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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 286, L.D. 419, Bill, “An Act To Promote Academic Opportunities for Maine Youth during Summer Months”

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

**'An Act To Establish the Summer Success Program Fund'**

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

**'Sec. 1. 20-A MRSA c. 317, sub-c. 2** is enacted to read:

**SUBCHAPTER 2**

**SUMMER SUCCESS PROGRAM FUND**

**§8811. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Program fund.** "Program fund" means the Summer Success Program Fund established in section 8812.

**2. Social impact bond.** "Social impact bond" means a performance-based bond that operates over a fixed period of time and for which repayment to an investor is contingent upon a specific social outcome being achieved.

**3. Summer success program.** "Summer success program" means a program offered by a public school that provides traditional and alternative teaching methods to ensure that every student has access to a high-quality extended school year program that helps the student improve the student's academic achievement and addresses the needs of the student to demonstrate content area proficiency based on the student's grade level.

**COMMITTEE AMENDMENT**

1 **§8812. Summer Success Program Fund**

2 **1. Establishment.** The Summer Success Program Fund is established as a  
3 nonlapsing, dedicated fund to be directed and administered by the commissioner within  
4 the department and held by the Treasurer of State. The State Controller shall set up and  
5 maintain an account for the money received from a social impact bond and other money  
6 paid into the program fund. The Treasurer of State shall invest and reinvest the program  
7 fund for the benefit of summer success programs.

8 **2. Sources of money.** The following sources of money may be paid into the  
9 program fund:

10 A. Money appropriated from the General Fund;

11 B. Any grants, gifts and other money from the State and from any unit of federal,  
12 state or local government or from any person, firm, partnership or corporation for  
13 deposit to the program fund;

14 C. All money received from a social impact bond. A social impact bond may  
15 involve the department or a school administrative unit partnering with a service  
16 provider or outside investor that provides the financing for the summer success  
17 program that is the object of the bond, which the department or a school  
18 administrative unit is not required to repay unless student achievement in the summer  
19 success program is demonstrated by a measurable outcome; and

20 D. All interest, dividends or other pecuniary gains from investment of money in the  
21 program fund.

22 **3. Application of program fund.** Money in the program fund must be continuously  
23 applied by the commissioner to carry out this section and may not be used for any other  
24 purpose. School administrative units must ensure that program funds made available to  
25 provide grants for expanded access to summer success programs for elementary and  
26 secondary school students supplement and do not supplant federal funding.

27 **§8813. Standards; approval**

28 The commissioner shall use the program fund to encourage the facilitation of high-  
29 quality summer success programs in school administrative units throughout the State.

30 **1. Standards.** The commissioner shall establish standards for summer success  
31 programs consistent with the basic school approval requirements as set forth in  
32 subchapter 1 for summer school programs offered at elementary or secondary schools in  
33 the State. In establishing standards for summer success programs, the commissioner may  
34 also consider the following:

35 A. Guidelines similar to, but not identical with, the requirements of the community  
36 learning centers program authorized under Title IV, Part B of the federal Elementary  
37 and Secondary Education Act of 1965, as amended by the federal No Child Left  
38 Behind Act of 2001, 20 United States Code, Chapter 70 to help students improve  
39 their academic achievement by providing educational opportunities that close the  
40 achievement gap between high-performing and low-performing students, including  
41 the gap between economically disadvantaged students and their peers;

1 B. Effective models of summer success programs that improve student achievement,  
2 including model programs that involve networking and partnerships with community-  
3 based organizations that provide a range of high-quality services to support student  
4 learning and development. In order to partner with a summer success program, a  
5 community-based organization must be exempt from federal income taxation under  
6 the United States Internal Revenue Code of 1986, Section 501(a), pursuant to the  
7 United States Internal Revenue Code of 1986, Section 501(c)(3); and

8 C. Implementation of the formative and summative assessment methods used by the  
9 school administrative unit during the school year to measure student achievement in  
10 order to monitor the progress of students participating in the summer success  
11 programs.

12 **2. Approval.** A summer success program may be offered by a school administrative  
13 unit with the approval of the commissioner. The commissioner may inspect a summer  
14 success program, after which the commissioner shall approve and grant a certificate to a  
15 school that maintains approval standards. The expense of inspection must be paid by the  
16 department.

17 **§8814. Program fund grants; eligibility; calculation**

18 Beginning in fiscal year 2016-17 and each subsequent year, the department, through a  
19 grant application process, shall provide from the program fund funding to cover 90% of  
20 the costs of summer success programs in school administrative units with greater than  
21 50% student participation in the free and reduced-price lunch program pursuant to section  
22 6602, subsection 1, paragraph A. Any remaining available funds must be provided to  
23 school administrative units with greater than 35% student participation in the free and  
24 reduced-price lunch program.

25 **1. Eligibility.** To receive program fund money calculated pursuant to subsection 2, a  
26 school administrative unit must be in compliance with any applicable standards and  
27 program requirements for summer success programs established by the commissioner  
28 pursuant to section 8813.

29 **2. Program fund grants; calculation.** The commissioner shall calculate one  
30 amount of program fund money that may be made available as a grant to the elementary  
31 school level and another amount of program fund money that may be made available as a  
32 grant to the high school level in accordance with the following.

