

MAINE STATE LEGISLATURE

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L.D. 1381

DATE: 4-10-06

(Filing No. S-578)

EDUCATION AND CULTURAL AFFAIRS

Reported by: Report "C"

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381, Bill, "An Act To Update Teachers' Minimum Salaries"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 20-A MRSA §3252, sub-§4-A, as enacted by PL 2005, c. 12, Pt. QQQQ, §1, is amended to read:

4-A. Targeted funds. In addition to tuition rates calculated pursuant to chapter 219, targeted funds for each student in the unorganized territory must be paid to the school administrative unit or private school approved for tuition purposes that a student attends. For purposes of this subsection, "targeted funds" means those funds identified under essential programs and services for technology, assessment implementation of a standards-based system and kindergarten to grade 2 pursuant to section 15671, subsection 6 and section 15681.

Sec. 2. 20-A MRSA §3253-A, sub-§3-A, as enacted by PL 2005, c. 12, Pt. QQQQ, §2, is amended to read:

3-A. Targeted funds. In addition to tuition rates calculated pursuant to chapter 219, targeted funds for each student in the unorganized territory must be paid to the school administrative unit or private school approved for tuition

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2 purposes that a student attends. For purposes of this
3 subsection, "targeted funds" means those funds identified under
4 essential programs and services for technology, assessment
5 implementation of a standards-based system and kindergarten to
6 grade 2 pursuant to section 15671, subsection 6 and section 15681.

8 **Sec. 3. 20-A MRSA §13402, sub-§2,** as enacted by PL 1981, c.
9 693, §§5 and 8, is repealed.

10 **Sec. 4. 20-A MRSA §§13403 and 13404,** as enacted by PL 1985,
11 c. 505, §3, are repealed.

12 **Sec. 5. 20-A MRSA c. 506-A** is enacted to read:

14 **CHAPTER 506-A**

16 **TEACHER SALARY ADJUSTMENT**

18 **§13521. Teacher salary adjustment; program established**

20 This chapter establishes a teacher salary adjustment
21 program, referred to in this chapter as "the program," to
22 recognize the importance of teachers that serve in school
23 administrative units that enroll a disproportionate percentage of
24 economically disadvantaged students. The teacher salary
25 adjustment program is established in order to retain and attract
26 teachers in school administrative units that enroll a
27 disproportionate percentage of economically disadvantaged
28 students by providing state-funded salary adjustments in addition
29 to, and not in lieu of, locally established salary schedules.
30 The program is administered by the commissioner.

32 **§13522. Definitions**

34 As used in this chapter, unless the context otherwise
35 indicates, the following terms have the following meanings.

38 **1. Qualifying school administrative unit.** "Qualifying
39 school administrative unit" means a school administrative unit as
40 defined in section 1, subsection 26, except that a qualifying
41 school administrative unit also includes a career and technical
42 education region as defined in section 1, subsection 44 that the
43 commissioner has determined has 36.52% or more of its resident
44 pupils designated as economically disadvantaged students as
45 defined in section 15672, subsection 3 and in accordance with
46 section 15672, subsection 5.

48 **2. Teacher.** "Teacher" means a person certified by the
49 department who is an employee of a school administrative unit,
50 including an elementary or a secondary teacher, a specialized

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2 subject teacher and a career and technical education teacher as
3 defined in the certification rules of the state board. "Teacher"
4 includes, by position title, only the following:

- 5 A. A classroom teacher;
6
7 B. An itinerant teacher;
8
9 C. A special education teacher; and
10
11 D. A literacy specialist.

12 **§13523. Teacher salary adjustment for fiscal year 2006-07**

13 1. Eligibility requirements. A teacher salary adjustment
14 for fiscal year 2006-07 must be awarded to teachers who are or
15 have been employed in qualifying school administrative units
16 during the 2006-2007 school year. The adjustment must be
17 provided as follows.

18 A. The adjustment must be prorated to part-time teachers,
19 who are teachers whose assignments are less than full-time
20 or who job share a single position.

21 B. All teachers on approved sabbatical leave who are
22 expected to resume their positions in a school
23 administrative unit must be included as recipients of these
24 adjustments.

25 C. Persons providing contract services to a school
26 administrative unit and substitute teachers are not eligible
27 for the teacher salary adjustment provided in this section.

28 2. Schedule of payment. State funds appropriated by the
29 Legislature for the teacher salary adjustment for fiscal year
30 2006-07 must be allocated to qualifying school administrative
31 units as an adjustment to state school subsidy for distribution
32 to the eligible teachers. Teacher salary adjustments for fiscal
33 year 2006-07 must be included in the school administrative unit's
34 monthly subsidy checks.

