

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 20-A MRSA §5806, sub-§2, as amended by PL 1987, c. 463, is further amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school ~~shall be~~ is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor ~~shall be~~ is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year ~~beginning with the 1988-89 school year.~~ Beginning with the 2009-2010 school year, a school administrative unit is not required to pay an insured value factor greater than 7% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

~~For the 1988-89 school year only the state share of the increase in the insured value factor shall be paid in the year of allocation.~~

Sec. 2. 20-A MRSA §15672, sub-§2-A, ¶A-1 is enacted to read:

A-1. Principal and interest costs for approved major capital projects in the allocation year, including the initial local share of school construction projects that received voter approval for all or part of their funding in referendum beginning in fiscal year 2009-10 and subsequent fiscal years;

Sec. 3. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2007, c. 240, Pt. C, §3, is further amended to read:

B. The school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2 multiplied by the following transition percentages:

- (1) In fiscal year 2005-06, 84%;
- (2) In fiscal year 2006-07, 84%;
- (3) In fiscal year 2007-08, 84%; and
- (4) In fiscal year 2008-09 and succeeding years, ~~100%~~50%.

Sec. 4. 20-A MRS §15907, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Payment of local share. A school administrative unit shall pay the local share of ~~their~~its project costs. For school construction projects that receive final funding approval from the state board after January 1, 2009, the annual local share of a school administrative unit's project costs is an amount equal to the total of 1/2 mill multiplied by the property fiscal capacity of the school administrative unit for each year of the school administrative unit's debt retirement schedule.

Sec. 5. Rules. Not later than December 31, 2008, the State Board of Education shall file provisionally adopted major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A that adopt or amend rules pertaining to the approval of school construction projects pursuant to the Maine Revised Statutes, Title 20-A, section 15907, subsection 2.

Sec. 6. Review of limited English proficiency cost component. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15686-A, subsection 2, the Commissioner of Education shall conduct a fiscal and program review of the costs reported by school administrative units that receive a portion of their total operating allocation for limited English proficiency students. The purpose of this review is to develop clear and transparent procedures for collecting and reporting valid and reliable data on the costs of providing services to limited English proficiency students through programs approved by the Department of Education pursuant to Title 20-A, section 15675, subsection 1. Funding for this review must be included in the contract for updating essential programs and services components pursuant to Title 20-A, section 15689-A, subsection 3.

Sec. 7. Report. No later than January 31, 2009 the Commissioner of Education shall submit a report that includes findings and recommendations, including any necessary suggested legislation to implement clear and transparent procedures for collecting and reporting valid and reliable data on the costs of providing services to limited English proficiency students, for presentation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.'

SUMMARY

This amendment is one of the minority reports of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the concept draft to accomplish the following.

1. Under current law, school administrative units that send secondary students to private schools pay the maximum allowable tuition rate for secondary school students plus a so-called "insured value factor." The amendment establishes that, beginning with the 2009-2010 school year, the insured value factor for school administrative units that send students to a private school is 7%. It also permits the legislative body of the sending school administrative unit to authorize its school board to pay an insured value factor that is greater than 7% but less than or equal to 10%.

2. Current law provides that, beginning in fiscal year 2008-09 and succeeding years, a school administrative unit that is a so-called "minimum receiver" of state subsidy is guaranteed a minimum of 5% of the school administrative unit's total allocation or 100% of the school administrative unit's special education costs, whichever amount is greater. The amendment provides that, beginning in fiscal

year 2008-09 and succeeding years, the percentage of special education costs that may be allocated to a minimum receiver of state subsidy is 50%.

3. For school construction projects that receive final funding approval from the State Board of Education after January 1, 2009, the amendment establishes that a school administrative unit must contribute 1/2 mill multiplied by the property fiscal capacity of the school administrative unit as the local share contribution towards the debt service costs of the school construction project. It also directs the State Board of Education to amend or adopt its rules to implement this local share requirement.

4. It requires the Commissioner of Education to conduct a fiscal and program review of the costs reported by school administrative units that receive a portion of their total operating allocation for limited English proficiency students. The commissioner shall report the findings and recommendations from the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 31, 2009.

FISCAL NOTE REQUIRED
(See attached)