

MAINE STATE LEGISLATURE

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Date: 4/10/14

(Filing No. S- 518)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 577,
L.D. 1530, Bill, "An Act To Establish a Process for the Implementation of Universal
Voluntary Prekindergarten Education"

Amend the amendment by striking out all of sections 2 to 4 and inserting the
following:

'Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 1983, c. 859, Pt. K, §§3
and 7, is further amended to read:

8. Operate public preschool programs, kindergarten and grades one to 12. They
shall either operate programs in kindergarten and grades ~~4~~ one to 12 or otherwise provide
for students to participate in those grades as authorized elsewhere in this Title. To the
extent the State provides adequate start-up funding, they may operate public preschool
programs or provide for students to participate in such programs in accordance with the
requirements of this Title. They shall determine which students ~~shall~~ attend each school,
classify them and transfer them from school to school where more than one school is
maintained at the same time.

Sec. 3. 20-A MRSA c. 203, sub-c. 3 is enacted to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§4271. Start-up funding for public preschool programs

1. Start-up funding. To the extent the State provides adequate start-up funding,
school administrative units may operate public preschool programs or provide for
students to participate in such programs in accordance with the requirements of this Title.
For the purposes of this subchapter, "start-up funding" means a one-time, start-up grant
awarded to a qualified school administrative unit that submits an implementation plan
that is approved by the department for the operation of a new or expanded public
preschool program.

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2. Allowable costs. Beginning with the 2015-2016 school year and for each subsequent school year, the State may provide start-up funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter.

3. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner may provide start-up funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose and must include \$4,000,000 annually in revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino table games pursuant to section 15671, subsection 5-A. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this subchapter.

4. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program. The qualifications established for implementation plans must contain standards and best practices for public preschool programs and must encourage a school administrative unit to demonstrate coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 4 years of age in accordance with this subchapter and rules adopted by the commissioner. In awarding grants under this section, the commissioner shall give priority to a qualified school administrative unit that has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following order of preference:

A. The first preference must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and

B. The 2nd preference must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of start-up funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Application for federal public preschool funds. The department may apply for assistance from the Federal Government for the development of public preschool programs for children 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide

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1 any federal funds received to qualified school administrative units as part of the start-up
2 funding provided for the development and operation of public preschool programs under
3 this section. If federal funds are used as part of the start-up funds to operate new or
4 expanded public preschool programs, the students enrolled in these programs must be
5 considered subsidizable pupils for purposes of state subsidy calculations pursuant to
6 chapter 606-B.

7 **Sec. 4. 20-A MRSA §4501**, as amended by PL 2007, c. 141, §6, is further
8 amended to read:

9 **§4501. Duty of school units**

10 In accordance with the policy expressed in section 2, every school administrative unit
11 shall raise annually sufficient funds to maintain or support elementary and secondary
12 schools to provide free education for its resident students at all grade levels. These
13 schools shall meet the requirements of basic school approval. ~~School units that choose to~~
14 To the extent the State provides adequate start-up funding, a school administrative unit
15 may offer an opportunity for every child 4 years of age residing in the school
16 administrative unit to attend a public preschool program ~~must meet~~, or a program
17 affiliated with the school administrative unit, meeting the requirements of basic school
18 approval. It is the goal of the State to provide adequate start-up funding to ensure that
19 public preschool programs for children 4 years of age are offered by all school
20 administrative units by the 2018-2019 school year.

21 **1. Assessment.** The commissioner shall adopt rules that strongly encourage the use
22 of a uniform common statewide assessment program for kindergarten, which may be used
23 by school administrative units in addition to other quality assessments school
24 administrative units determine to be necessary beginning with the 2016-2017 school year.
25 The uniform common statewide assessment must be designed to measure student
26 comprehension of academic content and mastery of related skills and cover such areas as
27 physical health and motor development; social and emotional development; learning
28 styles; language and literacy; and general cognition. Rules adopted pursuant to this
29 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

30 **2. Grant funds.** Beginning with the 2015-2016 school year, in accordance with this
31 section, the department, if funds are available, shall award grants pursuant to section 4271
32 to each qualified school administrative unit equal to the school administrative unit's
33 allowable costs to implement the approved plan to develop and operate a new or
34 expanded public preschool program. Grant funds must be used to fund the allowable
35 costs of the implementation plan not otherwise subsidized by the State.'

