



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 963

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H.P. 677

House of Representatives, March 12, 2013

### An Act To Expand Access to Early Postsecondary Education

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator LANGLEY of Hancock and  
Representatives: JOHNSON of Greenville, KUSIAK of Fairfield, MacDONALD of Boothbay,  
MAKER of Calais, TREAT of Hallowell, Senators: CAIN of Penobscot, JOHNSON of  
Lincoln.

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

2 **Sec. 1. 5 MRSA §12004-C, sub-§9** is enacted to read:

3 **9.**

4 Commission on Expanding                      Legislative Per Diem                      20-A MRSA §4777  
5 Early Postsecondary Access for                      and Expenses  
6 High School Students

7 **Sec. 2. 20-A MRSA §4772**, as amended by PL 2005, c. 519, Pt. XX, §§1 to 3, is  
8 repealed.

9 **Sec. 3. 20-A MRSA §4772-A**, as amended by PL 2005, c. 519, Pt. XX, §4, is  
10 repealed.

11 **Sec. 4. 20-A MRSA §4772-B** is enacted to read:

12 **§4772-B. Postsecondary courses; student eligibility**

13 **1. Student eligibility.** A secondary school student may be eligible to receive state  
14 subsidy for postsecondary courses as specified in section 4775 if all the requirements of  
15 subsection 2 are satisfied and the student:

16 A. Is enrolled in grade 11 or higher in the student's school administrative unit;

17 B. Maintains a minimum secondary school grade point average of at least 3.0 on a  
18 scale of 4.0, or the equivalent of a "B" average, as determined by the school  
19 administrative unit; or

20 C. Has been granted a waiver by the eligible institution.

21 For purposes of this subsection, "secondary school student" includes a student enrolled in  
22 an adult education program as defined in section 8601-A, subsection 1, a student  
23 receiving a home instruction program eligible for state subsidy pursuant to section 5021,  
24 subsection 8 or a student at a private school approved for attendance purposes pursuant to  
25 section 2901.

26 **2. Postsecondary courses.** A student that meets the criteria pursuant to subsection 1  
27 may be eligible to receive state subsidy for postsecondary courses as specified in section  
28 4775 as long as:

29 A. The eligible institution has space available for the secondary school student;

30 B. The eligible institution has determined that the student has satisfactorily  
31 completed all course prerequisites;

32 C. The school administrative unit approves;

33 D. The student's parent approves; and

34 E. The student has received a recommendation to take a postsecondary course or  
35 courses at an eligible institution from the student's school administration or one of the

1 student's secondary school teachers following an assessment of the student by the  
2 school administration.

3 **Sec. 5. 20-A MRSA §§4774 and 4775**, as enacted by PL 1997, c. 758, §2, are  
4 amended to read:

5 **§4774. Credits**

6 **1. High school credit.** A school administrative unit ~~may~~ shall grant academic credit  
7 toward a high school diploma to a student who successfully completes a course, including  
8 an online course, under this chapter.

9 **2. Postsecondary credit.** The eligible institution shall grant full credit to any  
10 student who successfully completes a course, including an online course, at the eligible  
11 institution under this chapter. The course must apply to graduation requirements at the  
12 eligible institution in which it was taken or be transferable to another eligible institution  
13 on an equal basis with a course taken by any other student at the eligible institution. The  
14 eligible institution must provide parents with information on the extent to which credits  
15 gained may be transferable to other higher education institutions in the State.

16 **§4775. Payment; appropriations**

17 The department shall pay 50% of the in-state tuition for ~~the first 3 credit hours taken~~  
18 ~~each semester up to 12 credit hours per academic year taken~~ by a student eligible under  
19 section 4772-B at an eligible institution ~~and up to 6 credit hours per academic year~~. The  
20 eligible institution may not make any additional tuition charges for ~~the course those~~  
21 courses but may impose fees and charges, other than tuition, that are ordinarily imposed  
22 on students not covered by this chapter. The department may pay these fees and charges  
23 for a high school student eligible for free or reduced-price lunch. Funds appropriated to  
24 the department to carry out the purposes of this chapter must be in addition to the  
25 customary and ongoing amounts appropriated for general purpose aid for local schools.

