

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 916 - L.D. 1420

**An Act to Strengthen Maine's Elementary and Secondary Education System
by Clarifying Purposes and Procedures for Reviews of Schools**

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

Sec. 1. 20-A MRSA §258-A, as amended by PL 1985, c. 142, §1, is further amended to read:

§258-A. Inspection of schools

1. Petition or request. The commissioner shall inspect a school or schools in a school administrative unit or a private school approved for tuition purposes that enrolls 60% or more publicly funded students and report the findings and recommendations to the appropriate school board, addressing the concerns of the petition in light of applicable school approval standards, when:

- A. Petitioned by 60% of the parents of the children of one school;
- B. Requested by the school board or superintendent of schools or, if regarding a private school approved for tuition purposes, the school board of the qualified sending school administrative unit; or
- C. Petitioned by 20% of the registered voters of the unit or qualified sending school administrative unit.

For the purposes of this subsection, "qualified sending school administrative unit" means a school administrative unit that contracts for school privileges under section 2701 for at least 20% of its resident students to attend the private school approved for tuition purposes that is the subject of the request or petition.

2. Periodic reviews. The commissioner shall periodically review all public schools and all private schools ~~which that~~ receive public funds; to determine their compliance with the applicable provisions of this Title and the Maine Human Rights Act.

3. Special reviews. The commissioner shall fulfill the monitoring functions required by any state or federal grants to school units or schools.

4. Private schools. The commissioner may, as a condition of approval, inspect any private school ~~which that~~ applies for approval status.

5. Comprehensive reviews. Beginning in the 2024-2025 school year and every 2 years thereafter, the commissioner shall conduct a comprehensive review of 5 schools, school administrative units or private schools approved for tuition purposes selected at random. If a school, school administrative unit or private school approved for tuition purposes is selected, and at the time of selection is within 2 years of an accreditation review by the New England Association of Schools and Colleges or its successor organization or has been through a comprehensive review under this subsection in the last 10 years, the commissioner shall randomly select a different school, school administrative unit or private school approved for tuition purposes in its place. For selected schools, school administrative units and private schools approved for tuition purposes:

A. The commissioner shall notify the school, school administrative unit or private school approved for tuition purposes no later than 14 days before the date the review is to take place;

B. On receipt of the notice described in paragraph A, the school, school administrative unit or private school approved for tuition purposes shall ensure that the physical site of the school or schools under review are available for inspection and make available to the commissioner documents related to:

(1) Basic school approval standards under this Title;

(2) Compliance with the Maine Human Rights Act;

(3) The statewide assessment program established under section 6202;

(4) Implementation of the system of learning results established in section 6209;
and

(5) Health and safety requirements; and

C. The commissioner shall provide a school, school administrative unit or private school approved for tuition purposes that is unable to demonstrate compliance with basic school approval standards or other requirements of this Title with a corrective action plan.

If the commissioner finds that a school, school administrative unit or private school approved for tuition purposes is not in compliance with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine Human Rights Commission.

Sec. 2. 20-A MRSA §4504, sub-§1, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

1. Implementation. The commissioner shall determine which schools and school units are in compliance with the basic school approval standards, in accordance with the procedures of the basic school approval rules and the provisions of this Title, and the Maine Human Rights Act.

If the commissioner finds that a school or school administrative unit is not in compliance with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine Human Rights Commission.