



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1531

S.P. 537

In Senate, April 25, 2017

### An Act To Amend Education Statutes

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Submitted by the Department of Education pursuant to Joint Rule 204.  
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative STEWART of Presque Isle and  
Representatives: GINZLER of Bridgton, SAMPSON of Alfred.

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

2 **Sec. 1. 20-A MRSA §2405, sub-§9**, as amended by PL 2011, c. 570, §8, is  
3 further amended to read:

4 **9. Transition period.** The public charter school program set out in this chapter must  
5 begin with a 10-year transition period, beginning on the effective date of this chapter.  
6 During the transition period, the commissioner shall register the charters approved by all  
7 authorizers in chronological order by date of approval under this chapter. During the  
8 transition period, only 10 public charter schools may be approved by the commission; the  
9 Maine School for Marine Science, Technology, Transportation and Engineering,  
10 established in chapter 312-A, is not considered a public charter school for the purposes of  
11 this cap. Once the cap is reached, the commissioner may not accept further registrations  
12 from the commission and only local school boards and collaboratives of local school  
13 boards may approve charters until the end of the transition period.

14 This subsection is repealed July 1, 2022.

15 **Sec. 2. 20-A MRSA §2410, sub-§3** is enacted to read:

16 **3. Maine School for Marine Science, Technology, Transportation and**  
17 **Engineering.** In accordance with section 8235-A, the commission is responsible for the  
18 oversight of the Maine School for Marine Science, Technology, Transportation and  
19 Engineering.

20 **Sec. 3. 20-A MRSA §6214, sub-§1, ¶E**, as enacted by PL 2015, c. 500, §1, is  
21 amended to read:

22 E. Establish a school administrative unit's eligibility and priority for targeted state  
23 funding for ~~school improvement and support under section 15688-A, subsection 5~~  
24 ~~and other~~ applicable targeted funds authorized under section 15688-A; and

25 **Sec. 4. 20-A MRSA §8232, sub-§2, ¶A**, as enacted by PL 2015, c. 363, §4, is  
26 amended to read:

27 A. ~~The amount must be paid in 4 equal quarterly payments during the year of~~  
28 ~~attendance. The first payment must be made by July 31st. The amount of tuition and~~  
29 ~~other costs paid for all students is limited to the amount appropriated for this purpose.~~  
30 State funding for the school must be provided using the method established for public  
31 charter schools that are authorized by the commission in accordance with the funding  
32 provisions established in section 2413-A and section 15683-B. To be eligible for  
33 state funding under this paragraph, a student must have resided in Maine with a  
34 parent, other relative or guardian for at least 6 months immediately preceding  
35 application to the school.

36 **Sec. 5. 20-A MRSA §8233, sub-§1-A** is enacted to read:

37 **1-A. Commission.** "Commission" means the Maine Charter School Commission as  
38 set out in section 2405, subsection 8.

1           **Sec. 6. 20-A MRSA §8235-A** is enacted to read:

2           **§8235-A. Oversight by the commission**

3           The commission shall provide oversight of the school in accordance with the  
4 following.

5           **1. Data collection; monitoring.** The commission shall collect, analyze and report  
6 all data from state assessments in accordance with the performance framework developed  
7 under section 2409, subsection 1. The commission shall monitor the performance and  
8 legal compliance of the school, including collecting and analyzing all data to support  
9 ongoing evaluation of the school. In order to carry out the purposes of this subsection,  
10 the school shall provide to the commission information that the commission requests in  
11 the format, with the content and within the time schedules, established by the  
12 commission.

13           **2. Notification of unsatisfactory performance or compliance.** If the school's  
14 performance or legal compliance appears unsatisfactory, the commission shall promptly  
15 provide written notice to the school of identified problems and provide reasonable  
16 opportunity for the school to remedy those problems. The commission shall provide the  
17 commissioner with a copy of the written notice and a report of the plan developed by the  
18 school to remedy the identified problems.