36 Amend the amendment in section 5 in subsection 9 in the first paragraph in the 2nd
37 line (page 4, line 33 in amendment) by inserting after the following: "adequate" the
38 following: 'start-up'

39 Amend the amendment in section 5 in subsection 9 in the first paragraph in the 4th
40 line (page 4, line 35 in amendment) by striking out the following: "shall" and inserting
41 the following: 'may'

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1 Amend the amendment in section 5 in subsection 9 in the last paragraph in the first
2 line (page 5, line 1 in amendment) by striking out the following: "shall provide grants"
3 and inserting the following: 'may provide start-up funding'

4 Amend the amendment by striking out all of sections 6 and 7 and inserting the
5 following:

6 '**Sec. 6. 20-A MRSA §15671, sub-§5-A**, as enacted by PL 2013, c. 368, Pt. C,
7 §5, is amended to read:

8 **5-A. Funds from casino slot machines or table games.** Revenues received by the
9 department from casino slot machines or casino table games pursuant to Title 8, section
10 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A
11 must be distributed until the end of fiscal year 2014-15 as general purpose aid for local
12 schools, and each school administrative unit shall make its own determination as to how
13 to allocate these resources. Beginning in fiscal year 2015-16, \$4,000,000 in revenues
14 must be distributed by the department to provide start-up funds for approved public
15 preschool programs for children 4 years of age in accordance with chapter 203,
16 subchapter 3. Neither the Governor nor the Legislature may divert the revenues payable
17 to the department to any other fund or for any other use. Any proposal to enact or amend
18 a law to allow distribution of the revenues paid to the department from casino slot
19 machines or casino table games for another purpose must be submitted to the Legislative
20 Council and to the joint standing committee of the Legislature having jurisdiction over
21 education matters at least 30 days prior to any vote or public hearing on the proposal.

22 **Sec. 7. 20-A MRSA §15674, sub-§3** is enacted to read:

23 **3. Pupil count for public preschool programs.** Beginning with funding for the
24 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of
25 age attending public preschool programs must be based on the most recent October 1st
26 count prior to the year of funding.

27 **Sec. 8. 20-A MRSA §15675, sub-§3, ¶A**, as amended by PL 2007, c. 141, §15,
28 is further amended to read:

29 A. For purposes of the additional weight under this subsection, the count of public
30 preschool program to grade 2 students is calculated based on the number of resident
31 pupils in the most recent calendar year. Beginning with funding for the 2015-16
32 school year, the pupil count for students 4 years of age and students 5 years of age
33 attending public preschool programs must be based on the most recent October 1st
34 count prior to the allocation year.

35 **Sec. 9. 20-A MRSA §15681, sub-§1, ¶C**, as amended by PL 2007, c. 141, §16,
36 is further amended to read:

37 C. To receive targeted public preschool program to grade 2 funds calculated
38 pursuant to subsection 4, the school administrative unit must be in compliance with
39 any applicable reporting requirements for local early childhood programs. Any
40 program must be in compliance with chapter 203, subchapter 2 or 3.

41 **Sec. 10. 20-A MRSA §15688-A, sub-§4** is enacted to read:

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1 **4. New or expanded public preschool programs for children 4 years of age.**
 2 Beginning in fiscal year 2015-16 and for each subsequent fiscal year, the commissioner
 3 may expend and disburse one-time, start-up funds to provide grants for expanded access
 4 to public preschool programs for children 4 years of age pursuant to chapter 203,
 5 subchapter 3. The amounts of the grant funding provided to qualified school
 6 administrative units pursuant to chapter 203, subchapter 3 are limited to the amounts
 7 appropriated, allocated or authorized by the Legislature for the operation of public
 8 preschool programs. Any balance of funds appropriated, allocated or authorized by the
 9 Legislature remaining at the end of a fiscal year do not lapse and are carried forward to
 10 the next fiscal year to carry out the purposes of chapter 203, subchapter 3.'

11 Amend the amendment in section 9 in the first paragraph in the 4th line (page 6, line
 12 1 in amendment) by striking out the following: "5" and inserting the following: '4'

13 Amend the amendment by striking out all of section 10 and inserting the following:

14 **'Sec. 10. Appropriations and allocations.** The following appropriations and
 15 allocations are made.

16 **EDUCATION, DEPARTMENT OF**

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

18 Initiative: Reduces funding for the bus refurbishing program.

19	GENERAL FUND	2013-14	2014-15
20	All Other	\$0	(\$69,877)
21			
22	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$69,877)</u>

23 **PK-20, Adult Education and Federal Programs Team Z081**

24 Initiative: Provides funds for 80% of one Early Childhood Coordinator position and
 25 related All Other costs beginning in fiscal year 2014-15.

26	GENERAL FUND	2013-14	2014-15
27	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
28	Personal Services	\$0	\$64,877
29	All Other	\$0	\$5,000
30			
31	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$69,877</u>

32 **EDUCATION, DEPARTMENT OF**
 33 **DEPARTMENT TOTALS**

34		2013-14	2014-15
35	GENERAL FUND	<u>\$0</u>	<u>\$0</u>
36			

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1 **DEPARTMENT TOTAL - ALL FUNDS** \$0 \$0

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3 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
4 or section number to read consecutively.

