



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

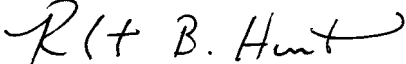
No. 1389

H.P. 911

House of Representatives, April 1, 2025

An Act to Create the Building Opportunity Through Out-of-school Time Program

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative CLOUTIER of Lewiston.
Cosponsored by President DAUGHTRY of Cumberland and
Representatives: MOONEN of Portland, MURPHY of Scarborough, SHAGOURY of
Hallowell, STOVER of Boothbay, ZAGER of Portland, Senators: LIBBY of Cumberland,
MOORE of Washington, ROTUNDO of Androscoggin.

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

2 **Sec. 1. 22 MRSA c. 1083** is enacted to read:

3 **CHAPTER 1083**

4 **OUT-OF-SCHOOL PROGRAM**

5 **§4100-A. Definitions**

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

8 **1. At-risk school-age youth.** "At-risk school-age youth" means a school-age youth
9 who is at risk of educational failure because of limited English proficiency, community
10 factors, academic difficulties or economic disadvantage.

11 **2. Community-based nonprofit organization.** "Community-based nonprofit
12 organization" means a qualified nonprofit organization incorporated under federal law or
13 under the laws of this State and subject to the provisions of Title 13, chapter 81 or the
14 Maine Nonprofit Corporation Act that provides out-of-school programming to school-age
15 youth. "Community-based nonprofit organization" includes the following entities:

16 A. A community-based nonprofit organization that is not a member of a statewide
17 youth-serving nonprofit organization;

18 B. A statewide youth-serving nonprofit organization; and

19 C. A coalition of at least 3 nonprofit organizations that provide youth services in a
20 specific geographic region.

21 **3. Eligible provider.** "Eligible provider" means a community-based nonprofit
22 organization, a library or a statewide youth-serving nonprofit organization.

23 **4. Out-of-school programming.** "Out-of-school programming" means structured
24 programs or activities with engaged adults, mentors and evidence-based or evidence-
25 informed outcomes provided to school-age youth before school, after school or during the
26 summer and relating to one of more of the following:

27 A. Improving social, emotional, academic or vocational competencies;

28 B. Preventing teenage pregnancies;

29 C. Reducing negative behaviors, such as violence and crime; tobacco, alcohol and other
30 substance use; disengagement from school; behaviors leading to school suspension;
31 truancy; and other health-compromising behaviors;

32 D. Providing a safe out-of-school environment;

33 E. Engaging in career exploration or formal or informal apprenticeships; and

34 F. Any other programming approved by the department.

35 **5. Program.** "Program" means the Building Opportunity Through Out-of-school Time
36 Program.

1 **6. School-age youth.** "School-age youth" means a child 5 to 13 years of age and
2 attending a kindergarten, elementary school or secondary school at which the compulsory
3 attendance requirements of the State can be met pursuant to Title 20-A, section 5001-A.

4 **7. Statewide youth-serving nonprofit organization.** "Statewide youth-serving
5 nonprofit organization" means a statewide, qualified nonprofit organization incorporated
6 under federal law or under the laws of this State and subject to the provisions of Title 13,
7 chapter 81 or the Maine Nonprofit Corporation Act that serves community-based nonprofit
8 organizations and supports facility-based out-of-school programming designed for
9 recreational, educational and character-building purposes for school-age youth.

10 **§4100-B. Building Opportunity Through Out-of-school Time Program**

11 The Building Opportunity Through Out-of-school Time Program is established in the
12 department as a competitive grant program to expand out-of-school programming by
13 increasing or enhancing current programming, reducing barriers for access to out-of-school
14 programming and creating new programming.

15 **1. Building Opportunity Through Out-of-school Time Program Fund.** The
16 Building Opportunity Through Out-of-school Time Program Fund is established as a
17 nonlapsing fund to provide funding to achieve the purposes of the program. The fund
18 consists of any funds received from private and public sources. The fund must be held
19 separate from all other money, funds and accounts. Any balance remaining in the fund at
20 the end of any fiscal year must be carried forward to the next fiscal year.

21 **2. Duties of the department.** The department shall:

22 A. Establish by rule the process through which eligible providers may apply for
23 program grants, the criteria used to make program grant award determinations and the
24 allowable program grant award uses;

25 B. Enter into agreements with 3rd-party entities, including intermediate units, to carry
26 out the provisions of this chapter;

27 C. Establish guidelines and standards necessary to implement the provisions of this
28 chapter;

29 D. Publish the process, criteria and uses of program grant funds on its publicly
30 accessible website;

31 E. Annually publish the program grant awards organized by grantee, on its publicly
32 accessible website;

33 F. Ensure program grant agreements allow individuals receiving services pursuant to
34 program grant awards to remain eligible for funds under section 1053-B;

35 G. Leverage federal funding opportunities to the extent practicable to fund the grant
36 program; and

37 H. Perform other functions necessary to carry out the provisions of this chapter,
38 including monitoring grantees.

39 **3. Rules.** The department shall adopt rules to implement the program. The rules must
40 include grantee eligibility requirements, grant application and award procedures and grant
41 funding limits. Rules adopted pursuant to this subsection are routine technical rules as
42 defined in Title 5, chapter 375, subchapter 2-A.