35 3. Local filing; certification. The superintendent of a
36 qualifying school administrative unit shall file with the
37 commissioner a certified list of teachers eligible to receive
38 salary adjustments for fiscal year 2006-07 under this section,
39 including their names and current salaries. Filing information
40 must be submitted on or before October 1, 2006.

41 4. Responsibility of the commissioner. The responsibilities
42 of the commissioner to implement this program are as follows.

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2 A. The commissioner shall notify all qualifying school
4 administrative units at least 45 days in advance of the
 filing deadline under subsection 3.

6 B. The commissioner shall allocate the funds appropriated
8 by the Legislature in fiscal year 2006-07 as block grants to
 qualifying school administrative units that the commissioner
 has determined employ eligible teachers under subsection 1.

10 5. Computation of block grants; payments. The commissioner
12 shall allocate the state funds appropriated by the Legislature
14 for block grants under subsection 4, paragraph B in fiscal year
 2006-07 in accordance with the following conditions.

16 A. For the purposes of determining the amount of the block
18 grant payments to be provided to qualifying school
20 administrative units, the commissioner shall calculate a
22 per-teacher rate. The per-teacher rate is the amount of
 state funds appropriated to the program in fiscal year
 2006-07 divided by the number of full-time equivalent
 teachers eligible statewide to receive the teacher salary
 adjustment during the 2006-2007 school year.

24 B. The number of teachers to be used in computing block
26 grant payments in fiscal year 2006-07 must include the
28 number of full-time equivalent teachers eligible to receive
30 the teacher salary adjustment in each school administrative
32 unit, plus any additional certified teachers whose local
34 employment responsibility includes an assignment to work
36 directly with students in an instructional relationship on a
 regular basis, excluding teachers whose salaries are paid
 from federal funds. The number of teachers to be used in
 computing block grant payments for fiscal year 2006-07 must
 be based on the local staff information data supplied to the
 department in October 2006.

38 C. The amount of the block grant payment provided to each
40 qualifying school administrative unit is the product of the
42 per-teacher rate calculated under paragraph A multiplied by
44 the number of teachers calculated under paragraph B.
 Qualifying school administrative units shall use the block
 grant payments provided under this section to provide
 teacher salary adjustments as locally determined in
 accordance with subsection 6.

46 D. The department shall collect the necessary data to allow
48 the block grants to be paid as supplemental monthly payments
50 in fiscal year 2006-07 and for the salary adjustments to be
 paid on or before February 2007. Block grant payments must

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2 be made directly to career and technical education regions
3 on or before April 15, 2007, based on the submission of
4 information to the commissioner indicating that those
5 payments are being used to meet the purposes of this section.

6 E. The amounts required to meet the employer's share of
7 teacher retirement costs attributable to block grant
8 payments in fiscal year 2006-07 must be transferred to the
9 Maine State Retirement System in the appropriate year.

10 6. Local collective bargaining. Where a teacher bargaining
11 agent exists, the teacher bargaining agent and school
12 administrative unit shall, at a minimum, in accordance with the
13 collective bargaining procedures set forth in Title 26, chapter
14 9-A, negotiate or, where a contract is in effect, reopen
15 negotiations as to the use of the block grant funds provided in
16 this section as a recruitment or retention adjustment to the
17 salaries of eligible teachers. The negotiations must be limited
18 to the use of the block grant funds provided in this section.

19 §13524. Repeal

20 This chapter is repealed June 30, 2007.

21
22
23 **Sec. 6. 20-A MRSA §15671, sub-§6,** as amended by PL 2005, c.
24 12, Pt. UU, §1 and affected by §§12 and 13 and Pt. WW, §18, is
25 further amended to read:

26
27 **6. Targeted funds.** Funds for technology, assessment
28 implementation of a standards-based system and the costs of
29 additional investments in educating children in kindergarten to
30 grade 2 as described in section 15681 must be provided as
31 targeted allocations. School administrative units shall submit a
32 plan for the use of these funds and shall receive funding based
33 on approval of the plan by the commissioner.

