

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 944

S.P. 322

In Senate, March 12, 2013

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

(EMERGENCY)

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

A handwritten signature in dark ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative POULIOT of Augusta and
Senators: BURNS of Washington, MASON of Androscoggin, SAVIELLO of Franklin,
THOMAS of Somerset, VALENTINO of York, WHITEMORE of Somerset, Representative:
DAUGHTRY of Brunswick.

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

3 **Whereas,** the enactment of unfunded education mandates and other provisions of
4 federal and state education laws may result in adverse fiscal effects on school
5 administrative units in the State, which are obligated to implement the new federal or
6 state requirements without receiving the funding necessary to do so; and

7 **Whereas,** the economic consequences of the recent economic recession have
8 reduced the amount of Federal Government and State Government revenues that are
9 available to support the operations of public schools in the State and have affected the
10 ability of local property taxpayers to bear the financial burden of unfunded education
11 mandates on school administrative units in the State; and

12 **Whereas,** the task force proposed by this resolve must begin its work as soon as
13 possible in order to recommend legislation to repeal or modify education provision that
14 are archaic or unnecessary, lack a significant public purpose, require a disproportionate
15 financial effort for the intended public policy benefit or result in adverse affects on school
16 administrative units and career and technical regions in the State; and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore, be it

21 **Sec. 1. Commissioner to convene task force. Resolved:** That the
22 Commissioner of Education shall convene a task force to review the impact of unfunded
23 education mandates on school administrative units and career and technical regions in the
24 State and to evaluate the efficacy of current education laws; and be it further

25 **Sec. 2. Task force membership. Resolved:** That the task force convened under
26 section 1 must include teachers, administrators and parents and may include other
27 persons, or representatives of groups or entities that have financial expertise and
28 experience with the public education system in the State. The Commissioner of
29 Education shall invite the following education stakeholder groups to appoint
30 representatives to serve as members of the task force:

- 31 1. The State Board of Education;
- 32 2. The Maine Education Association;
- 33 3. The Maine Principals' Association;
- 34 4. The Maine School Boards Association;
- 35 5. The Maine School Superintendents Association;
- 36 6. The Maine Association of School Business Officials;

- 1 7. The Maine Administrators of Career and Technical Education;
- 2 8. The Maine Administrators of Services for Children with Disabilities; and
- 3 9. The Maine Parent Teacher Association; and be it further

4 **Sec. 3. Task force duties. Resolved:** That the task force convened under
5 section 1 shall review unfunded education mandates and other requirements of education
6 laws, including any relevant provisions of federal laws and the Maine Revised Statutes.
7 The review conducted by the task force must include, but is not limited to:

8 1. An analysis of the Department of Education report titled "Unfunded State
9 Mandates and Other Education Requirements" that was submitted on February 18, 2009
10 to the Joint Standing Committee on Education and Cultural Affairs in accordance with
11 the requirements of Public Law 2007, chapter 240, Part XXXX, section 45;

12 2. An evaluation of unfunded education mandates that were enacted since the report
13 described in subsection 1 was submitted to the 124th Maine Legislature in order to
14 determine their impact on school administrative units and career and technical regions;

15 3. A review of education requirements that have been enacted during the last 10
16 years but have not been implemented due to the lack of funding appropriated by the
17 Legislature, including initiatives that were adopted as part of budget bills and other
18 legislation that resulted in the temporary reduction or elimination of funding for school
19 administrative units and career and technical regions;

20 4. An examination of the need for unfunded education mandates and an analysis of
21 whether unfunded education mandates implement education initiatives that contribute to
22 the promotion of future student performance and academic success or contribute to the
23 prevention of future school dropouts and juvenile delinquencies;

24 5. A review of alternative funding mechanisms or solutions proposed or adopted in
25 other states and jurisdictions to address the adverse effect of unfunded education
26 mandates on public school systems; and

27 6. An identification of the unfunded education mandates and other education
28 requirements that lack a significant public purpose, require a disproportionate financial
29 effort for the intended public policy benefit, result in adverse effects on school
30 administrative units or are found to be archaic, unnecessary or are no longer considered to
31 be a priority with respect to the evolving public education system in the State; and be it
32 further

33 **Sec. 4. Task force report. Resolved:** That the Commissioner of Education
34 shall report the task force's findings, including any proposed legislation, to the Joint
35 Standing Committee on Education and Cultural Affairs by January 10, 2014. The
36 committee is authorized to submit a bill related to the report to the Second Regular
37 Session of the 126th Legislature.

38 **Emergency clause.** In view of the emergency cited in the preamble, this
39 legislation takes effect when approved.

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SUMMARY

This resolve directs the Commissioner of Education to establish a task force to review the effect of unfunded education mandates on school administrative units and career and technical regions in the State and to evaluate the efficacy of current education laws. The commissioner is directed to submit a report of the task force's findings and any suggested legislation to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The committee may submit a bill related to the report to the Second Regular Session of the 126th Legislature.