26 **Sec. 6. 20-A MRSA §4776**, as enacted by PL 2007, c. 240, Pt. VVV, §2, is  
27 repealed.

28 **Sec. 7. 20-A MRSA §4777** is enacted to read:

29 **§4777. Commission on Expanding Early Postsecondary Access for High School**  
30 **Students**

31 **1. Establishment; composition.** The Commission on Expanding Early  
32 Postsecondary Access for High School Students, established in Title 5, section 12004-C,  
33 subsection 9, referred to in this section as "the commission," consists of the following 19  
34 members:

35 **A. Three ex officio members:**

36 **(1) The commissioner or the commissioner's designee;**

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

- 1                   (3) The President of the Maine Community College System or the president's  
2                   designee;
- 3                   B. Two Senators appointed by the President of the Senate;
- 4                   C. Two members of the House of Representatives appointed by the Speaker of the  
5                   House; and
- 6                   D. The following 12 members, appointed by the Governor:
- 7                   (1) Two representatives of private colleges or universities in the State;
- 8                   (2) Two representatives of private nonprofit organizations that work on  
9                   improving educational opportunities for Maine students;
- 10                  (3) A representative of a statewide organization of student financial aid  
11                  administrators;
- 12                  (4) A representative of a statewide organization for college admissions  
13                  administrators;
- 14                  (5) A representative of a statewide organization of school boards;
- 15                  (6) A representative of a statewide organization of school superintendents;
- 16                  (7) A representative of a statewide organization of administrators of career and  
17                  technical education;
- 18                  (8) A representative of a statewide organization for adult education;
- 19                  (9) A representative of a statewide organization of secondary school principals;  
20                  and
- 21                  (10) A representative of the Maine Education Association.

22                  **2. Terms; vacancy.** The members of the commission appointed pursuant to  
23                  subsection 1, paragraphs B and C serve 2-year terms concurrently with the legislative  
24                  term. Members appointed pursuant to subsection 1, paragraph D serve for 3-year terms  
25                  and serve until their successors are appointed. On the expiration of a term of any member  
26                  appointed pursuant to subsection 1, paragraph D, a successor must be appointed to a 3-  
27                  year term. A member of the commission is eligible for reappointment to the commission.  
28                  A vacancy in the commission does not impair the right of a quorum of members to  
29                  perform the duties of the commission. In the event of a vacancy occurring in the  
30                  members appointed pursuant to subsection 1, paragraph D, the Governor shall appoint a  
31                  replacement member for the remainder of the unexpired term in the same manner as the  
32                  original appointment was made.

33                  **3. Duties.** The commission shall develop strategies to expand access to early  
34                  postsecondary opportunities for high school students in the State including:

35                  A. Determining the availability of early postsecondary opportunities in the State's  
36                  high schools and the approaches by which early postsecondary opportunities are  
37                  made available to students;

38                  B. Promoting and advocating for early postsecondary education programs across the  
39                  State;

1 C. Coordinating cooperation between the secondary education school system and  
2 higher education communities;

3 D. Serving as a clearinghouse of best practices in early postsecondary education  
4 programming;

5 E. Supporting research on the effectiveness of early postsecondary education  
6 programs on student outcomes; and

7 F. Seeking grant funding to support the development and expansion of early  
8 postsecondary education programs.

9 **4. Chair; vice-chair.** The commissioner or the commissioner's designee is the chair  
10 of the commission. The commission shall elect from its membership a vice-chair who  
11 shall serve for a one-year term. The vice-chair serves until a successor is elected. The  
12 chair calls meetings of the commission and presides over meetings. The vice-chair serves  
13 as the chair in the absence of the chair.

14 **5. Meetings; quorum; subcommittees.** The commission shall meet at least 4 times  
15 each year. The chair shall establish meeting agendas. A quorum of the commission is 10  
16 members. The commission may establish subcommittees of no fewer than 3 members.

