

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

## **An Act To Improve Educational Outcomes for Students in Poverty in Maine's Public Schools**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order for school administrative units to know the level of school funding they will receive so they can develop their budgets in a timely fashion; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6053** is enacted to read:

**§ 6053. Department may audit school administrative units for compliance with federal law**

The department may audit a school administrative unit that receives funds under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq. to ensure that these funds are expended in compliance with federal law. Such an audit may include a determination by the department of whether these funds were used by the school administrative unit to strengthen the core academic program in the school administrative unit; increase the amount and quantity of learning time, such as by providing an extended school year and before-school, after-school and summer programs; and assist in providing an enriched and accelerated curriculum.

**Sec. 2. 20-A MRSA §15671, first ¶,** as enacted by PL 2001, c. 660, §1, is amended to read:

Essential programs and services are those educational resources that are identified in this chapter for all students to meet the standards in the 8 content standard subject areas of the system of learning results established in chapter 222. In order to achieve this system of learning results, school funding based on essential programs and services must be available in all schools on an equitable basis. Essential programs and services utilize resources ~~including federal funds~~ that are currently provided or could be adapted to implement a system of learning results, as well as additional resources that are also needed to ensure that these programs and services are available to all students. These essential programs and services must provide the basis for the system of school funding no later than 2007-08. School funding must be adequate to fully provide for all of the staffing and other material resource needs of the essential programs and services identified by the Legislature.

**Sec. 3. 20-A MRSA §15671, sub-§1,** as amended by PL 2005, c. 2, Pt. D, §32 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

**1. State and local partnership.** The State and each local school administrative unit are jointly responsible for contributing to the cost of the components of essential programs and services described in this chapter. Except as otherwise provided in this subsection, for each fiscal year, the total cost of the components of essential programs and services may not exceed the prior fiscal year's costs multiplied by one plus the average real personal income growth rate as defined in Title 5, section 1665, subsection 1, except that in no case may that rate exceed 2.75%. For fiscal years commencing after the state tax burden ranks in the middle 1/3 of all states, as calculated and certified by the State Tax Assessor, the total cost of the components of essential programs and services may not exceed the prior fiscal year's costs multiplied by one plus the average real personal income growth rate as defined in Title 5, section 1665, subsection 1. The Legislature, by an affirmative vote of each House, may exceed the limitations on increases in the total cost of the components of essential programs and services provided in this subsection, as long as that vote is taken upon legislation stating that it is the Legislature's intent to override the limitation for that fiscal year. The state contribution to the cost of the components of essential programs and services; ~~exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services;~~ must be made in accordance with this subsection:

A. The level of the state share of funding attributable to the cost of the components of essential programs and services must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2006-07; and

B. By fiscal year 2008-09 the state share of the total cost of funding public education from kindergarten to grade 12, as described by essential programs and services, must be 55%. Beginning in fiscal year 2005-06 and in each fiscal year until fiscal year 2008-09, the state share of essential programs and services described costs must increase toward the 55% level required in fiscal year 2008-09.

Beginning in fiscal year 2005-06 and in each fiscal year thereafter, the commissioner shall use the funding level determined in accordance with this section as the basis for a recommended funding level for the state share of the cost of the components of essential programs and services.

**Sec. 4. 20-A MRS §15672, sub-§32-A, ¶C,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

**Sec. 5. 20-A MRS §15676, sub-§§1 and 2,** as corrected by RR 2011, c. 2, §19, are amended to read:

**1. Teaching staff costs.** The salary and benefit costs for school level teaching staff that are necessary to carry out this Act, calculated in accordance with section 15678, adjusted by the regional adjustment under section 15682 ~~and reduced by the amount of funds received by the school administrative unit during the most recent fiscal year under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.;~~

**2. Other staff costs.** The salary and benefit costs for ~~school-level~~ school level staff who are not teachers, but including substitute teachers, that are necessary to carry out this Act, calculated in accordance with section 15679, adjusted by the regional adjustment under section 15682 ~~and reduced by~~

~~the amount of funds received by the school administrative unit during the most recent fiscal year under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.; and~~

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**General Purpose Aid for Local Schools 0308**

Initiative: Provides ongoing funds to support the increase in the cost of providing essential programs and services to students in kindergarten to grade 12 as a result of the adjustment of Title I federal funds being removed from the calculation of teaching and other staff costs within the essential programs and services model.

<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$0	\$40,270,845
<b>GENERAL FUND TOTAL</b>	<hr/> \$0	<hr/> \$40,270,845

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

**SUMMARY**

This bill removes provisions that require the amount of a school administrative unit's state contribution to be reduced by the amount that school administrative unit receives in federal Title I funds. It removes references pertaining to the allocation of federal resources from the Essential Programs and Services Funding Act.

It also allows the Department of Education to audit a school administrative unit that receives federal Title I funds to ensure that these funds are expended in compliance with federal law.

It contains an appropriations section to provide funds to support the increase in the cost of providing essential programs and services to students in kindergarten to grade 12 as a result of the adjustment of federal Title I funds being removed from the calculation of teaching and other staff costs within the essential programs and services model.