

MAINE STATE LEGISLATURE

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MAJORITY
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1602, L.D. 2103, Bill, "An Act Regarding Essential Programs and Services"

Amend the bill in section 1 in that part designated "\$15671." in the first paragraph in the 2nd line (page 1, line 12 in L.D.) by striking out the following: "must be provided" and inserting in its place the following: 'are identified in this chapter'

Further amend the bill in section 1 in that part designated "\$15671." in the first paragraph in the 5th line (page 1, line 15 in L.D.) by inserting after the following: "results." the following: 'school funding based on'

Further amend the bill in section 1 in that part designated "\$15671." in the first paragraph in the 4th line from the end (page 1, line 22 in L.D.) by striking out the following: "be available in all schools" and inserting in its place the following: 'provide the basis for the system of school funding'

Further amend the bill in section 1 in that part designated "\$15671." in subsection 1 in the last line (page 1, line 30 in L.D.) by inserting after the following: "chapter." the following: 'The state contribution to the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, must be made in accordance with this subsection:'

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Further amend the bill in section 1 in that part designated "§15671." by inserting after subsection 1 the following:

'A. The level of the state share of funding attributable to the cost of the components of essential programs and services must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2007-08; and

B. Beginning in fiscal year 2003-04 and in each fiscal year until fiscal year 2007-08, the level of the state share of funding attributable to the cost of the components of essential programs and services must increase toward the 50% level of eligible state and local General Fund education costs.

Beginning in fiscal year 2003-04 and in each fiscal year thereafter, the commissioner shall use the funding level determined in accordance with this section as the basis for a recommended funding level for the state share of the cost of the components of essential programs and services.'

Further amend the bill in section 2 in subsection 4 in the last line (page 3, line 47 in L.D.) by inserting after the following: "finance." the following: 'The Commissioner of Education may request drafting assistance from the Legislative Council in drafting any proposed statutory language to amend the existing school finance laws. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide the necessary drafting assistance to the Department of Education. Drafting assistance may only be provided during times when the Legislature is not in session.'

Further amend the bill in section 3 in the 4th line (page 4, line 2 in L.D.) by inserting after the following: "approach" the following: 'to school funding'

Further amend the bill in section 6 by striking out all of the last 2 sentences (page 4, lines 41 to 50 and page 5, lines 1 to 9 in L.D.) and inserting in their place the following: 'The report and the accompanying proposed statutory language must include, but are not limited to, any recommendations as appropriate on the following:

1. Determination of component costs. Methods of determining costs for each of the components described in this Act;

2. Adjustments to component costs. Periodic adjustments to these components and to the calculated costs;

3. **Implementation strategies.** Strategies for implementing the findings and recommendations of follow-up studies on essential programs and services previously directed by the Legislature;

4. **Regional cost adjustment.** A regional cost adjustment for legitimate regional differences in the cost of components, including what basis there may be for recognizing legitimate regional differences in the essential programs and services model;

5. **Recruitment and retention adjustment.** Any adjustments for educator recruitment and retention through equitable compensation;

6. **Tax effort.** The impact of essential programs and services on tax effort; and

7. **State share.** A transition plan to full implementation of this new funding system, including the 50% state share of eligible state and local General Fund education costs statewide, beginning in fiscal year 2003-04 and completed no later than fiscal year 2007-08.

The State Board of Education and the Commissioner of Education may introduce legislation related to their report to the First Regular Session of the 121st Legislature at the time of submission of their report.'

Further amend the bill by inserting after section 6 the following:

Sec. 7. Waiver. Notwithstanding any other provision of law, a school administrative unit or a private school approved for tuition that enrolls at least 60% publicly funded students may apply for a waiver from compliance with the local assessment system provisions required in the Maine Revised Statutes, Title 20-A, section 6202-A or with the time-line requirements for implementation of the standards in the content areas of career preparation, foreign languages and visual and performing arts as required in Title 20-A, section 6209, subsection 3.

1. **Application.** The application for a waiver of these requirements must contain the following:

A. Documentation of actions taken to meet the requirements prior to applying for the waiver;

B. A description of the unforeseen circumstances or undue hardships that led to the application;

C. A statement of financial hardship, if applicable; and

D. The plan that the school administrative unit or the private school will implement to come into compliance with the requirements of the applicable statute.