33 A. For fiscal year 2016-17, the commissioner shall establish a per-pupil amount for  
34 program fund grants.

35 B. For fiscal year 2017-18 and each subsequent year, the commissioner shall  
36 recalculate the per-pupil amount by using the amount calculated under paragraph A  
37 as a base and adjusting for appropriate trends in the Consumer Price Index or other  
38 comparable index.

39 **3. Budget recommendation.** By December 15, 2015 and prior to December 15th of  
40 each subsequent year, the commissioner shall recommend to the Governor and to the  
41 Department of Administrative and Financial Services, Bureau of the Budget the funding  
42 levels for the program fund for payment in the next fiscal year. The commissioner shall  
43 include these funding levels in the department's request to the Legislature for

1 appropriations from the General Fund, allocations from federal funds and authorizations  
2 of Other Special Revenue Funds and social impact bonds to carry out the purposes of this  
3 subchapter.

4 **4. Appropriations and allocations.** The commissioner shall provide funds  
5 authorized by the Legislature to carry out the purposes of this subchapter as grants to  
6 eligible school administrative units.

7 **§8815. Report**

8 The department shall report by June 30, 2017 and annually thereafter to the joint  
9 standing committee of the Legislature having jurisdiction over education and cultural  
10 affairs on the number of school administrative units administering summer success  
11 programs, the nature of the summer success programs receiving money from the program  
12 fund, the amount of money distributed and the number of children participating in a  
13 summer success program.

14 **§8816. Rules**

15 The commissioner shall adopt rules for the standards, approval and administration of  
16 the program fund, including the establishment of program fund requirements and  
17 specifications and procedures for the application and distribution of available funds, and  
18 to otherwise carry out the purposes of this subchapter. Rules adopted pursuant to this  
19 section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

20 **Sec. 2.** **20-A MRSA §15688-A, sub-§5** is enacted to read:

21 **5. Summer success programs.** Beginning in fiscal year 2016-17 and for each  
22 subsequent fiscal year, the commissioner may expend and disburse funds to provide  
23 grants for expanded access to summer success programs for elementary and secondary  
24 school students pursuant to chapter 317, subchapter 2. The amounts of the grant funding  
25 provided to qualified school administrative units pursuant to chapter 317, subchapter 2  
26 are limited to the amounts appropriated, allocated or authorized by the Legislature for the  
27 operation of summer success programs. Any balance of funds appropriated, allocated or  
28 authorized by the Legislature remaining at the end of a fiscal year do not lapse and are  
29 carried forward to the next fiscal year to carry out the purposes of chapter 317, subchapter  
30 2.

31 **Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the  
32 Maine Revised Statutes, Title 20-A, chapter 317, before section 8801, the headnote  
33 "subchapter 1, summer schools" is enacted and the Revisor of Statutes shall implement  
34 this revision when updating, publishing or republishing the statutes.

35 **Sec. 4. Report.** The Commissioner of Education shall submit a report to the Joint  
36 Standing Committee on Education and Cultural Affairs by December 15, 2015 containing  
37 an outline of the routine technical rules proposed by the Department of Education to  
38 implement the Summer Success Program Fund, established in the Maine Revised  
39 Statutes, Title 20-A, chapter 317, subchapter 2, by the 2016-2017 school year.

40 **Sec. 5. Appropriations and allocations.** The following appropriations and  
41 allocations are made.

1 **EDUCATION, DEPARTMENT OF**

2 **Summer Success Program N215**

3 Initiative: Provides base allocations for the Summer Success Program Fund.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
5	All Other	\$500	\$500
6			
7	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

8 **Summer Success Program N215**

9 Initiative: Provides funds for one Education Specialist III position and related All Other  
10 costs to implement and administer the Summer Success Program Fund.

11	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
12	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
13	Personal Services	\$70,716	\$93,043
14	All Other	\$6,013	\$6,351
15			
16	<b>GENERAL FUND TOTAL</b>	<b>\$76,729</b>	<b>\$99,394</b>

17 **EDUCATION, DEPARTMENT OF**  
18 **DEPARTMENT TOTALS**

19		<b>2015-16</b>	<b>2016-17</b>
20	<b>GENERAL FUND</b>	<b>\$76,729</b>	<b>\$99,394</b>
21	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$500</b>	<b>\$500</b>
22			
23	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$77,229</b>	<b>\$99,894</b>

25 **SUMMARY**

26 This amendment, which is the majority report of the committee, replaces the concept  
27 draft to establish the Summer Success Program Fund, a dedicated fund to be directed and  
28 administered by the Commissioner of Education and held by the Treasurer of State, to  
29 encourage the facilitation of high-quality summer success programs in school  
30 administrative units throughout the State. The amendment accomplishes the following.

31 1. It provides that money paid into the fund may include General Fund  
32 appropriations, as well as grants, gifts and other money from any unit of federal, state or  
33 local government or from any person, firm, partnership or corporation for deposit to the  
34 fund and money received from a social impact bond. It requires that school  
35 administrative units ensure that grants provided from the fund for expanding access to  
36 summer success programs supplement and not supplant federal funding.

