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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 497, L.D. 808, “An Act to Amend Laws Affecting Tuition at State-approved Schools”

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Pupil Counts Used for Determination of School Administrative Unit Operating Costs'

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

'Sec. 1. 20-A MRSA §15674, sub-§1, as corrected by RR 2021, c. 1, Pt. A, §20, is amended to read:

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

- A. The average number of secondary school-age persons enrolled in an adult education course counted during the most recent calendar year counted pursuant to section 8605, subsection 2;
- B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8;
- C. Beginning in fiscal year 2018-19 and until fiscal year 2022-23:
 - (1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; ~~and~~
- D. Beginning in fiscal year 2022-23 and until fiscal year 2025-26:
 - (1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made

COMMITTEE AMENDMENT

1 in accordance with section 5104-A, except that if a school administrative unit
2 experiences a decline in total school administrative unit student enrollment of 10%
3 or more in the most recent year, the pupil counts for October 1st of the 3 most
4 recent calendar years prior to the year of funding must be used unless that count is
5 less than the average of the October 1st pupil counts of the 2 most recent calendar
6 years; and

7 E. Beginning in fiscal year 2025-26, the greater of:

8 (1) The average of the pupil counts for October 1st of the 3 most recent calendar
9 years prior to the year of funding, reported in accordance with section 6004,
10 including the counts of students enrolled in an alternative education program made
11 in accordance with section 5104-A; and

12 (2) The most recent October 1st pupil count prior to the year of funding, reported
13 in accordance with section 6004, including the count of students enrolled in an
14 alternative education program made in accordance with section 5104-A.

15 **Sec. 2. 20-A MRSA §15674, sub-§2,** as amended by PL 2021, c. 428, §4, is
16 repealed.

17 **Sec. 3. 20-A MRSA §15675, first ¶,** as amended by PL 2021, c. 428, §5, is further
18 amended to read:

19 For the purpose of calculating the total operating allocation under this chapter pursuant
20 to section 15683, the following additional weights must be added to the per-pupil count
21 calculated under section 15674, subsection 1, paragraph ~~C or D~~ or E, whichever is
22 applicable.

23 **Sec. 4. 20-A MRSA §15678, sub-§3,** as amended by PL 2021, c. 428, §6, is further
24 amended to read:

25 **3. Number of teaching positions required.** The commissioner shall identify for each
26 school administrative unit, using the pupil count arrived at under section 15674, subsection
27 1, paragraph ~~C or D~~ or E, whichever is applicable, the number of school level teaching
28 positions that are required in order to achieve the student-to-teacher ratios set forth in
29 subsection 2.

30 **Sec. 5. 20-A MRSA §15679, sub-§3,** as amended by PL 2021, c. 428, §7, is further
31 amended to read:

32 **3. Number of staff positions required.** The commissioner shall identify for each
33 school administrative unit, using the pupil count arrived at under section 15674, subsection
34 1, paragraph ~~C or D~~ or E, whichever is applicable, the number of staff positions that are
35 required in order to achieve the student-to-staff ratios set forth in subsection 2.

36 **Sec. 6. 20-A MRSA §15679, sub-§5,** as amended by PL 2021, c. 428, §8, is further
37 amended to read:

38 **5. Salary costs for substitute teachers.** The commissioner shall calculate the
39 additional salary costs for substitute teachers for each school administrative unit using the
40 pupil count arrived at under section 15674, subsection 1, paragraph ~~C or D~~ or E, whichever
41 is applicable. In order to calculate this amount, the commissioner shall establish a per-
42 pupil rate for the cost of a substitute teacher for 1/2 day.

1 **Sec. 7. 20-A MRSA §15681-A, sub-§2**, as amended by PL 2017, c. 284, Pt. C,
2 §37 and affected by §66, is further amended to read:

3 **2. Special education costs.** A school administrative unit receives an additional weight
4 of 1.50 for each special education student identified on the annual December 1st child count
5 as required by the federal Individuals with Disabilities Education Act for the most recent
6 year, up to a maximum of 15% of the school administrative unit's resident pupils as
7 determined under section 15674, subsection 1, paragraph ~~C~~, ~~subparagraph (1)~~ D or E,
8 whichever is applicable. For those school administrative units in which the annual
9 December 1st child count for the most recent year is less than 15% of the school
10 administrative unit's resident pupils as determined under section 15674, subsection 1,
11 paragraph ~~C~~, ~~subparagraph (1)~~ D or E, whichever is applicable, the special education child
12 count percentage may not increase more than 0.5% in any given year, up to a maximum of
13 1.0% in any given 3-year period. For each special education student above the 15%
14 maximum, the unit receives an additional weight of .38. In addition, each school
15 administrative unit must receive additional allocations:

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

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

25 D. Beginning July 1, 2018, to ensure the school administrative unit meets the federal
26 maintenance of effort requirement for receiving federal Individuals with Disabilities
27 Education Act funds in accordance with recommendations of any legislative task force
28 established in the First Regular Session of the 128th Legislature to identify special
29 education cost drivers and innovative approaches to services; and

30 E. A separate allocation must be determined for high-cost out-of-district special
31 education placements in accordance with this paragraph.

32 (1) For private school placements, additional funds must be allocated for each
33 student estimated to cost 4 times the statewide special education EPS per-pupil
34 rate. The additional funds for each student must equal the amount by which that
35 student's estimated costs exceed 4 times the statewide special education EPS per-
36 pupil rate.