34
35 **Sec. 7. 20-A MRSA §15681, sub-§1, ¶A,** as enacted by PL 2003,
36 c. 504, Pt. A, §6, is amended to read:

37
38
39 **A.** To receive targeted ~~student--assessment~~ funds for the
40 implementation of a standards-based system calculated
41 pursuant to subsection 2, a school administrative unit must
42 be in compliance with applicable state statutes and
43 department rules regarding local assessment systems for the
44 system of learning results established in section 6209 and
45 be in compliance with applicable federal statutes and
46 regulations pertaining to student assessment as required by
47 the federal No Child Left Behind Act of 2001, 20 United
48 States Code, Chapter 70.

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2 Sec. 8. 20-A MRSA §15681, sub-§2, as enacted by PL 2003, c.
504, Pt. A, §6, is amended to read:

4 2. Targeted funds for the implementation of a
standards-based system. For targeted student-assessment funds
6 for the implementation of a standards-based system, the
commissioner shall calculate one amount that may be made
8 available to the elementary school level and middle school level
and another amount that may be made available to the high school
10 level in accordance with the following.

12 A. For fiscal year 2005-06, the commissioner shall establish
a per-pupil amount for targeted student-assessment funds for
14 the implementation of a standards-based system.

16 B. For fiscal year 2006-07 and each subsequent year, the
commissioner shall recalculate the per-pupil amount by using
18 the amount calculated under paragraph A as a base and
appropriate trends in the Consumer Price Index or other
20 comparable index.

22 C. Notwithstanding paragraph B, for fiscal year 2006-07
only, a portion of the targeted funds to implement a
24 standards-based system must be dedicated to the achievement
of the teacher salary adjustment for certified teachers
26 established in section 13523. This paragraph is repealed
June 30, 2007.

28 Sec. 9. 20-A MRSA §15683, sub-§1, ¶C, as enacted by PL 2003,
30 c. 504, Pt. A, §6, is amended to read:

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

36 (1) The product of the elementary school level and
38 middle school level per-pupil amount for targeted
student-assessment funds for the implementation of a
40 standards-based system calculated pursuant to section
15681, subsection 2 multiplied by the kindergarten to
42 grade 8 portion of the pupil count calculated pursuant
to section 15674, subsection 1, paragraph C,
44 subparagraph (1); and

46 (2) The product of the high school level per-pupil
amount for targeted student-assessment funds for the
48 implementation of a standards-based system calculated
pursuant to section 15681, subsection 2 multiplied by
50 the grade 9 to 12 portion of the pupil count calculated

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pursuant to section 15674, subsection 1, paragraph C,
subparagraph (1);

Sec. 10. PL 2005, c. 519, Pt. J, §§6 and 7 are amended to read:

Sec. J-6. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2006-07 is as follows:

	2006-07 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transition percentage	\$1,326,135,418 <u>\$1,325,380,974</u>
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 90% transition percentage	\$1,193,521,876 <u>\$1,192,842,877</u>
Transition adjustments pursuant to the Maine Revised Statutes, Title 20-A, section 15686	\$10,712,943
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$354,628,374
Total Operating Allocation	<hr/>
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 90% transition percentage plus transition adjustment pursuant to Title 20-A, section 15686 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,558,863,193 <u>\$1,558,184,194</u>
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$86,741,023
Total Adjustments and Miscellaneous Costs	

REFS

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2	Total adjustments and miscellaneous costs	
	pursuant to the Maine Revised Statutes,	
	Title 20-A, sections 15689 and 15689-A	\$51,570,351
4		<u>\$55,144,293</u>

6

Total Cost of Funding Public Education from

8 **Kindergarten to Grade 12**

10	Total cost of funding public education	
	from kindergarten to grade 12 for fiscal	
12	year 2006-07 pursuant to the Maine Revised	
	Statutes, Title 20-A, chapter 606-B	\$1,697,174,567
14		<u>\$1,700,069,510</u>

16 **Sec. J-7. Local and state contributions to total cost of funding public**

18 **education from kindergarten to grade 12.** The local contribution and

the state contribution appropriation provided for General Purpose

20 Aid for Local Schools for the fiscal year beginning July 1, 2006

and ending June 30, 2007 is calculated as follows:

22		2006-07	2006-07
		LOCAL	STATE
24			
26	Local and State Contributions to the		
	Total Cost of Funding Public Education		
	from Kindergarten to Grade 12		
28			
30	Local and state contributions to		
	the total cost of funding public		
32	education from kindergarten to		
	grade 12 pursuant to the Maine		
	Revised Statutes, Title 20-A,		
34	section 15683	\$783,076,345	\$914,098,222
			<u>\$916,993,165</u>

36 **Sec. 11. Appropriations and allocations.** The following

38 appropriations and allocations are made.

