

MAINE STATE LEGISLATURE

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L.D. 1850

Date: 4/2/14

(Filing No. S- 487)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1335, L.D. 1850, "Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula"

Amend the resolve by striking out the title and substituting the following:

'Resolve, To Require the Department of Education and the Education Research Institute To Study Certain Cost Components of the School Funding Formula'

Amend the resolve in the emergency preamble by striking out all of the 2nd **Whereas** paragraph (page 1, lines 3 to 5 in L.D.) and inserting the following:

'Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide sufficient time for the study established in this resolve to be completed; and'

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

'Sec. 1. Study of school funding formula. Resolved: That the Department of Education, referred to in this resolve as "the department," and the Education Research Institute, established in the Maine Revised Statutes, Title 20-A, section 10 and referred to in this resolve as "the institute," jointly shall examine the reports and related work products presented to the Joint Standing Committee on Education and Cultural Affairs during the 126th Legislature as part of the independent review of the Essential Programs and Services Funding Act conducted pursuant to Resolve 2011, chapter 166 and shall develop a plan to strengthen the adequacy and equity of the following cost components included in the Essential Programs and Services Funding Act and other related education statutes.

1. Public preschool programs for children 4 years of age. As part of the review and analysis of public preschool programs for children 4 years of age, the department and the institute shall:

A. Review the work products and any proposed rules developed by the department's work group to implement quality standards of practice for Maine public preschool programs, including an analysis of the standards proposed to address quality and

ROFS

1 consistency of public preschool programs and collaboration with other early
2 childhood and preschool programs;

3 B. Conduct an analysis of the targeted funds for public preschool to grade 2 students
4 that are allocated specifically for preschool students and conduct an analysis of the
5 projected costs for providing public preschool programs for all eligible children 4
6 years of age in the State;

7 C. Review the current method for calculating the number of public preschool
8 students enrolled in a school administrative unit's public preschool program and
9 conduct an analysis of the projected costs for changing the current method for
10 calculating the number of public preschool students that counts each public preschool
11 student as a 0.5 full-time equivalent student for the first year and a 1.0 full-time
12 equivalent student beginning in the 2nd year to a new method that counts each public
13 preschool student as a 1.0 full-time equivalent student for the first year and
14 subsequent years; and

15 D. Collect and review information on the physical space and facility capacity of
16 school administrative units and project the school facility costs necessary to
17 implement public preschool programs for eligible children 4 years of age in the State.

18 **2. Support for economically disadvantaged students; Title I funds.** As part of the
19 review and analysis of the cost components related to strengthening support for
20 economically disadvantaged students, including the provision of funding under Title I of
21 the federal Elementary and Secondary Education Act of 1965, 20 United States Code,
22 Section 6301 et seq., referred to in this resolve as "Title I," and resources to provide extra
23 help for struggling students, such as extended school days and summer school programs,
24 the department and the institute shall:

25 A. Collect school administrative unit spending data on the number of Title I teachers
26 and education technicians in order to update the staffing ratios in the essential
27 programs and services funding formula;

28 B. Conduct an analysis of the updated data collected on student-teacher and student-
29 education technician staffing ratios in the essential programs and services funding
30 formula in order to separate the groups of teachers into the following categories:
31 classroom teachers, Title I teachers and teacher leaders or instructional coaches;

32 C. Develop a plan for adjusting the costs of the essential programs and services
33 funding formula to account for the separate costs of classroom teachers, Title I
34 teachers, education technicians and teacher leaders or instructional coaches;

35 D. Conduct research and analysis of the structures, programs, costs and achievement
36 impacts of evidence-based practices in other states related to extended school day and
37 summer school programs and also analyze examples of extended school day and
38 summer school programs provided by school administrative units in the State;

39 E. Develop 2 or more models for funding and evaluating extended school day and
40 summer school programs for inclusion in the essential programs and services funding
41 formula; and

42 F. Project the financial impact of the adjustments under this subsection to the
43 essential programs and services funding formula.