19           **Sec. 7. 20-A MRSA §15674, sub-§1**, as amended by PL 2007, c. 667, §15, is  
20 further amended to read:

21           **1. Pupil counts used for determination of operating costs.** In addition to the  
22 additional weighted counts authorized under section 15675 ~~and except as provided in~~  
23 ~~subsection 2~~, the pupil count used for operating costs in this Act is the sum of:

24           A. The average number of secondary school-age persons enrolled in an adult  
25 education course counted during the most recent calendar year counted pursuant to  
26 section 8605, subsection 2;

27           B. The average number of students in equivalent instruction programs during the  
28 most recent calendar year, as reported pursuant to section 5021, subsection 8; and

29           C. ~~The greater of:~~ Beginning July 1, 2017, the average of the 2 pupil counts for April  
30 1st and October 1st of the most recent calendar year prior to the year of funding,  
31 reported in accordance with section 6004, including the counts of students enrolled in  
32 an alternative education program made in accordance with section 5104-A.

33           ~~(1) The average of the 2 pupil counts for April 1st and October 1st of the most~~  
34 ~~recent calendar year prior to the year of funding, reported in accordance with~~  
35 ~~section 6004, including the counts of students enrolled in an alternative education~~  
36 ~~program made in accordance with section 5104-A; and~~

37           ~~(2) The average of the 6 pupil counts for April 1st and October 1st of the 3 most~~  
38 ~~recent calendar years prior to the year of funding, reported in accordance with~~  
39 ~~section 6004, including the counts of students enrolled in an alternative education~~  
40 ~~program and counted in accordance with section 5104-A.~~

1           **Sec. 8. 20-A MRSA §15674, sub-§2**, as enacted by PL 2003, c. 504, Pt. A, §6, is  
2 repealed.

3           **Sec. 9. 20-A MRSA §15675, first ¶**, as enacted by PL 2003, c. 504, Pt. A, §6, is  
4 amended to read:

5           For the purpose of calculating the total operating allocation under this chapter  
6 pursuant to section 15683, the following additional weights must be added to the  
7 per-pupil count calculated under section 15674, subsection 1, paragraph C, ~~subparagraph~~  
8 ~~(1)~~.

9           **Sec. 10. 20-A MRSA §15678, sub-§3**, as enacted by PL 2003, c. 504, Pt. A, §6,  
10 is amended to read:

11           **3. Number of teaching positions required.** The commissioner shall identify for  
12 each school administrative unit, using the pupil count arrived at under section 15674,  
13 subsection 1, paragraph C, ~~subparagraph (1)~~, the number of school level teaching  
14 positions that are required in order to achieve the student-to-teacher ratios set forth in  
15 subsection 2.

16           **Sec. 11. 20-A MRSA §15679, sub-§§3 and 5**, as enacted by PL 2003, c. 504,  
17 Pt. A, §6, are amended to read:

18           **3. Number of staff positions required.** The commissioner shall identify for each  
19 school administrative unit, using the pupil count arrived at under section 15674,  
20 subsection 1, paragraph C, ~~subparagraph (1)~~, the number of staff positions that are  
21 required in order to achieve the student-to-staff ratios set forth in subsection 2.

22           **5. Salary costs for substitute teachers.** The commissioner shall calculate the  
23 additional salary costs for substitute teachers for each school administrative unit using the  
24 pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~.  
25 In order to calculate this amount, the commissioner shall establish a per-pupil rate for the  
26 cost of a substitute teacher for 1/2 day.

27           **Sec. 12. 20-A MRSA §15681, sub-§6**, as enacted by PL 2011, c. 635, Pt. A, §5,  
28 is repealed.

