

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1638

S.P. 629

In Senate, December 23, 2013

An Act To Improve Educational Outcomes for Students in Poverty in Maine's Public Schools

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative BERRY of Bowdoinham and
Senator: President ALFOND of Cumberland, Representatives: COOPER of Yarmouth,
GRANT of Gardiner, JORGENSEN of Portland, KORNFIELD of Bangor, KUSIAK of
Fairfield, McCABE of Skowhegan, SAUCIER of Presque Isle.

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,** this legislation needs to take effect before the expiration of the 90-day
4 period in order for school administrative units to know the level of school funding they
5 will receive so they can develop their budgets in a timely fashion; and

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

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

11 **Sec. 1. 20-A MRSA §6053** is enacted to read:

12 **§6053. Department may audit school administrative units for compliance with**
13 **federal law**

14 The department may audit a school administrative unit that receives funds under Title
15 I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code,
16 Section 6301 et seq. to ensure that these funds are expended in compliance with federal
17 law. Such an audit may include a determination by the department of whether these
18 funds were used by the school administrative unit to strengthen the core academic
19 program in the school administrative unit; increase the amount and quantity of learning
20 time, such as by providing an extended school year and before-school, after-school and
21 summer programs; and assist in providing an enriched and accelerated curriculum.

22 **Sec. 2. 20-A MRSA §15671, first ¶,** as enacted by PL 2001, c. 660, §1, is
23 amended to read:

24 Essential programs and services are those educational resources that are identified in
25 this chapter for all students to meet the standards in the 8 content standard subject areas
26 of the system of learning results established in chapter 222. In order to achieve this
27 system of learning results, school funding based on essential programs and services must
28 be available in all schools on an equitable basis. Essential programs and services utilize
29 resources ~~including federal funds~~ that are currently provided or could be adapted to
30 implement a system of learning results, as well as additional resources that are also
31 needed to ensure that these programs and services are available to all students. These
32 essential programs and services must provide the basis for the system of school funding
33 no later than 2007-08. School funding must be adequate to fully provide for all of the
34 staffing and other material resource needs of the essential programs and services
35 identified by the Legislature.

36 **Sec. 3. 20-A MRSA §15671, sub-§1,** as amended by PL 2005, c. 2, Pt. D, §32
37 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

38 **1. State and local partnership.** The State and each local school administrative unit
39 are jointly responsible for contributing to the cost of the components of essential

1 programs and services described in this chapter. Except as otherwise provided in this
2 subsection, for each fiscal year, the total cost of the components of essential programs
3 and services may not exceed the prior fiscal year's costs multiplied by one plus the
4 average real personal income growth rate as defined in Title 5, section 1665, subsection
5 1, except that in no case may that rate exceed 2.75%. For fiscal years commencing after
6 the state tax burden ranks in the middle 1/3 of all states, as calculated and certified by the
7 State Tax Assessor, the total cost of the components of essential programs and services
8 may not exceed the prior fiscal year's costs multiplied by one plus the average real
9 personal income growth rate as defined in Title 5, section 1665, subsection 1. The
10 Legislature, by an affirmative vote of each House, may exceed the limitations on
11 increases in the total cost of the components of essential programs and services provided
12 in this subsection, as long as that vote is taken upon legislation stating that it is the
13 Legislature's intent to override the limitation for that fiscal year. The state contribution to
14 the cost of the components of essential programs and services, ~~exclusive of federal funds~~
15 ~~that are provided and accounted for in the cost of the components of essential programs~~
16 ~~and services~~, must be made in accordance with this subsection:

17 A. The level of the state share of funding attributable to the cost of the components
18 of essential programs and services must be at least 50% of eligible state and local
19 General Fund education costs statewide, no later than fiscal year 2006-07; and

20 B. By fiscal year 2008-09 the state share of the total cost of funding public education
21 from kindergarten to grade 12, as described by essential programs and services, must
22 be 55%. Beginning in fiscal year 2005-06 and in each fiscal year until fiscal year
23 2008-09, the state share of essential programs and services described costs must
24 increase toward the 55% level required in fiscal year 2008-09.

25 Beginning in fiscal year 2005-06 and in each fiscal year thereafter, the commissioner
26 shall use the funding level determined in accordance with this section as the basis for a
27 recommended funding level for the state share of the cost of the components of essential
28 programs and services.

29 **Sec. 4. 20-A MRSA §15672, sub-§32-A, ¶C**, as enacted by PL 2005, c. 2, Pt. D,
30 §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

31 **Sec. 5. 20-A MRSA §15676, sub-§§1 and 2**, as corrected by RR 2011, c. 2, §19,
32 are amended to read:

33 **1. Teaching staff costs.** The salary and benefit costs for school level teaching staff
34 that are necessary to carry out this Act, calculated in accordance with section 15678,
35 adjusted by the regional adjustment under section 15682 ~~and reduced by the amount of~~
36 ~~funds received by the school administrative unit during the most recent fiscal year under~~
37 ~~Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States~~
38 ~~Code, Section 6301 et seq.;~~

39 **2. Other staff costs.** The salary and benefit costs for ~~school-level~~ school level staff
40 who are not teachers, but including substitute teachers, that are necessary to carry out this
41 Act, calculated in accordance with section 15679, adjusted by the regional adjustment
42 under section 15682 ~~and reduced by the amount of funds received by the school~~
43 ~~administrative unit during the most recent fiscal year under Title I of the federal~~

1 ~~Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301~~
2 ~~et seq.~~; and

3 **Sec. 6. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **EDUCATION, DEPARTMENT OF**

6 **General Purpose Aid for Local Schools 0308**

7 Initiative: Provides ongoing funds to support the increase in the cost of providing
8 essential programs and services to students in kindergarten to grade 12 as a result of the
9 adjustment of Title I federal funds being removed from the calculation of teaching and
10 other staff costs within the essential programs and services model.

11

12	GENERAL FUND	2013-14	2014-15
13	All Other	\$0	\$40,270,845
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$40,270,845</u>

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

18 **SUMMARY**

19 This bill removes provisions that require the amount of a school administrative unit's
20 state contribution to be reduced by the amount that school administrative unit receives in
21 federal Title I funds. It removes references pertaining to the allocation of federal
22 resources from the Essential Programs and Services Funding Act.

23 It also allows the Department of Education to audit a school administrative unit that
24 receives federal Title I funds to ensure that these funds are expended in compliance with
25 federal law.

26 It contains an appropriations section to provide funds to support the increase in the
27 cost of providing essential programs and services to students in kindergarten to grade 12
28 as a result of the adjustment of federal Title I funds being removed from the calculation
29 of teaching and other staff costs within the essential programs and services model.