

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 162

S.P. 85

In Senate, January 21, 2003

An Act to Provide for the Fair Distribution of Resources for Teaching Students of Limited Proficiency in English

(EMERGENCY)

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

A handwritten signature in black ink, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and
Senators: DOUGLASS of Androscoggin, GAGNON of Kennebec, SAWYER of Penobscot,
Representatives: FAIRCLOTH of Bangor, LEDWIN of Holden, SYKES of Harrison,
WALCOTT of Lewiston.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, in order for the adjustment proposed in this
6 legislation to be implemented in fiscal year 2003-04, this
legislation must be enacted as an emergency measure; and

8 Whereas, in the judgment of the Legislature, these facts
10 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 20-A MRSA §15603, sub-§28-A,** as enacted by PL 1999, c.
18 401, Pt. JJ, §1, is repealed.

20 **Sec. 2. 20-A MRSA §15612, sub-§12-A,** as enacted by PL 1999, c.
22 401, Pt. JJ, §2, is repealed and the following enacted in its
place:

24 **12-A. Adjustment for students of limited proficiency in**
English who are placed in transitional instruction programs that
use English as a 2nd language or bilingual techniques; adjustment
limitation. In fiscal year 2003-04 and in each succeeding fiscal
28 year, a school administrative unit that places a student in a
transitional instruction program using English as a 2nd language
30 or bilingual techniques approved by the commissioner and
established in accordance with section 4701, subsection 2 must
32 receive an adjustment on a per capita basis for each such student
in the unit. State payments to school administrative units
34 pursuant to this subsection must be calculated as follows.

36 A. For the purposes of this subsection, "student placed in
an approved transitional instruction program" means an
38 elementary or secondary student who is a student of limited
proficiency in English and who is placed in a transitional
40 instruction program using English as a 2nd language or
bilingual techniques established in the school
42 administrative unit as part of plans approved by the
commissioner and implemented in accordance with section
44 4701, subsection 2.

46 B. The amount of each school administrative unit's
adjustment is as calculated pursuant to paragraph C and
48 prorated as necessary pursuant to paragraph E.

50 C. The weighted student count used for the calculation of

each school administrative unit's adjustment in accordance with this subsection is as follows.

(1) The calculated amount for a unit that has between one and 15 students placed in an approved transitional instruction program is equal to 50% multiplied by the student count specified in paragraph D.

(2) The calculated amount for a unit that has 16 to 250 students placed in an approved transitional instruction program is equal to 30% multiplied by the student count specified in paragraph D.

(3) The calculated amount for a unit that has 251 or more students placed in an approved transitional instruction program is equal to 60% multiplied by the student count specified in paragraph D.

D. The student count used for the calculation of each school administrative unit's adjustment under this subsection is the average of the 2 census counts on April 1st and October 1st of students placed in approved transitional instruction programs for the most recent calendar year.

E. The amount due to each school administrative unit in accordance with this subsection must be paid by the department in the year of allocation as a single payment. The funds disbursed are limited to the amount appropriated by the Legislature for this purpose and the department is authorized to prorate payments to units if the amount appropriated is insufficient to make full payments to all units. If additional appropriations are not provided for this disbursement, the department may not redistribute existing appropriations for general purpose aid to local schools.

Sec. 3. Revision of student census forms; notice to superintendents.

The Commissioner of Education shall take whatever action is necessary to revise the forms provided to school administrative units and private schools in accordance with the Maine Revised Statutes, Title 20-A, section 6004 so that the annual student counts reported each school year can include the count of all students placed in an approved transitional instruction program as required by this Act. The Commissioner of Education shall also provide notice to all superintendents and private school principals that, beginning with the April 15, 2003 student count, each school administrative unit and private school is required to specify the number of students placed in an

approved transitional instruction program as part of the annual student count.

Sec. 4. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 20-A, section 15603, subsection 28-A and repeal and replace Title 20-A, section 15612, subsection 12-A take effect July 1, 2003.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

SUMMARY

This bill directs the Department of Education to use an enrollment-driven method to adjust the amount of general purpose aid subsidy that a school administrative unit would receive for the costs of providing a transitional instruction program for students of limited proficiency in English who are placed in a transitional instruction program using English as a 2nd language or bilingual techniques approved by the Commissioner of Education. The bill proposes to accomplish the following.

1. Beginning in fiscal year 2003-04, a school administrative unit would receive an adjustment to its state subsidy on a per capita basis for each student of limited proficiency in English placed in an approved transitional instruction program. State payments to school administrative units must be made during the year of allocation as a single payment.

2. The adjustment would be calculated using a weighted average student count with a 3-tiered differential weighting scheme based on the number of students placed in an approved transitional instruction program in the unit and the averaging of the 2 most recent student census counts.

3. The funds disbursed for this adjustment are limited to the amount appropriated by the Legislature for this purpose and payments to units must be prorated if the amount appropriated is insufficient to make full payments to all units. If additional appropriations are not provided for this disbursement, the Department of Education may not redistribute existing appropriations for general purpose aid to local schools for this adjustment.

4. The Commissioner of Education is directed to revise the forms provided to school administrative units and private schools so that the annual student counts required each school year can include the count of all students placed in an approved

transitional instruction program beginning with the April 15,
2 2003 student count. The commissioner is also directed to provide
notice to all superintendents and private school principals that,
4 beginning with the April 15, 2003 student count, each school
administrative unit and private school is required to specify the
6 number of students placed in an approved transitional instruction
program as part of the annual student counts.