

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 the title and substituting the following:

**'An Act To Establish a Process for the Implementation of Universal
Voluntary Public Preschool Programs for Children 4 Years of Age'**

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

'Sec. 1. 20-A MRSA §405, sub-§3, ¶T, as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results; established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 1983, c. 859, Pt. K, §§3 and 7, is further amended to read:

8. Operate public preschool programs, kindergarten and grades one to 12. They shall either operate programs in kindergarten and grades ~~one~~ to 12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate funding, they may operate public preschool programs or may provide for students to participate in such programs in accordance with the requirements of this Title. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but any public preschool program a school board operates or provides for students to participate in must comply with the requirements of this Title. They shall determine which students shall attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

Sec. 3. 20-A MRSA c. 203, sub-c. 3 is enacted to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§ 4271. State funding for public preschool programs

1. State funding. To the extent the State provides adequate funding, school administrative units may operate public preschool programs or may provide for students to participate in such programs in accordance with the requirements of this Title. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but any public preschool program must comply with the requirements of this Title.

2. Allowable costs. Beginning with the 2015-2016 school year and for each subsequent school year, the State shall provide grant funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter. The grant funds provided for the allowable costs of operating public preschool programs must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to section 15689. The amount of the adjustment for operating public preschool programs that is added to the state share of the total allocation under this subchapter may not be included in the calculation of the local share amount of the qualified school administrative unit.

3. Targeted funds for public preschool program students. Beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this section, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to section 15681, subsection 4.

4. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner shall provide grant funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs may be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, and may include revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino table games pursuant to section 15671, subsection 5-A.

5. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program that meets standards and best practices for public preschool programs and demonstrates coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 4 years of age in accordance with this subchapter and rules adopted by the commissioner.

A. In awarding grants under this section for the 2015-2016, 2016-2017 and 2017-2018 school years, the commissioner shall give priority to a qualified school administrative unit that has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following provisions:

(1) The first priority must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and

(2) The 2nd priority must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

B. Beginning with the 2018-2019 school year, the commissioner shall award grant funds under this section to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Application for federal public preschool funds. The department may apply for assistance from the Federal Government for the development of public preschool programs for children 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide any federal funds received to qualified school administrative units as part of the grant funding provided for the development and operation of public preschool programs under this section.

Sec. 4. 20-A MRSA §4501, as amended by PL 2007, c. 141, §6, is further amended to read:

§ 4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. ~~School units that choose to~~ To the extent the State provides adequate funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program ~~must meet, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to provide adequate funding so that public preschool programs for children 4 years of age may be offered by all school administrative units by the 2018-2019 school year and to ensure that adequate funding is provided for the operation of public preschool programs for children 4 years of age during each subsequent school year. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but every public preschool program must comply with the requirements of this Title.~~

1. Assessment. The commissioner shall by rule establish a uniform common statewide assessment program for kindergarten, which must be used by all school administrative units in addition to other quality assessments school administrative units determine to be necessary beginning with the 2016-2017 school year. The assessments must be designed to measure student comprehension of

academic content and mastery of related skills and cover such areas as physical health and motor development; social and emotional development; learning styles; language and literacy; and general cognition. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Grant funds. During the 2015-2016 to 2017-2018 transition period to develop public preschool programs for children 4 years of age by the 2018-2019 school year in accordance with this section, the department, if funds are available, shall award grants pursuant to section 4271 to each qualified school administrative unit equal to the school administrative unit's allowable costs to implement the approved plan to develop and operate a new or expanded public preschool program. Grant funds must be used to fund the allowable costs of the implementation plan not otherwise subsidized by the State, and, during each subsequent school year following the 2018-2019 school year, grant funds must be used to fund the allowable costs of operating public preschool programs not otherwise subsidized by the State.

Sec. 5. 20-A MRSA §4502, sub-§9, as enacted by PL 2007, c. 141, §11, is amended to read:

9. Public preschool programs for children 4 years of age. Any~~Any~~To the extent the State provides adequate funding for a public preschool program for children 4 years of age, a school administrative unit that wishes todoes not have a public preschool program for children 4 years of age may develop an early childhood program a public preschool program implementation plan for children 4 years of age must submit a proposal for submission to and approval to~~by~~the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

- A. Demonstrated coordination with other early childhood programs in the community to maximize resources;
- B. Consideration of the extended child care needs of working parents; and
- C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

Beginning with the 2015-2016 school year, the commissioner shall provide grants as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as permitted under this subsection.

Sec. 6. 20-A MRSA §15671, sub-§5-A, as enacted by PL 2013, c. 368, Pt. C, §5, is amended to read:

5-A. Funds from casino slot machines or table games. Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed until the end of fiscal year 2014-15 as general purpose aid for local schools, and each school administrative unit shall make its own determination as to how to allocate these resources. Beginning in fiscal year 2015-16, any additional revenues that exceed the amount of revenues allocated during the previous fiscal year may be distributed by the department to fund approved public preschool programs for children 4 years of age

in accordance with chapter 203, subchapter 3. Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

Sec. 7. 20-A MRSA §15689, sub-§14 is enacted to read:

14. Adjustment for new or expanded public preschool programs for children 4 years of age. Beginning in fiscal year 2015-16 and in each subsequent year, the commissioner may increase the state share of the total allocation to a qualifying school administrative unit to fund the allowable costs to operate a public preschool program for children 4 years of age pursuant to chapter 203, subchapter 3 in accordance with section 4502, subsection 9. The amount of the adjustment for operating public preschool programs for children 4 years of age that is added to the state share of the total allocation under this subsection may not be included in the calculation of the local share amount of the qualified school administrative unit. A school administrative unit that receives an adjustment to the state share of the total allocation under this subsection may not use those funds for purposes other than for the operation of a public preschool program for children 4 years of age.

