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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1339, L.D. 1902, Bill, “An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services”

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 20-A MRSA §2907, as amended by PL 1989, c. 700, Pt. A, §47, is further amended to read:

**§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;
- B. An established educational plan;
- C. A written curriculum with appropriate goals, objectives and instructional strategies;
- D. Specific instructional time commensurate with the educational activities planned;
- E. Facilities that comply with state health, safety and fire codes;
- 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;
- 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;

**COMMITTEE AMENDMENT**

- 1 H. Established written emergency and safety procedures, including periodic fire
- 2 drills whenever appropriate;
- 3 I. The unique up-to-date equipment necessary to the services provided;
- 4 J. A demonstrated commitment to work cooperatively with state public schools in an
- 5 effort to meet the specific aspiration needs of Maine students; and
- 6 K. Scholarship assistance to the State's youth.

7 If approved by the commissioner to provide a special education program, a nonprofit  
8 institution, not otherwise approved under this subchapter, may operate as an approved  
9 nontraditional limited purpose school if, in addition to meeting the other requirements of  
10 this subsection, it demonstrates compliance with all requirements of chapters 301, 303  
11 and 305 and applicable federal statutes and regulations prior to the enrollment of any  
12 special education student at public expense.

13 The commissioner shall ~~promulgate~~ adopt rules, pursuant to the ~~Maine Administrative~~  
14 ~~Procedure Act~~, Title 5, chapter 375, which shall must incorporate the requirements set  
15 forth in this subsection.

16 **2. Approval; report.** The commissioner shall base approval of a school under this  
17 section on the school's ability to meet the requirements set forth in subsection 1 and on an  
18 annual on-site review by the department. The institution may not operate as an approved  
19 school prior to approval by the commissioner. The school shall submit to the department  
20 an annual report on its activities and compliance with this section.

21 **3. Removal of basic approval.** Notwithstanding any other provision of law, the  
22 commissioner may remove approval from any nontraditional limited purpose school for  
23 failure to meet applicable approval requirements. Except as permitted under Title 5,  
24 section 10004, the commissioner shall give a school notice and opportunity for hearing  
25 before removing approval. The notice given and any hearing must conform to the  
26 requirements of Title 5, chapter 375, subchapter 4.

27 **4. Ineligible for state subsidy.** A school eligible for approval under this section  
28 ~~shall is~~ not be eligible for state subsidy.

29 **5. Credit.** High school credit for programs completed at a school approved under  
30 this section may be granted to students by the school in which they are enrolled full time.  
31 A school approved under this section may not award high school credit.

32 **6. Taxation.** Notwithstanding any other provision of law, the commissioner's  
33 approval of an institution as a nontraditional, limited purpose school ~~shall does~~ not alter  
34 that institution's current status for the purpose of state or local taxation.'

35 Amend the bill in section 2 in §4710 in subsection 1 in the 3rd line (page 2, line 25 in  
36 L.D.) by striking out the following: "prekindergarten" and inserting the following:  
37 "kindergarten"

38 Amend the bill by striking out all of sections 3 to 5.

39 Amend the bill in section 6 in the 2nd to 4th lines (page 3, lines 42 and 43 and page  
40 4, line 1 in L.D.) by striking out the following: "targeted assistance through federal Title  
41 I funds in order to become eligible for shared funding for the development of school-

1 wide" and inserting the following: 'schoolwide status with respect to federal Title I funds  
2 in order to be able to use the funds for funding for the development of schoolwide'

3 Amend the bill in section 6 in the 2nd line from the end (page 4, line 7 in L.D.) by  
4 striking out the following: "targeted assistance" and inserting the following: 'schoolwide  
5 status'

6 Amend the bill in section 7 in the 4th line from the end (page 4, line 20 in L.D.) by  
7 striking out the following: "January 15, 2019" and inserting the following: 'April 1,  
8 2019'

9 Amend the bill by striking out all of section 8.

10 Amend the bill by striking out all of sections 10 to 12 and inserting the following:

11 **'Sec. 10. Review of maintenance of effort allocation component.** The  
12 Department of Education shall review the maintenance of effort funding component of  
13 the essential programs and services funding formula to determine the purpose of the  
14 funding, whether it is accomplishing this purpose, why some school administrative units'  
15 expenditures are consistent with the funding formula allocation model and some are not  
16 and how to increase the equity of special education allocations across all school  
17 administrative units. The department shall invite input from state and local stakeholders  
18 and policy makers. The department shall report its findings and recommendations,  
19 including any statutory changes, to the joint standing committee of the Legislature having  
20 jurisdiction over education and cultural affairs not later than March 15, 2019. After  
21 review of the report, the committee may report out a bill related to increasing equity of  
22 special education allocations across all school administrative units.'

23 Amend the bill in section 13 in the last paragraph in the 3rd line from the end (page 6,  
24 line 25 in L.D.) by striking out the following: "January 15, 2019" and inserting the  
25 following: 'January 15, 2020'

26 Amend the bill in section 13 in the last paragraph in the last line (page 6, line 27 in  
27 L.D.) by striking out the following: "First" and inserting the following: 'Second'

28 Amend the bill by striking out all of section 14 and inserting in its place the  
29 following:

30 **'Sec. 14. Appropriations and allocations.** The following appropriations and  
31 allocations are made.

32 **EDUCATION, DEPARTMENT OF**

33 **Special Services Team Z080**

34 Initiative: Provides one-time funds for the pilot program to review and improve  
35 MaineCare billing systems and procedures as they relate to school administrative units'  
36 billing for medically necessary services.

37	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
38	All Other	\$0	\$150,000
39		_____	_____

1 GENERAL FUND TOTAL \$0 \$150,000

2 **Special Services Team Z080**

3 Initiative: Provides funds for one Public Service Coordinator position and 2 Education  
 4 Specialist III positions and related All Other costs to provide technical assistance,  
 5 administration and monitoring of the tiered system of support for response to intervention  
 6 systems.

7	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
8	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
9	Personal Services	\$0	\$265,542
10	All Other	\$0	\$19,593
11			
12	GENERAL FUND TOTAL	\$0	\$285,135

13 **EDUCATION, DEPARTMENT OF**  
 14 **DEPARTMENT TOTALS**

15		<b>2017-18</b>	<b>2018-19</b>
16	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$435,135</b>
17			
18	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$435,135</b>

19  
 20 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
 21 section number to read consecutively.

22 **SUMMARY**

23 This amendment, which is the majority report of the committee, narrows the focus of  
 24 the bill to the addition of response to intervention systems to ensure an all-encompassing,  
 25 tiered system of support for general and special education students; collaboration between  
 26 general education and special education, including a clarification that the Department of  
 27 Education is required to facilitate a process to help schools apply for schoolwide status  
 28 with respect to federal Title I funds; promotion of dual certification programs by the  
 29 Department of Education and the State Board of Education; recodification of the Maine  
 30 Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the  
 31 Office of Policy and Legal Analysis and the Office of the Revisor of Statutes; a review of  
 32 the purpose of the maintenance of effort component of the essential programs and  
 33 services funding formula and whether it is accomplishing this purpose and how to  
 34 increase equity among all school administrative units; and a review and improvement of  
 35 MaineCare billing systems and procedures through a pilot program through the  
 36 Department of Education in collaboration with the Department of Health and Human  
 37 Services. The amendment also adds 4 provisions to the statute regarding nontraditional  
 38 limited purpose schools that were part of Department of Education rule, Chapter 250,

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1 which has been repealed. The amendment also delays the reporting dates to ensure  
2 adequate time for review. The amendment also adds an appropriations and allocations  
3 section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**