

MAINE STATE LEGISLATURE

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SMY
ROFS
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L.D. 944

2 Date: 6/17/2013

(Filing No. S-295)

3 **EDUCATION AND CULTURAL AFFAIRS**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **126TH LEGISLATURE**

8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 322, L.D. 944, "Resolve, To Review
10 the Impact of Unfunded Education Mandates and Evaluate the Efficacy of Education
11 Laws"

12 Amend the resolve in the emergency preamble in the 4th **Whereas** paragraph in the
13 first line (page 1, line 12 in L.D.) by inserting after the following: "the" the following:
14 'Department of Education and the'

15 Amend the resolve in the emergency preamble in the 4th **Whereas** paragraph in the
16 first line (page 1, line 12 in L.D.) by striking out the following: "its" and inserting the
17 following: 'their'

18 Amend the resolve in the emergency preamble in the 4th **Whereas** paragraph in the
19 2nd line (page 1, line 13 in L.D.) by striking out the following: "provision" and inserting
20 the following: 'provisions'

21 Amend the resolve by striking out everything after the emergency preamble and
22 before the summary and inserting the following:

23 **'Sec. 1. Department of Education to review unfunded education**
24 **mandates. Resolved:** That the Department of Education shall conduct an analysis of
25 the efficacy of current education laws and the impact of unfunded education mandates
26 and other regulatory burdens on school administrative units and career and technical
27 regions in the State. The department's analysis must include a summary of recent
28 research and surveys conducted by state officials and pursuant to legislative studies and
29 education stakeholder groups, including an up-to-date list that identifies unfunded or
30 underfunded federal or state education mandates, regulatory burdens and other education
31 requirements that lack a significant public purpose, require a disproportionate financial
32 effort for the intended public policy benefit, result in adverse effects on school
33 administrative units, are found to be archaic or unnecessary or are no longer considered to
34 be a priority with respect to the evolving public education system in the State; and be it
35 further

COMMITTEE AMENDMENT

1 **Sec. 2. Commissioner of Education to convene review committee.**

2 **Resolved:** That the Commissioner of Education shall convene a review committee to
3 examine the list of unfunded education mandates, regulatory burdens and other education
4 requirements identified under the Department of Education's analysis pursuant to section
5 1. The Commissioner of Education shall invite the following education stakeholder
6 groups to appoint representatives to serve as members of the review committee:

- 7 1. The State Board of Education;
- 8 2. The Maine Education Association;
- 9 3. The Maine Principals' Association;
- 10 4. The Maine School Boards Association;
- 11 5. The Maine School Superintendents Association;
- 12 6. The Maine Association of School Business Officials;
- 13 7. The Maine Administrators of Career and Technical Education;
- 14 8. The Maine Administrators of Services for Children with Disabilities; and
- 15 9. The Maine Parent Teacher Association; and be it further

16 **Sec. 3. Review committee; duties. Resolved:** That the review committee
17 convened under section 2 shall examine the analysis conducted by the Department of
18 Education pursuant to section 1 and evaluate the items and issues contained in the list
19 compiled by the department. The evaluation conducted by the review committee must
20 include, but is not limited to:

- 21 1. A reexamination of the parameters established by the department in its analysis
22 conducted pursuant to section 1;
- 23 2. An assessment of the costs and benefits of the unfunded or underfunded education
24 mandates identified by the department;
- 25 3. An analysis of whether the mandates established education initiatives that
26 contributed to the improvement of student performance and academic success or the
27 prevention of dropouts, as defined in the Maine Revised Statutes, Title 20-A, section
28 5102, and juvenile delinquencies; and
- 29 4. A review of alternative funding mechanisms or solutions proposed or adopted in
30 other states and jurisdictions to address the adverse effect of unfunded education
31 mandates on public school systems.

32 The review committee shall amend the list identified by the department in section 1 and
33 shall establish, by consensus, a list of priority recommendations regarding the unfunded
34 or underfunded education mandates, regulatory burdens and other education requirements
35 that should be repealed or amended by the Legislature; and be it further

36 **Sec. 4. Review committee; report. Resolved:** That the Commissioner of
37 Education shall report the findings and conclusions of the review committee, including
38 any proposed legislation to address the review committee's recommendations, to the Joint
39 Standing Committee on Education and Cultural Affairs by January 10, 2014. The joint

1 standing committee is authorized to submit a bill related to the report to the Second
2 Regular Session of the 126th Legislature.

3 **Emergency clause.** In view of the emergency cited in the preamble, this
4 legislation takes effect when approved.'

5 **SUMMARY**

6 This amendment strikes and replaces the resolve to direct the Department of
7 Education to conduct an analysis of current education laws and unfunded or underfunded
8 federal or state education mandates that have resulted in an adverse impact on school
9 administrative units and career and technical regions in the State. The department's
10 analysis must include a summary of recent research and surveys conducted by state
11 officials and pursuant to legislative studies and education stakeholder groups and must
12 include an up-to-date list that identifies unfunded or underfunded federal or state
13 education mandates, regulatory burdens and other education requirements that have
14 resulted in an adverse impact on public schools in the State.

15 The amendment also directs the Commissioner of Education to establish a review
16 committee to examine the list of unfunded education mandates, regulatory burdens and
17 other education requirements identified under the department's analysis and to establish,
18 by consensus, a list of priority recommendations regarding the unfunded or underfunded
19 education mandates, regulatory burdens and other education requirements that should be
20 repealed or amended by the Legislature. The commissioner is directed to submit a report
21 of the findings and conclusions of the review committee, including any suggested
22 legislation to address the review committee's recommendations, to the Joint Standing
23 Committee on Education and Cultural Affairs by January 10, 2014. The committee may
24 submit a bill related to the report to the Second Regular Session of the 126th Legislature.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 944

LR 362(02)

**Resolve, To Review the Impact of Unfunded Education Mandates and Evaluate the Efficacy of
Education Laws**

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-295)
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Education to conduct the required review and issue the required report can be absorbed within existing budgeted resources.