5 **SUMMARY**

6 This amendment amends Committee Amendment "A." The amendment differs from
7 Committee Amendment "A" in the following ways.

8 1. It removes the provisions that would have required school administrative units to
9 submit an implementation plan for operating a new or expanded public preschool
10 program by the 2018-2019 school year and provides that, beginning in the 2015-2016
11 school year and for each subsequent school year, a school administrative unit may receive
12 start-up funding if the school administrative unit submits an implementation plan for
13 operating a new or expanded public preschool program that is approved by the
14 Department of Education.

15 2. It defines "start-up funding" as a one-time, start-up grant for the operation of a new
16 or expanded public preschool program and it provides that, to the extent the Legislature
17 appropriates or allocates adequate start-up funding from state, federal or private funds for
18 these grants, the Commissioner of Education may award grants to qualified school
19 administrative units to operate a new or expanded public preschool program.

20 3. It provides that, beginning in the 2015-2016 school year, \$4,000,000 of revenues
21 received by the Department of Education from casino slot machines or casino table
22 games must be distributed by the department to provide annual start-up funds for
23 approved public preschool programs for children 4 years of age.

24 4. It provides that, beginning with funding for the 2015-2016 school year, the count
25 for students 4 years of age and 5 years of age attending public preschool programs must
26 be based on the most recent October 1st pupil count prior to the year of funding.

27 5. It modifies the rule-making provision related to the qualifications to be included in
28 the Department of Education rules for the approval of implementation plans and the
29 awarding of grants to school administrative units for operating new or expanded public
30 preschool programs. The amendment strikes the requirement that the application
31 submitted by a school administrative unit must meet standards and best practices for
32 public preschool programs and must be coordinated with other early childhood programs
33 in the community and replaces these provisions with language that permits the
34 department's rules to address these criteria.

35 6. It strikes the provision that would have established an adjustment to the state share
36 of the total allocation for new or expanded public preschool programs and replaces this
37 provision to authorize the Commissioner of Education to expend and disburse one-time,
38 start-up funds to provide grants for expanded access to public preschool programs for
39 children 4 years of age.

SENATE AMENDMENT

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 577, L.D. 1530

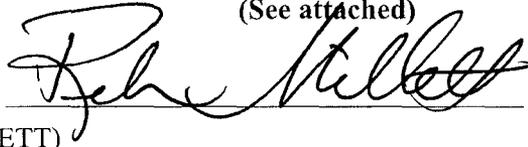
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7. It adds a new appropriations and allocations section to transfer General Fund funds from the bus refurbishing program to fund the costs of an early childhood coordinator position.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:



(Senator MILLETT)

COUNTY: Cumberland



126th MAINE LEGISLATURE

LD 1530

LR 171(04)

An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education

Fiscal Note for Senate Amendment "A" to Committee Amendment "A"

Sponsor: Sen. Millett of Cumberland

Fiscal Note Required: Yes

Fiscal Note

Undetermined future biennium cost increase - General Fund

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	(\$69,877)	(\$69,667)	(\$320,576)
Appropriations/Allocations				
General Fund	\$0	(\$69,877)	(\$69,667)	(\$320,576)

Fiscal Detail and Notes

This amendment includes a General Fund deappropriation of \$69,877 to the General Purpose Aid for Local Schools program within the Department of Education which reduces funding for the bus refurbishing program in order to fund the appropriation in the committee amendment. This amendment also eliminates the estimated one-time cost of \$248,000 in fiscal year 2016-17 to provide professional development by removing the requirement that a uniform common statewide assessment program for kindergarten be used by all local school administrative units (SAU's) beginning with the 2016-2017 school year. This amendment, instead, makes utilizing the assessment optional. The cost to the Department of Education to provide professional development to those SAU's that choose to utilize the uniform common statewide assessment program beginning in fiscal year 2016-17 can not be determined at this time.

This amendment removes the requirement that school administrative units (SAU's) operate or otherwise provide for the availability of a public preschool program if adequate funds are provided and instead provides for one-time start-up grant funds to be available to those SAU's that submit an implementation plan to the Department of Education to operate a new or expand an existing public preschool program.

Finally, this amendment eliminates the requirement that all revenues from casino slot machines or table games received by the department beginning in fiscal year 2015-16 must be used for approved public preschool programs and instead provides that, beginning in fiscal 2015-16, \$4,000,000 per year in slot machine and table games revenue received by the department must be distributed to provide start-up grants for approved public preschool programs.