29           **Sec. 13. 20-A MRSA §15681-A, sub-§2**, as enacted by PL 2005, c. 2, Pt. D, §44  
30 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

31           **2. Special education costs.** ~~Beginning in fiscal year 2005-06, a~~ A school  
32 administrative unit receives an additional weight of at least 1.20 but not greater than 1.40  
33 for each special education student identified on the annual December 1st child count as  
34 required by the federal Individuals with Disabilities Education Act for the most recent  
35 year, up to a maximum of 15% of the school administrative unit's resident pupils as  
36 determined under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~. For those  
37 school administrative units in which the annual December 1st child count for the most  
38 recent year is less than 15% of the school administrative unit's resident pupils as  
39 determined under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~, the special

1 education child count percentage may not increase more than 0.5% in any given year, up  
2 to a maximum of 1.0% in any given 3-year period. For each special education student  
3 above the 15% maximum, the unit receives an additional weight of .38. In addition, each  
4 school administrative unit must receive additional funds:

5 A. For lower staff-student ratios and expenditures for related services for school  
6 administrative units with fewer than 20 special education students identified on the  
7 annual December 1st child count as required by the federal Individuals with  
8 Disabilities Education Act for the most recent year;

9 B. For high-cost in-district special education placements. Additional funds must be  
10 allocated for each student estimated to cost 3 times the statewide special education  
11 EPS per-pupil rate. The additional funds for each student must equal the amount by  
12 which that student's estimated costs exceed 3 times the statewide special education  
13 EPS per-pupil rate;

14 C. For high-cost out-of-district special education placements. Additional funds must  
15 be allocated for each student estimated to cost 4 times the statewide special education  
16 EPS per-pupil rate. The additional funds for each student must equal the amount by  
17 which that student's estimated costs exceed 4 times the statewide special education  
18 EPS per-pupil rate; and

19 D. To ensure the school administrative unit meets the federal maintenance of effort  
20 requirement for receiving federal Individuals with Disabilities Education Act funds.

21 The commissioner shall develop an appeals procedure for calculated special education  
22 costs for school administrative units;

23 **Sec. 14. 20-A MRSA §15683, sub-§1, ¶C**, as amended by PL 2005, c. 635, §8,  
24 is further amended to read:

25 C. If the school administrative unit is eligible for targeted funds for the  
26 implementation of a standards-based system pursuant to section 15681, subsection 1,  
27 the sum of:

28 (1) The product of the elementary school level and middle school level per-pupil  
29 amount for targeted funds for the implementation of a standards-based system  
30 calculated pursuant to section 15681, subsection 2 multiplied by the kindergarten  
31 to grade 8 portion of the pupil count calculated pursuant to section 15674,  
32 subsection 1, paragraph C, ~~subparagraph (1)~~; and

33 (2) The product of the high school level per-pupil amount for targeted funds for  
34 the implementation of a standards-based system calculated pursuant to section  
35 15681, subsection 2 multiplied by the grade 9 to 12 portion of the pupil count  
36 calculated pursuant to section 15674, subsection 1, paragraph C, ~~subparagraph~~  
37 ~~(1)~~;

38 **Sec. 15. 20-A MRSA §15683, sub-§1, ¶D**, as amended by PL 2005, c. 2, Pt. D,  
39 §47 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

40 D. If the school administrative unit is eligible for targeted technology resource funds  
41 pursuant to section 15681, subsection 1, the sum of:

1 (1) The product of the elementary school level and middle school level per-pupil  
2 amount for targeted technology resource funds calculated pursuant to section  
3 15681, subsection 3 multiplied by the kindergarten to grade 8 portion of the pupil  
4 count calculated pursuant to section 15674, subsection 1, paragraph C;  
5 ~~subparagraph (1); and~~

6 (2) The product of the high school level per-pupil amount for targeted  
7 technology resource funds calculated pursuant of section 15681, subsection 3  
8 multiplied by the grade 9 to 12 portion of the pupil count calculated pursuant to  
9 section 15674, subsection 1, paragraph C, ~~subparagraph (1);~~

10 **Sec. 16. 20-A MRSA §15688-A, sub-§§5 and 7**, as enacted by PL 2015, c. 267,  
11 Pt. C, §11, are repealed.

