



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1394

H.P. 944

House of Representatives, May 7, 2015

**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)

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Reported by Representative KORNFIELD of Bangor for the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter 114, section 10.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT  
Clerk

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

3           **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period in order to provide additional funding beginning in fiscal year 2015-16 to general  
5 purpose aid for local schools to implement changes to the school funding formula  
6 recommended by the Commission To Strengthen the Adequacy and Equity of Certain  
7 Cost Components of the School Funding Formula; and

8           **Whereas,** the Department of Education needs sufficient time to adopt or amend  
9 rules for the grant funding initiatives included in this legislation in order to provide  
10 additional funding to qualifying school administrative units beginning in fiscal year 2015-  
11 16; and

12           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
13 the meaning of the Constitution of Maine and require the following legislation as  
14 immediately necessary for the preservation of the public peace, health and safety; now,  
15 therefore,

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

17           **Sec. 1. 20-A MRSA §8801, sub-§3** is enacted to read:

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

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

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

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

32           The State may not include the grant funding awarded to school administrative units for  
33 summer schools in the cost of the educational resources included in the essential  
34 programs and services model as identified in chapter 606-B until the State achieves the  
35 55% state share of the total cost of funding public education from kindergarten to grade  
36 12 in accordance with the provisions of section 15671, subsection 7, paragraph C. Upon  
37 achievement of the 55% state share of the total cost of funding public education from  
38 kindergarten to grade 12, the Legislature shall determine how to include funding for  
39 summer schools within the essential programs and services model.

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

2           **§13803. Collaborative time for professional development**

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

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

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

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

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

21           **2. Exclusion of funding within essential programs and services.** The State may  
22 not include the grant funding awarded to school administrative units for the provision of  
23 collaborative time for professional development in the cost of the educational resources  
24 included in the essential programs and services model as identified in chapter 606-B until  
25 the State achieves the 55% state share of the total cost of funding public education from  
26 kindergarten to grade 12 in accordance with the provisions of section 15671, subsection  
27 7, paragraph C. Upon achievement of the 55% state share of the total cost of funding  
28 public education from kindergarten to grade 12, the Legislature shall determine how to  
29 include funding for the provision of collaborative time for professional development  
30 within the essential programs and services model.

31           **Sec. 3. 20-A MRSA §15671, sub-§7, ¶C,** as amended by PL 2013, c. 595, Pt. C,  
32 §2, is further amended to read:

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

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

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

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

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

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

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

5 **§15676. EPS per-pupil rate**

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

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

14 **2. Other staff costs.** The salary and benefit costs for school-level staff who are not  
15 teachers, but including substitute teachers, that are necessary to carry out this Act,  
16 calculated in accordance with section 15679, adjusted by the regional adjustment under  
17 section 15682 ~~and reduced by the amount of funds received by the school administrative~~  
18 ~~unit during the most recent fiscal year under Title I of the federal Elementary and~~  
19 ~~Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq.;~~ and

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

22 **4. Title I funds; hold harmless.** Beginning in fiscal year 2015-16, the amount of  
23 funds received by the school administrative unit during the most recent fiscal year under  
24 Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States  
25 Code, Section 6301 et seq. for the teaching staff costs in subsection 1 and for the other  
26 staff costs in subsection 2 unless the State does not:

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

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

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

1           **Sec. 5. 20-A MRSA §15689, sub-§1, ¶B**, as amended by PL 2013, c. 368, Pt. C,  
2 §13, is further amended to read:

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

5           (1) In fiscal year 2005-06, 84%;

6           (2) In fiscal year 2006-07, 84%;

7           (3) In fiscal year 2007-08, 84%;

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

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

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

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

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

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

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

19           In fiscal year 2015-16 and succeeding years, in order to address the mandated  
20 legislative appropriations for providing 100% of a school administrative unit's special  
21 education costs in accordance with section 15753, for each 1% increase in the state  
22 contribution, or portion thereof, the special education allocation must be increased by  
23 10.3% of the state contribution increase amount until the 100% funding requirement  
24 is reached.

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

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

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

33           **Sec. 7. Public preschool programs for children 4 years of age; start-up**  
34 **funding; further review.** The Department of Education shall initiate, as soon as  
35 possible, the process for awarding start-up funding grants for the 2015-2016 school year  
36 in order for qualified school administrative units to implement or expand public preschool  
37 programs for children 4 years of age in accordance with the Maine Revised Statutes, Title  
38 20-A, section 4271 and section 4502, subsection 9.

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

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

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

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

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

32 **Sec. 9. Professional development grants for school and school**  
33 **administrative unit leaders.** For fiscal year 2015-16 and fiscal year 2016-17, the  
34 Department of Education may award grants to qualifying school administrative units for  
35 the purpose of providing funds for the provision of professional development for school  
36 and school administrative unit leaders to support professional development best practices  
37 needed to implement proficiency-based learning. The amount of grant funding must be  
38 determined based on recommendations made by the Department of Education upon  
39 review of evidence-based research conducted by the Education Research Institute,  
40 established in the Maine Revised Statutes, Title 20-A, section 10. The department shall  
41 submit its recommendations for grant funding for the provision of professional  
42 development for school and school administrative unit leaders to support professional  
43 development best practices needed to implement proficiency-based learning to the Joint

1 Standing Committee on Education and Cultural Affairs and the Joint Standing Committee  
2 on Appropriations and Financial Affairs during the Second Regular Session of the 127th  
3 Legislature.

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

19 **Sec. 11. Regional cost adjustments for teacher salaries; further review.**  
20 During the Second Regular Session of the 127th Legislature, the Joint Standing  
21 Committee on Education and Cultural Affairs shall review the updated data and  
22 accompanying analysis on the regional labor market adjustments presented by the  
23 Education Research Institute, established in the Maine Revised Statutes, Title 20-A,  
24 section 10, to the Commission To Strengthen the Adequacy and Equity of Certain Cost  
25 Components of the School Funding Formula, established pursuant to Resolve 2013,  
26 chapter 114. The joint standing committee shall examine the potential cost consequences  
27 of the updated labor market adjustments on individual regions and evaluate these  
28 consequences within the net funding effects of all the recommendations of the  
29 commission's report. The joint standing committee may submit any necessary  
30 implementing legislation related to its review of regional cost adjustments for teacher  
31 salaries to the Second Regular Session of the 127th Legislature.

32 **Sec. 12. Appropriations and allocations.** The following appropriations and  
33 allocations are made.

34 **EDUCATION, DEPARTMENT OF**

35 **General Purpose Aid for Local Schools 0308**

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

39

1	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
2	All Other	\$15,000,000	\$15,000,000
3			
4	GENERAL FUND TOTAL	<u>\$15,000,000</u>	<u>\$15,000,000</u>

5 **EDUCATION, DEPARTMENT OF**

6 **General Purpose Aid for Local Schools 0308**

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

10

11	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
12	All Other	\$39,000,000	\$39,000,000
13			
14	GENERAL FUND TOTAL	<u>\$39,000,000</u>	<u>\$39,000,000</u>

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

17 **SUMMARY**

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

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