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An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

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 to provide additional funding beginning in fiscal year 2015-16 to general purpose aid for local schools to implement changes to the school funding formula recommended by the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula; and

Whereas, the Department of Education needs sufficient time to adopt or amend rules for the grant funding initiatives included in this legislation in order to provide additional funding to qualifying school administrative units beginning in fiscal year 2015-16; 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 §8801, sub-§3 is enacted to read:

3. Grants; rules. The commissioner may award grants to qualifying school administrative units to provide start-up funds for the development or expansion of summer schools that meet the standards established by the routine technical rules adopted pursuant to subsection 1. The state board and the commissioner shall jointly adopt rules governing the awarding of grants to ensure that:

A. Grant funds support evidence-based best practices and are provided on a per-pupil basis. A minimum level of start-up funds must be awarded to summer schools developed or expanded by isolated or small schools that meet the size and distance criteria established by the rules;

B. Approval of grant funds to qualifying school administrative units is based on eligibility requirements established by the commission; and

C. A qualifying school administrative unit seeking to continue receiving grant funds submits a report to the commissioner that the summer school program conforms to the specified evidence-based best practices established by the rules.

The State may not include the grant funding awarded to school administrative units for summer schools in the cost of the educational resources included in the essential programs and services model as identified in chapter 606-B until the State achieves the 55% state share of the total cost of funding public education from kindergarten to grade 12 in accordance with the provisions of section 15671, subsection 7,

paragraph C. Upon achievement of the 55% state share of the total cost of funding public education from kindergarten to grade 12, the Legislature shall determine how to include funding for summer schools within the essential programs and services model.

Sec. 2. 20-A MRSA §13803 is enacted to read:

§ 13803. Collaborative time for professional development

1. Grants; rules. The commissioner may award grants to qualifying school administrative units to support collaborative time for professional development that meets the evidence-based best practice standards of professional development to implement proficiency-based learning established by rules adopted by the department. The rules established by the department must include the following conditions for the awarding of grants:

A. Funding must support evidence-based best practices and be provided on a per-pupil or per teacher basis. A minimum level of start-up funds must be awarded for the provision of collaborative time for professional development by isolated or small schools that meet the size and distance criteria established by the rules;

B. Approval of grant funds to qualifying school administrative units must be based on eligibility requirements established by the commission; and

C. Continued receipt of grant funds requires submission of a report to the commissioner that the provision of collaborative time for professional development conforms to the specified evidence-based best practices established by the rules.

The department shall adopt rules pursuant to this subsection by July 1, 2015. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Exclusion of funding within essential programs and services. The State may not include the grant funding awarded to school administrative units for the provision of collaborative time for professional development in the cost of the educational resources included in the essential programs and services model as identified in chapter 606-B until the State achieves the 55% state share of the total cost of funding public education from kindergarten to grade 12 in accordance with the provisions of section 15671, subsection 7, paragraph C. Upon achievement of the 55% state share of the total cost of funding public education from kindergarten to grade 12, the Legislature shall determine how to include funding for the provision of collaborative time for professional development within the essential programs and services model.

Sec. 3. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2013, c. 595, Pt. C, §2, is further amended to read:

C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services ~~plus the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance~~ are as follows.

(1) For fiscal year 2011-12, the target is 49.47%.

(2) For fiscal year 2012-13, the target is 49.35%.

(3) For fiscal year 2013-14, the target is 50.44%.

(4) For fiscal year 2014-15, the target is 50.13%.

(5) For fiscal year 2015-16 and succeeding years, the target is 55%.

Sec. 4. 20-A MRSA §15676, as corrected by RR 2011, c. 2, §19, is amended to read:

§ 15676.EPS per-pupil rate

For each school administrative unit, the commissioner shall calculate the unit's EPS per-pupil rate for each year as the sum of:

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 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

3. Additional costs. The per-pupil amounts not related to staffing, calculated in accordance with section 15680; and

4. Title I funds; hold harmless. Beginning in fiscal year 2015-16, 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. for the teaching staff costs in subsection 1 and for the other staff costs in subsection 2 unless the State does not:

A. Provide additional state funding that results in at least the same or an increased amount of state subsidy allocated to each school administrative unit in the State as compared to the amount of state subsidy that would be allocated to the school administrative unit if the EPS per-pupil rate calculated by the commissioner were reduced by the amount of Title I funds received by the school administrative unit; or

B. Adopt statutory requirements to implement a 3-year phase-in schedule that results in at least the same or an increased amount of state subsidy allocated to each school administrative unit in the State as compared to the amount of state subsidy that would be allocated to the school administrative unit if the EPS per-pupil rate calculated by the commissioner were reduced by the amount of Title I funds received by the school administrative unit by the end of the 3-year phase-in period.

The EPS per-pupil rate is calculated on the basis of which schools students attend. For school administrative units that do not operate their own schools, the EPS per-pupil rate is calculated under section 15676-A.

Sec. 5. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2013, c. 368, Pt. C, §13, 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%;

(4) In fiscal year 2008-09, 45%;

(5) In fiscal year 2009-10, 40% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(7) In fiscal year 2011-12, 30%;

(8) In fiscal year 2012-13, 30%;

(9) In fiscal year 2013-14, 35%; and

(10) In fiscal year 2014-15 and succeeding years, 30%.

In fiscal year 2015-16 and succeeding years, in order to address the mandated legislative appropriations for providing 100% of a school administrative unit's special education costs in accordance with section 15753, for each 1% increase in the state contribution, or portion thereof, the special education allocation must be increased by 10.3% of the state contribution increase amount until the 100% funding requirement is reached.