12 **Sec. 17. 20-A MRSA §15689, sub-§1, ¶A**, as amended by PL 2013, c. 1, Pt. C,  
13 §4, is further amended to read:

14 A. The sum of the following calculations:

15 (1) Multiplying 5% of each school administrative unit's essential programs and  
16 services per-pupil elementary rate by the average number of resident kindergarten  
17 to grade 8 pupils as determined under section 15674, subsection 1, paragraph C;  
18 ~~subparagraph (1); and~~

19 (2) Multiplying 5% of each school administrative unit's essential programs and  
20 services per-pupil secondary rate by the average number of resident grade 9 to  
21 grade 12 pupils as determined under section 15674, subsection 1, paragraph C;  
22 ~~subparagraph (1).~~

23 The 5% factor in subparagraphs (1) and (2) must be replaced by: 4% for the 2009-10  
24 funding year including funds provided under Title XIV of the State Fiscal  
25 Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for  
26 the 2010-11 funding year including funds provided under Title XIV of the State  
27 Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;  
28 3% for the 2011-12 funding year; and 3% for the 2012-13 funding year and  
29 subsequent years; and

30 **Sec. 18. 20-A MRSA §15689-A, sub-§4**, as enacted by PL 2005, c. 2, Pt. D, §61  
31 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

32 **Sec. 19. 20-A MRSA §15689-A, sub-§§27 and 28** are enacted to read:

33 **27. Exploratory programs to benefit students of science, technology, computer**  
34 **science, engineering and math.** The commissioner may expend and disburse funds  
35 through a competitive grant process to establish pilot programs that would benefit  
36 students in public schools in the fields of science, computer science, technology,  
37 engineering and mathematics. An applicant for a grant must agree that, if awarded a  
38 grant, the applicant will provide to the department annual financial reports and will  
39 perform annual evaluation processes to determine the effectiveness of the program and to  
40 measure improvement in student achievement.

1            **28. Autism identification and intervention services.** The commissioner may  
2 expend and disburse funds to provide training for identification and intervention services  
3 for children with autism.

4            **Sec. 20. Appropriations and allocations.** The following appropriations and  
5 allocations are made.

6            **EDUCATION, DEPARTMENT OF**

7            **General Purpose Aid to Local Schools**

8 Initiative: Provides funds to provide training for identification and intervention services  
9 for children with autism.

11 <b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
12            All Other	\$0	\$450,000

13            **General Purpose Aid to Local Schools**

14 Initiative: Provides funds to establish pilot programs in science, computer science,  
15 technology, engineering and mathematics.

17 <b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
18            All Other	\$250,000	\$250,000

20            GENERAL FUND TOTAL	<u>\$250,000</u>	<u>\$700,000</u>
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21            **SUMMARY**

22            This bill:

23            1. Specifies that the Maine School for Marine Science, Technology, Transportation  
24 and Engineering does not count towards the limit of 10 public charter schools set forth in  
25 the Maine Revised Statutes, Title 20-A, section 2405, subsection 9;

26            2. Specifies that the Maine Charter School Commission is responsible for the  
27 oversight of the Maine School for Marine Science, Technology, Transportation and  
28 Engineering;

29            3. Provides that state funding for the Maine School for Marine Science, Technology,  
30 Transportation and Engineering must be provided using the method established for public  
31 charter schools that are authorized by the Maine Charter School Commission;

32            4. Replaces the so-called declining enrollment adjustment to the calculation of  
33 essential programs and services;

34            5. Repeals the authority of the Commissioner of Education to expend and disburse  
35 funds for school improvement and support, implementation of performance evaluation

1 and professional growth systems and learning results implementation, assessment and  
2 accountability;

3 6. Provides funding and authority for the commissioner to expend and disburse funds  
4 through a competitive grant process to establish pilot programs that would benefit  
5 students in public schools in the fields of science, computer science, technology,  
6 engineering and mathematics;

7 7. Provides funding and authority for the commissioner to expend and disburse funds  
8 to provide training for identification and intervention services for children with autism;  
9 and

10 8. Corrects cross-references.