

## 126th MAINE LEGISLATURE

## **SECOND REGULAR SESSION-2014**

**Legislative Document** 

No. 1805

S.P. 720

In Senate, March 5, 2014

An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens

Reported by Senator MILLETT of Cumberland for the Department of Education pursuant to Resolve 2013, chapter 74, section 4.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

DAREK M. GRANT Secretary of the Senate

- 1 Be it enacted by the People of the State of Maine as follows:
- **Sec. 1. 20-A MRSA §6,** as enacted by PL 1989, c. 889, §2, is repealed.
- **Sec. 2. 20-A MRSA §254, sub-§7,** as enacted by PL 1983, c. 739, is repealed.
- Sec. 3. 20-A MRSA §254, sub-§§8 and 9, as amended by PL 1995, c. 625, Pt.
  A, §21, are repealed.
- Sec. 4. 20-A MRSA §254, sub-§10, as enacted by PL 1989, c. 889, §3, is repealed.
- 8 Sec. 5. 20-A MRSA §256, sub-§7, as enacted by PL 1989, c. 889, §5, is repealed.
- **Sec. 6. 20-A MRSA c. 11,** as amended, is repealed.

- Sec. 7. 20-A MRSA §4001, sub-§7, as amended by PL 1999, c. 81, §3, is further amended to read:
  - 7. Maintenance and capital improvement program. A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities, utilizing a maintenance template and software provided by the department and shall annually commit resources to that program pursuant to established minimum standards. The department and the Department of Administrative and Financial Services, Bureau of General Services shall establish the minimum standards. The Department of Education and the Bureau of General Services shall adopt rules necessary to implement this subsection. Rules adopted by the Department of Education and the Bureau of General Services to implement this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II A.
  - **Sec. 8. 20-A MRSA §4502, sub-§4-A,** as enacted by PL 1989, c. 889, §7, is amended to read:
    - **4-A. Affirmative action plan.** Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13, and plans for in-service training programs on gender equity for teachers, administrators and school boards, and a plan for meeting the 5 year goal established under section 254, subsection 9. The unit shall submit any update of the plan annually to the commissioner.
  - Sec. 9. 20-A MRSA §4709, sub-§3, as enacted by PL 1991, c. 292, §1, is repealed.
- **Sec. 10. 20-A MRSA §4801, sub-§1, ¶E,** as enacted by PL 1991, c. 622, Pt. DD, §2, is repealed.

1 2	<b>Sec. 11. 20-A MRSA §5802-A,</b> as enacted by PL 1989, c. 916, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.
3 4	<b>Sec. 12. 20-A MRSA §5807,</b> as enacted by PL 1981, c. 693, §§5 and 8, is repealed.
5 6	<b>Sec. 13. 20-A MRSA §6103, sub-§3-B,</b> as enacted by PL 2005, c. 519, Pt. I, §2, is repealed.
7	Sec. 14. 20-A MRSA §6209-A, as amended by PL 2007, c. 259, §6, is repealed.
8	Sec. 15. 20-A MRSA §13405, as enacted by PL 2005, c. 635, §5, is repealed.
9 10	<b>Sec. 16. 20-A MRSA §15681, sub-§2-A, ¶A,</b> as enacted by PL 2005, c. 635, §7, is repealed.
11 12	<b>Sec. 17. 20-A MRSA §15905, sub-§6,</b> as enacted by PL 1995, c. 632, §2, is amended to read:
13 14 15 16 17 18	<b>6. Facility maintenance plan required.</b> The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. The department shall provide technical assistance to school administrative units in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.
20 21	Sec. 18. 20-A MRSA §15918, as enacted by PL 1997, c. 787, §11, is repealed and the following enacted in its place:
22	§15918. Maintenance and capital improvement plan assistance
23 24	The department, within existing resources, shall support facility maintenance and capital planning training for school administrative units.
25 26 27 28 29 30 31 32	<b>Sec. 19. Department rules.</b> Rules adopted to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918, which are repealed by this Act, related to the establishment of a school facilities maintenance template and software and the delivery of technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities are void and have no effect. Notwithstanding any other provision of law, amendments to the rules to remove these provisions are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
33	SUMMARY
34 35 36	This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter 74, section 4. As required by the resolve, the Commissioner of Education submitted a report to the committee that included a list of

priority recommendations regarding unfunded or underfunded education mandates, regulatory burdens and other education requirements that the review committee established by the resolve recommended should be repealed or amended by the Legislature.

The bill makes the following changes to the Maine Revised Statutes, Title 20-A.

- 1. It repeals requirements related to the promotion of gender equity for women in public school administration, including provisions that require:
  - A. The joint standing committee of the Legislature having jurisdiction over educational matters to hold hearings every 2 years on the status of women in public school administration;
  - B. The Commissioner of Education to set a statewide target goal for the employment of women in positions requiring administrator certification; and
  - C. The Commissioner of Education to provide technical assistance to school administrative units and compile data to monitor the progress in attaining the goals established for gender equity for women in public school administration.
- 2. It repeals the requirement that the Commissioner of Education maintain a clearinghouse for information on development and deployment of nuclear weapons and industrial nuclear usage in the world.
- 3. It repeals the requirement that the Department of Education employ staff and make office space available to support school volunteer programs.
- 4. It removes provisions that require the Department of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a school facilities maintenance template and software and to provide technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities.
- 5. It repeals the requirement that the Department of Education report by January 15, 1992 on the status of national efforts to certify teachers of blind and visually impaired students to the joint standing committee of the Legislature having jurisdiction over education matters.
- 6. It repeals the provision that allowed a school administrative unit to reduce the number of days for the maintenance of schools by 5 days a year for school years 1991-1992 and 1992-1993.
- 7. It repeals the provisions that authorized the Department of Education to establish a pilot project for state wards who were in the custody of the Department of Health and Human Services in school year 1991-1992.
- 8. It repeals the provisions that allowed the cost of removing architectural barriers to be included in the maximum allowable tuition that public or private schools could charge for tuition students. These provisions applied to minor capital projects that received approval by the Department of Education before June 30, 1982.

1 2 3	9. It repeals the provision that required the Commissioner of Education to reimburse the amount of \$31 to any individual who paid \$55 for a renewal criminal history record check between September 17, 2005 and March 29, 2006.
4 5 6 7 8	10. It repeals the requirement that the Commissioner of Education provide an annual report to the joint standing committee of the Legislature having jurisdiction over education matters that validates the implementation status of each school administrative unit's comprehensive education plan, as well as reporting high school graduation rates and the numbers of students attending and persisting at the postsecondary education level.
9 10	11. It repeals the requirement that each school administrative unit establish a minimum salary of \$27,000 for certified teachers for the 2006-2007 school year.
11 12 13 14	The bill also provides that following the effective date of this legislation and until the Department of Education files proposed amendments to rules, rules adopted by the department to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918 are void.
15	FISCAL NOTE REQUIRED
16	(See attached)