40 **EDUCATION, DEPARTMENT OF**

42 **Teacher Retirement**

44 Initiative: Provides funds for the increase in the employer

46 contributions related to the normal cost component of the Maine

State Retirement System associated with providing teacher salary

adjustments to certified teachers in fiscal year 2006-07.

48	GENERAL FUND	2005-06	2006-07
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2	All Other	\$0	\$215,866
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$215,866</u>
6	General Purpose Aid for Local Schools 0308		
8	Initiative: Provides additional funds in fiscal year 2006-07 to provide teacher salary adjustments to certified teachers in qualifying school administrative units.		
10			
12	GENERAL FUND	2005-06	2006-07
14	All Other	\$0	\$2,894,943
16	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,894,943</u>
18	EDUCATION, DEPARTMENT OF		
20	DEPARTMENT TOTALS	2005-06	2006-07
22	GENERAL FUND	\$0	\$3,110,809
24	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$3,110,809'</u>

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill to accomplish the following.

1. It establishes a teacher salary adjustment for certified teachers in qualifying school administrative units for the 2006-2007 school year.

2. It defines a "qualifying school administrative unit" as a school administrative unit or a career and technical education region that the Commissioner of Education has determined has 36.52% or more of its resident pupils designated as "economically disadvantaged students" as defined in the Maine Revised Statutes, Title 20-A, section 15672, subsection 3 and in accordance with Title 20-A, section 15672, subsection 5.

3. It authorizes local collective bargaining, including the reopening of negotiations where a contract is already in effect, between teacher bargaining agents and qualifying school administrative units for the limited purpose of the use of the block grant fund payments provided through the teacher salary adjustment program as a recruitment or retention adjustment to the salaries of eligible teachers.

COMMITTEE AMENDMENT

Revis

COMMITTEE AMENDMENT "B" to S.P. 480, L.D. 1381

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4. It repeals statutory language that limits the amount a school administrative unit may be required to increase the salary of any teacher to no more than \$500 in one school year.

5. It revises the statutes that define the categories of targeted funds within the Essential Programs and Services Funding Act by striking the term "assessment" and replacing it with the term "implementation of a standards-based system" to broaden this targeted fund definition to reflect the work that has been done to implement a standards-based system of educating children in kindergarten through grade 12.

6. It provides that for fiscal year 2006-07 a portion of targeted funds to implement a standards-based system must be dedicated to the distribution of teacher salary adjustments to certified teachers employed in qualifying school administrative units in school year 2006-2007.

7. It provides additional appropriations for fiscal year 2006-07 to fund the teacher salary adjustment program, including the increase in the employer contributions related to the normal cost component of the Maine State Retirement System associated with providing these teacher salary adjustments to certified teachers.

8. It amends Public Law 2005, chapter 519, Part J to adjust the total allocation of funds to include the teacher salary adjustment.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1381

LR 1263(03)

An Act To Update Teachers' Minimum Salaries

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Current Cost - State Mandate

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$3,110,809	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	\$3,110,809	\$0	\$0

State Mandate

New or Expanded Activity

Requiring certain "qualifying schools" where a teacher bargaining agent exists and a contract is in effect to reopen negotiations to determine the use of the funds provided in fiscal year 2006-07 for salary adjustments is a mandate. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, the affected school administrative units may not be required to implement this measure.

Unit Affected

School

Costs

Significant

Fiscal Detail and Notes

This legislation provides teacher salary adjustments for certain qualifying school administrative units and provides \$3,789,808 in funding for the total cost of this measure.

This bill includes General Fund appropriations totaling \$3,110,809 in fiscal year 2006-07 for the Department of Education for the costs associated with providing the one-time teacher salary adjustment to eligible school administrative units. Of that amount, \$2,894,943 is provided to the General Purpose Aid for Local Schools program (GPA) and \$215,866 is provided to the Teacher Retirement program to increase the employer contributions of the

normal cost component of the Maine State Retirement System as a result of the teacher salary adjustment.

Public Law 2005, Chapter 519, the 2006-2007 Supplemental Budget, eliminated the proposal to establish a minimum salary of \$30,000 for certified teachers for the school year starting after June 30, 2006. Of the \$3.6 million that had been available within the fiscal year 2006-07 GPA program to support the increase in teacher salaries, \$2.9 million was used to fund transition adjustments for certain eligible school administrative units, leaving approximately \$0.7 million remaining to fund the teacher salary adjustment. With only \$0.7 million available within the GPA funding, additional General Fund appropriations are required for the balance.