

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
H.P. 478 - L.D. 651

**An Act To Stabilize Student Count in Maine's School Funding Formula**

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

**Sec. 1. 20-A MRSA §15674, sub-§1, ¶B,** as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8; ~~and~~

**Sec. 2. 20-A MRSA §15674, sub-§1, ¶C,** as amended by PL 2017, c. 284, Pt. C, §29, is further amended to read:

C. Beginning in fiscal year 2018-19 ~~and until fiscal year 2022-23:~~

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; ~~and~~

**Sec. 3. 20-A MRSA §15674, sub-§1, ¶D** is enacted to read:

D. Beginning in fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with 5104-A, except that if a school administrative unit experiences a decline in total school administrative unit student enrollment of 10% or more in the most recent year, the pupil counts for October 1st of the 3 most recent calendar years prior to the year of funding must be used unless that count is less than the average of the October 1st pupil counts of the 2 most recent calendar years.

**Sec. 4. 20-A MRSA §15674, sub-§2,** as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**2. Exception.** Notwithstanding subsection 1, paragraph C, the pupil count identified in subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable,~~ must be used for:

A. Elementary school level and middle school level students for school administrative units that send all their elementary school level and middle school level students as tuition students to schools elsewhere in the State;

B. High school level students for school administrative units that send all their high school level students as tuition students to schools elsewhere in the State; and

C. School level students for school administrative units that send all their school level students to schools elsewhere in the State.

**Sec. 5. 20-A MRSA §15675, first ¶**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

For the purpose of calculating the total operating allocation under this chapter pursuant to section 15683, the following additional weights must be added to the per-pupil count calculated under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable.

**Sec. 6. 20-A MRSA §15678, sub-§3**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**3. Number of teaching positions required.** The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable, the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.

**Sec. 7. 20-A MRSA §15679, sub-§3**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**3. Number of staff positions required.** The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable, the number of staff positions that are required in order to achieve the student-to-staff ratios set forth in subsection 2.

**Sec. 8. 20-A MRSA §15679, sub-§5**, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

**5. Salary costs for substitute teachers.** The commissioner shall calculate the additional salary costs for substitute teachers for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable. In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of a substitute teacher for 1/2 day.

**Sec. 9. 20-A MRSA §15683, sub-§1, ¶A**, as amended by PL 2019, c. 398, §33, is further amended by amending subparagraph (1) to read:

(1) The pupil count set forth in section 15674, subsection 1, paragraph C or D, whichever is applicable;