2. Actions of the Commissioner of Education. The Commissioner of Education may grant the waiver in the following circumstances:

A. Based on the receipt of an application for a waiver that contains the information described in subsection 1, paragraphs A, C and D, the Commissioner of Education shall grant a one year waiver from the requirements of the Maine Revised Statutes, Title 20-A, section 6202-A, subsection 3 or 4 so that student achievement of the content standards of the system of learning results in health and physical education, science and technology and social studies is not required for high school graduation in the school administrative unit or the private school until the 2007-2008 school year;

B. Upon finding that due to unforeseen circumstances or undue hardships, including financial hardship, the school administrative unit or private school is unable to comply with the applicable statute and that the compliance plan that the school administrative unit or private school has submitted is reasonable; or

C. Upon finding that student performance in the school administrative unit or private school exceeds expectations and that there is a personal learning plan aligned with the system of learning results developed for each student in the school administrative unit or private school.

Sec. 8. Implementation analysis. The Task Force to Review the Status of Implementation of the System of Learning Results, referred to in this section as the "task force," is established to study and assess the status of implementation of the system of learning results in schools throughout the State.

1. Membership. The task force consists of the following 13 members:

A. The Commissioner of Education or the commissioner's designee;

B. The Chair of the State Board of Education or the chair's designee;

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2 C. Two superintendents appointed by the Maine School
Superintendents Association;

4 D. Two school board members appointed by the Maine School
Boards Association;

6 E. Two principals appointed by the Maine Principals'
8 Association;

10 F. Four teachers appointed by the Maine Education
Association; and

12 G. One member of the Maine Coalition for Excellence in
14 Education appointed by the Maine Coalition for Excellence in
Education.

16 2. **Chair.** The task force shall select a chair at the first
18 meeting of the task force.

20 3. **Appointments; convening of task force.** All appointments
must be made no later than 30 days following the adjournment date
22 of the 2nd Regular Session of the 120th Legislature. The
appointing authorities shall notify the Commissioner of Education
24 once all appointments have been completed. Within 15 days after
appointment of all members, the Commissioner of Education or the
26 commissioner's designee shall call and convene the first meeting
of the task force.

28 4. **Duties.** The task force shall:

30 A. Conduct a full and complete assessment of the
32 implementation of the system of learning results in each
school administrative unit in the State;

34 B. Examine what actions are needed to adhere to the time
36 lines for implementation of the system of learning results
as required by current statute and rules; and

38 C. Consider the requirements of the federal Elementary and
40 Secondary Education Act of 1965, ESEA, 20 United States
Code, chapter 1301, et seq., as amended by Public Law
42 107-110, and, to the extent that the ESEA requirements
affect the implementation of the system of learning results,
44 the task force shall include in its report specific
recommendations concerning the implementation of such
46 requirements.

48 5. **Staffing assistance; technical assistance.** The
Department of Education shall provide necessary staffing services
50 to the task force. In conjunction with the State Board of

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Education and the Department of Education, the Education Research Institute shall provide technical assistance to the task force as specified in this subsection.

A. On behalf of the task force, the Chair of the State Board of Education shall enter into a project agreement with the Steering Committee of the Education Research Institute to provide technical assistance to the task force, which must include, but may not be limited to, designing an appropriate methodology and assessment instrument for the collection, analysis and reporting of data necessary to accomplish the duties established for this implementation analysis.

B. The Education Research Institute may receive input from the task force regarding the appropriate methodology necessary prior to the collection of data. The Chair of the State Board of Education shall request that the Steering Committee of the Education Research Institute approve the addition of a targeted research project to the fiscal year 2002-03 work plan to permit Education Research Institute researchers to provide such technical assistance as may be required by the task force and as may be in accordance with the project agreement.

C. On behalf of the task force, the Department of Education or any contracted service provider that the department may designate shall implement the data collection as agreed upon by the task force and the Education Research Institute and shall further provide that the data collected from the assessment instrument is forwarded to the Education Research Institute for compilation.

D. Following its compilation of the assessment data, the Education Research Institute shall provide the data collected from the assessment instrument to the task force. The task force shall conduct its own implementation analysis on the assessment data collected and shall use these data in the development of its report and recommendations.