Sec. 8. 20-A MRSA §15689-F, sub-§3, as enacted by PL 2013, c. 368, Pt. C, §20, is amended to read:

3. Casino revenues. If the annual funding for public education ~~from~~for children in public preschool programs and for children in kindergarten and grades one to ~~grade~~ 12 is supported by casino revenues credited to the department pursuant to Title 8, section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools, General Fund account to the K-12 Essential Programs and Services, Other Special Revenue Funds account to meet financial obligations and for purposes of cash flow.

Sec. 9. Implementation of universal availability of public preschool programs for children 4 years of age; rules. Prior to beginning the process of adopting rules pursuant to the Maine Revised Statutes, Title 20-A, section 4271, subsection 5 related to the Department of Education's recommended standards and best practices for public preschool programs for children 4 years of age, the Commissioner of Education shall invite stakeholders to provide their feedback and perspectives on the department's recommendations for school administrative units to phase in their implementation plans for the universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year and the department's current partnership with other states and research partners in a consortium to establish a state-of-the-art system for assessing young children's learning from kindergarten entry to grade 3.

1. Members. The commissioner shall invite the involvement of at least the following persons to participate in the department's planning and research initiatives as members of the stakeholder group:

A. A senior policy analyst with the Maine Children's Alliance;

- B. A youth development coordinator with the University of Southern Maine, Edmund S. Muskie School of Public Service, Maine Roads to Quality;
- C. A representative of a private early childhood education program;
- D. A private provider of an early childhood program;
- E. A state-level Head Start collaboration coordinator;
- F. A director of a Head Start program;
- G. An early literacy provider from the staff of a Head Start regional program;
- H. A case manager from a regional site of the Child Development Services System;
- I. Two public prekindergarten teachers;
- J. A family literacy provider;
- K. A superintendent of schools;
- L. An elementary school principal;
- M. The executive director of the Maine Administrators of Services for Children with Disabilities;
- N. The early childhood consultant in the Department of Education;
- O. A community collaboration coach for public preschool programs in the Department of Education;
- P. The state director of the Child Development Services System in the Department of Education;
- Q. The literacy specialist in the Department of Education;
- R. The federal liaison in the Department of Education;
- S. The child care consultant in the Department of Health and Human Services; and
- T. The state grants compliance coordinator in the Department of Health and Human Services.

2. Report. The commissioner shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014 containing a summary of the work of the consortium partners and stakeholders, as well as an outline of the rules proposed by the department so that the universal availability of public preschool programs for children 4 years of age may be offered by the 2018-2019 school year.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

PK-20, Adult Education and Federal Programs Team Z081

Initiative: Provides funds for 80% of one Early Childhood Coordinator position and related All Other costs beginning in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$64,877
All Other	\$0	\$5,000
GENERAL FUND TOTAL	\$0	\$69,877

SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the bill to provide that the implementation of universal voluntary public preschool programs by the 2018-2019 school year is subject to the extent that the State provides school administrative units with adequate funding to operate public preschool programs or provide for students to participate in such programs. The amendment makes the following changes to the bill.

1. It strikes the term "prekindergarten" and inserts in its place the term "public preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 23-A as a program offered by a public school that provides instruction to children who are 4 years of age.

2. It strikes the provisions in the bill that propose to change the compulsory age for school attendance from 7 years of age to 5 years of age.

3. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to:

A. Provide that school boards may also operate or otherwise provide for the availability of public preschool programs for children 4 years of age to the extent that the State provides adequate funding to operate public preschool programs; and

B. Clarify that a school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs.

4. It strikes the provision in the bill that proposes to appropriate money from the General Fund for awarding grants to school administrative units beginning in the 2014-2015 school year to implement and expand prekindergarten programs. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, which may include revenues distributed from general purpose aid for local schools that the Department of Education receives from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A.

5. It establishes the goal that the State provide adequate funding so that public preschool programs for children 4 years of age may be offered by all school administrative units by the 2018-2019 school year and promote the provision of adequate funding for the operation of public preschool programs for children 4 years of age by all school administrative units during each subsequent school year.

6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this legislation, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under Title 20-A, section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to Title 20-A, section 15681, subsection 4.

7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the costs of operating public preschool programs for children 4 years of age must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to Title 20-A, section 15689 and provides that the amount of the adjustment for operating public preschool programs for children 4 years of age that is added to the state share of the total allocation under this legislation may not be included in the calculation of the local share amount of the qualified school administrative unit.

8. It amends the provision in the bill that directs the Commissioner of Education to establish rules to implement a uniform common statewide screening and assessment program for kindergarten by clarifying that the rule may establish only a uniform common statewide assessment program for kindergarten and by specifying that school administrative units may also implement other quality assessment programs they determine to be necessary for kindergarten.

9. It changes the proposed amount of the General Fund appropriation for the Early Childhood Coordinator position.

10. It changes the requirement in the bill that the Commissioner of Education establish a stakeholder group to require that, prior to beginning the process of adopting the Department of Education's rules related to the quality standards of program practice for public preschool programs for children 4 years of age, the Commissioner of Education invite stakeholders to provide their feedback and perspectives on the department's plan for the phase-in of the universal availability of public preschool programs for children 4 years of age beginning with the 2018-2019 school year and the recommended standards of program practice for public preschool programs for children 4 years of age. It also amends the provision that requires the commissioner to submit a report to the Legislature by clarifying that the report must contain a summary of the work of the stakeholders, as well as an outline of the rules proposed by the department to implement the goal of providing universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year, and providing that the report must be submitted to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

11. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)