOTAL DEBT SERVICE ALLOCATION

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. Each school administrative unit's total debt service allocation must include the portion of the tuition cost applicable to the insured value factor for the base year computed under section 5806. Beginning in school year 2014-2015, each school administrative unit's total debt service allocation must include the portion of the tuition cost applicable to the insured value factor for the base year computed under section 5806 limited to an insured value factor no greater than the percentage established in section 5806, excluding any higher percentage authorized by local school boards, for each eligible student for the base year. [2013, c. 418, §2 (AMD).]

SECTION HISTORY

2005, c. 2, §D49 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 539, Pt. C, §9 (AMD). 2009, c. 213, Pt. C, §7 (AMD). 2011, c. 655, Pt. C, §7 (AMD). 2013, c. 418, §2 (AMD).

§15683-B. PUBLIC CHARTER SCHOOLS; CALCULATION OF TOTAL ALLOCATION AND STATE CONTRIBUTION

Beginning with fiscal year 2015-16, this section applies to public charter schools authorized by the Maine Charter School Commission, established under Title 5, section 12004-G, subsection 10-D, in accordance with the funding provisions established in section 2413-A. [2015, c. 54, §6 (NEW).]

1. **Calculation of EPS per-pupil rates.** If there is only one school administrative unit sending students to a public charter school in a school year, the commissioner shall use that resident school administrative unit's EPS per-pupil rate. If there is more than one school administrative unit sending students to the public charter school, the commissioner shall calculate a public charter school's EPS per-pupil rate for each year as follows.

A. When there are elementary students from outside of a single resident school administrative unit sending students to an elementary public charter school, the EPS per-pupil rate for elementary grades is calculated by multiplying the number of students from a resident school administrative unit attending the public charter school by that resident school administrative unit's elementary EPS per-pupil rate to find the total cost for elementary students enrolled in the public charter school in that resident school administrative unit, then adding the total cost for elementary students enrolled in the public charter school from each resident school administrative unit. The result is divided by the total number of elementary students in the public charter school. [2015, c. 54, §6 (NEW).]

B. When there are secondary students from outside of a single resident school administrative unit sending students to a secondary public charter school, the EPS per-pupil rate for secondary grades is calculated by multiplying the number of students from a resident school administrative unit attending the public charter school by that resident school administrative unit's secondary EPS per-pupil rate to find the total cost for secondary students enrolled in the public charter school in that resident school administrative unit, then adding the total cost for secondary students enrolled in the public charter school from each resident school administrative unit. The result is divided by the total number of secondary students in the public charter school. [2015, c. 54, §6 (NEW).]

[2015, c. 54, §6 (NEW) .]

2. **Pupil counts.** Notwithstanding section 15674, the commissioner shall determine a public charter school's student counts for each year as follows.

A. The basic student count for a public charter school is the pupil count for October 1st of the most recent calendar year prior to the year of funding. [2015, c. 54, §6 (NEW).]

B. The number of economically disadvantaged students for each public charter school is determined by multiplying the number of students at the public charter school by the most recent available elementary free or reduced-price meals percentage for that public charter school. The elementary free or reduced-price meals percentage may be applied to determine the number of economically disadvantaged students in the public charter school secondary grades. If the public charter school does not operate elementary grades, the most recent available secondary free or reduced-price meals percentage must be used in place of the elementary free or reduced-price meals percentage. [2015, c. 54, §6 (NEW).]

C. The number of limited English proficiency students for each public charter school is the number of limited English proficiency students from the most recent October count prior to the year of funding. [2015, c. 54, §6 (NEW).]

D. The number of special education students for each public charter school is the number of special education students from the most recent October count prior to the year of funding. [2015, c. 54, §6 (NEW).]

[2015, c. 54, §6 (NEW) .]

3. **Operating allocation.** The commissioner shall determine a public charter school's operating allocation for each year as the sum of:

A. The base allocation, which is the pupil count pursuant to subsection 2, paragraph A multiplied by the public charter school's EPS per-pupil rates calculated pursuant to subsection 1; [2015, c. 54, §6 (NEW).]

B. The economically disadvantaged student allocation, which is the pupil count determined pursuant to subsection 2, paragraph B multiplied by the additional weight for each economically disadvantaged student pursuant to section 15675, subsection 2; [2015, c. 54, §6 (NEW).]

C. The limited English proficiency student allocation, which is the pupil count pursuant to subsection 2, paragraph C multiplied by the additional weight for each limited English proficiency student pursuant to section 15675, subsection 1; [2015, c. 54, §6 (NEW).]

D. The targeted funds for standards-based system allocation, which is based on the per-pupil amount pursuant to section 15683, subsection 1, paragraph C multiplied by the pupil count pursuant to subsection 2, paragraph A; [2015, c. 54, §6 (NEW).]

E. The targeted funds for technology resource allocation, which is based on the per-pupil amount pursuant to section 15683, subsection 1, paragraph D multiplied by the pupil count in subsection 2, paragraph A; and [2015, c. 54, §6 (NEW).]

F. The targeted funds for public preschool to grade 2 student allocation, which is based on the preschool to grade 2 pupil count pursuant to subsection 2, paragraph A multiplied by the public charter school's elementary EPS per-pupil rates in subsection 1. [2015, c. 54, §6 (NEW).]

The operating allocation calculated pursuant to this subsection must be adjusted by multiplying it by the appropriate transition percentage in accordance with section 15671, subsection 7.

[2015, c. 54, §6 (NEW) .]

4. **Other subsidizable costs allocation.** The commissioner shall determine a public charter school's other subsidizable costs allocation for each year as the sum of:

A. The gifted and talented allocation pursuant to section 2413-A, subsection 2, paragraph A, subparagraph (4); [2015, c. 54, §6 (NEW).]

B. The special education allocation pursuant to section 2413-A, subsection 2, paragraph B. The special education allocation may not be less than 90% of the public charter school base year expenditures for special education; and [2015, c. 54, §6 (NEW).]

C. The transportation operating allocation, which is the statewide per-pupil essential programs and services transportation operating allocation multiplied by a percentage established by the Maine Charter School Commission for that public charter school based on the cost of transportation services provided by the public charter school to the student but not to exceed 100% multiplied by the pupil count in subsection 2, paragraph A. [2015, c. 54, §6 (NEW).]

A public charter school is not entitled to career and technical education funding. The school administrative unit in which the public charter school student resides must pay the cost of attendance for the student at a career and technical education program.

[2015, c. 54, §6 (NEW) .]

5. **Total allocation and state contribution.** The commissioner shall determine a public charter school's total allocation as the sum of the school's operating allocation under subsection 3 and other subsidizable costs allocation under subsection 4. That total allocation is the state contribution, except that up to 3% of this amount must be withheld in accordance with section 2405, subsection 5, paragraph B and transferred to the Maine Charter School Commission.

[2015, c. 54, §6 (NEW) .]

6. **Payment of state contribution.** The commissioner shall authorize state subsidy payments to be made to public charter schools in accordance with the same schedule of payments for school administrative units pursuant to section 15689-B.

[2015, c. 54, §6 (NEW) .]

7. **MaineCare seed.** The commissioner may deduct from a public charter school's state subsidy and pay on behalf of the public charter school allowable school-based costs that represent the public charter school's portion of MaineCare payments. A transfer of payment by the department to the Department of Health and Human Services must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the department and based on documentation of payments made from MaineCare funds.

[2015, c. 54, §6 (NEW) .]

8. **Curtailment adjustment.** In any funding year, if general purpose aid for local schools funding is curtailed, then the public charter school state contribution under this chapter must be curtailed by the proportional percentage that school administrative units have been curtailed.

[2015, c. 54, §6 (NEW) .]

9. **Phase-in procedures for new or newly expanded public charter schools.** For new or newly expanded public charter schools, the commissioner shall make a preliminary calculation of total allocation based on the following:

A. Estimated student counts not to exceed the enrollment limit established by the Maine Charter School Commission; [2015, c. 54, §6 (NEW).]

B. Estimated rates and weights based on statewide averages; and [2015, c. 54, §6 (NEW).]

C. The preliminary calculation of total allocation, which must be replaced with actual student data once students have been enrolled for the new school year. The new or newly expanded public charter school shall enroll new students no later than August 1st in a student information system maintained by the department. [2015, c. 54, §6 (NEW).]

[2015, c. 54, §6 (NEW) .]

SECTION HISTORY
2015, c. 54, §6 (NEW).

§15684. SCHOOL ADMINISTRATIVE UNIT CONTRIBUTIONS TO TOTAL OPERATING ALLOCATION

(REPEALED)

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2003, c. 712, §15 (AMD). MRSA T. 20-A, §15684, sub-§3 (RP).

§15685. WEIGHTED RELATIVE PROPERTY FISCAL CAPACITY

(REPEALED)

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D51 (RP). 2005, c. 12, §WW18 (AFF).

§15686. TRANSITION ADJUSTMENT

For each of the fiscal years described in section 15671, subsection 7, the commissioner shall establish a transition adjustment calculated to minimize the adverse fiscal impact that may be experienced by some municipalities as a result of the phase-in of this Act. The transition adjustment for a municipality must be directly related to the phase-in of essential programs and services and the local cost share expectation method under section 15671-A of determining the local contribution to the cost of funding essential programs and services. The amount of this adjustment must decline with each successive fiscal year, and the adjustments must end no later than fiscal year 2008-09. [2005, c. 2, Pt. D, §52 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Adjustment in fiscal year 2005-06.** A school administrative unit is eligible for a transition adjustment in fiscal year 2005-06 according to the provisions of this subsection.

A. A school administrative unit is eligible to receive a transition adjustment in fiscal year 2005-06 if the school administrative unit's state share of the total allocation, including the debt service adjustment pursuant to section 15689, subsection 2, and the minimum state share of its total allocation pursuant to section 15689, subsection 1 is less than the fiscal year 2004-05 state share of its total allocation, including the minimum state share of its total allocation pursuant to former section 15689, subsection 1 and the adjustment for geographic isolation pursuant to section 15612, subsection 2. The state share adjustment is an amount equal to that difference less the losses due to reduced expenditures for buses, debt service, special education, gifted and talented education and career and technical education.

(1) A school administrative unit that meets the criteria under this paragraph is eligible to receive no less than a 5% transition adjustment in fiscal year 2005-06 if the school administrative unit operates an elementary or secondary school and also has a student count of less than 1,000.

(2) A school administrative unit that meets the criteria under this paragraph is eligible to receive no less than a 2.5% transition adjustment in fiscal year 2005-06 if the school administrative unit operates an elementary or secondary school and also has a student count of 1,000 or more. [2005, c. 12, Pt. UU, §§12, 13 (AFF); 2005, c. 12, Pt. UU, §4 (RPR); 2005, c. 12, Pt. WW, §18 (AFF); 2005, c. 397, Pt. D, §3 (REV).]

B. A small school administrative unit is eligible to receive a transition adjustment in fiscal year 2005-06 if the school administrative unit operates an elementary or secondary school, raises the maximum local cost share expectation pursuant to section 15671-A and also has a student count of less than 500. A school administrative unit that meets these criteria is eligible to receive 86% instead of 84% of the base total calculated pursuant to section 15683, subsection 2 in fiscal year 2005-06. [2005, c. 12, Pt. UU, §4 (NEW); 2005, c. 12, Pt. UU, §§12, 13 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 12, Pt. UU, §§12, 13 (AFF); 2005, c. 12, Pt. UU, §4 (RPR); 2005, c. 12, Pt. WW, §18 (AFF); 2005, c. 397, Pt. D, §3 (REV) .]

2. **Adjustment in fiscal year 2006-07.** A school administrative unit is eligible for a transition adjustment in fiscal year 2006-07 to mitigate a significant increase in state-certified property valuation according to the provisions of this subsection.

A. A school admistrative unit is eligible under this subsection if it meets the following tier 1 criteria:

(1) The school administrative unit's state subsidy for fiscal year 2006-07, including the transition adjustment under this section, is less than the state subsidy the school administrative unit received in fiscal year 2005-06, including transition adjustments and adjustments for the decline in debt service; and

(2) The school administrative unit's state-certified valuation's increase from 2004 to 2005 is greater than the increase in statewide state-certified valuation during the same period.

School administrative units meeting the criteria in subparagraphs (1) and (2) are eligible to receive a transition adjustment amount equal to the result of the unit's valuation over the state average increase in valuation up to 4% multiplied by the statewide mill expectation established for fiscal year 2006-07 that may not result in a state share greater than the unit received in fiscal year 2005-06, including transition adjustments and adjustments for the decline in debt service. [2005, c. 519, Pt. AAAA, §11 (NEW).]

B. A school administrative unit is eligible under this subsection if it meets the following tier 2 criteria:

(1) The school administrative unit's state subsidy in fiscal year 2006-07, including the transition adjustment under this section, is less than the state subsidy the school administrative unit received in fiscal year 2005-06, including transition adjustments and adjustments for the decline in debt service;

(2) The school administrative unit's adjusted mill expectation is below the statewide mill expectation established for fiscal year 2006-07;

(3) The school administrative unit's state subsidy in fiscal year 2006-07, including the transition adjustment under this section, is less than the school administrative unit's fiscal year 2004-05 state share of its total allocation, including the minimum state share of its total allocation pursuant to section 15689, subsection 1 and the adjustment for geographic isolation pursuant to former section 15612, subsection 2 and including the adjustment due to reduced expenditures for buses, debt service, special education, gifted and talented education and career and technical education;

(4) The school administrative unit's state subsidy in fiscal year 2005-06 did not include a transition adjustment; and

(5) The school administrative unit operates an elementary or secondary school.

School administrative units meeting all the criteria in this paragraph are eligible to receive a transition adjustment in an amount equal to the difference between the following: the school administrative unit's state subsidy in fiscal year 2006-07, including the transition adjustment under this section; and the fiscal year 2004-05 state share of the school administrative unit's total allocation, including the minimum state share of its total allocation pursuant to section 15689, subsection 1 and the adjustment for geographic isolation pursuant to former section 15612, subsection 2 and including the adjustment due to reduced expenditures for buses, debt service, special education, gifted and talented education and career and technical education plus 5%. [2005, c. 519, Pt. AAAA, §11 (NEW).]

[2005, c. 519, Pt. AAAA, §11 (NEW) .]

SECTION HISTORY
2003, c. 504, §A6 (NEW). 2003, c. 712, §16 (AMD). 2005, c. 2, §D52 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §UU4 (AMD). 2005, c. 12, §§UU12,13 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 397, §D3 (REV). 2005, c. 519, §AAAA11 (AMD).

§15686-A. REVIEW OF ESSENTIAL PROGRAMS AND SERVICES COMPONENTS

1. **Components to be reviewed beginning in fiscal year 2006-07.** Beginning in fiscal year 2006-07, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services student-to-staff ratios, salary and benefits matrices, transportation, small schools adjustments, labor markets and gifted and talented components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

[2005, c. 519, Pt. AAAA, §12 (NEW) .]

2. **Components to be reviewed beginning in fiscal year 2007-08.** Beginning in fiscal year 2007-08, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services career and technical education, special education, specialized student populations, system administration and operations and maintenance components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

[2005, c. 519, Pt. AAAA, §12 (NEW) .]

3. **Components to be reviewed beginning in fiscal years 2008-09 and 2016-17.** Beginning in fiscal year 2008-09, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services professional development, student assessment, technology, leadership support, cocurricular and extra-curricular activities, supplies and equipment and, beginning in fiscal year 2016-17, charter school components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

[2015, c. 389, Pt. C, §6 (AMD) .]

4. **Components to be reviewed beginning in fiscal year 2017-18.** Beginning in fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services components under this chapter related to implementation of proficiency-based reporting and graduation requirements and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended legislative changes.

[2015, c. 489, §8 (NEW) .]

SECTION HISTORY
2005, c. 519, §AAAA12 (NEW). 2015, c. 389, Pt. C, §6 (AMD). 2015, c. 489, §8 (AMD).

§15687. RULES

The commissioner shall adopt rules to implement this Act. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 504, Pt. A, §6 (NEW).]

SECTION HISTORY
2003, c. 504, §A6 (NEW).

§15688. SCHOOL ADMINISTRATIVE UNIT CONTRIBUTION TO TOTAL COST OF FUNDING PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12

1. **School administrative unit; total cost.** For each school administrative unit, the commissioner shall annually determine the school administrative unit's total cost of education. A school administrative unit's total cost of education must include:

A. The school administrative unit's base total calculated pursuant to section 15683, subsection 1, adjusted pursuant to the transition targets described in section 15671, subsection 7, paragraph A; [2005, c. 2, Pt. D, §53 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. The other subsidizable costs described in section 15681-A; [2013, c. 368, Pt. C, §11 (AMD).]

C. The total debt service allocation described in section 15683-A; and [2013, c. 368, Pt. C, §11 (AMD).]

D. Beginning in the 2013-14 funding year, the normal cost of retirement for a teacher pursuant to Title 5, section 17154, subsection 6. [2013, c. 368, Pt. C, §11 (NEW).]

[2013, c. 368, Pt. C, §11 (AMD) .]

2. **Member municipalities in school administrative districts, community school districts, regional school units; total costs.** For each municipality that is a member of a school administrative district, community school district or regional school unit, the commissioner shall annually determine each municipality's total cost of education. A municipality's total cost of education is the school administrative district's, community school district's or regional school unit's total cost of education multiplied by the percentage that the municipality's most recent calendar year average pupil count is to the school administrative district's, community school district's or regional school unit's most recent calendar year average pupil count.

[2007, c. 240, Pt. XXXX, §29 (AMD) .]

3. **School administrative unit; contribution.**

[2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 2, Pt. D, §55 (RP); 2005, c. 12, Pt. WW, §18 (AFF) .]

3-A. **School administrative unit; contribution.** For each school administrative unit, the commissioner shall annually determine the school administrative unit's required contribution, the required contribution of each municipality that is a member of the unit, if the unit has more than one member, and the State's contribution to the unit's total cost of education in accordance with the following.

A. For a school administrative unit composed of only one municipality, the contribution of the unit and the municipality is the same and is the lesser of:

(1) The total cost described in subsection 1; and

(2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality. [2005, c. 2, Pt. D, §56 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. For a school administrative district, community school district or regional school unit composed of more than one municipality, each municipality's contribution to the total cost of education is the lesser of:

(1) The municipality's total cost as described in subsection 2; and

(2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality. [2015, c. 494, Pt. A, §13 (AMD).]

B-1. [2007, c. 668, §36 (RP).]

C. For a school administrative district, community school district or regional school unit composed of more than one municipality, the unit's contribution to the total cost of education is the lesser of:

(1) The total cost as described in subsection 1; and

(2) The sum of the totals calculated for each member municipality pursuant to paragraph B, subparagraph (2). [2007, c. 668, §37 (AMD).]

D. The state contribution to the school administrative unit's total cost of education is the total cost of education calculated pursuant to subsection 1 less the school administrative unit's contribution calculated pursuant to paragraph A or C, as applicable. The state contribution is subject to reduction in accordance with section 15690, subsection 1, paragraph C. [2005, c. 2, Pt. D, §56 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2015, c. 494, Pt. A, §13 (AMD) .]

4. **Method of cost sharing; exception.** For the purpose of local cost sharing, the provisions of subsection 3-A do not apply to municipalities that are members of a school administrative district or a community school district whose cost sharing formula was established pursuant to private and special law prior to January 1, 2004. For each municipality that is a member of a school administrative district or a community school district whose cost sharing formula was established pursuant to private and special law prior to January 1, 2004, the cost sharing formula established pursuant to private and special law determines each municipality's local cost of education.

[2005, c. 2, Pt. D, §57 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Effective date.** This section takes effect July 1, 2005.

[2003, c. 712, §17 (NEW) .]

SECTION HISTORY
2003, c. 712, §17 (NEW). 2005, c. 2, §§D53-57 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 240, Pt. XXXX, §§29, 30 (AMD). 2007, c. 668, §§36, 37 (AMD). 2013, c. 368, Pt. C, §11 (AMD). 2015, c. 494, Pt. A, §13 (AMD).

§15688-A. ENHANCING STUDENT PERFORMANCE AND OPPORTUNITY; COSTS

Beginning in fiscal year 2013-14, the commissioner may expend and disburse funds to meet the purposes of this section to the appropriate school administrative unit or institution or to meet contractual obligations. [2013, c. 368, Pt. C, §12 (NEW).]

1. **Career and technical education costs.** Beginning in fiscal year 2017-18, the allocation for career and technical education must be based upon a program-driven model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant, other student and staff support and equipment. Monthly payments must be made directly to school administrative units with career and technical education centers and directly to career and technical education regions. If a school

administrative unit with a career and technical education center or a career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

[2015, c. 267, Pt. C, §10 (AMD) .]

2. **College transitions programs.** The commissioner may expend and disburse funds to provide for expanded access to programs designed to provide college transitions programs through the State's adult education system.

[2013, c. 368, Pt. C, §12 (NEW) .]

3. **Transition to proficiency-based diplomas.** The commissioner may expend and disburse funds to support the transition to proficiency-based diplomas pursuant to section 4722-A, subsection 4, including the proficiency-based reporting and credentials requirements of section 6209, subsection 3-A.

