



132nd MAINE LEGISLATURE

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Legislative Document

No. 86

H.P. 50

House of Representatives, January 8, 2025

An Act to Update the Laws Regarding Education

Submitted by the Department of Education pursuant to Joint Rule 204.

Received by the Clerk of the House on January 6, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative SARGENT of York.

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

2 **Sec. 1. 20-A MRSA §1, sub-§13-A, ¶B-1**, as enacted by PL 2003, c. 477, §2, is
3 amended by amending subparagraph (1) to read:

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

9 **Sec. 2. 20-A MRSA §1651, sub-§4**, as enacted by PL 1981, c. 693, §§5 and 8, is
10 amended to read:

11 **4. District school committee to act as district board of trustees.** A community
12 school district may vote at any time ~~on the article in section 1602, subsection 1, paragraph~~
13 ~~C,~~ to see determine if the district school committee ~~shall be~~ is authorized to perform the
14 function of the district board of trustees. If the municipalities vote affirmatively ~~on that~~
15 ~~article~~, the district school committee ~~shall~~ must perform the duties of the district board of
16 trustees under this chapter.

17 **Sec. 3. 20-A MRSA §1653, sub-§1, ¶C**, as amended by PL 1993, c. 668, §1, is
18 further amended to read:

19 C. Notwithstanding paragraphs A and B, the voters of a district may vote on an
20 appropriate article at meetings called by the municipal officers of the respective
21 member towns, ~~in accordance with section 1602,~~ to establish a fixed common date for
22 all newly elected school committee members to assume their terms of office. The
23 common date must be subsequent to the last annual municipal election within the
24 district, but may be no later than July 1st of the next fiscal year. The adoption of such
25 a common date is conditional upon the favorable passage of this article at each of the
26 meetings of the member towns. This paragraph does not apply to commencement of
27 terms of office of members elected to fill vacancies. Vacancies are filled for the
28 remainder of the unexpired term as provided in subsection 2, paragraph A.

29 **Sec. 4. 20-A MRSA §1751-A** is enacted to read:

30 **§1751-A. Withdrawal from community school district**

31 The residents of a participating municipality within a community school district may
32 petition and vote to withdraw from the district in the same manner as a participating
33 municipality within a regional school unit may petition to withdraw in accordance with
34 section 1466.

35 **Sec. 5. 20-A MRSA §2951, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is
36 repealed.

37 **Sec. 6. 20-A MRSA §3804**, as amended by PL 2019, c. 219, §3, is further amended
38 to read:

39 **§3804. Audit**

40 An education service center shall adhere to generally accepted accounting principles
41 and shall annually engage an external auditor to do an independent audit of the education

1 service center's finances. The education service center shall submit the audit to its members
2 and to the department. The audit must be conducted in the same manner as a school
3 administrative unit audit in accordance with chapter 221, subchapter 2. An education
4 service center under the fiscal authority of a school administrative unit may be included in
5 the audit of that school administrative unit and is not required to file an additional audit
6 under this section.

7 **Sec. 7. 20-A MRSA §6051, sub-§4**, as amended by PL 2007, c. 668, §32, is further
8 amended to read:

9 **4. Initial report to commissioner.** ~~On or before November 1st,~~ An initial report to
10 the commissioner must be included as part of the audit under subsection 1. In the report the
11 school board shall provide the commissioner with:

- 12 C. Written determination of whether or not proper budgetary controls are in place;
- 13 D. A written determination of whether or not the annual financial data submitted to
- 14 the department is correct, including submission of an audited reconciliation of the
- 15 annual financial data prepared and certified by the auditor; and
- 16 E. A written determination as to whether the school administrative unit has complied
- 17 with applicable provisions of the Essential Programs and Services Funding Act.

18 **Sec. 8. 20-A MRSA c. 608**, as amended, is repealed.

19 SUMMARY

20 This bill amends the education laws as follows.

21 It updates the definition of "homeless student" to match the federal definition.

22 It updates the community school district statutes to allow for reorganization without a
23 private and special law.

24 It updates statutes regarding private schools' receipt of public funds for tuition purposes
25 to reflect the United States Supreme Court's decision in *Carson v. Makin*.

26 It updates statutes regarding education service centers to clarify that audits of centers
27 under the fiscal authority of a school administrative unit may be included in the financial
28 audit of that school administrative unit.

29 It clarifies that a school administrative unit's initial report to the Commissioner of
30 Education must be included as part of the unit's official audit.

31 It repeals the Maine Revised Statutes, Title 20-A, chapter 608, the School Finance Act
32 of 2003, which has been superseded by Title 20-A, chapter 606-B, the Essential Programs
33 and Services Funding Act.