

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1432

H.P. 1051

House of Representatives, March 25, 2003

**An Act Regarding the Factors Used for General Purpose Aid in the
Essential Programs and Services Model for "English as a 2nd
Language" Students**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ADAMS of Portland.
Cosponsored by Representatives: CUMMINGS of Portland, EARLE of Damariscotta,
PARADIS of Frenchville, WALCOTT of Lewiston.

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

2
4 **Sec. 1. 20-A MRSA §15603, sub-§28-A**, as enacted by PL 1999, c. 401, Pt. JJ, §1, is repealed.

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 JJ, §2, is repealed and the following enacted in its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

10 **12-A. Adjustment for students of limited proficiency in**
12 **English who are placed in transitional instruction programs that**
14 **use English as a 2nd language or bilingual techniques; adjustment**
16 **limitation. In fiscal year 2003-04 and in each succeeding fiscal**
18 **year, a school administrative unit that places a student in a**
20 **transitional instruction program using English as a 2nd language**
or bilingual techniques approved by the commissioner and
established in accordance with section 4701, subsection 2 must
receive an adjustment on a per capita basis for each such student
in the unit. State payments to school administrative units
pursuant to this subsection must be calculated as follows.

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

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

36 **C. The weighted student count used for the calculation of**
38 **each school administrative unit's adjustment in accordance**
with this subsection is as follows.

40 **(1) The calculated amount for a unit that has between**
42 **one and 15 students placed in an approved transitional**
44 **instruction program is equal to 100% multiplied by the**
student count specified in paragraph D.

46 **(2) The calculated amount for a unit that has 16 to 250**
48 **students placed in an approved transitional instruction**
program is equal to 60% multiplied by the student count
specified in paragraph D.

2 (3) The calculated amount for a unit that has 251 or
3 more students placed in an approved transitional
4 instruction program is equal to 120% multiplied by the
5 student count specified in paragraph D.

6 D. The student count used for the calculation of each
7 school administrative unit's adjustment under this
8 subsection is the average of the 2 census counts on April
9 1st and October 1st of students placed in approved
10 transitional instruction programs for the most recent
11 calendar year.

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

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

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

36 **Sec. 4. Effective date.** Those sections of this Act that repeal
37 the Maine Revised Statutes, Title 20-A, section 15603, subsection
38 28-A and repeal and replace Title 20-A, section 15612, subsection
39 12-A take effect July 1, 2003.

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43 **SUMMARY**

44 This bill directs the Department of Education to use an
45 enrollment-driven method to adjust the amount of general purpose
46 aid subsidy that a school administrative unit would receive for

2 the costs of providing a transitional instruction program for
students of limited proficiency in English who are placed in a
4 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.

6
8 1. Beginning in fiscal year 2003-04, a school
administrative unit would receive an adjustment to its state
10 subsidy on a per capita basis for each student of limited
proficiency in English placed in an approved transitional
12 instruction program. State payments to school administrative
units must be made during the year of allocation as a single
14 payment.

16 2. The adjustment would be calculated using a weighted
average student count with a 3-tiered differential weighting
18 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.

20
22 3. The funds disbursed for this adjustment are limited to
the amount appropriated by the Legislature for this purpose and
24 payments to units must be prorated if the amount appropriated is
insufficient to make full payments to all units. If additional
26 appropriations are not provided for this disbursement, the
Department of Education may not redistribute existing
28 appropriations for general purpose aid to local schools for this
adjustment.

30 4. The Commissioner of Education is directed to revise the
forms provided to school administrative units and private schools
32 so that the annual student counts required each school year can
include the count of all students placed in an approved
34 transitional instruction program beginning with the April 15,
2003 student count. The commissioner is also directed to provide
36 notice to all superintendents and private school principals that,
beginning with the April 15, 2003 student count, each school
38 administrative unit and private school is required to specify the
number of students placed in an approved transitional instruction
40 program as part of the annual student counts.