[2015, c. 489, §9 (AMD) .]

4. **New or expanded public preschool programs for children 4 years of age.** Beginning in fiscal year 2015-16 and for each subsequent fiscal year, the commissioner may expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children 4 years of age pursuant to chapter 203, subchapter 3. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 203, subchapter 3 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of public preschool programs. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of chapter 203, subchapter 3.

[2013, c. 581, §10 (NEW) .]

5. **School improvement and support.** The commissioner may expend and disburse funds to support school improvement activities in accordance with chapter 222.

[2015, c. 267, Pt. C, §11 (NEW) .]

6. **National industry standards for career and technical education.** The commissioner may expend and disburse funds to support enhancements to career and technical education programs that align those programs with national industry standards, in accordance with chapter 313.

[2015, c. 267, Pt. C, §11 (NEW) .]

7. **Educator effectiveness.** The commissioner may expend and disburse funds to support the implementation of performance evaluation and professional growth systems in accordance with chapter 508.

[2015, c. 267, Pt. C, §11 (NEW) .]

SECTION HISTORY
2013, c. 368, Pt. C, §12 (NEW). 2013, c. 581, §10 (AMD). 2013, c. 595, Pt. C, §5 (AMD). 2015, c. 267, Pt. C, §§10, 11 (AMD). 2015, c. 489, §9 (AMD).

§15689. ADJUSTMENTS TO STATE SHARE OF TOTAL ALLOCATION

Beginning July 1, 2005, adjustments to the state share of the total allocation must be made as set out in this section. [2003, c. 712, §17 (NEW).]

1. **Minimum state allocation.** Each school administrative unit must be guaranteed a minimum state share of its total allocation that is an amount equal to the greater of the following:

A. The sum of the following calculations:

(1) Multiplying 5% of each school administrative unit's essential programs and services per-pupil elementary rate by the average number of resident kindergarten to grade 8 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1); and

(2) Multiplying 5% of each school administrative unit's essential programs and services per-pupil secondary rate by the average number of resident grade 9 to grade 12 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1).

The 5% factor in subparagraphs (1) and (2) must be replaced by: 4% for the 2009-10 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2010-11 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2011-12 funding year; and 3% for the 2012-13 funding year and subsequent years; and [2013, c. 1, Pt. C, §4 (AMD).]

B. The school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2 multiplied by the following transition percentages:

(1) In fiscal year 2005-06, 84%;

(2) In fiscal year 2006-07, 84%;

(3) In fiscal year 2007-08, 84%;

(4) In fiscal year 2008-09, 45%;

(5) In fiscal year 2009-10, 40% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(7) In fiscal year 2011-12, 30%;

(8) In fiscal year 2012-13, 30%;

(9) In fiscal year 2013-14, 35%;

(10) In fiscal year 2014-15, 30%;

(11) In fiscal year 2015-16, 30%;

(12) In fiscal year 2016-17, 30%;

(13) In fiscal year 2017-18, 35%;

(14) In fiscal year 2018-19, 40%;

(15) In fiscal year 2019-20, 45%; and

(16) In fiscal year 2020-21 and succeeding years, 50%. [2015, c. 389, Pt. C, §7 (AMD).]

These funds must be an adjustment to the school administrative unit's state and local allocation after the state and local allocation has been adjusted for debt service pursuant to subsection 2. Beginning July 1, 2007, these funds must be an adjustment to the school administrative unit's state and local allocation in addition to the state and local allocation that has been adjusted for debt service pursuant to subsection 2.

[2015, c. 389, Pt. C, §7 (AMD) .]

1-A. **Adjustments to state contributions to member municipalities in certain school districts.**

[2011, c. 380, Pt. C, §5 (RP) .]

1-B. **Adjustments to state contributions to member municipalities in regional school units or alternative organizational structure.** The minimum state allocation provisions of subsection 1, paragraph B are applicable for each case in which the school administrative units in existence prior to the operational date of the new regional school unit or alternative organizational structure received an adjustment under subsection 1, paragraph B for fiscal year 2007-08 or fiscal year 2008-09. For each regional school unit or alternative organizational structure eligible under this subsection, the minimum state allocation provisions of subsection 1, paragraph B are applicable for each member municipality that was a member of the eligible school administrative units in existence prior to the operational date of the new regional school unit or alternative organizational structure.

[2007, c. 668, §38 (NEW) .]

2. **Adjustment for debt service.** Each school administrative unit may receive an adjustment for a debt service determined as follows.

A. A school administrative unit is eligible for this adjustment under the following conditions.

(1) The school administrative unit's local share results in a full-value education mill rate less than the local cost share expectation as described in section 15671-A through the 2009-10 fiscal year. Beginning in fiscal year 2010-11 and in subsequent fiscal years, the school administrative unit's debt service allocation must include principal and interest payments as defined in section 15672, subsection 2-A, paragraph A.

(2) The school administrative unit has debt service costs defined under section 15672, subsection 2-A that have been placed on the state board's priority list by January 2005.

(3) Beginning in fiscal year 2010-11 and in subsequent years, the school administrative unit's total debt service costs less the local share amount in paragraph B, subparagraph (2), division (b) is greater than the current state share of the total allocation. [2009, c. 571, Pt. E, §23 (AMD).]

B. The amount of the adjustment is the difference, but not less than zero, between the state share of the total allocation under this chapter and the amount computed as follows.

(2) Beginning July 1, 2007, the school administrative unit's state share of the total allocation if the local share was the sum of the following:

(a) The local share amount for the school administrative unit calculated as the lesser of the total allocation excluding debt service costs and the school administrative unit's fiscal capacity multiplied by the mill rate expectation established in section 15671-A less the debt service adjustment mill rate defined in section 15672, subsection 2-B; and

(b) The local share amount for the school administrative unit calculated as the lesser of the debt service costs and the school administrative unit's fiscal capacity multiplied by the debt service adjustment mill rate defined in section 15672, subsection 2-B. [2005, c. 519, Pt. AAAA, §15 (AMD).]

C. Beginning in fiscal year 2016-17, the debt service adjustment in this subsection must be applied to each member municipality of a school administrative district, community school district and regional school unit. [2015, c. 267, Pt. C, §12 (NEW).]

[2015, c. 267, Pt. C, §12 (AMD) .]

3. **Adjustment limitations.** The amounts of the adjustments paid to school administrative units or municipalities pursuant to this section are limited to the amounts appropriated by the Legislature for these adjustments.

[2005, c. 2, Pt. D, §59 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Audit adjustments.** The following provisions apply to audit adjustments.

A. If errors are revealed by audit and by the commissioner, the school administrative unit's state subsidy must be adjusted to include corrections. [2005, c. 2, Pt. D, §60 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. If audit adjustments are discovered after the funding level is certified by the commissioner and the state board on December 15th pursuant to section 15689-C, the department may request the necessary additional funds, if any, to pay for these adjustments. These amounts, if any, are in addition to the audit adjustment amount certified by the commissioner and state board on the prior December 15th. [2005, c. 2, Pt. D, §60 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §60 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Adjustment for cost of educating eligible students in long-term drug treatment centers.** A school administrative unit that operates an educational program approved pursuant to chapter 327 to serve eligible students in licensed drug treatment centers must be reimbursed in the year in which costs are incurred as follows.

A. Reimbursements must be limited to the state average tuition rate for the number of students in the approved program plan. [2009, c. 213, Pt. AAA, §2 (AMD).]

B. The rate of reimbursement per student may not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805. The tuition rates must be computed based on the state average secondary tuition rate and may be adjusted if the program is approved to operate beyond the 180-day school year. [2005, c. 2, Pt. D, §60 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2009, c. 213, Pt. AAA, §2 (AMD) .]

6. **Adjustment for uncertified personnel.** The commissioner shall reduce the state share of the total allocation to a school administrative unit in the current year or following year by an amount that represents the state share of expenditures for salaries and benefits paid to uncertified personnel.

[2005, c. 2, Pt. D, §60 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

7. **Adjustment for minimum teacher salary.**

[2011, c. 477, Pt. D, §3 (AFF); 2011, c. 477, Pt. D, §1 (RP) .]

8. **Payments for minimum salary adjustments.**

[2011, c. 477, Pt. D, §3 (AFF); 2011, c. 477, Pt. D, §2 (RP) .]

9. **Regionalization, consolidation and efficiency assistance adjustment.** The commissioner may expend and disburse funds limited to the amount appropriated by the Legislature to carry out the purposes of promoting regionalization, consolidation and efficiency. These funds must be an adjustment to the qualifying school administrative unit's state allocation.

[2007, c. 240, Pt. D, §6 (NEW) .]

10. **Innovative school construction project adjustment.** For any fiscal year, if the appropriation for the state share of debt service exceeds the annual payments, the commissioner may expend and disburse the balance of funds to carry out the purposes of innovative school construction.

[2009, c. 213, Pt. C, §9 (NEW) .]

11. **Minimum economically disadvantaged student adjustment.** Beginning in fiscal year 2012-13, and for each subsequent fiscal year, each school administrative unit may receive an adjustment for economically disadvantaged students determined as follows.

A. A school administrative unit is eligible for the adjustment for economically disadvantaged students under the following conditions:

(1) The school administrative unit receives an adjustment for the minimum state allocation pursuant to subsection 1;

(2) The school administrative unit's percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 is greater than the state average percentage of economically disadvantaged students; and

(3) The school administrative unit operates a school. [2011, c. 419, §3 (NEW).]

B. The amount of the adjustment for economically disadvantaged students is the difference, but not less than zero, between the state share of the total allocation under this chapter and the amount computed as the school administrative unit's total allocation for economically disadvantaged students, multiplied by the relevant percentage in subsection 1, paragraph B. For the 2012-13 funding year, this adjustment is reduced to 98% of the amount otherwise calculated under this paragraph. [2013, c. 1, Pt. C, §5 (AMD).]

[2013, c. 1, Pt. C, §5 (AMD) .]

12. **Adjustment of subsidy for statewide contract purchases.** The commissioner may expend and disburse funds on behalf of school administrative units for purchases of items available on statewide contracts. The school administrative unit's available state subsidy must be reduced based on the cost of the items purchased and upon prior agreement with the school administrative unit. If sufficient state subsidy funds are not available in the fiscal year in which the items were purchased, the reduction to the school administrative unit's available state subsidy may occur in the following fiscal year's state subsidy.

(Subsection 12 as enacted by PL 2011, c. 655, Pt. F, §1 is REALLOCATED TO TITLE 20-A, SECTION 15689, SUBSECTION 13)

[2011, c. 655, Pt. C, §10 (NEW) .]

13. (REALLOCATED FROM T. 20-A, §15689, sub-§12) **Bus refurbishing program.** Beginning in fiscal year 2012-13 and in each subsequent year, the commissioner may increase the state share of the total allocation to a qualifying school administrative unit for the approved refurbishing of a bus.

A. Approval of bus refurbishing must be based on eligibility requirements established by the commissioner, including, but not limited to, the age, mileage and expected useful life of the bus. [2011, c. 2, §20 (RAL).]

B. Adjustment to the state share of the total allocation under this subsection must occur in the fiscal year following the school administrative unit's expenditure and be based on the total amount approved by the commissioner, or the actual expenditure by a school administrative unit if less, for bus refurbishing, multiplied by the school administrative unit's state share percentage except that if a school administrative unit's state share percentage is less than 30% the multiplication factor is 30% and if a school administrative unit's state share percentage is greater than 70% the multiplication factor is 70%. [2011, c. 2, §20 (RAL).]

[2011, c. 2, §20 (RAL) .]

SECTION HISTORY
2003, c. 712, §17 (NEW). 2005, c. 2, §§D58-60 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 457, §I1 (AMD). 2005, c. 519, §§AAAA13-15 (AMD). 2005, c. 635, §9 (AMD). 2005, c. 683, §H2 (AMD). 2007, c. 58, §3 (REV). 2007, c. 240, Pt. C, §3 (AMD). 2007, c. 240, Pt. D, §§3-6 (AMD). 2007, c. 466, Pt. B, §16 (AMD). 2007, c. 539, Pt. C, §10 (AMD). 2007, c. 668, §38 (AMD). 2009, c. 1, Pt. C, §2 (AMD). 2009, c. 213, Pt. AAA, §2 (AMD). 2009, c. 213, Pt. C, §§8, 9 (AMD). 2009, c. 571, Pt. E, §§21-23 (AMD). RR 2011, c. 2, §20 (COR). 2011, c. 380, Pt. C, §5 (AMD). 2011, c. 419, §3 (AMD). 2011, c. 477, Pt. D, §§1, 2 (AMD). 2011, c. 477, Pt. D, §3 (AFF). 2011, c. 655, Pt. C, §§8-10 (AMD). 2011, c. 655, Pt. F, §1 (AMD). 2013, c. 1, Pt. C, §§4, 5 (AMD). 2013, c. 368, Pt. C, §13 (AMD). 2015, c. 267, Pt. C, §12 (AMD). 2015, c. 389, Pt. C, §7 (AMD).

§15689-A. AUTHORIZATION OF PAYMENT OF MISCELLANEOUS COSTS

1. **Payment of state agency client costs.** State agency client costs are payable pursuant to this subsection. As used in this subsection, "state agency client" has the same meaning as defined in section 1, subsection 34-A.

A. The commissioner shall approve special education costs and supportive services, including transportation, for all state agency clients placed in residential placements by an authorized agent of a state agency. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Special education costs authorized by this subsection for state agency clients must be paid by the department in the allocation year at 100% of actual costs. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The commissioner shall pay only approved special education costs and supportive services, including transportation, authorized by this subsection for state agency clients and may not allocate for those special education costs and supportive services, including transportation, incurred by the school administrative unit for state agency clients in the base years starting July 1, 1985, and every base year thereafter. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. Transportation costs for state agency clients, when provided in accordance with rules established by the commissioner under section 7204, must be paid by the department in the allocation year at 100% of actual costs. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Education of institutional residents.** The commissioner may pay tuition to school administrative units or private schools for institutional residents within the limits of the allocation made under this section.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Essential programs and services components contract.** The commissioner may contract for the updating of the essential programs and services component with a statewide education research institute.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Learning results implementation, assessment and accountability.** The commissioner may expend and disburse funds limited to the amount appropriated by the Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 5 and 8.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Regionalization, consolidation and efficiency assistance.**

[2007, c. 240, Pt. D, §7 (RP) .]

6. **Education research contract.** The commissioner may contract for the compilation and analysis of education data with a statewide education research institute.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

7. **Disbursement limitations.** The funds disbursed in accordance with this section are limited to the amounts appropriated by the Legislature for these purposes.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

8. **Laptop program.** The commissioner may pay costs attributed to the contracted support services and annual payments for a program that provides laptop computers to middle school students.

[2005, c. 12, Pt. D, §3 (NEW) .]

9. **Emergency bus loan.** The commissioner may pay annual payments for an emergency bus loan.

[2005, c. 12, Pt. D, §3 (NEW) .]

10. **Data management and support services for essential programs and services.** The commissioner may pay costs attributed to system maintenance and staff support consisting of 11 positions that provide professional and administrative support to general purpose aid for local schools necessary to implement the requirements of the Essential Programs and Services Funding Act.

[2009, c. 213, Pt. C, §10 (AMD) .]

11. **Courses for credit at eligible postsecondary institutions.** The commissioner may pay costs for secondary students to take postsecondary courses at eligible institutions. For the purposes of this subsection, "secondary student" includes a student in a home instruction program pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (4) but does not include a student that is not a resident of the State pursuant to section 5205, subsection 10.

[2013, c. 368, Pt. C, §14 (AMD) .]

12. **National board certification salary supplement.** The commissioner may pay annual salary supplement payments to school administrative units or a publicly supported secondary school for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13013-A.

[2011, c. 702, §3 (AMD) .]

12-A. **Learning through technology.** The commissioner may pay costs attributed to staff support consisting of one Education Team and Policy Director position, 2 Education Specialist III positions, one Planning and Research Associate I position, one Director of Special Projects position and 2 Education Specialist II positions, professional development and training in the use of open educational resources and open-source textbooks and system maintenance for a program that promotes learning through technology. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the All Other line category in the Learning Through Technology General Fund nonlapsing account sufficient to support the All Other costs and the agreement that provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

[2011, c. 354, §2 (AMD) .]

13. **Jobs for Maine's Graduates.** The commissioner may expend and disburse funds for the Jobs for Maine's Graduates in accordance with the provisions of chapter 226.

[2007, c. 240, Pt. C, §4 (NEW) .]

14. **Maine School of Science and Mathematics.** The commissioner may expend and disburse funds for the Maine School of Science and Mathematics in accordance with the provisions of chapter 312.

[2007, c. 240, Pt. C, §5 (NEW) .]

15. **Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.** The commissioner may expend and disburse funds for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in accordance with provisions of chapter 304.

[2007, c. 240, Pt. C, §6 (NEW) .]

16. **Transportation administration.** The commissioner may pay costs attributed to one Education Specialist III position and system maintenance necessary to implement the transportation requirements of this chapter and chapter 215.

(Subsection 16 as enacted by PL 2007, c. 539, Pt. W, §2 is REALLOCATED TO TITLE 20-A, SECTION 15689-A, SUBSECTION 18)

[2009, c. 213, Pt. C, §12 (AMD) .]

17. **Special education for juvenile offenders.** The commissioner may pay certain costs attributed to staff support and associated operating costs for providing special education to juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Long Creek Youth Development Center General Fund account within the Department of Corrections, sufficient to support 2 Teacher positions, and to the Mountain View Youth Development Center General Fund account within the Department of Corrections, sufficient to support one Teacher position, may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

[2007, c. 539, Pt. W, §3 (NEW) .]

18. (REALLOCATED FROM T. 20-A, §15689-A, sub-§16) **Coordination of services for juvenile offenders.** The commissioner may pay certain costs attributed to staff support and associated operating costs for providing coordination of education, treatment and other services for juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Long Creek Youth Development Center, General Fund account within the Department of Corrections sufficient to support one Education Specialist II position and one Office Associate II position and to the Mountain View Youth Development Center, General Fund account within the Department of Corrections sufficient to support one Education Specialist II position and one Office Associate II position may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

[2015, c. 267, Pt. C, §13 (AMD) .]

19. **Miscellaneous costs limitations.** The amounts of the miscellaneous costs pursuant to this section are limited to the amounts appropriated by the Legislature for these costs.

[2009, c. 213, Pt. C, §14 (NEW) .]

20. **Center of Excellence for At-risk Students.** The commissioner may expend and disburse funds for the Center of Excellence for At-risk Students in accordance with the provisions of chapter 227.

[2011, c. 380, Pt. C, §6 (NEW) .]

21. **Fund for the Efficient Delivery of Educational Services.** The commissioner may expend and disburse funds from the Fund for the Efficient Delivery of Educational Services in accordance with the provisions of chapter 114-A.

[2011, c. 655, Pt. C, §11 (NEW) .]

22. **MaineCare seed for school administrative units.** The commissioner may deduct from a school administrative unit's state subsidy and pay on behalf of the school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. A transfer of payment by the department to the Department of Health and Human Services must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the department and in a manner that remains in compliance with federal intergovernmental transfer requirements. No later than 90 days after the incurrence of allowable school-based payments to schools, the Department of Health and Human Services shall provide the detailed payment information to the department. The department shall make this information available and apply the adjustment to the appropriate school administrative units within 30 days of receipt of the detailed payment information from the Department of Health and Human Services.

[2015, c. 63, §1 (AMD) .]

23. **Comprehensive early college programs.** The commissioner may expend and disburse funds to support early college programs that:

A. Provide secondary students with the opportunity to graduate from high school in 4 years with a high school diploma and at least 30 regionally accredited transferable postsecondary credits allowing for completion of an associate degree within one additional year of postsecondary schooling; [2013, c. 368, Pt. C, §15 (NEW).]

B. Involve a high school, a career and technical education center or region and one or more institutions of higher education; [2013, c. 368, Pt. C, §15 (NEW).]

C. Organize students into cohort groups and provide them with extensive additional guidance and support throughout the program with the goals of raising aspirations, increasing employability and encouraging postsecondary degree attainment; and [2013, c. 368, Pt. C, §15 (NEW).]

D. Maintain a focus on serving students who might not otherwise pursue a postsecondary education. [2013, c. 368, Pt. C, §15 (NEW).]

[2013, c. 595, Pt. C, §6 (AMD) .]

24. **Postsecondary education attainment in Androscoggin County.** The commissioner shall expend and disburse $75,000 in fiscal year 2015-16 and $75,000 in fiscal year 2016-17 to support postsecondary education attainment in Androscoggin County.

[2015, c. 267, Pt. C, §14 (AMD) .]

25. **Community schools.** The commissioner may expend and disburse funds for the establishment of community schools in accordance with the provisions of chapter 333.

(Subsection 25 as enacted by PL 2015, c. 363, §5 is REALLOCATED TO TITLE 20-A, SECTION 15689-A, SUBSECTION 26)

[2015, c. 267, Pt. GGG, §2 (NEW) .]

26. (REALLOCATED FROM T. 20-A, §15689-A, sub-§25) **Maine School for Marine Science, Technology, Transportation and Engineering.** The commissioner may expend and disburse funds for the Maine School for Marine Science, Technology, Transportation and Engineering in accordance with the provisions of chapter 312-A.