17 **6. Compensation.** Members of the commission appointed pursuant to subsection 1,  
18 paragraphs B and C are entitled to legislative per diem as allowed under Title 5, section  
19 12004-C, subsection 9 while engaged in commission activities. Members of the  
20 commission appointed pursuant to subsection 1, paragraph D are entitled to receive  
21 compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 9  
22 while engaged in commission activities.

23 **7. Assistance.** The department shall provide staff support to the commission.

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

27 **Sec. 8. 20-A MRSA §8406** is enacted to read:

28 **§8406. Academic skills testing**

29 A career and technical education center shall serve as a site for the administration of  
30 assessment tests to determine college-level academic skills.

31 **Sec. 9. 20-A MRSA §13024, sub-§1, ¶C,** as amended by PL 2005, c. 662, Pt. A,  
32 §38, is further amended to read:

33 C. Personnel employed by or serving the school administrative unit as contracted  
34 service providers; ~~and~~

35 **Sec. 10. 20-A MRSA §13024, sub-§1, ¶D,** as repealed and replaced by PL 2005,  
36 c. 662, Pt. A, §39, is amended to read:

1 D. Personnel for whom certification or authorization is not required prior to being  
2 hired or being placed under contract by a public school or an intermediate educational  
3 unit-; and

4 **Sec. 11. 20-A MRSA §13024, sub-§1, ¶F** is enacted to read:

5 F. Personnel employed in a public school as instructors of postsecondary education  
6 courses pursuant to chapter 208-A that are offered in secondary schools.

7 **Sec. 12. Department of Education and Commission on Expanding Early**  
8 **Postsecondary Access for High School Students are directed to establish**  
9 **publicly accessible website on early postsecondary education programs.** The  
10 Department of Education and the Commission on Expanding Early Postsecondary Access  
11 for High School Students, as established in the Maine Revised Statutes, Title 5, section  
12 12004-C, subsection 9, shall establish and maintain a single publicly accessible website  
13 that includes information on early postsecondary education programs and research  
14 regarding those programs as well as hyperlinks to those programs and the research.

15 **Sec. 13. Commission on Expanding Early Postsecondary Access for High**  
16 **School Students; staggered terms.** Notwithstanding the Maine Revised Statutes  
17 Title 20-A, section 4777, subsection 2, when appointing original members to the  
18 Commission on Expanding Early Postsecondary Access for High School Students, the  
19 Governor shall designate 4 members to serve a one-year term, 4 members to serve a 2-  
20 year term and 4 members to serve a 3-year term.

21 **SUMMARY**

22 This bill makes the following changes to the early postsecondary education programs  
23 statutes:

24 1. It creates a permanent Commission on Expanding Early Postsecondary Access for  
25 High School Students;

26 2. It clarifies that adult education students, home school students and students from  
27 private schools are eligible for state subsidy for postsecondary courses. It also clarifies  
28 that a student may be eligible if the parents, school administrative unit and postsecondary  
29 institution approve;

30 3. It requires high schools to grant academic credit for postsecondary courses rather  
31 than allowing discretion;

32 4. It requires postsecondary institutions to provide information to students on the  
33 transferability of academic credit between postsecondary institutions;

34 5. It requires the Department of Education to pay 50% of tuition for up to 12 credit  
35 hours in an academic year rather than only the first 3 credit hours up to a possible 6-  
36 credit-hour maximum;

1           6. It adds instructors of postsecondary education courses that are offered in  
2 secondary schools to the list of personnel that are subject to the fingerprinting and  
3 background check requirements; and

4           7. It requires career and technical education centers to serve as sites for the  
5 administration of assessment tests to determine college-level academic skills.

6           The bill also requires the Department of Education and the Commission on  
7 Expanding Early Postsecondary Access for High School Students to establish and  
8 maintain a single publicly accessible website with information on early postsecondary  
9 education programs and research as well as hyperlinks to those programs and the  
10 research.