37 (2) For public school placements, additional funds must be allocated for each
38 student estimated to cost 3 times the statewide special education EPS per-pupil
39 rate. The additional funds for each student must equal the amount by which that
40 student's estimated costs exceed 3 times the statewide special education EPS per-
41 pupil rate.

42 (3) For public regional special education program placements, additional funds
43 must be allocated for each student estimated to cost 2 times the statewide special
44 education EPS per-pupil rate. The additional funds for each student must equal the

1 amount by which that student's estimated costs exceed 2 times the statewide special
2 education EPS per-pupil rate. Resident students for the fiscal agent of the regional
3 special education program are considered out-of-district placements for purposes
4 of this determination. The commissioner may expend and disburse funds pursuant
5 to section 15689, subsection 9 for direct contractual agreements to provide legal
6 services, facilitation services and other services to assist a school administrative
7 unit with planning and implementing a regional special education program.

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

10 **Sec. 8. 20-A MRSA §15683, sub-§1, ¶A**, as amended by PL 2021, c. 428, §9, is
11 further amended by amending subparagraph (1) to read:

12 (1) The pupil count set forth in section 15674, subsection 1, paragraph ~~C or D~~ or
13 E, whichever is applicable;

14 **Sec. 9. 20-A MRSA §15683, sub-§1, ¶B**, as amended by PL 2019, c. 398, §33, is
15 further amended by amending subparagraph (1) to read:

16 (1) The pupil count set forth in section 15674, subsection 1, paragraphs A, B and
17 ~~C D~~ or E, whichever is applicable;

18 **Sec. 10. 20-A MRSA §15683, sub-§1, ¶C**, as amended by PL 2005, c. 635, §8, is
19 further amended by amending subparagraph (1) to read:

20 (1) The product of the elementary school level and middle school level per-pupil
21 amount for targeted funds for the implementation of a standards-based system
22 calculated pursuant to section 15681, subsection 2 multiplied by the kindergarten
23 to grade 8 portion of the pupil count calculated pursuant to section 15674,
24 subsection 1, paragraph ~~C~~, ~~subparagraph (1)~~ D or E, whichever is applicable; and

25 **Sec. 11. 20-A MRSA §15683, sub-§1, ¶C**, as amended by PL 2005, c. 635, §8, is
26 further amended by amending subparagraph (2) to read:

27 (2) The product of the high school level per-pupil amount for targeted funds for
28 the implementation of a standards-based system calculated pursuant to section
29 15681, subsection 2 multiplied by the grade 9 to 12 portion of the pupil count
30 calculated pursuant to section 15674, subsection 1, paragraph ~~C~~, ~~subparagraph (1)~~
31 D or E, whichever is applicable;

32 **Sec. 12. 20-A MRSA §15683, sub-§1, ¶D**, as corrected by RR 2017, c. 1, §11, is
33 amended by amending subparagraph (1) to read:

34 (1) The product of the elementary school level and middle school level per-pupil
35 amount for targeted technology resource funds calculated pursuant to section
36 15681, subsection 3 multiplied by the kindergarten to grade 8 portion of the pupil
37 count calculated pursuant to section 15674, subsection 1, paragraph ~~C~~,
38 ~~subparagraph (1)~~ D or E, whichever is applicable; and

39 **Sec. 13. 20-A MRSA §15683, sub-§1, ¶D**, as corrected by RR 2017, c. 1, §11, is
40 amended by amending subparagraph (2) to read:

41 (2) The product of the high school level per-pupil amount for targeted technology
42 resource funds calculated pursuant to section 15681, subsection 3 multiplied by the

1 grade 9 to 12 portion of the pupil count calculated pursuant to section 15674,
2 subsection 1, paragraph C, ~~subparagraph (1)~~ D or E, whichever is applicable;

3 **Sec. 14. 20-A MRSA §15689, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt. C,
4 §49, is further amended by amending subparagraph (1) to read:

5 (1) Multiplying 5% of each school administrative unit's essential programs and
6 services per-pupil elementary rate by the average number of resident kindergarten
7 to grade 8 pupils as determined under section 15674, subsection 1, paragraph C,
8 ~~subparagraph (1)~~ D or E, whichever is applicable; and

9 **Sec. 15. 20-A MRSA §15689, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt. C,
10 §49, is further amended by amending subparagraph (2) to read:

11 (2) Multiplying 5% of each school administrative unit's essential programs and
12 services per-pupil secondary rate by the average number of resident grade 9 to
13 grade 12 pupils as determined under section 15674, subsection 1, paragraph C,
14 ~~subparagraph (1)~~ D or E, whichever is applicable; and'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
16 number to read consecutively.

17 **SUMMARY**

18 This amendment replaces the bill, which is a concept draft, and changes the title. The
19 amendment amends the calculation of the pupil count used for determination of operating
20 costs for school administrative units to provide that, beginning in fiscal year 2025-26, the
21 pupil count includes the greater of the average of the pupil counts for October 1st of the 3
22 most recent calendar years prior to the year of funding and the most recent October 1st
23 pupil count. The amendment corrects cross-references to these provisions of law as
24 necessary. The amendment also repeals outdated language that is no longer used in
25 calculating the pupil count.

26 **FISCAL NOTE REQUIRED**

27 **(See attached)**