[2015, c. 1, §15 (RAL) .]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §D3 (AMD). 2005, c. 12, §WW18 (AFF). 2005, c. 519, §§J2,XX5,AAAA16 (AMD). RR 2007, c. 2, §6 (RAL). 2007, c. 240, Pt. C, §§4-6 (AMD). 2007, c. 240, Pt. D, §§7-9 (AMD). 2007, c. 539, Pt. C, §§11, 12 (AMD). 2007, c. 539, Pt. W, §§1-3 (AMD). 2009, c. 213, Pt. C, §§10-14 (AMD). 2011, c. 354, §2 (AMD). 2011, c. 380, Pt. C, §6 (AMD). 2011, c. 655, Pt. C, §11 (AMD). 2011, c. 702, §3 (AMD). 2013, c. 368, Pt. C, §§14, 15 (AMD). 2013, c. 595, Pt. C, §6 (AMD). RR 2015, c. 1, §15 (COR). 2015, c. 63, §1 (AMD). 2015, c. 267, Pt. C, §§13, 14 (AMD). 2015, c. 267, Pt. GGG, §2 (AMD). 2015, c. 363, §5 (AMD).

§15689-B. AUTHORIZATION AND SCHEDULES OF PAYMENT OF STATE SUBSIDY; APPEALS

1. **Schedules of payment of unit allocation.** The commissioner shall authorize state subsidy payments to the school administrative units to be made in accordance with time schedules set forth in sections 15005, 15689-D and 15901 to 15910.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Notification of allocation; commissioner's duty; superintendent's duty.** The following provisions apply to notification of allocation by the commissioner and each superintendent.

A. The commissioner shall annually, prior to February 1st, notify each school board of the estimated amount to be allocated to the school administrative unit. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Each superintendent shall report to the municipal officers whenever the school administrative unit is notified of the allocation or a change is made in the allocation resulting from an adjustment. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2-A. **Notification of state contribution to public charter schools.** The commissioner shall annually, prior to February 1st, notify the governing board of each public charter school of the estimated amount of state contribution to be allocated to the public charter school pursuant to section 15683-B and post these estimated contributions on the department's publicly accessible website.

[2015, c. 54, §7 (NEW) .]

3. **Payments of state subsidy to unit's treasurer; basis.** State subsidy payments must be made directly to the treasurer of each school administrative unit. The payments must be based on audited financial reports submitted by school administrative units.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Appeals.** A school board may appeal the computation of state subsidy for the school administrative unit to the state board in writing within 30 days of the date of the initial notification of the computed amount of the component that is the subject of this appeal. The state board shall review the appeal and make an adjustment if in its judgment an adjustment is justified. The state board's decision is final as to facts supported by the record of the appeal.

[2009, c. 571, Pt. E, §24 (AMD) .]

5. **School purpose expense requirement.** Notwithstanding any other law, money allocated for school purposes may be expended only for school purposes.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

6. **Balance of allocations.** Notwithstanding any other law, general operating fund balances at the end of a school administrative unit's fiscal year must be carried forward to meet the unit's needs in the next year or over a period not to exceed 3 years. Unallocated balances in excess of 3% of the previous fiscal year's school

budget must be used to reduce the state and local share of the total allocation for the purpose of computing state subsidy. School boards may carry forward unallocated balances in excess of 3% of the previous year's school budget and disburse these funds in the next year or over a period not to exceed 3 years. For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 only, the carry-forward of a school administrative unit's unallocated balances is not limited to 3% of the previous fiscal year's school budget.

[2009, c. 571, Pt. XXX, §1 (AMD) .]

7. **Required data; subsidy payments withheld.** A school administrative unit shall provide the commissioner with information that the commissioner requests to carry out the purposes of this chapter, according to time schedules that the commissioner establishes. The commissioner may withhold monthly subsidy payments from a school administrative unit when information is not filed in the specified format and with specific content and within the specified time schedules. If the school administrative unit files the information in the specified format, the department shall include the payment of the withheld subsidy in the next regularly scheduled monthly subsidy payment.

[2011, c. 223, §2 (AMD) .]

7-A. **Penalty for late submission of required data.** Notwithstanding any other provision of this Title, the commissioner may implement the following subsidy penalty for a school administrative unit that is not in compliance with subsection 7. If a school administrative unit has not filed the required data pursuant to subsection 7 within 3 months of the due date, a penalty equal to 1% of that unit's monthly subsidy check times the number of months past due is assessed.

[2007, c. 539, Pt. C, §14 (NEW) .]

8. **Unobligated balances.** Unobligated balances from amounts appropriated for general purpose aid for local schools may not lapse but must be carried forward to the next fiscal year.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 539, Pt. C, §§13, 14 (AMD). 2009, c. 213, Pt. C, §15 (AMD). 2009, c. 448, §2 (AMD). 2009, c. 571, Pt. E, §24 (AMD). 2009, c. 571, Pt. XXX, §1 (AMD). 2011, c. 223, §2 (AMD). 2015, c. 54, §7 (AMD).

§15689-C. COMMISSIONER'S RECOMMENDATION FOR FUNDING LEVELS; COMPUTATIONS

1. **Annual recommendations.** Prior to January 20th of each fiscal year, the commissioner, with 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 levels that the commissioner recommends for the purposes of this chapter on the basis of section 15671. Beginning with the recommendations due in 2009, the commissioner’s annual recommendations must be in the form and manner described in subsection 4.

[2015, c. 389, Pt. C, §8 (AMD); 2015, c. 489, §10 (AMD) .]

2. **Funding level computations.** The following are the funding level computations that support the commissioner's funding level recommendations:

A. The requested funding levels for the operating allocation under sections 15683 and 15683-B; [2015, c. 54, §8 (AMD).]

B. The requested funding levels for debt service under section 15683-A, which are as follows:

(1) The known obligations and estimates of anticipated principal and interest costs for the allocation year;

(2) The expenditures for the insured value factor for the base year;

(3) The level of lease payments and lease-purchase payments pursuant to section 15672, subsection 2-A for the year prior to the allocation year; and

(4) Funds allocated by the state board for new school construction projects funded in the current fiscal year; [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The requested funding levels for adjustments under section 15689, which must be computed by estimating costs for the allocation year; [2013, c. 368, Pt. C, §16 (AMD).]

D. The requested funding levels for miscellaneous costs under section 15689-A; [2013, c. 368, Pt. C, §16 (AMD).]

E. The requested funding levels for the costs of enhancing student performance and opportunity under section 15688-A; and [2013, c. 368, Pt. C, §17 (NEW).]

F. The normal costs of teacher retirement pursuant to Title 5, section 17154, subsection 6. [2013, c. 368, Pt. C, §17 (NEW).]

[2015, c. 54, §8 (AMD) .]

3. **Guidelines for updating other subsidizable costs.** The commissioner's recommendation for updating percentages to bring base year actual costs to the equivalent of one-year-old costs may not exceed the average of the 2 most recent percentages of annual increase in the Consumer Price Index.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. **Guidelines for updating adjustments and miscellaneous costs.** The commissioner's recommendations regarding the adjustments and miscellaneous costs components as set forth in subsection 2 also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the commissioner's recommendations, the commissioner's recommendation must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the commissioner's recommendations and the reasons for the changes.

[2009, c. 275, §2 (NEW) .]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2009, c. 275, §§1, 2 (AMD). 2013, c. 368, Pt. C, §§16, 17 (AMD). 2015, c. 54, §8 (AMD). 2015, c. 389, Pt. C, §8 (AMD). 2015, c. 489, §10 (AMD).

§15689-D. GOVERNOR'S RECOMMENDATION FOR FUNDING LEVELS

1. **Annual recommendations.** The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15671, 15671-A, 15683, 15683-A, 15683-B, 15688-A, 15689 and 15689-A and the amount for any other components of the total cost of funding public education from kindergarten to grade 12 pursuant

to this chapter. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2 and these recommendations must be posted on the department's publicly accessible website. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

[2015, c. 489, §11 (AMD) .]

2. **Funding level computations.** The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating allocations pursuant to section 15683 including the total allocation pursuant to section 15683-B, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total costs of enhancing student performance and opportunity pursuant to section 15688-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the Governor's recommendations and the reasons for the changes. These computations must be posted on the department's publicly accessible website.

[2015, c. 54, §9 (AMD) .]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 240, Pt. C, §7 (AMD). 2009, c. 275, §3 (RPR). 2013, c. 368, Pt. C, §18 (AMD). 2015, c. 54, §9 (AMD). 2015, c. 489, §11 (AMD).

§15689-E. ACTIONS BY LEGISLATURE

The Legislature shall annually, prior to March 15th, enact legislation to: [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Appropriation for state share of adjustments, debt service and operating; single account.** Appropriate the necessary funds for the State's share for general purpose aid for local schools with a separate amount for each of the following components:

A. Adjustments and miscellaneous costs described in sections 15689 and 15689-A, including an appropriation for special education pupils placed directly by the State, for:

(1) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner; and

(2) Special education tuition and other tuition for residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner; [2013, c. 368, Pt. C, §19 (AMD).]

B. The state share of the total operating allocation and the total debt service allocation described in sections 15683, 15683-A and 15683-B; [2015, c. 54, §10 (AMD).]

C. The state share of the total costs of enhancing student performance and opportunity described in section 15688-A; and [2013, c. 368, Pt. C, §19 (NEW).]

D. The state share of the total normal cost of teacher retirement pursuant to Title 5, section 17154, subsection 6; and [2013, c. 368, Pt. C, §19 (NEW).]

[2015, c. 54, §10 (AMD) .]

2. **Local cost share expectation.** Establish the local cost share expectation described in section 15671-A.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

Funds for appropriations under this section must be placed in a single account. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2013, c. 368, Pt. C, §19 (AMD). 2015, c. 54, §10 (AMD).

§15689-F. ACTIONS BY DEPARTMENT

Within the annual appropriations, the department shall follow the procedures described in this section. [2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **State's obligation.** If the State's continued obligation for any program provided by one of the appropriated amounts under section 15689-E exceeds the appropriated amount, any unexpended balance from another of those appropriated amounts may be applied by the commissioner toward the obligation for that program.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Cash flow.** For the purpose of cash flow, the commissioner may pay the full state and local share of the payment amounts due on bond issues for school construction from that school administrative unit's state subsidy, excluding payments on non-state-funded projects. This subsection does not apply if a school administrative unit has less subsidy than the total principal and interest payment on bonds.

[2005, c. 2, Pt. D, §61 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Casino revenues.** If the annual funding for public education for children in public preschool programs and for children in kindergarten and grades one to 12 is supported by casino revenues credited to the department pursuant to Title 8, section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools, General Fund account to the K-12 Essential Programs and Services, Other Special Revenue Funds account to meet financial obligations and for purposes of cash flow.

[2013, c. 581, §11 (AMD) .]

SECTION HISTORY
2005, c. 2, §D61 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2013, c. 368, Pt. C, §20 (AMD). 2013, c. 581, §11 (AMD).

§15690. LOCAL APPROPRIATIONS

Beginning with the budget for the 2005-2006 school year, the following provisions apply to local appropriations for school purposes. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **School administrative unit contribution to total cost of funding public education from kindergarten to grade 12.** The legislative body of each school administrative unit may vote to raise and appropriate an amount up to its required contribution to the total cost of education as described in section 15688, except that funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to a school administrative unit's fiscal years 2008-09, 2009-10 and 2010-11 share of general purpose aid as determined under this chapter must be used to lower the school administrative unit's required contribution to the total cost of education.

A. For a municipal school unit, an article in substantially the following form must be used when a single municipal school administrative unit is considering the appropriation of an amount up to its required contribution to the total cost of education as described in section 15688.

(1) "Article.....: To see what sum the municipality will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend $.....) and to see what sum the municipality will raise as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688. (Recommend $.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars." [2005, c. 12, Pt. WW, §5 (AMD).]

B. For a school administrative district, a community school district or a regional school unit, an article in substantially the following form must be used when the school administrative district, community school district or regional school unit is considering the appropriation of an amount up to its required contribution to the total cost of education as described in section 15688.

(1) "Article ....: To see what sum the district will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to see what sum the district will raise and assess as each municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 (Recommend amount set forth below):

Total Appropriated (by municipality):	Total raised (district assessments by municipality):
Town A ($amount)	Town A ($amount)
Town B ($amount)	Town B ($amount)
Town C ($amount)	Town C ($amount)
School District	School District
Total Appropriated	Total Raised
($sum of above)	($sum of above)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the

amount of money determined by state law to be the minimum amount that the district must raise and assess in order to receive the full amount of state dollars." [2007, c. 240, Pt. XXXX, §31 (AMD).]

C. The state share of the total cost of funding public education from kindergarten to grade 12 as described in section 15688, excluding state-funded debt service for each school administrative unit, is limited to the same proportion as the local school administrative unit raises of its required contribution to the total cost of education as described in section 15688, excluding state-funded debt service costs. [2015, c. 389, Pt. C, §9 (AMD).]

D. [2013, c. 171, §1 (RPR); T. 20-A, §15690, 1, ¶D (RP).]

[2015, c. 389, Pt. C, §9 (AMD) .]

2. **Non-state-funded debt service.** For a school administrative unit's indebtedness previously approved by its legislative body for non-state-funded major capital school construction projects or non-state-funded portions of major capital school construction projects, the legislative body of each school administrative unit may vote to raise and appropriate an amount up to the municipality's or district's annual payments for non-state-funded debt service.

A. An article in substantially the following form must be used when a school administrative unit is considering the appropriation for debt service allocation for non-state-funded school construction projects or non-state-funded portions of school construction projects.

(1) "Article ....: To see what sum the (municipality or district) will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. (Recommend $.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the (municipality's or district's) long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body." [2009, c. 571, Pt. E, §26 (AMD).]

[2009, c. 571, Pt. E, §26 (AMD) .]

3. **Additional local appropriation.** A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2.

A. If the amount of the additional funds does not result in the unit's exceeding its maximum state and local spending target established pursuant to section 15671-A, subsection 4, an article in substantially the following form must be used when a school administrative unit is considering the appropriation of additional local funds:

(1) "Article ....: To see what sum the (municipality or district) will raise and to appropriate the sum of (Recommend $.....) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690. (Recommend $.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the (municipality's or district's) budget for educational programs." [2005, c. 519, Pt. AAAA, §17 (AMD).]

B. If the amount exceeds the unit's maximum state and local spending target established pursuant to section 15671-A, subsection 4, an article in substantially the following form must be used when a school administrative unit is considering an appropriation of additional local funds.

(1) "Article ....: Shall (name of municipality or district) raise and appropriate $..... in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $..... as required to fund the budget recommended by the (school committee or board of directors)?"

The (school committee or board of directors) recommends $..... for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by $.....:

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the (municipality's or district's) budget for educational programs." [2005, c. 519, Pt. AAAA, §18 (AMD).]

[2005, c. 519, Pt. AAAA, §§17, 18 (AMD) .]

4. **Total budget article.** A school administrative unit must include a summary article indicating the total annual budget for funding public education from kindergarten to grade 12 in the school administrative unit. The amount recommended must be the gross budget of the school system. This article does not provide money unless the other articles are approved.

A. "Article ....: To see what sum the (municipality or district) will authorize the school committee to expend for the fiscal year beginning (July 1, ...) and ending (June 30, ...) from the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. (Recommend $.....)" [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Vote.** Actions taken pursuant to subsections 1 to 4 must be taken by a recorded vote.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

6. **Administrative costs for units with no pupils.** If a school administrative unit is required to pay administrative costs and has no allocation of state or local funds, that unit may raise and expend funds for administrative costs.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §§WW5-7 (AMD). 2005, c. 12, §WW18 (AFF). 2005, c. 519, §§AAAA17,18 (AMD). 2007, c. 240, Pt. XXXX, §31 (AMD). 2007, c. 539, Pt. C, §15 (AMD). 2009, c. 213, Pt. C, §16 (AMD). 2009, c. 571, Pt. E, §§25, 26 (AMD). 2011, c. 655, Pt. C, §12 (AMD). 2013, c. 1, Pt. C, §6 (AMD). 2013, c. 171, §1 (AMD). 2015, c. 389, Pt. C, §9 (AMD).

§15691. MUNICIPAL ASSESSMENT PAID TO DISTRICT

1. **Presentation of assessment schedule.** The assessment schedule based on the budget approved at a community school district or school administrative district budget meeting must be presented to the treasurer of each municipality that is a member of the district.

The assessment schedule must include each member municipality's share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in section 15688, the school administrative unit's contribution to debt service for non-state-funded school construction projects and additional local funds for school purposes under section 15690.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Municipal treasurer's payment schedule.** The treasurer of the member municipality, after being presented with the assessment schedule, shall forward 1/12 of that member municipality's share to the treasurer of the district on or before the 20th day of each month of the fiscal year beginning in July.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15691-A. MUNICIPAL ASSESSMENT PAID TO A REGIONAL SCHOOL UNIT

Beginning with the 2008-2009 school year, this section applies to municipal assessments paid to a regional school unit. [2007, c. 240, Pt. XXXX, §32 (NEW).]

1. **Presentation of assessment schedule.** The assessment schedule based on the budget approved at a regional school unit budget meeting must be presented to the treasurer of each municipality that is a member of the regional school unit. The assessment schedule must include each member municipality's share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in section 15688 and the school administrative unit's contribution to debt service for non-state-funded school construction projects and additional local funds for school purposes under section 15690.

[2007, c. 240, Pt. XXXX, §32 (NEW) .]

2. **Municipal treasurer's payment schedule.** The treasurer of the member municipality, after being presented with the assessment schedule under subsection 1, shall forward 1/12 of that member municipality's share to the treasurer of the regional school unit on or before the 20th day of each month of the fiscal year.

[2007, c. 240, Pt. XXXX, §32 (NEW) .]

SECTION HISTORY
2007, c. 240, Pt. XXXX, §32 (NEW).

§15692. SPECIAL SCHOOL DISTRICTS

1. **School administrative unit.** For the purposes of section 15695 and Title 20, sections 3457 to 3460, a special school district is deemed to be a school administrative unit.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Debt service.** Debt service on bonds or notes issued by a special school district must be included in the school budget of the school administrative unit that operates the schools constructed by that district. The school board for the school administrative unit that operates the special district's schools shall pay to the special school district all sums necessary to meet the payments of principal and interest on bonds or notes when due and to cover maintenance or other costs for which the special school district is responsible.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15693. SCHOOL BUDGET; BUDGET FORMATS

1. **Content.** A school administrative unit shall include in its school budget document:

A. The school administrative unit's total cost of funding public education from kindergarten to grade 12, its non-state-funded debt service, if any, and any additional expenditures authorized by law; [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. A summary of anticipated revenues and estimated school expenditures for the fiscal year; and [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The following statement, including the estimated dollar amount of state retirement payments: "This budget does not include the estimated amount of $..... in employer share of teacher retirement costs that is paid directly by the State." [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Budget deadlines.** The following time limitations apply to adoption of a school budget under this section.

A. At least 7 days before the initial meeting of the legislative body responsible for adopting a budget, the school administrative unit shall provide a detailed budget document to that legislative body and to any person who requests one and resides within the geographic area served by the school administrative unit. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. Notwithstanding a provision of law or charter to the contrary, school administrative units may adopt an annual budget prior to June 30th. The school budgets for career and technical education regions must be adopted on or before August 1st. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. Notwithstanding any municipal charter provision, ordinance or other law to the contrary, if the level of state subsidy for the next school year is not finalized in accordance with this chapter before June 1st, the school board may delay a school budget meeting otherwise required to be held before July 1st to a date after July 1st. If a school board elects to delay a school budget meeting under this paragraph, the meeting must be held and the budget approved within 30 days of the date the commissioner notifies the school board of the amount allocated to the school administrative unit under section 15689-B. When a school budget meeting is delayed under this paragraph, the school administrative unit may continue operation of the unit at the same budget levels as were approved for the previous year. Continued operation under the budget for the previous year is limited to the time between July 1st and the date the new budget goes into effect. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Budget format.** The following provisions apply to a budget format.

A. Except as provided in subsection 4, the budget format is that prescribed by a majority of the school board until an article prescribing the school budget format is approved by a majority of voters in an election in which the total vote is at least 20% of the number of votes cast in the municipality in the last gubernatorial election, or 200, whichever is less. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. The format of the school budget may be determined in accordance with section 1485. [2009, c. 571, Pt. E, §27 (AMD).]

C. It is the intent of the Legislature that a school board shall attempt to obtain public participation in the development of the school budget format. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2009, c. 571, Pt. E, §27 (AMD) .]

4. **Budget format; town or city charter.** In a municipality where the responsibility for final adoption of the school budget is vested by municipal charter in a council, the school budget format may be changed through amendment of the charter under the home rule procedures of Title 30-A, chapter 111, except that the amendment must be approved by a majority of voters in an election in which the total vote is at least 20% of the number of votes cast in the municipality in the last gubernatorial election.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. **Budget format; town meeting.** When the final budget authority is vested in a town meeting operating under the general enabling procedures of Title 30-A, the format of the school budget may be determined by the town meeting or under the procedures of Title 30-A, section 2522 or 2528.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

6. **Budget format; community school district.** The following provisions apply to the budget format of a community school district.

