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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1284, L.D. 1742, Bill, “An Act To Amend Education Laws”

Amend the bill in Part A by inserting after section 1 the following:

Sec. A-2. 20-A MRSA §6051, sub-§1, ¶H, as enacted by PL 2009, c. 571, Pt. E, §12, is amended to read:

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; ~~and~~

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as enacted by PL 2009, c. 571, Pt. E, §13, is amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; ~~and~~

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J is enacted to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004.'

Amend the bill in Part B in section 1 in subsection 4 in the 4th line (page 1, line 34 in L.D.) by striking out the following: "30" and inserting the following: '45'

Amend the bill in Part E in section 1 in subsection 9 in the last line (page 3, line 34 in L.D.) by inserting after the following: "expense." the following: '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.'

COMMITTEE AMENDMENT

1 Amend the bill in Part H in section 1 in §8101-A by striking out all of subsection 3
2 and inserting the following:

3 **3. Waivers.** Beginning with the 2012-2013 school year, a school administrative unit
4 that did not operate a gifted and talented program in the 2011-2012 school year may
5 apply to the commissioner for a one-year waiver of this requirement if full
6 implementation of this requirement presents an undue burden. The commissioner may
7 grant a school administrative unit a waiver upon receipt of an application from the school
8 administrative unit that includes the basis for the waiver request. Financial hardship is
9 one criterion the commissioner must consider in determining whether to grant a waiver.
10 The rules amended or adopted by the department under subsection 4 must establish
11 requirements applicable to the commissioner's authority to grant a one-year waiver to a
12 school administrative unit and must provide requirements for an extension of a one-year
13 waiver granted to a school administrative unit, including provisions that require that any
14 additional request for extensions must be submitted and reviewed on an annual basis.

15 **4. Rules.** The department shall amend or adopt routine technical rules as defined in
16 Title 5, chapter 375, subchapter 2-A establishing procedures and criteria for approval of
17 gifted and talented education programs under this chapter.'

18 Amend the bill by inserting after Part I the following:

19 **'PART J**

20 **Sec. J-1. 20-A MRSA §1511,** as amended by PL 2011, c. 171, §4, is further
21 amended to read:

22 **§1511. Supermajority vote to close school in the regional school unit**

23 A school operated within the regional school unit may not be closed for lack of need
24 unless closure of the school is approved at a regular or special meeting of the regional
25 school unit board by an affirmative vote of 2/3 of the elected membership or voting
26 power of those serving on the regional school unit board at the time of the vote. A
27 regional school unit must proceed in accordance with section 1512 for elementary schools
28 or for secondary schools if the regional school unit has more than one secondary school.
29 For regional school units with only one member municipality, section 1512 does not
30 apply and the regional school unit must proceed in accordance with section 4102,
31 subsection 4, paragraph B-1.'

32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
33 section number to read consecutively.

34 **SUMMARY**

35 This amendment is the minority report of the Joint Standing Committee on Education
36 and Cultural Affairs. The amendment makes the following changes to the bill.

37 1. It provides that the required annual audit of school administrative units must
38 include a determination of whether the school administrative unit has complied with
39 unexpended balances requirements established under the Maine Revised Statutes, Title
40 20-A, section 15004.

