

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**Resolve**  
**124th Legislature**  
**First Regular Session**

---

**Chapter 142**  
**H.P. 69 - L.D. 79**

**Resolve, Regarding Legislative Review of Portions of Chapter 61:  
State Board of Education Rules for Major Capital School Construction  
Projects, a Major Substantive Rule of the Department of Education**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Adoption. Resolved:** That final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, but only if the rule is amended as follows:

1. In Section 1, subsection 34, the definition of "One Campus" is amended by striking out the reference to a physical or virtual presence and specifying that the term "One Campus" refers to a campus that contains the elements of an integrated, consolidated 9-16 educational facility promoting the development of a design where all facilities are located on one site and provide a streamlined and integrated learning experience for students of all ages.

2. Section 15, subsection 1 is amended to clearly specify that:

A. The regional high school, the career and technical education center, the higher education center and the industry training center, the 4 components of the one campus, must each have a physical presence on the campus and use facilities on that campus to deliver courses;

B. Each of the 4 components must offer teacher and student interaction that is not separated in space or space and time as characterizes distance learning. The Internet, videoconferencing and other technology employed in distance learning may be used to complement or expand offerings; and

C. Courses may be provided using the Internet, videoconferencing and other technology employed in distance learning to complement real-time, shared-space learning.

3. Section 15, subsection 2, paragraph C, subparagraph 4 is amended by removing the following: "Where will these courses be offered? On same campus? Virtually? At another site?"

4. Section 15, subsection 2, paragraph C, subparagraph 4 is also amended to remove language that indicates ratings must be based, in part, on a listing of courses and programs to be offered by a higher education unit and instead include language that indicates that ratings must be based, in part, on a list of strategies and approaches to be used to ensure that the higher education courses and programs are offered in facilities located on one site, providing a streamlined and integrated learning experience for students of all ages.

The State Board of Education is not required to hold further hearings or conduct other formal proceedings prior to final adoption of the rule as amended in accordance with this resolve; and be it further

**Sec. 2 Emergency rule invalid. Resolved:** That the emergency rule adopted by the State Board of Education on September 15, 2008 for the purpose of expediently selecting a qualified applicant to implement the innovative model does not reflect the intent of Resolve 2007, chapter 223 and does not have legal effect.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.