A. An article containing the district's proposed budget format must be placed on the next warrant issued or ballot printed if:

(1) A majority of the district school committee votes to place it on the warrant or ballot; or

(2) A written petition signed by at least 10% of the number of voters voting in the last gubernatorial election in each municipality within the community school district requests it to be on the warrant or ballot. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

B. The article containing the budget format may be voted on by secret ballot at an election conducted in accordance with Title 30-A, sections 2528 to 2532. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

C. The district school committee shall:

(1) Issue a warrant specifying that the municipal officers of the municipalities within the community school district shall place the budget format article on the secret ballot; and

(2) Prepare and furnish the required number of ballots for carrying out the election, including absentee ballots. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

7. **Budget format; articles.** The articles prescribed in this chapter must be included in the budget format and be voted on in the adoption of the budget in order to determine state and local cost sharing.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

8. **Change in budget format.** Any change in the budget format must be voted on at least 90 days prior to the budget year for which that change is to be effective.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2009, c. 571, Pt. E, §27 (AMD).

§15694. ACTIONS ON BUDGET

The following provisions apply to approving a school budget under this chapter. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Checklist required.** Prior to a vote on articles dealing with school appropriations, the clerk or secretary shall make a checklist of the registered voters. The number of voters listed on the checklist is conclusive evidence of the number participating in the vote.

[2009, c. 571, Pt. E, §28 (AMD) .]

2. **Reconsideration.** Notwithstanding any law to the contrary, in school administrative units where the school budget is finally approved by the voters, a special budget vote to reconsider action taken on the budget may be called only as follows.

A. The reconsideration vote must be held within 30 days of the regular budget vote at which the budget was finally approved in accordance with section 2307 or chapter 103-A. [2009, c. 571, Pt. E, §28 (AMD).]

B. In a regional school unit, school administrative district or community school district, the reconsideration vote must be called by the school board or as follows.

(1) A petition containing a number of signatures of legal voters in the member municipalities of the school administrative unit equalling at least 10% of the number of voters who voted in the last gubernatorial election in member municipalities of the school administrative unit, or 100 voters, whichever is less, and specifying the article or articles to be reconsidered must be presented to the school board within 15 days of the regular budget vote at which the budget was finally approved in accordance with chapter 103-A.

(2) On receiving the petition, the school board shall call the special budget reconsideration vote, which must be held within 15 days of the date the petition was received. [2009, c. 571, Pt. E, §28 (AMD).]

C. In a municipality, the meeting to reconsider the vote must be called by the municipal officers:

(1) Within 15 days after receipt of a request from the school board, if the request is received within 15 days of the budget vote at which the budget was finally approved in accordance with section 2307 and it specifies the article or articles to be reconsidered; or

(2) Within 15 days after receipt of a written application presented in accordance with Title 30-A, section 2532, if the application is received within 15 days of the budget vote at which the budget was finally approved in accordance with section 2307 and it specifies the article or articles to be reconsidered. [2009, c. 571, Pt. E, §28 (AMD).]

[2009, c. 571, Pt. E, §28 (AMD) .]

3. **Invalidation of action of special budget meeting to reconsider the vote.** If a special budget vote is called to reconsider action taken at a regular budget vote, the vote is invalid if the number of voters at the special budget vote is less than the number of voters at the regular budget vote.

[2009, c. 571, Pt. E, §28 (AMD) .]

4. **Line-item transfers.** Votes requested by a school board for the purpose of transferring funds from one category or line item to another must be posted for voter or council action within 15 days of the date of the request.

[2009, c. 571, Pt. E, §28 (AMD) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2009, c. 571, Pt. E, §28 (AMD).

§15695. BONDS; NOTES; OTHER

All bonds, notes or other evidences of indebtedness issued for school purposes by a school administrative unit for major capital expenses, bus purchases or current operating expenses, including tax or other revenue anticipation notes, are general obligations of the unit. [2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

1. **Tax assessments.** The municipal officers or school board shall require the sums that are necessary to meet in full the principal of and interest on the bonds, notes or other evidences of indebtedness issued pursuant to this section payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

2. **Reduction.** The sums to be assessed and collected under subsection 1 must be reduced by the amount of an allocation of funds appropriated by the Legislature to pay the principal and interest owed by the school administrative unit in a given year as certified to the unit by the commissioner. The commissioner shall certify the amount due to the unit within 30 days of its appropriation by the Legislature.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

3. **Collection.** After assessment and reduction under subsection 2, the remaining sum must be paid from ad valorem taxes, which may be levied without limit as to rate or amount upon all the taxable property within the school administrative unit.

[2005, c. 2, Pt. D, §62 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

SECTION HISTORY
2005, c. 2, §D62 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15695-A. BONDHOLDERS OF SCHOOL ADMINISTRATIVE UNITS

1. **Rights of bondholders of school administrative units.** If legislation, including a ballot measure approved at referendum, becomes effective that dissolves a school administrative unit that has issued outstanding general obligation bonds or notes or repeals the laws pursuant to which such a school administrative unit is organized and exists, the rights of the holders of the outstanding bonds and notes issued by that school administrative unit are not impaired and the underlying indebtedness of any such outstanding general obligation bonds or notes is deemed to survive, whether or not replacement or successor school administrative units are organized or established, and any state subsidy with respect to those outstanding obligations or the relative portion of those outstanding obligations to be paid or reimbursed by the State is not affected.

[2009, c. 445, §1 (NEW) .]

2. **Power to tax.** Until one or more school administrative units are organized or established to replace or succeed a former school administrative unit as described in subsection 1 and assume the outstanding bonds or notes issued by such former school administrative unit, all taxable property located in the municipalities that were members of that former school administrative unit is subject to ad valorem taxation to pay the underlying indebtedness of the bonds or notes issued by the former school administrative unit to the same extent as that taxable property was subject to ad valorem taxation in the former school administrative unit and as if such bonds or notes remained outstanding. Taxes to pay the underlying indebtedness of the outstanding bonds or notes of the former school administrative unit as described in subsection 1 must be levied and collected by the municipalities located in the former school administrative unit in the same manner as the taxes of the municipalities. If one or more school administrative units are organized or established to replace or succeed a former school administrative unit as described in subsection 1, all taxable property located in the municipalities that were members of the former school administrative unit and that are located within the replacement or successor school administrative unit or school administrative units is subject to ad valorem taxation to pay the underlying indebtedness of the bonds or notes of the former school administrative unit to the same extent as that taxable property was subject to ad valorem taxation in the former school administrative unit. Taxes to pay the underlying indebtedness of the outstanding bonds or notes of the former school administrative unit as described in subsection 1 must be levied and collected by the replacement or successor school administrative unit in the same manner as the taxes of the replacement or successor school administrative unit.

[2009, c. 445, §1 (NEW) .]

3. **Power to levy.** The holders of bonds and notes as described in subsection 1 retain the right to levy on taxable property located in the former school administrative unit and that taxable property is subject to Title 30-A, section 5701.

[2009, c. 445, §1 (NEW) .]

4. **Payment responsibility.** Until one or more school administrative units are organized or established to replace or succeed a former school administrative unit as described in subsection 1, the municipalities that were members of the former school administrative unit shall pay the underlying indebtedness of the bonds or notes of the former school administrative unit in accordance with their terms. As between the municipalities that were members of the former school administrative unit, payment responsibility for the underlying indebtedness of the bonds or notes of the former school administrative unit must be allocated in proportion to the most recent state valuations of those municipalities.

A school administrative unit or school administrative units organized or established to replace or succeed a former school administrative unit as described in subsection 1 shall pay the underlying indebtedness of the bonds and notes of the former school administrative unit in accordance with their terms. As between replacement or successor school administrative units of a former school administrative unit, payment responsibility for the underlying indebtedness of the bonds or notes must be allocated based upon the most recent state valuations of the municipalities that are located in each of the replacement or successor school administrative units and that were members of the former school administrative unit.

Nothing contained in this subsection may be construed to prohibit the organization or establishment of a school administrative unit or school administrative units that replace or succeed a former school administrative unit from employing a different method of allocating payment responsibility for the underlying indebtedness of the bonds or notes described in subsection 1.

[2009, c. 445, §1 (NEW) .]

SECTION HISTORY
2009, c. 445, §1 (NEW).

§15696. PENALTIES FOR NONCONFORMING SCHOOL ADMINISTRATIVE UNITS

(REPEALED)

SECTION HISTORY
2007, c. 240, Pt. XXXX, §33 (NEW). 2007, c. 668, §§39-41 (AMD). 2007, c. 695, Pt. A, §23 (AMD). 2009, c. 455, §1 (AMD). 2011, c. 251, §12 (AFF). 2011, c. 251, §8 (RP).

Chapter 606-C: SCHOOL FINANCE ACT OF 2003

§15681. SHORT TITLE

(REPEALED)

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2005, c. 2, §D43 (RP). 2005, c. 2, §D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15682. MANDATED LEGISLATIVE APPROPRIATIONS FOR KINDERGARTEN TO GRADE 12 EDUCATION

(REPEALED)

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D45 (RP). 2005, c. 12, §WW18 (AFF).

§15683. MANDATED LEGISLATIVE APPROPRIATIONS FOR SPECIAL EDUCATION

(REPEALED)

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D48 (RP). 2005, c. 12, §WW18 (AFF).

§15684. FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES

(REPEALED)

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2003, c. 712, §15 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D50 (RP). 2005, c. 12, §WW18 (AFF).

§15685. ENTITLEMENT

(REPEALED)

SECTION HISTORY
IB 2003, c. 2, §1 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 2, §D51 (RP). 2005, c. 12, §WW18 (AFF).

Chapter 607: MAINE SCHOOL BUILDING AUTHORITY

§15701. SHORT TITLE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15702. PURPOSE

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15703. DEFINITIONS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15704. ORGANIZATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §99 (AMD). 1983, c. 812, §§113,114 (AMD). 1987, c. 403, §3 (AMD). 1989, c. 503, §B78 (AMD). 1993, c. 494, §3 (RP).

§15705. POWERS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1987, c. 141, §B15 (AMD). 1993, c. 494, §3 (RP).

§15706. CONTRACTS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15707. REVENUE BONDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §100 (AMD). 1993, c. 494, §3 (RP).

§15708. STATE CREDIT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 585, §1 (AMD). 1993, c. 494, §3 (RP).

§15709. TRUST FUNDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15710. REVENUE REFUNDING BONDS

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15711. TRANSFER

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15712. INVESTMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15713. OTHER BONDING AUTHORITY

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15714. REMEDIES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §101 (AMD). 1993, c. 494, §3 (RP).

§15715. PRELIMINARY EXPENSES

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15716. DIRECT PAYMENT

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15717. EXEMPTION FROM TAXATION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

§15718. LIBERAL CONSTRUCTION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 494, §3 (RP).

Chapter 608: SCHOOL FINANCE ACT OF 2003

§15751. SHORT TITLE

This chapter may be known and cited as "the School Finance Act of 2003." [2005, c. 2, Pt. D, §63 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2005, c. 2, §D63 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15752. MANDATED LEGISLATIVE APPROPRIATIONS FOR KINDERGARTEN TO GRADE 12 EDUCATION

In accordance with the phase-in schedule provided in chapter 606-B, beginning in fiscal year 2008-09, the Legislature each year shall provide at least 55% of the cost of the total allocation for kindergarten to grade 12 education from General Fund revenue sources. [2005, c. 2, Pt. D, §63 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

For the purposes of this chapter, and until such time as the Legislature may implement an alternative school funding system, "total allocation" means the foundation allocation for a year, the debt service allocation for that year, the sum of all adjustments for that year and the total of the additional local appropriations for the prior year. In the event the Legislature implements an alternative school funding model that alters the meaning of the terms used in this Title or otherwise makes obsolete the system of allocations and local appropriations established by this Title, the term "total allocation" as it applies to the mandatory appropriation required by this section means the amount reasonably calculated as the equivalent of this definition. [2005, c. 2, Pt. D, §63 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2005, c. 2, §D63 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15753. MANDATED LEGISLATIVE APPROPRIATIONS FOR SPECIAL EDUCATION

Except as provided in section 15689, subsection 1, but notwithstanding any other provision of chapter 606-B, the Legislature shall provide 100% of a school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2. [2005, c. 2, Pt. D, §63 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

For the purposes of the mandatory appropriation required by this section, and in accordance with the essential programs and services school funding allocation system established in chapter 606-B, the commissioner shall identify and provide in the commissioner's recommendation pursuant to section 15689-C the total special education costs required to be funded pursuant to this section. In addition to any appropriations required by section 15689-E, the Legislature shall appropriate and ensure the accurate distribution of the total amount identified by the commissioner, adjusted by the federal reimbursements for the costs of special education services mandated by federal or state law, rule or regulation that will be provided to the individual school administrative units for that same school year. [2005, c. 2, Pt. D, §63 (NEW); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY
2005, c. 2, §D63 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

§15754. FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES

(REPEALED)

SECTION HISTORY
2005, c. 2, §D63 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 386, §E1 (AMD). 2007, c. 240, Pt. E, §1 (RP).

§15755. ENTITLEMENT

(REPEALED)

SECTION HISTORY
2005, c. 2, §D63 (NEW). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 240, Pt. XXXX, §34 (RP).

Chapter 609: SCHOOL CONSTRUCTION

§15901. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

1. **Concept approval.** "Concept approval" means the initial approval of a school construction project by the state board which indicates:

A. Acknowledgment of the local need; [1981, c. 693, §§5, 8 (NEW).]

B. Approval of the preliminary design; [1981, c. 693, §§5, 8 (NEW).]

C. Approval of estimated costs; and [1981, c. 693, §§5, 8 (NEW).]

D. The state board's intent to issue design and funding approval subject to a favorable local vote and approval of final cost estimates. [2013, c. 167, Pt. B, §2 (AMD).]

[2013, c. 167, Pt. B, §2 (AMD) .]

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.

[2013, c. 167, Pt. B, §3 (NEW) .]

2. **Maintenance of plant.** "Maintenance of plant" means those activities concerned with keeping the grounds, buildings and equipment at their original condition of completeness or efficiency either through repairs or by replacement of property.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Major capital cost.** "Major capital cost" means school construction projects and may include the cost for equipment approved under a school construction project.

[1981, c. 693, §§5, 8 (NEW) .]

4. **School construction project.** "School construction project" means:

A. On-site additions to existing schools; [1981, c. 693, §§5, 8 (NEW).]

B. New schools; [1981, c. 693, §§5, 8 (NEW).]

C. The cost of land acquired in conjunction with projects otherwise defined by this subsection; [1983, c. 612, (AMD).]

D. The building of or acquisition of other facilities related to the operation of school administrative units; [1981, c. 693, §§5, 8 (NEW).]

E. The complete restoration of existing school buildings in lieu of replacement when in the judgment of the commissioner the action is in the best interest of the State and local unit; and [1983, c. 613, (RPR).]

F. Off-site construction only if, in the judgment of the commissioner, it is economically in the best interests of the State or there is no other practical way to complete a project. [2005, c. 683, Pt. B, §12 (AMD).]

"School construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15672, subsection 21-B, the lease-purchase of bus garage and maintenance facilities or a permanent space lease-purchase project as defined in section 15901, subsection 4-B.

[2005, c. 683, Pt. B, §12 (AMD) .]

4-A. **Small scale school construction project.** "Small scale school construction project" means a project that will not be eligible for state subsidy and is limited to:

A. New buildings not exceeding 600 square feet in gross area to be utilized solely for storage or custodial work, or both; or [1985, c. 248, §2 (NEW).]

B. On-site additions to existing school buildings not exceeding 600 square feet in gross area. [1985, c. 248, §2 (NEW).]

"Small scale school construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15672, subsection 21-B, or the lease-purchase of bus garage and maintenance facilities.

[2005, c. 683, Pt. B, §13 (AMD) .]

4-B. **Permanent space lease-purchase project.** "Permanent space lease-purchase project" means the lease-purchase of permanent administrative space or permanent small nonadministrative or instructional space whose costs are wholly or partially eligible as debt service costs for subsidy purposes under section 15672, subsection 2-A, paragraph B, subparagraph (1) or subparagraph (3). "Permanent space lease-purchase project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15672, subsection 21-B, or the lease-purchase of bus garage and maintenance facilities.

[2005, c. 683, Pt. B, §14 (AMD) .]

5. **Total cost of school construction projects.** "Total costs of school construction projects" means all costs related to or incidental to the project, except financing costs and proceeds from insured losses.

[1981, c. 693, §§5, 8 (NEW) .]

6. **School administrative unit.** "School administrative unit" means a school administrative unit as defined by section 1, subsection 26 and a career and technical education region as defined by section 8301-A, subsection 6, except that in section 15907, the reference to "unit" or "school administrative unit" means a unit within a career and technical education region.

[1991, c. 2, §71 (COR); 2003, c. 545, §5 (REV) .]

7. **School board.** "School board" means a school board as defined in section 1, subsection 28 and the cooperative board of a career and technical education region.

[1991, c. 2, §71 (COR); 2003, c. 545, §5 (REV) .]

8. **Superintendent.** "Superintendent" means a superintendent as defined by section 1, subsection 39, and the director of a career and technical education region, if that person had been appointed to serve as administrative officer of the region, or the superintendent who has been appointed to serve as ex officio administrative officer.

[1991, c. 2, §71 (COR); 2003, c. 545, §5 (REV) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 612, (AMD). 1983, c. 613, (AMD). 1985, c. 248, §2 (AMD). 1987, c. 98, §5 (AMD). 1989, c. 466, §§5,6 (AMD). RR 1991, c. 2, §71 (COR). 1991, c. 268, §§5,6 (AMD). 1999, c. 81, §§6,7 (AMD). 2003, c. 545, §5 (REV). 2005, c. 683, §§B12-14 (AMD). 2013, c. 167, Pt. B, §§2, 3 (AMD).

§15902. ADMINISTRATIVE UNITS

1. **Building committee.** The legislative body of a school administrative unit may establish a special building committee at a regular or specially called meeting held prior to a school construction project receiving the concept approval provided in section 15901. If the legislative body does not establish a special building committee, the school board shall act as the building committee and may delegate the powers and duties of the building committee to the superintendent. If a vacancy occurs in the membership of a special building committee established under this subsection by the legislative body, the legislative body may fill that vacancy. The powers and duties of the building committee must be determined at the time of its establishment by the legislative body of the school administrative unit, or by the school board when it acts as the building committee and delegates those powers and duties to the superintendent. Powers and duties not assigned to the building committee that are not specifically delegated to other entities in this section remain with the school board.

[1993, c. 197, §1 (AMD) .]

2. **School board approval.** A plan for a school construction project voted for by a school administrative unit shall be approved by the school board.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Authority to sell bonds.** A school administrative unit may sell bonds to raise the local share of project costs.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Final report to commissioner.** On the completion of a school construction project or a permanent space lease-purchase project, the building committee shall certify to the commissioner that the construction project has been completed in conformity with the approved plans and specifications.

[1999, c. 81, §8 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 197, §1 (AMD). 1999, c. 81, §8 (AMD).

§15903. APPROVAL OF PLANS AND SPECIFICATIONS

1. **Application.** A school construction project, permanent space lease-purchase project or the minor capital costs of a project with an estimated cost of more than $50,000 must meet the requirements of this section.

[1999, c. 81, §9 (AMD) .]

2. **Requirements.** The plans and specifications shall contain suitable provision for the health, welfare and safety of persons who will utilize the project.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Approval.** Before acceptance by a school board, the plans and specifications shall be approved by the following:

A. The Bureau of General Services, Department of Administrative and Financial Services; [2011, c. 691, Pt. B, §21 (AMD).]

B. The department; [1981, c. 693, §§5, 8 (NEW).]

C. The Department of Health and Human Services; and [1981, c. 693, §§5, 8 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

D. The State Fire Marshal. [1981, c. 693, §§5, 8 (NEW).]

[2011, c. 691, Pt. B, §21 (AMD) .]

4. **Changes.** Changes in the plans and specifications shall be approved by the department.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Inspection and compliance.** Review and inspection of school construction projects and permanent space lease-purchase projects for compliance with approved plans and specifications must be provided in accordance with this subsection.

A. If it appears to the commissioner that the school construction project or permanent space lease-purchase project has not been completed in conformity with the approved plans and specifications, the commissioner may cause an inspection of the project to take place. [1999, c. 81, §10 (AMD).]

B. Upon receipt by the commissioner of a written petition from one or more residents of the school administrative unit where the school construction project or permanent space lease-purchase project is located claiming that the project has not been completed in conformity with the approved plans and specifications, the commissioner shall cause an inspection of the project to be made or shall issue a written explanation to the petitioner or petitioners explaining the commissioner's refusal to do so. The petitioner or petitioners shall certify as part of the petition that the claim of nonconformance has been brought to the attention of the superintendent of the school administrative unit in which the school construction project or permanent space lease-purchase project is located and that the superintendent has failed to respond in a satisfactory manner to that claim. [1999, c. 81, §10 (AMD).]

