



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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H.P. 1289

House of Representatives, March 4, 2014

### **An Act Expanding 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. (GOVERNOR'S BILL)  
Cosponsored by Senator LANGLEY of Hancock and  
Representatives: DAUGHTRY of Brunswick, HUBBELL of Bar Harbor, JOHNSON of  
Greenville, KORNFELD of Bangor, MAKER of Calais, McCLELLAN of Raymond,  
RANKIN of Hiram.

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

2 **Sec. 1. 20-A MRSA §4771**, as amended by PL 2007, c. 240, Pt. VVV, §1, is  
3 repealed and the following enacted in its place:

4 **§4771. Definitions**

5 As used in this chapter, unless the context otherwise indicates, the following terms  
6 have the following meanings.

7 **1. Eligible institution.** "Eligible institution" means institutions of the University of  
8 Maine System, the Maine Community College System and the Maine Maritime  
9 Academy.

10 **2. Secondary school student.** "Secondary school student" means a student who is a  
11 Maine resident and is:

12 A. Enrolled in a public secondary school;

13 B. Enrolled in an adult education program as defined in section 8601-A, subsection  
14 1;

15 C. Participating in an approved home instruction program pursuant to section  
16 5001-A, subsection 3, paragraph A, subparagraph (4); or

17 D. Enrolled in a private school approved for the receipt of public funds pursuant to  
18 section 2951.

19 **3. Semester.** "Semester" means the fall, spring or summer term of an academic year.

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21 repealed.

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23 repealed.

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

25 **§4772-B. Postsecondary courses; student eligibility**

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

29 A. Is enrolled in grade 11 or higher in the student's school; or

30 B. Maintains a minimum secondary school grade point average of at least 3.0 on a  
31 scale of 4.0, or the equivalent of a "B" average, as determined by the school, unless  
32 the student has been granted a waiver by the eligible institution.

1           **2. Postsecondary courses.** A student that meets the criteria pursuant to subsection 1  
2 may be eligible to receive state subsidy for postsecondary courses as specified in section  
3 4775 as long as:

4           A. The eligible institution has space available for the secondary school student and  
5 not more than 1/3 of the students in a course are secondary school students;

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

8           C. The school administration approves;

9           D. The student's parent approves; and

10           E. The student has received a recommendation to take a postsecondary course or  
11 courses at an eligible institution from the student's school administration or one of the  
12 student's secondary school teachers following an assessment of the student by the  
13 school administration.

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

16           **§4774. Credits**

17           **1. High school credit.** A school ~~administrative unit~~ administration may grant  
18 academic credit toward a high school diploma to a student who successfully completes a  
19 course, including an online course, under this chapter. Prior to the student's enrollment in  
20 the course, the school administration shall inform the student of the extent to which credit  
21 will be awarded toward the high school diploma upon successful completion of the  
22 course.

23           **2. Postsecondary credit.** The eligible institution shall grant full credit to any  
24 student who successfully completes a course, including an online course, at the eligible  
25 institution under this chapter. The course must apply to graduation requirements at the  
26 eligible institution in which it was taken or be transferable to another eligible institution  
27 on an equal basis with a course taken by any other student at the eligible institution.

28           **§4775. Payment; appropriations**

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

1 **Sec. 6. 20-A MRSA §4776**, as enacted by PL 2007, c. 240, Pt. VVV, §2, is  
2 amended to read:

3 **§4776. Distribution of available funding**

4 Not more than ~~10%~~ 5% of the total funding available to the department for  
5 postsecondary education, either through a direct appropriation for postsecondary  
6 education under this chapter or as part of the ongoing funds included in the appropriation  
7 for general purpose aid for local schools, may be used for secondary students to take a  
8 postsecondary course during the summer term.

9 **Sec. 7. 20-A MRSA §8406** is enacted to read:

10 **§8406. Academic skills testing**

11 Assessment tests to determine college-level academic skills must be administered at  
12 an approved site. A career and technical education center shall provide an approved site  
13 for the test.

14 **Sec. 8. 20-A MRSA §13024, sub-§1, ¶C**, as amended by PL 2005, c. 662, Pt. A,  
15 §38, is further amended to read:

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

18 **Sec. 9. 20-A MRSA §13024, sub-§1, ¶D**, as repealed and replaced by PL 2005,  
19 c. 662, Pt. A, §39, is amended to read:

20 D. Personnel for whom certification or authorization is not required prior to being  
21 hired or being placed under contract by a public school or an intermediate educational  
22 unit; ~~and~~

23 **Sec. 10. 20-A MRSA §13024, sub-§1, ¶F** is enacted to read:

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

26 **Sec. 11. Department of Education directed to establish publicly accessible**  
27 **website on early postsecondary education programs.** The Department of  
28 Education shall establish and maintain a single publicly accessible website that includes  
29 information on early postsecondary education programs and research regarding those  
30 programs as well as hyperlinks to those programs and the research.

31 **SUMMARY**

32 This bill makes the following changes to the laws regarding early postsecondary  
33 education programs:

34 1. It clarifies that adult education students, home school students and students from  
35 private schools are eligible for state subsidy for postsecondary courses as long as those

1 students are Maine residents. It also clarifies that a student who is a Maine resident may  
2 be eligible if the parents, school administration and postsecondary institution approve;

3 2. It includes online courses in the courses that are eligible for academic credit and  
4 for which a postsecondary institution must grant full credit to a student who successfully  
5 completes the course;

6 3. It requires a school administration to inform a student enrolled in a postsecondary  
7 course of the extent to which high school credit will be granted toward graduation  
8 requirements for successful completion of the course;

9 4. It limits the number of secondary school students enrolled in a postsecondary  
10 course to no more than 1/3 of the total number of students enrolled in the course;

11 5. It requires the Department of Education to pay 50% of tuition for eligible students  
12 for up to 6 credit hours per semester, up to a maximum of 12 credit hours for the  
13 academic year, rather than only the first 3 credit hours taken each semester as in current  
14 law;

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

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

20 The bill also requires the Department of Education to establish and maintain a single  
21 publicly accessible website with information on early postsecondary education programs  
22 and research as well as hyperlinks to those programs and the research.