1 **§4100-C. Building Opportunity Through Out-of-school Time Program grant awards**

2 This section governs grant awards under the program.

3 **1. Grant awards.** By December 1, 2026, the department shall award grants to the
4 extent that funds are appropriated or allocated to the Building Opportunity Through Out-
5 of-school Time Program Fund under section 4100-B, subsection 1. A program grant award
6 may not exceed a grantee's total cost of operating its out-of-school programming.

7 **2. Subgrants.** Statewide youth-serving nonprofit organizations that are awarded
8 program grant funds may award subgrants to member and partner nonprofit organizations.
9 Statewide youth-serving nonprofit organizations are responsible for the performance of all
10 subgrantees for the duration of the grant award's project period, including ensuring
11 compliance with all program and fiscal reporting, monitoring and other requirements.
12 Organizations that receive subgrants are ineligible to receive program grant awards as
13 direct grantees.

14 **3. Funding priorities.** To the greatest extent practicable, in making program grant
15 award determinations, the department shall give priority to eligible providers that:

16 A. Are currently in operation and have an established history of receiving government
17 funding, have demonstrated the ability to meet necessary program compliance
18 requirements and have satisfactorily implemented previous programs;

19 B. Demonstrate a commitment to reducing barriers to access, including transportation
20 costs and enrollment costs, for and serving at-risk school-age youth, students
21 experiencing homelessness, youth in foster care and students with disabilities;

22 C. Demonstrate a commitment to serving and increasing access for historically
23 underrepresented and underserved school-age youth;

24 D. Offer weekly out-of-school programming;

25 E. Develop and maintain community coordination and partnerships;

26 F. Engage the target population and other stakeholders in the development and
27 implementation of out-of-school programming;

28 G. Use program grant funds to supplement, rather than supplant, existing resources;

29 H. Integrate trauma-informed approaches into the program curriculum and the
30 professional development curriculum of personnel who have regular contact with
31 school-age youth; or

32 I. Represent a variety of geographic regions throughout the State.

33 **4. Grantee requirements.** The department shall require that a grantee of a program
34 grant award:

35 A. Maintain a separate financial accounting in the grantee's budget to facilitate
36 monitoring and auditing of the use of program funds;

37 B. Cap administrative costs associated with the implementation of the program grant
38 to 10% of the total award; and

39 C. Commit to nondiscrimination against individuals or groups by reason of race, color,
40 familial status, religion, ancestry, age, sex, sexual orientation, gender identity or
41 expression, national origin, disability, the use of guide or support animals because of

1 blindness or deafness or physical disability of the user or because the user is a handler
2 or trainer of guide animals.

3 **§4100-D. Reporting requirements**

4 **1. Reporting.** No later than February 1, 2027 and each February 1st thereafter in which
5 funding is appropriated or allocated for the purpose of providing program grant awards to
6 eligible providers under this chapter, the department shall submit a report to the joint
7 standing committee of the Legislature having jurisdiction over health and human services
8 matters summarizing the operation of the program for the immediately preceding fiscal
9 year. The report must include:

10 A. The criteria used to determine the eligibility of applicants for funding under the
11 program;

12 B. The criteria used to select eligible providers for program grant awards and determine
13 the program grant amount;

14 C. A summary of the process used by eligible applicants to apply for program grant
15 funds, including sample copies of all application forms, instructions and guidelines and
16 all deadlines;

17 D. A summary of the total amount of grant funds paid to grantees;

18 E. A summary of the allowable uses of grant funds under the program;

19 F. A listing by county of each eligible provider that submitted a grant application and
20 an indication of whether the provider received funding and in what amount; and

21 G. For each grantee, the following information:

22 (1) The grantee's name;

23 (2) The grantee's address;

24 (3) The number of school-age youth served through the program by grade level;

25 (4) The number of at-risk school-age youth served through the program by grade
26 level;

27 (5) The uses of program funds;

28 (6) To the extent possible, a financial summary indicating the total expenditures
29 on out-of-school programming of the grantee and indicating as components of
30 those expenditures the total revenues received from the State under the program
31 and the total revenues received from families with school-age youth enrolled in
32 out-of-school programming; and

33 (7) The enrollment goals as set forth in the program grant application.

34 **2. Report out legislation.** The joint standing committee of the Legislature having
35 jurisdiction over health and human services matters may report out legislation relating to
36 the annual report under subsection 1 in the year in which the report is presented to the
37 committee.

38 **Sec. 2. Appropriations and allocations.** The following appropriations and
39 allocations are made.

40 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

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Building Opportunity Through Out-of-school Time Program N966

Initiative: Provides one-time funding to the Building Opportunity Through Out-of-school Time Program to provide grants to community-based nonprofit organizations to increase access to out-of-school programming for school-age youth 5 to 13 years of age.

GENERAL FUND	2025-26	2026-27
All Other	\$0	\$5,000,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,000,000</u>

SUMMARY

This bill establishes the Building Opportunity Through Out-of-school Time Program within the Department of Health and Human Services as a competitive grant program to expand out-of-school programming opportunities for school-age youth by increasing or enhancing current programming, reducing barriers for access to out-of-school programming and creating new programming. It directs the department to issue by December 1, 2026 program grant awards to eligible community nonprofit organizations or libraries and monitor grantee performance and, no later than February 1, 2027 and annually thereafter, submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters summarizing the operation of the program for the immediately preceding fiscal year. The bill appropriates \$5,000,000 from the General Fund to the department for the 2026-27 fiscal year to carry out the requirements of the program.