C. If an investigation is held, the commissioner shall notify the building committee, or legislative body of the school administrative unit when no building committee exists, of the findings of the investigation and of any changes required. The building committee or legislative body of the school administrative unit shall make the changes within a reasonable period of time. Failure to do so shall render the school administrative unit liable to the penalties provided in section 6801-A. [1987, c. 379, (NEW).]

[1999, c. 81, §10 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 35, (AMD). 1985, c. 785, §A93 (AMD). 1987, c. 379, (AMD). 1999, c. 81, §§9,10 (AMD). 2003, c. 689, §B6 (REV). 2011, c. 691, Pt. B, §21 (AMD).

§15904. LOCAL VOTE

Prior to 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. [2013, c. 167, Pt. B, §4 (AMD).]

1. **Municipal schools.** In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote shall be by referendum in accordance with the appropriate provisions set forth in Title 21-A and Title 30-A, except that the filing requirement contained in Title 30-A, section 2528, subsection 5, does not apply.

[1987, c. 737, Pt. C, §§60, 106 (RPR); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. **School administrative districts.** In a school administrative district the vote must be conducted in accordance with section 1305 or sections 1351 to 1354.

[1999, c. 81, §11 (AMD) .]

3. **Community school districts.** In a community school district, the vote shall be conducted in accordance with Title 30-A, sections 2528 to 2532. The return and counting of votes shall be conducted in accordance with the procedures established in section 1353, subsection 3. The district school committee shall:

A. Issue a warrant ordering the municipalities within the district to place the school construction article on the ballot; and [1981, c. 693, §§5, 8 (NEW).]

B. Prepare and furnish the required number of ballots for carrying out the vote. [1981, c. 693, §§5, 8 (NEW).]

[1987, c. 737, Pt. C, §§61, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3-A. **Regional school units.** In a regional school unit, the vote must be conducted in accordance with chapter 103-A.

[2007, c. 240, Pt. XXXX, §35 (NEW) .]

4. **Form.** The article shall indicate:

A. [1985, c. 248, §5 (RP).]

B. [1985, c. 248, §5 (RP).]

C. [2005, c. 12, Pt. WW, §8 (RP).]

D. The estimated amount of the additional operating costs during each of the first 2 years; and [1981, c. 693, §§5, 8 (NEW).]

E. The school administrative unit is responsible for the local share of annual principal and interest payments for this school construction project included in the total cost of education appropriated pursuant to section 15690, subsection 1, if any, and for the annual principal and interest payments for the non-state-funded portion of this school construction project. [2005, c. 12, Pt. WW, §9 (AMD).]

[2005, c. 12, Pt. WW, §§8, 9 (AMD) .]

5. **Career and technical education regions.** In a career and technical education region, the vote must be conducted in accordance with sections 1351 to 1354 and section 8465. References in sections 1351 to 1354 to school administrative unit and board of directors mean "career and technical education region" and "cooperative board," respectively.

[1991, c. 2, §72 (COR); 2003, c. 545, §5 (REV) .]

6. **Permanent space lease-purchase projects.** A permanent space lease-purchase project, as defined in section 15901, subsection 4-B, whose costs are wholly eligible as debt service costs for subsidy purposes under section 15672, subsection 2-A, paragraph B must receive a favorable vote of the legislative body of the school administrative unit. A permanent space lease-purchase project whose lease-purchase costs are not eligible as debt service costs for subsidy purposes under section 15672, subsection 2-A, paragraph B must receive a favorable vote of the legislative body conducted in accordance with this section, except that subsection 4 does not apply. The vote may authorize the school board or school committee to enter into a mortgage, security interest or other encumbrance on the permanent space lease-purchase project determined to be necessary for the permanent space lease-purchase project.

[2005, c. 683, Pt. B, §15 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1985, c. 161, §4 (AMD). 1985, c. 248, §§3-5 (AMD). 1985, c. 506, §§B15,16,18 (AMD). 1985, c. 570, §§1,2 (AMD). 1985, c. 737, §A46 (AMD). 1987, c. 98, §§6,7 (AMD). 1987, c. 402, §A131 (AMD). 1987, c. 737, §§C60,C61, C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). RR 1991, c. 2, §72 (COR). 1999, c. 81, §§11,12 (AMD). 2003, c. 545, §5 (REV). 2005, c. 12, §§WW8,9 (AMD). 2005, c. 683, §B15 (AMD). 2007, c. 240, Pt. XXXX, §35 (AMD). 2013, c. 167, Pt. B, §4 (AMD).

§15905. STATE BOARD

1. **Approval authority.** The state board must approve each school construction project, unless it is a small scale school construction project as defined in section 15901, subsection 4-A, a nonstate funded project as defined in section 15905-A or a permanent space lease-purchase project.

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Major Capital Maximum Debt Service Limit	Integrate
1990	$ 48,000,000	
1991	$ 57,000,000	
1992	$ 65,000,000	

1993	$ 67,000,000
1994	$ 67,000,000
1995	$ 67,000,000
1996	$ 67,000,000
1997	$ 67,000,000
1998	$ 67,000,000
1999	$ 69,000,000
2000	$ 72,000,000
2001	$ 74,000,000
2002	$ 74,000,000
2003	$ 80,000,000
2004	$ 80,000,000
2005	$ 84,000,000
2006	$ 90,000,000
2007	$ 96,000,000
2008	$100,000,000
2009	$104,000,000
2010	$108,000,000
2011	$126,000,000
2012	$116,000,000
2013	$116,000,000
2014	$126,000,000
2015	$126,000,000
2016	$126,000,000
2017	$126,000,000
2018	$126,000,000
2019	$126,000,000

[2015, c. 389, Pt. C, §10 (AMD).]

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next 2 biennia for which debt service limits have not been set for major capital and integrated, consolidated secondary and postsecondary projects. [2011, c. 1, Pt. E, §1 (AMD).]

B. Nonstate funded projects, such as school construction projects or portions of projects financed by proceeds from insured losses, money from federal sources, other noneducational funds or local funds that are not eligible for inclusion in an administrative unit's state-local allocation, are outside the total cost limitations set by the Legislature. [1999, c. 81, §13 (AMD).]

[2015, c. 389, Pt. C, §10 (AMD) .]

2. **Secondary school construction project limitations.** The state board may approve a secondary school construction project designed to accommodate fewer than 300 pupils only if the state board has determined that the school will have an adequate educational program. The board may not approve a secondary school construction project if fewer than 10 full-time teachers will be employed at the school, unless the location of the school would be geographically isolated.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Certificate of approval.** A certificate of approval must be issued by the commissioner for each project 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.

[2013, c. 167, Pt. B, §5 (AMD) .]

4. **Rules.** The state board may adopt or amend rules relating to the approval of school construction projects. Rules adopted pursuant to this subsection relating to the approval of major capital school construction projects under this chapter are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

The state board is encouraged to review school construction rules regarding costs per square foot, consider other measures for containing building costs and report on these efforts to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 115th Legislature. On or before February 1, 1994 the state board shall adopt rules for approving movable equipment costs for school construction.

[2005, c. 683, Pt. J, §1 (AMD); 2005, c. 683, Pt. J, §2 (AFF) .]

5. **Approval criteria.** In approving school construction projects, the state board shall ensure that school administrative units have made efficient use of existing school facilities within the unit and have explored and when feasible developed agreements for sharing facilities with neighboring school administrative units.

[1993, c. 410, Pt. ZZZ, §1 (NEW) .]

6. **Facility maintenance plan required.** The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building.

[2013, c. 506, §17 (AMD) .]

7. **Interest-only interim local financing.** Notwithstanding any provision of law or rule to the contrary, the state board may accelerate the dates on which it grants concept approval and funding approval for a school construction project that has been placed on the special priority list of the state board on the condition that the school administrative unit provide interest-only interim local financing for the project in accordance with this subsection. The period of interest-only interim local financing must be determined by the state board at the time concept approval is granted for a project and must be based on the time difference between the date that final funding approval is expected to be granted on an accelerated basis and the date that final funding approval would have been expected to be granted in the normal course. The period of interim local financing for a project may not exceed 5 years.

Notwithstanding any provision of law or rule to the contrary, a school administrative unit, including a school administrative unit established by private and special law, authorized to issue securities for school construction purposes may issue its securities for school construction purposes on an interest-only basis during a period of interest-only interim local financing approved by the state board in accordance with this subsection. The period of interest-only interim local financing must precede, and be in addition to, the periods for interest payments and principal payments otherwise established pursuant to the school construction rules of the state board. The length of the period of interest-only interim local financing and the length of the debt service schedule otherwise established must be clearly stated on the face of the securities.

The interest-only payments made by a school administrative unit during the period of interim financing must be paid from local funds without state participation and may not be included in the unit's debt service costs for state subsidy purposes under section 15672, subsection 2-A. Such interest-only payments during the period of interim local financing may not be considered debt service costs as defined in section 15672, subsection 2-A for purposes of calculating amounts subject to the debt service limit established by this section.

The referendum question that is submitted to the voters for a project subject to interest-only interim local financing under this subsection must include, in addition to the information required by section 15904, an informational statement that sets forth the length of the period of interest-only interim financing established by the state board, an estimate of the annual interest cost during the period of interest-only interim local financing and a statement that the interest-only payments during the period of interim local financing is not eligible for inclusion in the debt service allocation of the school administrative unit for purposes of calculating state school construction subsidy to the unit.

The maximum period that securities for a school construction project may be outstanding under any applicable statute or rule must be extended by the length of the period of interest-only interim local financing approved by the state board under this subsection.

If the voters of a school administrative unit do not vote to approve a school construction project subject to interest-only interim local financing under this subsection, the unit's school construction project remains eligible for concept and funding approval from the state board at the time that the project would be eligible for such approval without interest-only interim location funding.

[2005, c. 683, Pt. B, §16 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 426, §3 (AMD). 1983, c. 859, §§L1,L3 (AMD). 1985, c. 248, §6 (AMD). 1985, c. 469, (AMD). 1985, c. 737, §A47 (AMD). 1985, c. 780, §1 (AMD). 1987, c. 395, §B1 (AMD). 1987, c. 402, §A132 (AMD). 1987, c. 803, §§1,2,5 (AMD). 1989, c. 911, §§9,10 (AMD). 1991, c. 875, (AMD). 1993, c. 324, §3 (AMD). 1993, c. 410, §§F20,ZZZ1 (AMD). 1993, c. 693, §1 (AMD). 1995, c. 632, §§1,2 (AMD). 1997, c. 397, §1 (AMD). 1997, c. 469, §2 (AMD). 1999, c. 81, §13 (AMD). 1999, c. 731, §§YY3,4 (AMD). 2001, c. 439, §OOOO1 (AMD). 2003, c. 673, §N2 (AMD). 2005, c. 519, §J3 (AMD). 2005, c. 595, §1 (AMD). 2005, c. 595, §2 (AFF). 2005, c. 683, §§B16,J1 (AMD). 2005, c. 683, §J2 (AFF). 2007, c. 539, Pt. C, §16 (AMD). 2011, c. 1, Pt. E, §1 (AMD). 2011, c. 678, Pt. D, §1 (AMD). 2013, c. 44, §1 (AMD). 2013, c. 167, Pt. B, §5 (AMD). 2013, c. 506, §17 (AMD). 2015, c. 267, Pt. C, §15 (AMD). 2015, c. 389, Pt. C, §10 (AMD).

§15905-A. APPROVAL OF NONSTATE FUNDED PROJECTS

1. **Approval authority.** The commissioner must approve each nonstate funded project.

[1987, c. 395, Pt. A, §87 (NEW) .]

2. **Rules.** The commissioner may adopt or amend rules relating to the approval of nonstate funded projects.

[1987, c. 395, Pt. A, §87 (NEW) .]

3. **Local vote.** Prior to approval by the commissioner, each nonstate funded project, except a municipal school construction project pursuant to subsection 4, must receive a favorable vote in accordance with section 15904, except that section 15904, subsection 4 does not apply.

[1999, c. 95, §1 (AMD) .]

4. **Municipal schools.** In a municipal school unit where the responsibility for final adoption of the school budget is vested in the municipal council by municipal charter, a nonstate funded project may be approved without a referendum vote if the charter does not require a referendum.

[1999, c. 95, §2 (NEW) .]

SECTION HISTORY
1987, c. 395, §A87 (NEW). 1991, c. 655, §10 (AMD). 1999, c. 95, §§1,2 (AMD).

§15906. SUITS CHALLENGING SCHOOL BOND ISSUES, SECURITY REQUIRED

In any action challenging the validity of the issuance of bonds for a school construction project authorized and approved under this chapter, or seeking to enjoin the commencement, construction or completion of any such school construction project, the following shall apply. [1981, c. 693, §§ 5, 8 (NEW).]

1. **The plaintiff to provide security.** If the court has granted a motion to dismiss or has granted summary judgment against the plaintiff, the court may require the plaintiff to provide security during the period of any appeal from that judgment to cover any costs or damages as may be incurred or suffered by any party resulting from delay of the project, including any loss of purchasing power during the period of delay.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **The amount of security.** In determining the amount of security to be required, the court shall consider a recognized index of building costs, the consumer price index and other relevant evidence concerning the cost of the project and the estimated period of delay during the appeal.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§15907. PAYMENT

1. **Payment of State's share.** The state allocation for debt service costs must be paid by the commissioner to each unit according to that unit's debt retirement schedule and rules adopted pursuant to this chapter.

A. For all current and future debt service costs payable by a school administrative unit to the Maine Municipal Bond Bank, the state allocation for debt service costs must be paid by the commissioner to the bond bank or its designated trustee one business day prior to the date of the unit's next debt service cost payment as outlined in the unit's debt retirement schedule and in accordance with rules adopted pursuant to this chapter. If the payment date falls on a Monday, payment must be made to the bond bank on the preceding Friday. [1997, c. 787, §10 (NEW).]

B. At least 60 days prior to the date of the school administrative unit's next debt service cost as outlined in the unit's debt retirement schedule, the commissioner shall inform the bond bank as to the unit's state share of debt service for its next debt service payment. [1997, c. 787, §10 (NEW).]

[1997, c. 787, §10 (AMD) .]

2. **Payment of local share.** A school administrative unit shall pay the local share of their project costs.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Local funds not included in state-local allocation.**

[1985, c. 248, §7 (RP) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 426, §4 (AMD). 1985, c. 248, §7 (AMD). 1997, c. 787, §10 (AMD).

§15908. DESIGN LIMITS

1. **Technical assistance.** In order to provide the technical assistance required by the state board in assessing proposed school construction projects, the Bureau of General Services may contract for the services of a professional engineer whenever the bureau is not employing qualified personnel on a full-time basis.

[2011, c. 691, Pt. B, §22 (AMD) .]

2. **Energy conservation standards.** The state board shall approve only those projects which have been designed in accordance with rigorous standards for the conservation of energy.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Life-cycle costs.** The department and the Bureau of General Services may not approve the plans and specifications of a project that does not meet the requirements of Title 5, chapter 153, subchapter 1-A.

[2011, c. 691, Pt. B, §22 (AMD) .]

4. **Consistent siting.** The state board shall adopt criteria governing applications under this chapter to direct construction projects for new schools to areas determined suitable under the provisions of Title 30-A, chapter 187, subchapter II, by the municipality within which the project will be located. The board may not require a minimum contiguous parcel size for the project as a condition of approval.

[1993, c. 721, Pt. B, §1 (NEW); 1993, c. 721, Pt. H, §1 (AFF) .]

5. **Backup energy generators.** In the case of a school construction project in which the school is expected to be used as a community shelter, the state board may approve only those projects designed to accommodate backup energy generators.

[2005, c. 634, §9 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1993, c. 721, §B1 (AMD). 1993, c. 721, §H1 (AFF). 2005, c. 634, §9 (AMD). 2011, c. 691, Pt. B, §22 (AMD).

§15908-A. SCHOOL ENERGY EFFICIENCY STANDARDS RULES

1. **Definition.** For purposes of this section, "substantially renovated" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

[2003, c. 497, §2 (NEW); 2003, c. 497, §5 (AFF) .]

2. **Rules.** The state board, in consultation with the Department of Administrative and Financial Services and the Public Utilities Commission, shall by rule require as a condition for state funding for construction that, except as provided in subsection 4, all planning and design for new or substantially renovated schools or school buildings subject to state board approval:

A. Involve consideration of architectural designs and energy systems that show the greatest net benefit over the life of the building by minimizing long-term energy and operating costs; [2003, c. 497, §2 (NEW); 2003, c. 497, §5 (AFF).]

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to Title 10, section 1415-D; and [2003, c. 497, §2 (NEW); 2003, c. 497, §5 (AFF).]

C. Include a life-cycle cost analysis that explicitly considers cost and benefits over a minimum of 30 years and that explicitly includes the public health and environmental benefits associated with energy-efficient building design and construction, to the extent they can be reasonably quantified. [2003, c. 497, §2 (NEW); 2003, c. 497, §5 (AFF).]

The state board shall adopt rules pursuant to this section by July 1, 2004. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2007, c. 578, §1 (AMD) .]

3. **Requirements for approval.** Except as provided in subsection 4, the state board shall withhold approval of a state-funded new or substantially renovated school or school building if the local school authority proposing the project can not show that it has duly considered the most energy-efficient and environmentally efficient designs suitable in accordance with rules adopted pursuant to this section.

[2007, c. 578, §1 (AMD) .]

4. **Renovation of historic school buildings; waiver.** The state board may, in consultation with the Public Utilities Commission and the Executive Director of the State Historic Preservation Commission, grant a waiver from the requirements of this section on a case-by-case basis for instances of substantial renovation of a historic school building. For the purposes of this subsection, "historic school building" means a school building that is on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance.

A. The state board shall grant a waiver request if, in the board's opinion, the local school authority proposing the renovation project has demonstrated that renovation of the historic school building would not compromise the public health and safety requirements of this chapter and that 2 or more of the following circumstances exist:

(1) Renovation of the historic school building is in substantial compliance with the energy efficiency standards required under this section as determined by the Public Utilities Commission;

(2) Renovation of the historic school building provides substantial energy efficiency as determined by the Public Utilities Commission and also provides education, social or environmental benefits as determined by the department over alternative proposals, including, but not limited to, any proposals to construct a new school on an alternative site; and

(3) Adherence to the energy building standards would result in irreparable damage to the historic character of a historic school building as determined by the Executive Director of the State Historic Preservation Commission. [2007, c. 578, §1 (NEW).]

B. An application for a waiver from the requirements of this section must be submitted to the state board in accordance with requirements established by the state board by rule pursuant to paragraph D. The waiver application must include documentation to substantiate the conditions of this subsection. If the request is denied, the state board shall communicate the reasons for denying the request to the applicant. [2007, c. 578, §1 (NEW).]

C. The state board shall render a decision on an application for a waiver from the requirements of this section within 60 days of the receipt by the state board of a complete application for a waiver. In rendering a decision, the state board may place conditions upon the granting of a waiver. Failure on the part of the state board to render a decision within the 60-day period constitutes approval of the request for the waiver. [2007, c. 578, §1 (NEW).]

D. The state board shall adopt or amend rules to implement the requirements of this subsection. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 578, §1 (NEW).]

[2007, c. 578, §1 (NEW) .]

SECTION HISTORY
2003, c. 497, §2 (NEW). 2003, c. 497, §5 (AFF). 2007, c. 578, §1 (AMD).

§15909. FINANCING

1. **Rate of construction aid.**

[2011, c. 678, Pt. C, §4 (RP) .]

2. **Bonds.** A school administrative unit shall sell bonds in its name for the total cost of a school construction project minus the amounts listed in paragraph A. Bond sales must be consistent with rules adopted or amended by the state board.

A. The amount to be bonded must be determined as follows. The total cost of the project must be reduced by:

(2) Proceeds from insured losses;

(3) Money from federal sources; and

(4) Other noneducational funds, except gifts and money from federal revenue sharing sources. [2011, c. 678, Pt. C, §5 (AMD).]

B. A school administrative unit may borrow money for projects in anticipation of bond sales. Borrowing must be consistent with rules adopted or amended by the state board. [2011, c. 678, Pt. C, §5 (AMD).]

[2011, c. 678, Pt. C, §5 (AMD) .]

3. **Deductions; cost of project.** Proceeds from insured losses, money from federal sources and other noneducational funds must be deducted from the total cost of a school construction project to determine the amount on which the state's share must be calculated. Proceeds from gifts or moneys from federal revenue sharing sources must be treated as local appropriations.

[2011, c. 678, Pt. C, §6 (AMD) .]

4. **Construction projects approved in fiscal year 1984-85.**

[2011, c. 678, Pt. C, §7 (RP) .]

5. **Records.** All records for a school construction project must be kept for 7 years after the final compliance review.

[2013, c. 167, Pt. B, §6 (AMD) .]

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

[2013, c. 167, Pt. B, §6 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 426, §§5,6 (AMD). 1985, c. 248, §§8-10 (AMD). 1985, c. 506, §§B17,18 (AMD). 1987, c. 402, §A133 (AMD). 1987, c. 803, §§3,5 (AMD). 2011, c. 678, Pt. A, §8 (AMD). 2011, c. 678, Pt. C, §§4-7 (AMD). 2013, c. 167, Pt. B, §6 (AMD).