Sec. 6. 20-A MRSA §15689-A, sub-§§25 and 26 are enacted to read:

25. Summer schools. The commissioner may expend and disburse funding for grants for the establishment of summer schools in accordance with the provisions of chapter 317.

26. Collaborative time for professional development. The commissioner may expend and disburse funding for grants for the establishment of collaborative time for professional development that meets best practices for professional development in accordance with the provisions of section 13803.

Sec. 7. Public preschool programs for children 4 years of age; start-up funding; further review. The Department of Education shall initiate, as soon as possible, the process for awarding start-up funding grants for the 2015-2016 school year in order for qualified school administrative units to implement or expand public preschool programs for children 4 years of age in accordance with the Maine Revised Statutes, Title 20-A, section 4271 and section 4502, subsection 9.

During the Second Regular Session of the 127th Legislature, the Joint Standing Committee on Education and Cultural Affairs shall conduct a further review of the obstacles that impede school administrative units from developing and operating public preschool programs. As part of this review, the joint standing committee shall:

1. Review the data gathered from the ongoing survey of public preschool teachers conducted by the Education Research Institute, established in the Maine Revised Statutes, Title 20-A, section 10, as well as the data gathered from the survey of school superintendents and presented to the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula, established pursuant to Resolve 2013, chapter 114, by the Education Research Institute, regarding a school administrative unit's costs and capacity for developing, operating and expanding public preschool programs;

2. Further investigate the obstacles that remain in terms of start-up costs, capital costs and ongoing operational costs for a school administrative unit to develop and run a public preschool program for children 4 years of age and also investigate parental obstacles and other issues related to expanding public preschool programs; and

3. Review the provisions of the recently adopted Department of Education's Rule Chapter 124 that establish school approval standards governing the school administrative units that are implementing public preschool programs and consider the implications of the quality standards established in the rules related to the approval of public preschool programs.

Sec. 8. Models for funding and evaluating extended school day and summer school programs for inclusion in the essential programs and services funding formula; further research. The Department of Education and the Education Research Institute, established in the Maine Revised Statutes, Title 20-A, section 10, shall conduct further research and analysis of extended school day programs that support improved student achievement and determine if such programming should also qualify under the grant program for funding summer school programs in Title 20-A, section 8801, subsection 3. The department and the institute shall submit a report, including recommendations, to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2015.

Sec. 9. Professional development grants for school and school administrative unit leaders. For fiscal year 2015-16 and fiscal year 2016-17, the Department of Education may award grants to qualifying school administrative units for the purpose of providing funds for the provision of professional development for school and school administrative unit leaders to support professional development best practices needed to implement proficiency-based learning. The amount of grant funding must be determined based on recommendations made by the Department of Education upon review of evidence-based research conducted by the Education Research Institute, established in the Maine Revised Statutes, Title 20-A, section 10. The department shall submit its recommendations for grant funding for the provision of professional development for school and school administrative unit leaders to support professional development best practices needed to implement proficiency-based learning to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Appropriations and Financial Affairs during the Second Regular Session of the 127th Legislature.

Sec. 10. Collaborative time for professional development; stakeholder group. During the First Regular Session of the 127th Legislature, the Joint Standing Committee on Education and Cultural Affairs, in collaboration with the Department of Education, shall establish a stakeholder group to be convened and staffed by the Department of Education to develop best practice guidelines pursuant to the Maine Revised Statutes, Title 20-A, section 13803, including guidelines for the definition of "qualifying leadership" and the inclusion of leadership in collaborative time for professional development pursuant to section 9. The department shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2015. The report submitted by the department must include recommendations for the best practice guidelines developed by the stakeholder group, as well as recommended procedures developed by the department to increase the accountability of school administrative units' current expenditures in terms of professional development best practices and methods for the department to share school administrative units' professional development best practices.

Sec. 11. Regional cost adjustments for teacher salaries; further review. During the Second Regular Session of the 127th Legislature, the Joint Standing Committee on Education and Cultural Affairs shall review the updated data and accompanying analysis on the regional labor market adjustments presented by the Education Research Institute, established in the Maine Revised Statutes, Title 20-A, section 10, to the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula, established pursuant to Resolve 2013, chapter 114. The joint standing committee shall examine the potential cost consequences of the updated labor market adjustments on individual regions and evaluate these consequences within the net funding effects of all

the recommendations of the commission's report. The joint standing committee may submit any necessary implementing legislation related to its review of regional cost adjustments for teacher salaries to the Second Regular Session of the 127th Legislature.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Provides funding for the awarding of block grants to qualifying school administrative units to provide start-up funds for the development or expansion of summer schools.

GENERAL FUND	2015-16	2016-17
All Other	\$15,000,000	\$15,000,000
GENERAL FUND TOTAL	\$15,000,000	\$15,000,000

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Provides funding for the awarding of block grants to qualifying school administrative units to provide funds for the provision of collaborative time for professional development to implement proficiency-based learning.

GENERAL FUND	2015-16	2016-17
All Other	\$39,000,000	\$39,000,000
GENERAL FUND TOTAL	\$39,000,000	\$39,000,000

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

SUMMARY

This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter 114, section 10. The bill incorporates changes to the education statutes and rules proposed by the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula that the commission's report indicated are necessary to implement its recommendations.

The joint standing committee has not taken a position on the substance of the report or this bill, and by submitting this bill the joint standing committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, included in the report or this bill. The committee is submitting the bill for the sole purpose of turning the proposals in the report into a printed bill that can be referred to the joint standing committee for an appropriate public hearing and subsequent processing in the normal course of business. The joint standing committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the report submitted by the commission.