

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend Education Laws

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

PART A

Sec. A-1. 20-A MRSA §6051, sub-§1, ¶D, as enacted by PL 1985, c. 797, §36, is amended to read:

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;

Sec. A-2. 20-A MRSA §6051, sub-§3, as repealed and replaced by PL 1985, c. 797, §36, is amended to read:

3. Auditors. Audits ~~shall~~must be conducted by either the Department of Audit or qualified certified public accountants or public accountants registered by the Board of Accountancy. The auditor shall review the audit with the school board.

Sec. A-3. 20-A MRSA §6051, sub-§7, ¶¶B and C, as enacted by PL 2009, c. 571, Pt. E, §14, are amended to read:

B. A school administrative unit audit is not necessary to meet federal audit requirements; and

C. The municipal school administrative unit files the municipal audit or audits that include the fiscal year specified in subsection 2; and.

Sec. A-4. 20-A MRSA §6051, sub-§7, ¶D, as enacted by PL 2009, c. 571, Pt. E, §14, is repealed.

Sec. A-5. 20-A MRSA §15909, sub-§§5 and 6 are enacted to read:

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

6. Audit. Financial records and accounts for state-funded school construction projects must be audited by department staff or certified public accountants contracted by the department.

PART B

Sec. B-1. 20-A MRSA §1486, sub-§4, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

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 30 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.

PART C

Sec. C-1. 20-A MRSA §1, sub-§41, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. C-2. 20-A MRSA c. 109, as amended, is repealed.

Sec. C-3. 20-A MRSA §15005, sub-§3, as amended by PL 2009, c. 571, Pt. E, §16, is further amended to read:

3. Return required. An apportionment provided in this chapter, chapters 109, 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.

Sec. C-4. 20-A MRSA §15909, sub-§1, as amended by PL 1985, c. 248, §8, is repealed.

Sec. C-5. 20-A MRSA §15909, sub-§2, as amended by PL 1987, c. 402, Pt. A, §133 and c. 803, §§3 and 5, is further amended to read:

2. Bonds. A school administrative unit shall sell bonds in its name for the total cost of ~~thea~~ school construction project minus the amounts listed in paragraph A. Bond sales ~~shall~~must be consistent with rules adopted or amended by the state board.

A. The amount to be bonded ~~shall~~must be determined as follows. The total cost of the project ~~shall~~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.

B. A school administrative unit may borrow money for projects in anticipation of bond sales. Borrowing ~~shall~~must be consistent with rules adopted or amended by the state board.

Sec. C-6. 20-A MRSA §15909, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Deductions; cost of project. Proceeds from insured losses, money from federal sources and other noneducational funds ~~shall~~must be deducted from the total cost of ~~the~~a school construction project to determine the amount on which the state's share ~~shall~~must be calculated. Proceeds from gifts or moneys from federal revenue sharing sources ~~shall~~must be treated as local appropriations.

Sec. C-7. 20-A MRSA §15909, sub-§4, as enacted by PL 1985, c. 248, §10, is repealed.

Sec. C-8. 26 MRSA §1043, sub-§28, as amended by PL 1987, c. 737, Pt. C, §§71 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

28. Governmental entity. "Governmental entity" means the State of Maine, its instrumentalities, political subdivisions and school administrative units as represented by their elected or appointed governing bodies and ~~shall include~~includes, without limitation, city and town councils, boards of selectmen, boards of county commissioners, municipally owned and operated hospitals and administrative entities formed under Title 30-A, chapter 115. In the case of school administrative units, governing bodies ~~shall include~~, without limitation, municipal school committees, school administrative district directors;and community school district school committees ~~and school unions formed under Title 20-A, chapter 109~~. In the case of special purpose districts, governing bodies ~~shall include~~, without limitation, boards of directors or trustees.

Sec. C-9. 39-A MRSA §102, sub-§12, ¶G, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

G. Municipal school committees; and

Sec. C-10. 39-A MRSA §102, sub-§12, ¶H, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed.

PART D

Sec. D-1. 20-A MRSA §15905, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

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

PART E

Sec. E-1. 20-A MRSA §5205, sub-§§9 and 10 are enacted to read:

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.

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.

PART F

Sec. F-1. 20-A MRSA §3252, sub-§4-A, as amended by PL 2005, c. 635, §1, is repealed.

PART G

Sec. G-1. 20-A MRSA §8802, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. In the first summer of its operation, ~~the average~~ an estimated cost for each student ~~in all summer schools in the State for the preceding summer~~ based on estimated costs to operate the summer school program divided by the estimated number of students expected to attend the summer school program;

Sec. G-2. 20-A MRSA §8802, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

PART H

Sec. H-1. 20-A MRSA §8101-A is enacted to read:

§ 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.

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.

3. Rules. The department shall 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.

Sec. H-2. 20-A MRSA §8102, as amended by PL 2009, c. 147, §8, is repealed.

Sec. H-3. 20-A MRSA §8103, as amended by PL 2003, c. 477, §9, is repealed.

Sec. H-4. Transition. A school administrative unit that does not operate an approved gifted and talented education program in the 2011-2012 school year shall implement such a program not later than the 2012-2013 school year. School administrative units that operate an approved gifted and talented education program in the 2011-2012 school year are subject to the requirements of the Maine Revised Statutes, Title 20-A, section 8101-A beginning on the effective date of this Act.

PART I

Sec. I-1. 20-A MRSA §7001, sub-§2-C, as enacted by PL 2011, c. 348, §3, is amended to read:

2-C. Individualized education program team. "Individualized education program team" means the group of individuals composed in accordance with Part ~~CB~~ 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.

SUMMARY

Part A amends and clarifies audit requirements in order for the State and school administrative units to be in compliance with federal regulations.

Part A also enacts statutory language requiring the audit of state-funded school construction projects and repeals language that is no longer necessary.

Part B requires that the regional school unit budget meeting occur within 30 days after the failure of the budget validation referendum.

Part C repeals the Maine Revised Statutes, Title 20-A, chapter 109, which establishes the union school governance structure, and fixes cross-references to that chapter. There are no longer any school administrative units using this governance structure. It also repeals statutory language that applies to school construction projects approved prior to July 1, 1985 and clarifies statutory language that applies to current school construction projects.

Part D revises school construction language to be in compliance with the current funding requirements.

Part E clarifies the treatment of foreign exchange students and students who do not reside in the State for the purposes of counting students for state subsidy.

Part F repeals the addition of targeted funds to the elementary tuition rate for students who are residents of the unorganized territory to be consistent with the repeal of the addition of targeted funds to the secondary tuition rate by Public Law 2009, chapter 213.

Part G refines state requirements for summer school tuition rates for the first year of operation.

Part H reinstates the statutory requirement for school administrative units to operate education programs for gifted and talented students. It repeals outdated language related to funding and clarifies that

approved gifted and talented education program costs are subsidizable costs under the Essential Programs and Services Funding Act.

Part I corrects a reference in the Maine Revised Statutes, Title 20-A, section 7001, subsection 2-C from Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1414(d)(1)(B) to Part B.