§15910. REQUIREMENTS

The following requirements shall apply to a school construction project. [1981, c. 693, §§5, 8 (NEW).]

1. **Applications.** An application for approval of a project shall include the information required by the state board.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Reports.** A school administrative unit shall file:

A. A copy of the debt retirement schedule with the commissioner as soon as bonds are sold; and [1981, c. 693, §§5, 8 (NEW).]

B. A final report on a project to include any information the commissioner may require. This report shall be made within the time specified by rule by the commissioner. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Penalty.** Failure to submit accurate reports within specified times shall be deemed sufficient cause for withholding school construction aid until the school administrative unit complies.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Time of signing.** A school administrative unit may not sign a contract for construction or begin construction until the final plans and specifications have been approved by the commissioner, the Bureau of General Services, the Department of Health and Human Services and the State Fire Marshal.

[2011, c. 691, Pt. B, §23 (AMD) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 2003, c. 689, §B6 (REV). 2011, c. 691, Pt. B, §23 (AMD).

§15911. COMMUNITY SERVICES; CONDITIONS OF APPROVAL

The state board may approve construction of school buildings without obligating the State to pay a share of the costs of those buildings, if those portions are to be constructed to fulfill a community service need. [1981, c. 693, §§ 5, 8 (NEW).]

1. **Community service.** "Community service" means a service which does not fulfill an educational purpose or which is not restricted to a school-age population.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Breakdown of costs.** If construction of facilities to meet a community service need occurs in conjunction with a school construction project, the board shall:

A. Require a breakdown of costs for the entire project; and [1981, c. 693, §§ 5, 8 (NEW).]

B. Approve a plan as to how operating costs, including repairs, shall be shared by agreement between the municipal officers and the school board. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Findings.** The state board's finding shall become a part of the certificate of approval and shall be the basis on which all costs shall be apportioned between the municipality and the school administrative unit for as long as that portion of the project shall:

A. Continue to serve that community need; and [1981, c. 693, §§ 5, 8 (NEW).]

B. Remain under the control of persons other than the school board. [1981, c. 693, §§ 5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

4. **Application.** An application from a school administrative unit for approval of a school construction project shall include evidence that approval will result in meeting or helping to meet the total construction and program needs of the area to be served.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§15912. INSPECTION OF FACILITY; COMPLIANCE

If it appears that a school administrative unit has failed to maintain a school facility which protects the health, welfare and safety of the persons utilizing the facility, the commissioner may cause an inspection to be made. The commissioner shall notify the school administrative unit of the findings of the investigation and of any changes to be made. The school administrative unit shall make the changes promptly. If it fails to make the changes, it shall be liable to the penalties provided in section 6801. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§15913. SCHOOL BUS SHELTERS

1. **Placement.** School bus shelters for school children, when approved by the school board of the unit in which they are located, may be placed or maintained outside the right-of-way and at least 33 feet from the center line of a highway.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Requirement.** A shelter shall be:

A. Constructed of steel or other durable material with concrete floor raised above ground level; [1981, c. 693, §§ 5, 8 (NEW).]

B. Kept clean, well painted or otherwise suitably maintained at all times; and [1981, c. 693, §§ 5, 8 (NEW).]

C. Kept free from snow. [1981, c. 693, §§ 5, 8 (NEW).]

3. **Removal.** The school board may order its removal if it does not meet these requirements.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§15914. CURRENT FISCAL YEAR FUNDING

(REPEALED)

SECTION HISTORY
1983, c. 426, §7 (NEW). 1985, c. 248, §§11,12 (AMD). 1987, c. 803, §§4,5 (RP).

§15915. ENERGY SERVICE COMPANIES AND 3RD-PARTY FINANCING

1. **Initial agreement for energy conservation improvements.** A school administrative unit may enter into an agreement of up to 20 years with an energy services company. For the purposes of this section, "energy services company" means a company or 3rd-party financing company that provides design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and related air quality improvements at existing school administrative unit facilities. The school administrative unit's costs to enter into such an agreement are not applicable to the unit's school construction project costs, the debt service on which is eligible for subsidy purposes under section 15907. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years; [2011, c. 279, §1 (RPR).]

B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and [2011, c. 279, §1 (RPR).]

C. Has a total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, of less than $2,500,000 for any school building. [2011, c. 279, §1 (RPR).]

A school administrative unit may select an energy services company on the basis of a request for qualifications or a request for proposals, and it is not required to use a competitive method set forth in this chapter and Title 5, section 1743-A and Private and Special Law 1999, chapter 79. The selection process must include at a minimum a request for qualifications or a request for proposals that is advertised in a newspaper of general circulation in the school administrative unit and a newspaper of general circulation in the City of Augusta. The deadline for receipt of requests for qualifications or requests for proposals may not be less than 15 days from the last day the advertisement was published. The school administrative unit shall establish an interview committee, which must include the superintendent of the school administrative unit and at least one school board member. The interview committee shall interview not fewer than 3 energy services companies unless a smaller number of energy services companies responds to the request for qualifications or request for proposals. A request for qualifications or a request for proposals may not contain terms that require an energy services company to have more than 3 years of experience in the energy conservation field, a minimum

number of prior projects or project references or membership in or accreditation from a regional, national or international association of energy services companies or to use equipment that is not generally available to energy services companies or terms that are otherwise included for the purpose of bias or favoritism toward a particular energy services company.

Objections to the terms of a request for qualifications or a request for proposals under this subsection are deemed waived if not delivered in writing to the office of the superintendent of schools in that school administrative unit within 7 days of the last publication of the newspaper advertisement. If an objection is received, the school board shall conduct a hearing on the objection within 14 days of its receipt. The school board shall allow interested energy services companies to speak at the hearing and shall issue a decision to either validate or invalidate the request for qualifications or the request for proposals within 7 days of the close of the hearing. A decision by the school board in response to an objection is a final government action subject to appeal to the Superior Court.

[2011, c. 279, §1 (RPR) .]

1-A. **Performance criteria.** An agreement under this section between a school administrative unit and an energy services company must include performance criteria that guarantee:

A. Energy savings; [2011, c. 279, §2 (NEW).]

B. A maximum price, including operation, maintenance and financing costs; [2011, c. 279, §2 (NEW).]

C. That the project will meet local, state and federal codes; [2011, c. 279, §2 (NEW).]

D. That measurement and verification of energy savings are determined using the international performance measurement and verification protocol published by the United States Department of Energy, Office of Scientific and Technical Information; and [2011, c. 279, §2 (NEW).]

E. An annual reconciliation of energy savings based on the measurement and verification process under this section. [2011, c. 279, §2 (NEW).]

Prior to entering into an agreement, a school administrative unit may request that the Department of Administrative and Financial Services, Bureau of General Services review the performance criteria in the agreement for conformance with this subsection. The Bureau of General Services shall review and advise school administrative units to the extent resources allow.

[2011, c. 279, §2 (NEW) .]

2. **Future operation.** Any school administrative unit, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

[1987, c. 402, Pt. A, §134 (RPR) .]

SECTION HISTORY
1985, c. 621, §1 (NEW). 1985, c. 797, §62 (NEW). 1987, c. 402, §A134 (RPR). 2001, c. 376, §1 (AMD). 2005, c. 499, §1 (AMD). 2011, c. 279, §§1, 2 (AMD).

§15915-A. TELECOMMUNICATIONS SERVICE AGREEMENTS

1. **Service agreements.** The governing bodies of school administrative units and career and technical education regions are authorized to enter into agreements for not more than 10 years with private entities such as telecommunications service providers to purchase telecommunications services, including services for interactive audio and visual communication and transmission of data for educational purposes.

[1997, c. 664, §1 (NEW); 2003, c. 545, §5 (REV) .]

2. **Interlocal agreements.** The governing bodies of school administrative units and career and technical education regions are authorized to enter into interlocal agreements in accordance with Title 30-A, chapter 115 and may organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications, as defined by the Public Utilities Commission, and related technology equipment.

[1997, c. 664, §1 (NEW); 2003, c. 545, §5 (REV) .]

3. **Legal and tax status.** The interlocal agreement must provide for appointment or election of each member of a joint board or governing body of a legal entity formed under this section by the governing body of one or more of the constituent members of the interlocal agreement. The joint board or governing body of the legal entity formed may purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunications and related technology equipment on behalf of the constituent members of the interlocal agreement. Customer premise telecommunications and related technology equipment acquired by the joint board or governing board of the legal entity formed are deemed to be public school property for all purposes. A lease-purchase agreement for customer premise telecommunications and related technology equipment constitutes a proper public purpose and the interest or interest component of income derived from the lease-purchase agreement is exempt from taxation in this State. The net earnings of the joint board or governing body of the legal entity formed may not inure to the benefit of any private person. If the joint board or legal entity formed is dissolved, the distribution of all property owned by the joint board or legal entity formed must be determined by the joint board or governing body of the legal entity formed and may not inure to the benefit of any private person.

[1997, c. 664, §1 (NEW) .]

SECTION HISTORY
1997, c. 664, §1 (NEW). 2003, c. 545, §5 (REV).

§15916. FEDERAL CONSTRUCTION AID

The state board shall be the designated agency to administer any federal funds made available to assist in the construction of facilities for schools, educational programs or institutions of higher education. [1987, c. 402, Pt. A, §135 (NEW).]

SECTION HISTORY
1987, c. 402, §A135 (NEW).

§15917. SCHOOL FACILITIES INVENTORY

1. **Inventory.**

[2011, c. 171, §10 (RP) .]

2. **Data base established.** The department shall establish and maintain a school facilities data base. The data base must be available for inclusion in the education information system maintained by the Education Research Institute and established in section 10.

[1995, c. 632, §3 (NEW) .]

3. **Inventory updated.** The department shall update information from the inventory at least every 3 years.

[1995, c. 632, §3 (NEW) .]

SECTION HISTORY
1995, c. 632, §3 (NEW). 2011, c. 171, §10 (AMD).

§15918. MAINTENANCE AND CAPITAL IMPROVEMENT PLAN ASSISTANCE

The department, within existing resources, shall support facility maintenance and capital planning training for school administrative units. [2013, c. 506, §18 (NEW).]

SECTION HISTORY
1997, c. 787, §11 (NEW). 2013, c. 506, §18 (RPR).

Chapter 611: CONDEMNATION

§16101. AUTHORITY FOR CONDEMNATION

1. **Conditions.** A school administrative unit may condemn land for the construction or enlargement of school buildings and playgrounds when:

A. The owner of the property refuses to sell; [1981, c. 693, §§5, 8 (NEW).]

B. The parties are unable to agree on a price within 60 days of the first offer; or [1981, c. 693, §§5, 8 (NEW).]

C. The owner of the property resides outside the State and has no authorized agent or attorney within the State. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **School administrative units.** The following school administrative units may condemn land for school construction:

A. Municipalities; [1981, c. 693, §§5, 8 (NEW).]

B. School administrative districts; and [1981, c. 693, §§5, 8 (NEW).]

C. Community school districts. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Restrictions.** A school administrative unit may not condemn lots exceeding 25 acres for one project.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§16102. PROCEDURES

1. **Authority to condemn.** When the location of a school lot has been legally determined by a school administrative unit, the land may be condemned:

A. In a municipality by the municipal officer; [1981, c. 693, §§5, 8 (NEW).]

B. In a school administrative district by a school board; and [1981, c. 693, §§5, 8 (NEW).]

C. In a community school district by the district board of trustees. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

2. **Appraisal.** Damages for condemnation shall be determined:

A. As provided for laying out town ways for municipalities; or [1981, c. 693, §§5, 8 (NEW).]

B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts and community school districts, except that notice need not be given to the Department of Transportation. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

3. **Payment of damages.** The school board may take lots for school construction after payment of these damages. If the owner of the condemned property resides outside the State the damages shall be deposited in the municipal treasury for municipalities and in the county treasury for other school administrative units.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Description.** The school board shall cause a plan and description of the lots, as they have laid them out, to be recorded in the registry of deeds where the land lies, within 30 days of payment or deposit of damages.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Notice.** The school board shall serve on the owner a certified copy of the vote directing the condemnation. This notice shall be served according to the Maine Rules of Civil Procedure.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

§16103. REVERSION

(REPEALED)

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 422, §24 (RP).

§16104. APPEALS

If the owner is aggrieved at the damages awarded him or her under this chapter, he or she may appeal to the Superior Court of the county in which the land or any part of it lies. [1983, c. 806, §102 (AMD).]

1. **Procedure.** The owner shall file a complaint in the court and serve the school administrative unit with a copy within 90 days of the date of recording of the description of the lot in the registry of deeds. The complaint shall set forth substantially the facts, but shall not state the amount of the damages previously awarded to the owner.

[1981, c. 693, §§ 5, 8 (NEW) .]

2. **Determination of damages.** The damages may be determined in the Superior Court by a committee of reference if the parties so agree, or by a jury verdict.

[1981, c. 693, §§ 5, 8 (NEW) .]

3. **Costs.** If the damages are increased, the school administrative unit shall pay the damages and costs; otherwise, the costs shall be paid by the appellant.

[1981, c. 693, §§ 5, 8 (NEW) .]

4. **Committee of reference compensation.** A committee of reference shall be allowed a reasonable compensation for its services. This compensation shall be fixed by the court upon the presentation of its report and paid from the county treasury upon the certificate of the clerk of courts.

[1981, c. 693, §§ 5, 8 (NEW) .]

5. **Further appeal.** An appeal may be taken by a party from the judgment of the court to the Supreme Judicial Court.

[1981, c. 693, §§ 5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW). 1983, c. 806, §102 (AMD).

§16105. SCHOOL LOTS; ERRONEOUS DESCRIPTION

1. **Reappraisal.** If a school administrative unit has designated, located and described a lot upon which to construct or enlarge a school and by mistake or omission has failed to comply with the law whereby the location has been rendered invalid, 3 legal voters and taxpayers of that unit may apply in writing to the school board and have the lot, so designated or described, reappraised by them.

[1981, c. 693, §§5, 8 (NEW) .]

2. **Notice.** The school board to whom an application has been made shall give not less than 7 nor more than 20 days' notice to the municipal clerks and to the person owning or having charge of the real estate. The notice shall contain the time and place for the hearing. After examination and hearing of all interested, the school board shall appraise and affix a fair value to the lot as set out, exclusive of improvements made by the school administrative unit. As soon as practicable, the school board shall notify the municipal clerks and the person owning or having charge of the real estate of the appraisal.

[1981, c. 693, §§5, 8 (NEW) .]

3. **Assessment and collection.** The sum fixed as the value of the lot shall be assessed, collected and paid over as other school money.

[1981, c. 693, §§5, 8 (NEW) .]

4. **Tender.** A sum which has been tendered and is in the hands or under the control of the persons owning or having charge of the land shall be allowed in payment of the appraisal.

[1981, c. 693, §§5, 8 (NEW) .]

5. **Appeal by either party.** The school board or the person owning or having charge of the land reappraised may appeal within 10 days if they are dissatisfied with the reappraisal.

A. The claim for appeal shall be submitted to the county commissioners of the county in which the land lies, and shall include a copy of the proceedings. [1981, c. 693, §§5, 8 (NEW).]

B. The determination of the appeal shall be by a majority of the commissioners who are not residents of the school administrative unit. [1981, c. 693, §§5, 8 (NEW).]

C. The determination may be appealed by an aggrieved party to the Superior Court as provided under section 16104. [1981, c. 693, §§5, 8 (NEW).]

[1981, c. 693, §§5, 8 (NEW) .]

6. **Improvements inure to units.** If a school administrative unit has erected or moved a building on or improved a lot, the improvement shall inure to the benefit of the school administrative unit. The building or improvements may be as completely occupied and controlled by the school administrative unit as it would have been if the location had been in strict conformity to law.

[1981, c. 693, §§5, 8 (NEW) .]

7. **Tax not affected.** The legality of a tax assessed to build, repair or remove a school building and to pay for a lot shall not be affected by a mistake or error in designation or location of a lot.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY
1981, c. 693, §§5,8 (NEW).

Chapter 612: INNOVATIVE EDUCATIONAL GRANTS

§17101. INTENT

(REPEALED)

SECTION HISTORY
1983, c. 859, §§E1,E2 (NEW). 1989, c. 700, §A74 (AMD). 1995, c. 79, §1 (AMD). 2009, c. 274, §16 (RP).

§17102. CLASSROOM-BASED PROJECTS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§E1,E2 (NEW). 1985, c. 760, (AMD). 2009, c. 274, §16 (RP).

§17103. SCHOOL-BASED INNOVATIVE PROJECTS

(REPEALED)

SECTION HISTORY

1983, c. 859, §§E1,E2 (NEW). 1989, c. 548, §9 (AMD). 1991, c. 290, (RPR). 2009, c. 274, §16 (RP).

§17104. GRANT PROCEEDINGS

(REPEALED)

SECTION HISTORY
1983, c. 859, §§E1,E2 (NEW). 2009, c. 274, §16 (RP).

Part 8: REHABILITATION SERVICES

Chapter 701: REHABILITATION ACT

§18001. SHORT TITLE

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18002. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18003. REHABILITATION SERVICES UNIT CREATED

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18004. AUTHORITY

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18005. POWERS AND DUTIES OF DEPARTMENT

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18006. ACCEPTANCE OF FEDERAL PROVISIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18007. RECEIPT AND DISBURSEMENT OF FUNDS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18008. GIFTS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18009. MAINTENANCE NOT ASSIGNABLE

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18010. HEARINGS AND JUDICIAL REVIEW

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18011. MISUSE OF LISTS AND RECORDS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18012. EMPLOYEES NOT TO ENGAGE IN POLITICAL ACTIVITIES

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18013. CONTINUING STUDY OF REHABILITATION NEEDS

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18014. OFFICE OF REHABILITATION SERVICES

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18015. PROVISION OF REHABILITATION SERVICES

(REPEALED)

SECTION HISTORY
1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18016. RULES

(REPEALED)

SECTION HISTORY

1993, c. 708, §A1 (NEW). 1995, c. 560, §F11 (RP).

§18017. ADOPTION OF A GRIEVANCE PROCEDURE CONCERNING DISCRIMINATION ON THE BASIS OF DISABILITY

(REPEALED)

SECTION HISTORY
1995, c. 318, §1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 703: DIVISION OF DEAFNESS

§18021. DIVISION OF DEAFNESS

(REPEALED)

SECTION HISTORY
1993, c. 708, §B1 (NEW). 1995, c. 560, §F11 (RP).

§18022. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §B1 (NEW). 1995, c. 322, §§7-11 (AMD). 1995, c. 560, §F11 (RP).

§18023. POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
1993, c. 708, §B1 (NEW). 1995, c. 322, §12 (AMD). 1995, c. 560, §F11 (RP).

§18024. ADVISORY COMMITTEE

(REPEALED)

SECTION HISTORY
1993, c. 708, §B1 (NEW). 1995, c. 322, §12 (AMD). 1995, c. 560, §F11 (RP).

§18025. ADVISORY COMMITTEE; POWERS AND DUTIES

(REPEALED)

SECTION HISTORY
1993, c. 708, §B1 (NEW). 1995, c. 322, §13 (AMD). 1995, c. 560, §F11 (RP).

§18026. DIRECTOR OF THE DIVISION OF DEAFNESS

(REPEALED)

SECTION HISTORY

1993, c. 708, §B1 (NEW). 1995, c. 322, §14 (AMD). 1995, c. 560, §F11 (RP).

Chapter 705: INDEPENDENT LIVING SERVICES FOR PEOPLE WITH DISABILITIES

§18031. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §C1 (NEW). 1995, c. 560, §F11 (RP).

§18032. GRANTS

(REPEALED)

SECTION HISTORY
1993, c. 708, §C1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 707: ASSISTANCE TO PEOPLE WITH SEVERE PHYSICAL DIABILITIES TO ENABLE THEM TO WORK

§18041. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §D1 (NEW). 1995, c. 560, §F11 (RP).

§18042. SUBSIDY

(REPEALED)

SECTION HISTORY
1993, c. 708, §D1 (NEW). 1995, c. 560, §F11 (RP).

§18043. ELIGIBILITY

(REPEALED)

SECTION HISTORY
1993, c. 708, §D1 (NEW). 1995, c. 560, §F11 (RP).

§18044. EVALUATION TEAM REPORT

(REPEALED)

SECTION HISTORY
1993, c. 708, §D1 (NEW). 1995, c. 560, §F11 (RP).

§18045. RULES

(REPEALED)

SECTION HISTORY
1993, c. 708, §D1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 709: ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

§18051. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §E3 (NEW). 1995, c. 560, §F11 (RP).

§18052. ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

(REPEALED)

SECTION HISTORY
1993, c. 708, §E3 (NEW). 1995, c. 560, §F11 (RP).

§18053. REPORT

(REPEALED)

SECTION HISTORY
1993, c. 708, §E3 (NEW). 1995, c. 560, §F11 (RP).

Chapter 711: REHABILITATION SERVICES

§18065. REHABILITATION SERVICES

(REPEALED)

SECTION HISTORY
1993, c. 708, §F1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 713: SERVICES FOR BLIND AND VISUALLY IMPAIRED INDIVIDUALS

§18070. DEFINITIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §15 (AMD). 1995, c. 560, §F11 (RP).