E. On behalf of the task force, the Department of Education shall provide advance notice of the agenda, the time and the location established for each meeting of the task force, including the minutes or meeting summary of the preceding task force meeting, to the members of the Joint Standing Committee on Education and Cultural Affairs.

6. **Report.** The task force shall submit its report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular

Session of the 121st Legislature no later than January 15, 2003. The task force report must include specific findings regarding the current levels of school administrative unit implementation of the system of learning results, as well as a recommended plan of action to meet any deficiencies identified in this implementation analysis. The task force is not authorized to introduce legislation. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 121st Legislature.

7. Budget. The Department of Education shall provide funding for the task force from federal funds that are allocated to the Department of Education for expenditure in fiscal year 2002-03 to provide school administrative unit accountability for students meeting the state standards. Funds provided by the Department of Education to carry out this implementation analysis may not exceed \$10,000.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill defines essential programs and services and establishes a time line for a transition to a new school funding approach based on essential programs and services. It requires the level of the State's share of funding attributable to the cost of the components of essential programs and services to be at least 50% of eligible state and local General Fund education costs statewide by no later than fiscal year 2007-08, and that the State must begin to increase toward the 50% level starting in fiscal year 2003-04. Although there is no effect in fiscal year 2002-03, the future impact on General Purpose Aid to Local Schools and to local school units can not be determined at this time.

This bill also establishes the Task Force to Review the Status of Implementation of the system of learning results to study and assess the status of implementation of the system of learning results in schools throughout the State. The Department of Education and the State Board of Education will incur some minor additional costs to serve on the task force, provide staffing and technical assistance and prepare the required report. This bill authorizes the Department of Education to provide up to \$10,000 in funding for the task force from federal funds that are allocated to the department for 2002-03 to provide school administrative unit accountability for students meeting the standard. Any additional costs to the department and the

board associated with the requirements of the task force can be absorbed utilizing existing budgeted resources.

The Department of Education and the State Board of Education will incur some minor additional costs to develop a phase-in plan for the essential programs and services approach to school funding, to submit the required report and to review waiver applications. These costs can be absorbed by the department and the board utilizing existing budgeted resources.

Because the bill limits drafting assistance provided by the Office of Policy and Legal Analysis to the interim between legislative sessions, the additional costs associated with providing drafting assistance to the Department of Education can be absorbed by the Legislature utilizing existing budgeted resources.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The committee amendment proposes to change the following provisions of the bill.

1. It clarifies that "essential programs and services" are those educational resources that are identified for all students to meet the standards in the 8 content standard subject areas of the system of learning results and further clarifies that the essential programs and services must provide the basis for the system of school funding no later than 2007-08 in order to achieve the system of learning results.

2. It provides that the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must be at least 50% of eligible state and local General Fund education costs statewide, no later than fiscal year 2007-08. It also provides that beginning in fiscal year 2003-04 and in each fiscal year until fiscal year 2007-08, the level of the state share of funding attributable to the cost of the components of essential programs and services, exclusive of federal funds, must increase toward the 50% level of eligible state and local General Fund education costs statewide for the components of essential programs and services.

3. It clarifies the issues to be studied further by the State Board of Education, the Department of Education and the Education Research Institute related to implementing the essential programs and services model; it requires that this study also consider findings and recommendations related to the

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2 impact of the essential programs and services on tax effort; and
it permits the Commissioner of Education to request drafting
4 assistance from the Legislative Council in drafting any proposed
statutory language to amend the existing school finance laws.

6 4. It provides for a waiver of certain statutory provisions
related to the timeline established for the implementation of the
8 system of learning results so that these required implementation
dates will align with the time line established for full
10 implementation of a new school funding approach based on
essential programs and services, which must be fully implemented
12 no later than fiscal year 2007-08. A waiver from compliance may
be provided for the requirements related to the implementation of
14 local assessment systems and awarding a high school diploma and
for the requirements for implementation of the standards in the
16 content areas of career preparation, foreign languages and visual
and performing arts.

18 5. It provides for the establishment of the Task Force to
20 Review the Status of Implementation of the System of Learning
Results to study and assess the status of implementation of the
22 system of learning results in schools throughout the State.

24 The amendment also adds a fiscal note to the bill.