

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 502

H.P. 359

House of Representatives, January 31, 2019

An Act To Establish the Summer Success Program Fund

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PIERCE of Falmouth.
Cosponsored by Senator BREEN of Cumberland and
Representatives: DAUGHTRY of Brunswick, GATTINE of Westbrook, HANDY of Lewiston,
JORGENSEN of Portland, MORALES of South Portland, PERRY of Calais, Senators:
DIAMOND of Cumberland, MILLETT of Cumberland.

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

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

3 **SUBCHAPTER 2**

4 **SUMMER SUCCESS PROGRAM FUND**

5 **§8811. Definitions**

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

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

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

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

18 **§8812. Summer Success Program Fund**

19 **1. Establishment.** The Summer Success Program Fund is established as a
20 nonlapsing, dedicated fund to be directed and administered by the commissioner within
21 the department and held by the Treasurer of State. The State Controller shall set up and
22 maintain an account for the money received from social impact bonds and other money
23 paid into the program fund. The Treasurer of State shall invest and reinvest the program
24 fund for the benefit of summer success programs.

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

27 A. Money appropriated from the General Fund;

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

31 C. All money received from a social impact bond; and

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

34 **3. Social impact bond.** A social impact bond may involve the department or a
35 school administrative unit partnering with a service provider or outside investor that

1 provides the financing for the summer success program that is the object of the bond,
2 which the department or a school administrative unit is not required to repay unless
3 student achievement in the summer success program is demonstrated by a measurable
4 outcome.

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

10 **§8813. Standards; approval**

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

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

18 A. Guidelines similar to, but not identical with, the requirements of the community
19 learning centers program authorized under Title IV, Part B of the federal Elementary
20 and Secondary Education Act of 1965, as amended by the federal Every Student
21 Succeeds Act, 20 United States Code, Chapter 70 to help students improve their
22 academic achievement by providing educational opportunities that close the
23 achievement gap between high-performing and low-performing students, including
24 the gap between economically disadvantaged students and their peers;

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

32 C. Implementation of the formative and summative assessment methods used by a
33 school administrative unit during the school year to measure student achievement in
34 order to monitor the progress of students in that school administrative unit who are
35 participating in the summer success programs.

36 **2. Approval.** A summer success program may be offered by a school administrative
37 unit with the approval of the commissioner. The commissioner may inspect a summer
38 success program, after which the commissioner shall approve and grant a certificate to a
39 school that maintains approval standards under subsection 1. The department shall pay
40 the expense of the inspection.

1 **§8814. Program fund grants; eligibility; calculation**

2 Beginning in fiscal year 2020-21 and each subsequent year, the department, through a
3 grant application process, shall provide from the program fund funding to cover 90% of
4 the costs of summer success programs in school administrative units with greater than
5 50% student participation in the federal free and reduced-price lunch program pursuant to
6 section 6602, subsection 1, paragraph A. Any remaining available funds must be
7 provided to school administrative units with greater than 35% student participation in the
8 federal free and reduced-price lunch program.

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

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

17 A. For fiscal year 2020-21, the commissioner shall establish a per-pupil amount for
18 program fund grants.

19 B. For fiscal year 2021-22 and each subsequent year, the commissioner shall
20 recalculate the per-pupil amount by using the amount calculated under paragraph A
21 as a base and adjusting for appropriate trends in the Consumer Price Index or other
22 comparable index.

23 **3. Budget recommendation.** By December 15, 2019 and prior to December 15th of
24 each subsequent year, the commissioner shall recommend to the Governor and to the
25 Department of Administrative and Financial Services, Bureau of the Budget the funding
26 levels for the program fund for payment in the next fiscal year. The commissioner shall
27 include these funding levels in the department's request to the Legislature for
28 appropriations from the General Fund, allocations from federal funds and authorizations
29 of Other Special Revenue Funds and social impact bonds to carry out the purposes of this
30 subchapter.

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

34 **§8815. Report**

35 The department shall report by June 30, 2021 and annually thereafter to the joint
36 standing committee of the Legislature having jurisdiction over education and cultural
37 affairs on the number of school administrative units administering summer success
38 programs, the nature of the summer success programs receiving money from the program
39 fund, the amount of money distributed and the number of children participating in a
40 summer success program.

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§8816. Rules

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

Sec. 2. 20-A MRSA §15688-A, sub-§9 is enacted to read:

9. Summer success programs. Beginning in fiscal year 2020-21 and for each subsequent fiscal year, the commissioner may expend and disburse funds to provide grants for expanded access to summer success programs for elementary and secondary school students pursuant to chapter 317, subchapter 2. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 317, subchapter 2 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of summer success programs. 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 chapter 317, subchapter 2.

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

Sec. 4. Report. The Commissioner of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 containing an outline of the routine technical rules proposed by the Department of Education to implement the Summer Success Program Fund, established in the Maine Revised Statutes, Title 20-A, chapter 317, subchapter 2, by the 2020-2021 school year.

SUMMARY

This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The bill accomplishes the following.

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

2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund

1 money for summer success programs offered at elementary and secondary schools in the
2 State. It also allows the commissioner to include the following in the standards:

3 A. Guidelines similar to the federal 21st Century Community Learning Centers
4 program to close the achievement gap between high-performing and low-performing
5 students;

6 B. Effective models of summer success programs that involve networking and
7 partnerships with community-based organizations that provide a range of high-quality
8 services to support student learning and development; and

9 C. Implementation of the formative and summative assessment methods to measure
10 student achievement in order to monitor the progress of students participating in
11 summer success programs.

12 3. It provides that, beginning in fiscal year 2020-21, the department is required to
13 provide grant funding, through a grant application process, to cover 90% of the costs of
14 summer success programs in school administrative units with greater than 50% student
15 participation in the federal free and reduced-price lunch program.

16 4. It adds the fund to the enhancing student performance and opportunity provisions
17 of the Essential Programs and Services Funding Act.

18 5. It requires the commissioner to submit a report to the Joint Standing Committee
19 on Education and Cultural Affairs by December 15, 2019 that outlines the proposed rules
20 to implement the fund by the 2020-2021 school year.