§18071. DIVISION FOR THE BLIND AND VISUALLY IMPAIRED

(REPEALED)

SECTION HISTORY

1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18072. JURISDICTION OF DIRECTOR, DEFINED

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18073. PROGRAM ESTABLISHED

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18074. EDUCATION OF BLIND CHILDREN

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18075. MANDATORY REPORT OF BLINDNESS

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18076. BUSINESS ENTERPRISE PROGRAM

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §16 (AMD). 1995, c. 560, §F11 (RP).

§18077. PREFERENCE

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §16 (AMD). 1995, c. 560, §F11 (RP).

§18078. POWERS AND DUTIES OF THE DIVISION

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §§17,18 (AMD). 1995, c. 560, §F11 (RP).

§18079. CONSTRUCTION, REMODELING; PLANNING FOR VENDING FACILITY

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §19 (AMD). 1995, c. 560, §F11 (RP).

§18080. CONSTRUCTION OF BUILDINGS

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18081. FEES

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 322, §20 (AMD). 1995, c. 560, §F11 (RP). 1995, c. 563, §1 (RPR). 1997, c. 393, §A20 (RP).

§18082. CORRECTIONAL, MENTAL AND CERTAIN EDUCATIONAL INSTITUTIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

§18083. APPLICATION

(REPEALED)

SECTION HISTORY
1993, c. 708, §G1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 715: DEAF AND HARD-OF-HEARING PERSONS

Subchapter 1: GENERAL PROVISIONS

§18091. GENERAL PROVISIONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

§18092. TELECOMMUNICATION EQUIPMENT FOR DEAF, HARD-OF-HEARING AND SPEECH-IMPAIRED PERSONS

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

Subchapter 2: RIGHTS OF DEAF AND HARD-OF-HEARING PERSONS

§18101. POLICY

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

§18102. RIGHTS

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

§18103. MOTOR VEHICLE DRIVERS

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

§18104. PENALTY; MISREPRESENTATION OF HEARING DOG

(REPEALED)

SECTION HISTORY
1993, c. 708, §H1 (NEW). 1995, c. 560, §F11 (RP).

Chapter 717: PERSONAL CARE ASSISTANCE SERVICES FOR ADULTS WITH SEVERE PHYSICAL DISABILITIES

§18111. PROGRAM ESTABLISHED

(REPEALED)

SECTION HISTORY
1993, c. 708, §I1 (NEW). 1995, c. 560, §F11 (RP).

§18112. ELIGIBILITY

(REPEALED)

SECTION HISTORY
1993, c. 708, §I1 (NEW). 1995, c. 560, §F11 (RP).

§18113. EVALUATION TEAMS

(REPEALED)

SECTION HISTORY
1993, c. 708, §I1 (NEW). 1995, c. 560, §F11 (RP).

Part 9: LEARNING TECHNOLOGY

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. [2001, c. 358, Pt. II, §2 (AMD); 2003, c. 20, Pt. TT, §1 (AMD).]

SECTION HISTORY
1999, c. 731, §FFF1 (NEW). 2001, c. 358, §II2 (AMD). 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.

[2001, c. 358, Pt. II, §3 (AMD); 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; [2001, c. 358, Pt. II, §3 (NEW); 2003, c. 20, Pt. TT, §1 (AMD).]

B. The current use of learning technology in classrooms in the State; [2001, c. 358, Pt. II, §3 (NEW).]

C. The current readiness of faculty to use technology in teaching; [2001, c. 358, Pt. II, §3 (NEW).]

D. The professional development needed to integrate technology into classroom teaching; [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; [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; [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; [2001, c. 358, Pt. II, §3 (NEW); 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 [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. [2001, c. 358, Pt. II, §3 (NEW); 2003, c. 20, Pt. TT, §1 (AMD).]

[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; [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; [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; [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 [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. [2001, c. 358, Pt. II, §3 (NEW).]

[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; [2011, c. 380, Pt. CC, §1 (NEW).]

B. Identify high-need areas for improvements in students' learning and skills; [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 [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. [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.

[2013, c. 533, §15 (AMD) .]

SECTION HISTORY
1999, c. 731, §FFF1 (NEW). 2001, c. 358, §II3 (AMD). 2003, c. 20, §TT1 (AMD). 2011, c. 380, Pt. CC, §1 (AMD). 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.

[2001, c. 358, Pt. II, §4 (NEW); 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.

[2013, c. 533, §16 (AMD) .]

SECTION HISTORY
1999, c. 731, §FFF1 (NEW). 2001, c. 358, §II4 (RPR). 2003, c. 20, §TT1 (AMD). 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. [2001, c. 358, Pt. II, §5 (RPR); 2003, c. 20, Pt. TT, §1 (AMD); 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 State Retirement System. [2001, c. 358, Pt. II, §5 (NEW); 2003, c. 20, Pt. TT, §1 (AMD); 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. [2001, c. 358, Pt. II, §5 (NEW); 2003, c. 20, Pt. TT, §1 (AMD); 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. [2001, c. 358, Pt. II, §5 (NEW); 2003, c. 20, Pt. TT, §1 (AMD); 2007, c. 58, §3 (REV).]

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

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

[2001, c. 358, Pt. II, §5 (RPR); 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 [2001, c. 358, Pt. II, §5 (NEW); 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. [2001, c. 358, Pt. II, §5 (NEW); 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.

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

SECTION HISTORY
1999, c. 731, §FFF1 (NEW). 2001, c. 358, §II5 (RPR). 2003, c. 20, §TT1 (AMD). 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.

[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.

[2001, c. 358, Pt. II, §6 (NEW); 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; [2001, c. 358, Pt. II, §6 (NEW).]

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

C. Funds designated by the commissioner for professional development programs and services; [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; [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 [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. [2001, c. 358, Pt. II, §6 (NEW); 2003, c. 20, Pt. TT, §1 (AMD).]

[2001, c. 358, Pt. II, §6 (NEW); 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.

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

SECTION HISTORY
2001, c. 358, §II6 (NEW). 2003, c. 20, §TT1 (AMD). 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. [2001, c. 358, Pt. II, §6 (NEW).]

SECTION HISTORY
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. [2001, c. 358, Pt. II, §6 (NEW).]

SECTION HISTORY
2001, c. 358, §II6 (NEW).

§19108. ACTIONS BY DEPARTMENT

Within the annual allocation, the department shall follow the procedures established under this section. [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.

[2001, c. 358, Pt. II, §6 (NEW) .]

2. **Report by commissioner.**

[2013, c. 533, §18 (RP) .]

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

§19109. ADVISORY BOARD

(REPEALED)

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

§19110. POWERS AND DUTIES OF ADVISORY BOARD

(REPEALED)

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

Chapter 802: MAINE ONLINE LEARNING PROGRAM

§19151. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 330, §4 (NEW).]

1. **Online learning program or course.** "Online learning program or course" means an interactive course or program that:

A. Is taught by a certified teacher and is delivered primarily electronically using the Internet or other computer-based methods in which a student enrolled in a course may have access to the teacher synchronously or asynchronously; [2009, c. 330, §4 (NEW).]

B. May be delivered to students at school as part of the regularly scheduled school day or may be delivered to students, in whole or in part, independently from a regular classroom schedule; [2009, c. 330, §4 (NEW).]

C. Is combined with other traditional delivery methods that include frequent student assessment and may include actual teacher contact time; and [2009, c. 330, §4 (NEW).]

D. Meets or exceeds the accountability standards and parameters for essential instruction established as part of the statewide system of learning results as set forth in section 6209. [2009, c. 330, §4 (NEW).]

[2009, c. 330, §4 (NEW) .]

2. **Online learning provider.** "Online learning provider" means a private organization that is approved by the department to provide online learning programs or courses to one or more school administrative units for kindergarten to grade 12 students.

[2009, c. 330, §4 (NEW) .]

3. **Proctored environment.** "Proctored environment" means an environment directly monitored by a teacher or administrative staff employed by an online learning provider or by an adult authorized by the program.

[2009, c. 330, §4 (NEW) .]

SECTION HISTORY
2009, c. 330, §4 (NEW).

§19152. PROGRAM ESTABLISHED

The Maine Online Learning Program, referred to in this chapter as "the program," is established to provide high-quality educational options for kindergarten to grade 12 students in this State using online learning programs and courses. The goals of the program are to: [2009, c. 330, §4 (NEW).]

1. **Create opportunity.** Create educational opportunities for students in this State that may not exist without such technology;

[2009, c. 330, §4 (NEW) .]

2. **Close achievement gap.** Close the achievement gap between high-performing and low-performing students, including the gap between minority and nonminority students and between economically disadvantaged students and their more advantaged peers;

[2009, c. 330, §4 (NEW) .]

3. **Educational options.** Use existing educational resources, along with technology, to provide parents a broader range of educational options and to help students in the State improve their academic achievement;

[2011, c. 353, §5 (AMD) .]

4. **Public school educational opportunities.** Increase the capacity of school administrative units to provide public school educational opportunities for students whose educational needs are not being met in the regular public school program; and

[2011, c. 353, §6 (AMD) .]

5. **Nonresident tuition students.**

[2011, c. 353, §7 (NEW); T. 20-A, §19152, sub-§5 (RP) .]

SECTION HISTORY
2009, c. 330, §4 (NEW). 2011, c. 353, §§5-7 (AMD).

§19153. APPROVAL OF ONLINE LEARNING PROVIDERS

No later than June 30, 2010, the department shall provide school administrative units with a list of providers approved to offer full-time and part-time online learning programs and courses available for kindergarten to grade 12 students in the State. The department, in consultation with the state board, shall develop approval criteria and a process for approving online learning providers to implement online learning programs and courses. [2009, c. 330, §4 (NEW).]

1. **Approval of online learning providers.** The department shall approve online learning providers on the basis of the online learning providers' demonstrated experience in the operation and management of online learning programs and courses, including the number of students served and proven academic success as measured by student performance and state assessment results, as appropriate, and an online learning provider's ability to satisfy the requirements under subsection 2.

[2009, c. 330, §4 (NEW) .]

2. **Requirements.** To be approved by the department, an online learning provider must demonstrate and thereafter annually document that it meets all of the following requirements.

A. The online learning provider must be nonsectarian in its programs, admission policies, employment practices and operations. [2009, c. 330, §4 (NEW).]

B. Each course offered for a unit of credit must correlate with applicable state-adopted academic standards prior to being offered. All courses must include assessments. [2009, c. 330, §4 (NEW).]

C. A teacher employed by the online learning provider and providing instruction to students must hold a valid teaching certificate in each content area being taught or receive approval from the commissioner to teach the course. [2009, c. 330, §4 (NEW).]

D. A teacher employed by the online learning provider must receive appropriate preservice and in-service training pertaining to the organization of the online classroom, programs and courses, the technical aspects of online education, the monitoring of student assessment and other pertinent training. [2009, c. 330, §4 (NEW).]

E. The online learning provider must verify ongoing student attendance and progress and performance in each course as documented by ongoing assessments in a proctored environment and provide examples of student course work. [2009, c. 330, §4 (NEW).]

F. Administrators, teachers and other educational staff employed by the online learning provider must comply with the fingerprinting and national criminal history record check requirements as set forth in section 6103. [2009, c. 330, §4 (NEW).]

G. The online learning program must comply with the State's information technology accessibility policies and standards. [2009, c. 330, §4 (NEW).]

[2009, c. 330, §4 (NEW) .]

SECTION HISTORY
2009, c. 330, §4 (NEW).

§19154. ENROLLMENT AND ELIGIBILITY

Full-time students enrolled in an online learning program are considered to have met the compulsory attendance requirement set forth in section 5001-A, subsection 2, paragraph E. The following provisions apply for enrollment and eligibility. [2009, c. 330, §4 (NEW).]

1. **Full-time or part-time.** School administrative units may enroll students in an online learning program or course on a full-time and part-time basis. If a program is oversubscribed, a school district shall use a random lottery to select enrolled students, subject to any statutorily imposed enrollment preferences.

[2009, c. 330, §4 (NEW) .]

2. **Eligibility.** A kindergarten to grade 12 student enrolled in a public school residing in the State who is 20 years of age or younger is eligible to enroll in the program.

[2009, c. 330, §4 (NEW) .]

3. **Agreements to access programs and courses.** School administrative units may develop agreements to access online learning courses and programs offered by other school administrative units.

[2009, c. 330, §4 (NEW) .]

4. **Assessment.** Students enrolled in an online learning program or course for a unit of credit shall participate in any applicable final exams, grade-level assessments and state assessments in a proctored environment.

[2009, c. 330, §4 (NEW) .]

SECTION HISTORY
2009, c. 330, §4 (NEW).

§19155. REPORT

The department shall provide the Legislature annually with a report that includes, but is not limited to, the following information: [2009, c. 330, §4 (NEW).]

1. **Programs and courses.** A list of programs and courses offered through the program;

[2009, c. 330, §4 (NEW) .]

2. **Students.** The number of students participating in the program, including the number of full-time students, part-time students and full-time equivalent students enrolled;

[2009, c. 330, §4 (NEW) .]

3. **Student performance.** Student performance for students enrolled in online learning programs or courses, including the academic achievement of students enrolled in each course offered through the program;

[2009, c. 330, §4 (NEW) .]

4. **Expenditures.** Expenditures of state and nonstate funds made for online learning programs and courses; and

[2009, c. 330, §4 (NEW) .]

5. **Limitation.** The number of students who were unable to enroll in an online learning program or course because of space limitation.

[2009, c. 330, §4 (NEW) .]

SECTION HISTORY
2009, c. 330, §4 (NEW).

§19156. APPLICABLE LAWS

(REPEALED)

SECTION HISTORY
2011, c. 353, §8 (NEW). MRSA T. 20-A, §19156 (RP).

Chapter 803: DIGITAL LITERACY AND ONLINE LEARNING RESOURCES

§19251. DIGITAL LITERACY FUND

1. **Fund established.** The Digital Literacy Fund, referred to in this section as "the fund," is established as an interest-bearing account administered by the department.

[2011, c. 354, §3 (NEW) .]

2. **Revenue.** Any private or public funds appropriated, allocated or dedicated to the fund must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

[2011, c. 354, §3 (NEW) .]

3. **Use of fund; technical assistance.** Balances in the fund may be used for the necessary expenses of the department in the administration of the fund. Balances in the fund may be used to pay for the development of a program of technical assistance pursuant to section 254, subsection 15 that designs instructional materials that promote digital literacy, teacher professional development and training on the use of online learning resources, new administrative costs and other expenses not related to a learning through technology program funded under section 15689-A, subsection 12-A and for the implementation of a new clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks for elementary schools, middle schools and high schools.

[2011, c. 1, §30 (COR) .]

SECTION HISTORY
RR 2011, c. 1, §30 (COR). 2011, c. 354, §3 (NEW).

Chapter 805: DIGITAL CONTENT LIBRARY FOR EDUCATION

§19301. DIGITAL CONTENT LIBRARY

1. **Digital content library established.** The commissioner shall establish a digital content library to house a collection of high-quality digital educational content and learning resources aligned with the State's educational initiatives, delivered electronically by school administrative units, private schools, public and private postsecondary institutions and nonprofit or for-profit content providers for sharing with other school administrative units, private schools, public and private postsecondary institutions and individuals.

[2015, c. 372, §1 (NEW) .]

2. **Content.** Content included in the digital content library established pursuant to subsection 1 must further the State's educational initiatives, including learning through technology, proficiency-based diploma standards, college and career readiness and student achievement in the system of standards and assessment established under chapter 222.

[2015, c. 372, §1 (NEW) .]

3. **Administration.** The commissioner shall establish administrative specifications for the digital content library established pursuant to subsection 1, including:

A. Specifications and criteria in at least the following areas regarding digital educational content and learning resources to be included in the digital content library:

(1) Alignment with the system of learning results established under section 6209;

(2) Development of greater student depth of knowledge or complex reasoning;

(3) Integration of technology;

(4) Relevance to community involvement and employment in the State;

(5) Level of interest to students; and

(6) Quality of instruction; [2015, c. 372, §1 (NEW).]

B. A method for involving educators, educational organizations and institutions, school administrative units, private schools, public and private postsecondary institutions and nonprofit or for-profit content providers to create content for possible inclusion in the digital content library; [2015, c. 372, §1 (NEW).]

C. A method for reviewing digital educational content and learning resources to determine whether digital educational content and learning resources should be included in the digital content library; [2015, c. 372, §1 (NEW).]

D. A method for curating digital educational content and learning resources included in the digital content library to provide for continuous review of currency and consistency with the specifications and criteria adopted under this section; and [2015, c. 372, §1 (NEW).]

E. Technical specifications in at least the following areas:

(1) Cataloguing available content, with information regarding each item of digital educational content or learning resource that includes:

(a) Identification of appropriate grade level;

(b) Subject area;

(c) Brief descriptions, including descriptions of the type of digital educational content or learning resource;

(d) Links to the digital educational content or learning resource; and

(e) Number of instructional hours required to complete the digital educational content or learning resource;

(2) A rating and recommendation system for students and educators to provide feedback on digital educational content and learning resources included in the digital content library;

(3) Tracking use of specific digital educational content or learning resources; and

(4) Accessibility of the digital content library from any device with Internet connectivity. [2015, c. 372, §1 (NEW).]

[2015, c. 372, §1 (NEW) .]

4. **Review.** The commissioner may convene an advisory group consisting of, at a minimum, a representative from the department, a public school educator from the State and a representative from a statewide educational association or organization to review and suggest modifications and updates to the digital content library established pursuant to subsection 1. The commissioner shall review and may approve or modify the recommendations of the advisory group regarding the requirements set forth in this section.

[2015, c. 372, §1 (NEW) .]

5. **Training.** The commissioner may provide professional development and training on the use of the digital content library.

[2015, c. 372, §1 (NEW) .]

6. **Power to contract.** The commissioner may enter into a contract with an entity to implement any recommendations of the advisory group under subsection 4.

[2015, c. 372, §1 (NEW) .]

7. **Report.** The commissioner shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs regarding the digital content library established pursuant to subsection 1, and specifically the items in this section.

[2015, c. 372, §1 (NEW) .]

SECTION HISTORY
2015, c. 372, §1 (NEW).

Part 10: INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Chapter 901: INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

§20101. SHORT TITLE - ARTICLE 1

This chapter may be known and cited as "the Interstate Compact on Educational Opportunity for Military Children," which is referred to in this chapter as "the compact." [2009, c. 409, §1 (NEW).]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20102. DEFINITIONS - ARTICLE 2

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 409, §1 (NEW).]

1. **Active duty.** "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 United States Code, Sections 1209 and 1211.

[2009, c. 409, §1 (NEW) .]

2. **Child of a military family.** "Child of a military family" means a school-aged child enrolled in kindergarten to grade 12 in the household of an active duty member.

[2009, c. 409, §1 (NEW) .]

3. **Compact.** "Compact" means the Interstate Compact on Educational Opportunity for Military Children.

[2009, c. 409, §1 (NEW) .]

4. **Compact commissioner.** "Compact commissioner" means the voting representative of each member state appointed pursuant to section 20109.

[2009, c. 409, §1 (NEW) .]

5. **Deployment.** "Deployment" means the period one month prior to a service member's departure from the service member's home station on military orders to 6 months after return to the service member's home station.

[2009, c. 409, §1 (NEW) .]

6. **Educational records.** "Educational records" means those official records, files and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the child’s cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

[2009, c. 409, §1 (NEW) .]

7. **Extracurricular activities.** "Extracurricular activities" means voluntary activities sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

[2009, c. 409, §1 (NEW) .]

8. **Interstate commission.** "Interstate commission" means the Interstate Commission on Educational Opportunity for Military Children established under section 20109.

[2009, c. 409, §1 (NEW) .]

9. **Local education agency.** "Local education agency" means a public authority legally constituted by a member state as an administrative agency to provide control of and direction for kindergarten to grade 12 public educational institutions.

[2009, c. 409, §1 (NEW) .]

10. **Member state.** "Member state" means a state that has enacted the compact.

[2009, c. 409, §1 (NEW) .]

11. **Military installation.** "Military installation" means a base, camp, post, station, yard, center or homeport facility for any ship, or other activity under the jurisdiction of the federal Department of Defense, including any leased facility, that is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

[2009, c. 409, §1 (NEW) .]

12. **Nonmember state.** "Nonmember state" means a state that has not enacted the compact.

[2009, c. 409, §1 (NEW) .]

13. **Receiving state.** "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought.

[2009, c. 409, §1 (NEW) .]

14. **Rule.** "Rule" means a written statement by the interstate commission adopted pursuant to section 20112 that is of general applicability; implements, interprets or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission; has the force and effect of statutory law in a member state; and includes the amendment, repeal or suspension of an existing rule.

[2009, c. 409, §1 (NEW) .]

15. **Sending state.** "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought.

[2009, c. 409, §1 (NEW) .]

16. **State.** "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory.

[2009, c. 409, §1 (NEW) .]

17. **State council.** "State council" means the state council on educational opportunity for military children established in section 20108.

[2009, c. 409, §1 (NEW) .]

18. **Student.** "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten to grade 12.

[2009, c. 409, §1 (NEW) .]

19. **Transition.** "Transition" means:

A. The formal and physical process of transferring from school to school; or [2009, c. 409, §1 (NEW).]

B. The period of time in which a student moves from one school in the sending state to another school in the receiving state. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

20. **Uniformed service.** "Uniformed service" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Corps or the United States Public Health Service Commissioned Corps.

[2009, c. 409, §1 (NEW) .]

21. **Veteran.** "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20103. APPLICABILITY - ARTICLE 3

1. **Application to children.** Except as otherwise provided in subsection 2, this chapter applies to the children of:

A. Active duty members of the uniformed services; [2009, c. 409, §1 (NEW).]

B. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and [2009, c. 409, §1 (NEW).]

C. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

2. **Application to local education agencies.** This chapter applies to local education agencies.

[2009, c. 409, §1 (NEW) .]

3. **Exemption.** This chapter does not apply to children of:

A. Inactive members of the national guard and military reserves; [2009, c. 409, §1 (NEW).]

B. Members of the uniformed services now retired, except as provided in subsection 1; [2009, c. 409, §1 (NEW).]

C. Veterans of the uniformed services, except as provided in subsection 1; and [2009, c. 409, §1 (NEW).]

D. Other federal Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20104. EDUCATIONAL RECORDS AND ENROLLMENT - ARTICLE 4

This section applies to the transition of students subject to this chapter pursuant to section 20103. [2009, c. 409, §1 (NEW).]

1. **Unofficial educational records.** If official educational records cannot be released to the parent or parents of the transitioning student, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school in the receiving state, as quickly as possible, shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records.

[2009, c. 409, §1 (NEW) .]

2. **Official educational records.** Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official educational records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

[2009, c. 409, §1 (NEW) .]

3. **Immunizations.** A member state shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

[2009, c. 409, §1 (NEW) .]

4. **Kindergarten and first grade entrance age.** A student must be allowed to continue enrollment at grade level in the receiving state commensurate with that student's grade level from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state is eligible for enrollment in the next

highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state must enter the school in the receiving state on that student's validated level from an accredited school in the sending state.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20105. PLACEMENT AND ATTENDANCE - ARTICLE 5

1. **Course placement.** When a student transfers before or during the school year, the school in the receiving state shall initially honor placement of the student in educational courses based on the student's enrollment in the school in the sending state and any educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to courses designated as "honors," "international baccalaureate," "advanced placement," "vocational," "technical" and "career pathways" courses. Continuing a student's academic program from a previous school and promoting placement in academically and career challenging courses is paramount when considering placement. Nothing in this subsection precludes the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

[2009, c. 409, §1 (NEW) .]

2. **Educational program placement.** A school in a receiving state shall initially honor placement of a student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state, including but not limited to gifted and talented programs and English as a Second Language programs. Nothing in this subsection precludes the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

[2009, c. 409, §1 (NEW) .]

3. **Special education services.** In compliance with:

A. The requirements of the federal Individuals with Disabilities Education Act, 20 United States Code, Chapter 33, the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program; and [2009, c. 409, §1 (NEW).]

B. The requirements of Section 504 of the Rehabilitation Act, 29 United States Code, Section 794, and with Title II of the Americans with Disabilities Act, 42 United States Code, Sections 12131 to 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing plan under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act or a federal Title II plan, to provide the student with equal access to education. Nothing in this subsection precludes the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

4. **Placement flexibility.** Local education agency administrative officials may waive course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

[2009, c. 409, §1 (NEW) .]

5. **Absence as related to deployment activities.** A student whose parent or legal guardian is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, must be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to such leave or deployment of the parent or legal guardian.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20106. ELIGIBILITY FOR ENROLLMENT, EXTRACURRICULAR ACTIVITIES - ARTICLE 6

1. **Eligibility for enrollment.** Eligibility for enrollment is governed by this subsection.

A. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. [2009, c. 409, §1 (NEW).]

B. A local education agency may not charge local tuition to a transitioning child of a military family placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. [2009, c. 409, §1 (NEW).]

C. A transitioning child of a military family, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

2. **Eligibility for extracurricular participation.** State and local education agencies shall facilitate the opportunity for inclusion of a transitioning child of a military family in extracurricular activities, regardless of application deadlines, to the extent that child is otherwise qualified.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20107. GRADUATION - ARTICLE 7

In order to facilitate the on-time graduation of a child of a military family, states and local education agencies shall incorporate the procedures set forth in this section. [2009, c. 409, §1 (NEW).]

1. **Waiver requirements.** Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required course work so that graduation may occur on time.

[2009, c. 409, §1 (NEW) .]

2. **Exit examinations.** States shall accept, in lieu of testing requirements for graduation in the receiving state:

A. Exit or end-of-course examinations required for graduation from the sending state; [2009, c. 409, §1 (NEW).]

B. National norm-referenced achievement tests; or [2009, c. 409, §1 (NEW).]

C. Alternative testing. [2009, c. 409, §1 (NEW).]

If the alternatives set forth in paragraphs A to C cannot be accommodated by the receiving state for a student transferring in the student's senior year of high school, then the provisions of subsection 3 apply.

[2009, c. 409, §1 (NEW) .]

3. **Transfers during senior year of high school.** If a student transferring at the beginning or during the student's senior year of high school is ineligible to graduate from the receiving local education agency after all alternatives set forth in subsection 2 have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of the compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsections 1 and 2.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20108. STATE COORDINATION - ARTICLE 8

1. **Establishment or designation of board; state council.** Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least:

A. The state superintendent of education; [2009, c. 409, §1 (NEW).]

B. The superintendent of a school district with a high concentration of military children. A member state that does not have a school district considered to contain a high concentration of children of military families may appoint a superintendent from another school district to represent local education agencies on the state council; [2009, c. 409, §1 (NEW).]

C. One representative from a military installation; [2009, c. 409, §1 (NEW).]

D. One representative each from the legislative and executive branches of government; and [2009, c. 409, §1 (NEW).]

E. Other offices and stakeholder groups the state council determines appropriate. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

2. **Military family education liaison.** The state council shall appoint a military family education liaison to assist military families and the state in facilitating the implementation of this chapter. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

[2009, c. 409, §1 (NEW) .]

3. **Compact commissioner.** The compact commissioner responsible for the administration and management of the state's participation in the compact must be appointed by the Governor or as otherwise determined by each member state.

[2009, c. 409, §1 (NEW) .]

4. **Ex officio members.** The military family education liaison appointed pursuant to subsection 2 and the compact commissioner appointed pursuant to subsection 3 serve as ex officio members of the state council, unless either is already a full voting member of the state council.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20109. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN - ARTICLE 9

The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission: [2009, c. 409, §1 (NEW).]

1. **Body corporate.** Is a body corporate and joint agency of the member states and has all the responsibilities, powers and duties set forth in this section and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

[2009, c. 409, §1 (NEW) .]

2. **Voting representative.** Consists of one interstate commission voting representative from each member state who is that state's compact commissioner.

A. Each member state represented at a meeting of the interstate commission is entitled to one vote. [2009, c. 409, §1 (NEW).]

B. A majority of the total member states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. [2009, c. 409, §1 (NEW).]

C. A representative may not delegate a vote to another member state. If the compact commissioner is unable to attend a meeting of the interstate commission, the Governor or state council may delegate voting authority to another person from its state for a specified meeting. [2009, c. 409, §1 (NEW).]

D. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication; [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

3. **Ex officio representatives.** Consists of ex officio, nonvoting representatives who are members of interested organizations. These ex officio members, as defined in the bylaws, may include but are not limited to:

A. Members of the representative organizations of military family advocates; [2009, c. 409, §1 (NEW).]

B. Local education agency officials; [2009, c. 409, §1 (NEW).]

C. Parent and teacher groups; [2009, c. 409, §1 (NEW).]

D. The United States Department of Defense; [2009, c. 409, §1 (NEW).]

E. A national education commission dedicated to helping states develop effective policy and practice for public education by providing data, research, analysis and leadership; and [2009, c. 409, §1 (NEW).]

F. Representatives from parties to interstate agreements on qualification of educational personnel and other interstate compacts affecting the education of children of military members; [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

4. **Meetings.** Meets at least once each calendar year. The chair may call additional meetings and, upon the request of a simple majority of the member states, must call additional meetings;

[2009, c. 409, §1 (NEW) .]

5. **Executive committee.** Shall establish an executive committee whose members include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee serve one-year terms. Members of the executive committee are entitled to one vote each. The executive committee has the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as considered necessary. The United States Department of Defense serves as an ex officio, nonvoting member of the executive committee;

[2009, c. 409, §1 (NEW) .]

6. **Bylaws; rules.** Shall establish bylaws and rules that provide for conditions and procedures under which the interstate commission makes its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

[2009, c. 409, §1 (NEW) .]

7. **Public notice.** Shall give public notice of all meetings, and all meetings must be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion of a meeting, when it determines by a 2/3 vote that an open meeting would be likely to:

A. Relate solely to the interstate commission's internal personnel practices and procedures; [2009, c. 409, §1 (NEW).]

B. Disclose matters specifically exempted from disclosure by federal and state law; [2009, c. 409, §1 (NEW).]

C. Disclose trade secrets or commercial or financial information that is privileged or confidential; [2009, c. 409, §1 (NEW).]

D. Involve accusing a person of a crime or formally censuring a person; [2009, c. 409, §1 (NEW).]

E. Disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy; [2009, c. 409, §1 (NEW).]

F. Disclose investigative records compiled for law enforcement purposes; or [2009, c. 409, §1 (NEW).]

G. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding. [2009, c. 409, §1 (NEW).]

For a meeting, or portion of a meeting, closed pursuant to this subsection, the interstate commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The interstate commission shall keep minutes that must fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken and the reasons for the actions, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the interstate commission;

[2009, c. 409, §1 (NEW) .]

8. **Data collection.** Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through the interstate commission's rules, which must specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting must, insofar as is reasonably possible, conform to current technology and coordinate the interstate commission's information functions with the appropriate custodian of records as identified in the bylaws and rules; and

[2009, c. 409, §1 (NEW) .]

9. **Violations.** Shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or the interstate commission's rules or when issues subject to the jurisdiction of the compact or the interstate commission's rules are not addressed by the member state or local education agency. This section may not be construed to create a private right of action against the Interstate Commission or any member state.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20110. POWERS OF THE INTERSTATE COMMISSION - ARTICLE 10

The interstate commission may: [2009, c. 409, §1 (NEW).]

1. **Dispute resolution.** Provide for dispute resolution among member states;

[2009, c. 409, §1 (NEW) .]

2. **Rules.** Promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules have the force and effect of law and are binding in the member states to the extent and in the manner provided in this compact;

[2009, c. 409, §1 (NEW) .]

3. **Advisory opinions.** Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact and its bylaws, rules and actions;

[2009, c. 409, §1 (NEW) .]

4. **Enforce compliance.** Enforce compliance with the compact provisions, the rules promulgated by the interstate commission and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

[2009, c. 409, §1 (NEW) .]

5. **Offices.** Establish and maintain offices located within one or more of the member states;

[2009, c. 409, §1 (NEW) .]

6. **Insurance; bonds.** Purchase and maintain insurance and bonds;

[2009, c. 409, §1 (NEW) .]

7. **Personnel.** Borrow, accept, hire or contract for services of personnel;

[2009, c. 409, §1 (NEW) .]

8. **Committees.** Establish and appoint committees, including, but not limited to, an executive committee as required by section 20109, subsection 5, which may act on behalf of the interstate commission in carrying out the commission's powers and duties;

[2009, c. 409, §1 (NEW) .]

9. **Elect; appoint.** Elect or appoint officers, attorneys, employees, agents or consultants, and fix their compensation, define their duties and determine their qualifications; and establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel;

[2009, c. 409, §1 (NEW) .]

10. **Donations; grants.** Accept, receive, use and dispose of donations and grants of money, equipment, supplies, materials and services;

[2009, c. 409, §1 (NEW) .]

11. **Acquire property.** Lease, purchase or accept contributions or donations of or otherwise own, hold, improve or use any property, real, personal or mixed;

[2009, c. 409, §1 (NEW) .]

12. **Dispose of property.** Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

[2009, c. 409, §1 (NEW) .]

13. **Budget.** Establish a budget and make expenditures;

[2009, c. 409, §1 (NEW) .]

14. **Seal.** Adopt a seal and bylaws governing the management and operation of the interstate commission;

[2009, c. 409, §1 (NEW) .]

15. **Report.** Report annually to the legislatures, governors, judiciaries and state councils of the member states concerning the activities of the interstate commission during the preceding year. These reports must also include any recommendations that may have been adopted by the interstate commission;

[2009, c. 409, §1 (NEW) .]

16. **Education.** Coordinate education, training and public awareness regarding the compact and its implementation and operation for officials and parents and legal guardians affected by the compact;

[2009, c. 409, §1 (NEW) .]

17. **Data.** Establish uniform standards for the reporting, collecting and exchanging of data;

[2009, c. 409, §1 (NEW) .]

18. **Corporate books and records.** Maintain corporate books and records in accordance with the bylaws;

[2009, c. 409, §1 (NEW) .]

19. **Additional functions.** Perform such functions as may be necessary or appropriate to achieve the purposes of the compact; and

[2009, c. 409, §1 (NEW) .]

20. **Information.** Provide for the uniform collection and sharing of information between and among member states, schools and military families under the compact.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20111. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION - ARTICLE 11

1. **Bylaws.** The interstate commission shall, by a majority of the members present and voting, within 12 months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

A. Establishing the fiscal year of the interstate commission; [2009, c. 409, §1 (NEW).]

B. Establishing an executive committee and such other committees as may be necessary; [2009, c. 409, §1 (NEW).]

C. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission; [2009, c. 409, §1 (NEW).]

D. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting; [2009, c. 409, §1 (NEW).]

E. Establishing the titles and responsibilities of the officers and staff of the interstate commission; [2009, c. 409, §1 (NEW).]

F. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and [2009, c. 409, §1 (NEW).]

G. Providing rules for initial administration of the compact. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

2. **Elect officers.** The interstate commission shall, by a majority vote of the members, elect annually from among its members a chair, a vice-chair and a treasurer, each of whom has such authority and duties as may be specified in the bylaws. The chair or, in the chair's absence or disability, the vice-chair shall preside at all meetings of the interstate commission. The elected officers serve without compensation or remuneration from the interstate commission except that subject to the availability of budgeted funds, the officers may be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

[2009, c. 409, §1 (NEW) .]

3. **Executive committee; powers and duties.** The executive committee has those powers and duties set forth in the bylaws, including but not limited to:

A. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission; [2009, c. 409, §1 (NEW).]

B. Overseeing an organizational structure within, and appropriate procedures for, the interstate commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and [2009, c. 409, §1 (NEW).]

C. Planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

4. **Executive director.** Subject to the approval of the interstate commission, the executive committee may appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may consider appropriate. The executive director serves as secretary to the interstate commission, but is not a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

[2009, c. 409, §1 (NEW) .]

5. **Immunity.** The interstate commission's executive director and its employees and interstate commission representatives are immune from suit and liability in accordance with this subsection.

A. The interstate commission's executive director and its employees are immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities except that the interstate commission's executive director and its employees are not protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person. [2009, c. 409, §1 (NEW).]

B. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties, for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. This subsection may

not be construed to protect the interstate commission's executive director and employees or interstate commission representatives from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person. [2009, c. 409, §1 (NEW).]

C. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person. [2009, c. 409, §1 (NEW).]

D. To the extent not covered by the state involved, member state or interstate commission, the representatives or employees of the interstate commission must be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against the representatives or employees of the interstate commission arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20112. RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION - ARTICLE 12

1. **Authority.** The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact; however, if the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this chapter or the powers granted under this chapter, then such an action by the interstate commission is invalid and has no force or effect.

[2009, c. 409, §1 (NEW) .]

2. **Procedure.** Rules must be promulgated pursuant to a rule-making process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

[2009, c. 409, §1 (NEW) .]

3. **Judicial review.** Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule. The filing of a petition pursuant to this subsection does not stay or otherwise prevent the rule from taking effect unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and may not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

[2009, c. 409, §1 (NEW) .]

4. **Rejection by a majority of states.** If a majority of the legislatures of the compacting states rejects a rule by enactment of a law or resolution in the same manner used to adopt the compact, then that rule has no further force and effect in any member state.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20113. OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION - ARTICLE 13

1. **Oversight.** The executive, legislative and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated under this chapter have standing as statutory law.

All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact that may affect the powers, responsibilities or actions of the interstate commission. The interstate commission is entitled to receive all service of process in any such proceeding and has standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission renders a judgment or order void as to the interstate commission, the compact or promulgated rules.

[2009, c. 409, §1 (NEW) .]

2. **Default.** If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact or the bylaws or promulgated rules, the interstate commission shall:

A. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default; and [2009, c. 409, §1 (NEW).]

B. Provide remedial training and specific technical assistance regarding the default. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

3. **Failure to cure.** If the defaulting state fails to cure the default, the defaulting state must be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by the compact must be terminated from the effective date of termination.

[2009, c. 409, §1 (NEW) .]

4. **Cure; obligations or liabilities incurred during default.** A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

[2009, c. 409, §1 (NEW) .]

5. **Suspension; termination.** Suspension or termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

[2009, c. 409, §1 (NEW) .]

6. **Responsibility after suspension; termination.** The member state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

[2009, c. 409, §1 (NEW) .]

7. **Responsibility of commission.** The interstate commission does not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

[2009, c. 409, §1 (NEW) .]

8. **Appeal.** The defaulting state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party must be awarded all costs of such litigation including reasonable attorney's fees.

[2009, c. 409, §1 (NEW) .]

9. **Dispute resolution; rules.** The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and nonmember states.

The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

[2009, c. 409, §1 (NEW) .]

10. **Enforcement.** The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

The interstate commission may by majority vote of the members initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party may be awarded all costs of such litigation including reasonable attorney's fees. The remedies set forth in this subsection are not the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20114. FINANCING OF THE INTERSTATE COMMISSION - ARTICLE 14

1. **Payment for reasonable expenses.** The interstate commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

[2009, c. 409, §1 (NEW) .]

2. **Assessment.** The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff that must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

[2009, c. 409, §1 (NEW) .]

3. **Incur obligations.** The interstate commission may not incur obligations of any kind prior to securing the funds adequate to meet the same and may not pledge the credit of any of the member states, except by and with the authority of the member state.

[2009, c. 409, §1 (NEW) .]

4. **Accounts.** The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the interstate commission.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20115. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT - ARTICLE 15

1. **Eligibility.** Any state is eligible to become a member state.

[2009, c. 409, §1 (NEW) .]

2. **Effective date.** The compact becomes effective and binding upon legislative enactment of the compact into law by no fewer than 10 of the states. The effective date may be no earlier than December 1, 2007; thereafter, it becomes effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees are invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

[2009, c. 409, §1 (NEW) .]

3. **Amendments.** The interstate commission may propose amendments to the compact for enactment by the member states. An amendment is not effective and binding upon the interstate commission and the member states until it is enacted into law by unanimous consent of the member states.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20116. WITHDRAWAL AND DISSOLUTION - ARTICLE 16

1. **Withdrawal.** Withdrawal from the compact is governed by this subsection.

A. Once effective, the compact continues in force and remains binding upon each member state except that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law. [2009, c. 409, §1 (NEW).]

B. The enactment by a member state of a law repealing the statute that enacted the compact does not take effect until one year after the effective date of that law and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state. [2009, c. 409, §1 (NEW).]

C. The withdrawing state shall immediately notify the chair of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of notification from the withdrawing state. [2009, c. 409, §1 (NEW).]

D. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal. [2009, c. 409, §1 (NEW).]

E. Reinstatement following withdrawal of a member state occurs upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission. [2009, c. 409, §1 (NEW).]

[2009, c. 409, §1 (NEW) .]

2. **Dissolution of compact.** This compact dissolves effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one member state.

[2009, c. 409, §1 (NEW) .]

3. **Conclusion of affairs.** Upon the dissolution of this compact, the compact becomes void and is of no further effect. The business and affairs of the interstate commission must be concluded, and surplus funds must be distributed in accordance with the bylaws.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20117. SEVERABILITY AND CONSTRUCTION - ARTICLE 17

1. **Severability.** The provisions of this compact are severable, and if any phrase, clause, sentence or provision is unenforceable, the remaining provisions of the compact are enforceable.

[2009, c. 409, §1 (NEW) .]

2. **Construction.** The provisions of this compact must be liberally construed to effectuate its purposes. Nothing in this compact may be construed to prohibit the applicability of other interstate compacts to which the states are members.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

§20118. BINDING EFFECT OF COMPACT AND OTHER LAWS - ARTICLE 18

1. **Other laws.** Nothing in this chapter prevents the enforcement of any other law of a member state that is not inconsistent with this chapter. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

[2009, c. 409, §1 (NEW) .]

2. **Binding effect of the compact.** All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states. All agreements between the interstate commission and the member states are binding in accordance with their terms. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

[2009, c. 409, §1 (NEW) .]

SECTION HISTORY
2009, c. 409, §1 (NEW).

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