SENATE AMENDMENT

- 1 **3. Professional development and collaborative time needed to implement**
- 2 **proficiency-based learning.** As part of the research and analysis of the cost components
- 3 related to strengthening support for professional development, collaborative time to
- 4 implement proficiency-based learning and spending data on teacher leaders or
- 5 instructional coaches, including the following aspects of the cost components, the
- 6 department and the institute shall:
 - 7 A. Collect school administrative unit spending data on professional development
 - 8 programs and collaborative time for teachers, as well as the school administrative unit
 - 9 spending data on teacher leaders or instructional coaches in order to update the
 - 10 staffing ratios in the essential programs and services funding formula;
 - 11 B. Establish a dedicated funding mechanism and process, such as a supplemental
 - 12 professional development block grant program, that allows the department to provide
 - 13 funding to school administrative units that submit proposals to secure professional
 - 14 development funds;
 - 15 C. Create a standards-based inventory of effective professional development
 - 16 programs and strategies from which school administrative units may select programs
 - 17 and strategies in order to receive supplemental professional development block grant
 - 18 funds; and
 - 19 D. Develop an implementation plan for increasing the allocation of funds for
 - 20 professional development, collaborative time for teachers and teacher leaders or
 - 21 instructional coaches and include provisions in the implementation plan to monitor
 - 22 the use of these funds by school administrative units.
- 23 **4. Regional cost adjustment for teacher salaries.** As part of the research and
- 24 analysis of the cost components related to the regional cost adjustment for teacher
- 25 salaries, the department and the institute shall:
 - 26 A. Collect and update school administrative unit data included in the regional
 - 27 adjustment for teacher salaries pursuant to the Maine Revised Statutes, Title 20-A,
 - 28 section 15682;
 - 29 B. Recalculate the regional adjustments using the most recent teacher salary data
 - 30 available and conduct analyses using the 35 labor market areas currently included in
 - 31 the essential programs and services funding formula and using the 31 labor market
 - 32 areas developed by the Department of Labor; and
 - 33 C. Conduct research and analysis of the strategies used in other states to address
 - 34 teacher salary gaps in school districts.
- 35 **5. Debt service for locally approved school construction projects in the required**
- 36 **local share of school funding.** As part of the research and analysis of the cost
- 37 components related to debt service for locally approved school construction projects in
- 38 the required state and local shares of school funding under the Essential Programs and
- 39 Services Funding Act, the department and the institute shall:
 - 40 A. Review the statutory provisions under the Maine Revised Statutes, Title 20-A,
 - 41 section 15672, subsection 2-A related to determination of debt service costs that are
 - 42 included and excluded from the school construction projects that are recognized in
 - 43 the required state and local shares of school funding;

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1 B. Review school administrative unit data related to energy and other costs related to
2 minor capital costs, defined in the Maine Revised Statutes, Title 20-A, section 15672,
3 subsection 20-A; and

4 C. Review the statutory provisions under the Maine Revised Statutes, Title 30-A,
5 section 6006-F related to the School Revolving Renovation Fund.

6 **6. Special education allocation for minimum subsidy receivers.** The department
7 and the institute shall review the statutory provisions under the Maine Revised Statutes,
8 Title 20-A, section 15689, subsections 1, 1-B and 11 that reduce the special education
9 allocations for minimum subsidy receivers from 100% to 30% of special education costs,
10 and the department and the institute shall develop one or more models to align the special
11 education allocations for minimum subsidy receivers with the progress of state funding
12 levels necessary to progress towards meeting the statutory obligation to fund 55% of the
13 total cost of education statewide.

14 **7. State contributions to fund the cost of the unfunded actuarial liability for**
15 **retired teachers.** The department and the institute shall review the statutory provisions
16 under the Maine Revised Statutes, Title 20-A, section 15671, subsection 7, paragraph C
17 that recognize the state contributions to fund the cost of the unfunded actuarial liability
18 for retired teachers, and the department and the institute shall make recommendations on
19 whether the calculation of the state share percentage of the total cost of funding public
20 education from kindergarten to grade 12 as required by the Essential Programs and
21 Services Funding Act should continue to include the state contributions to fund the cost
22 of the unfunded actuarial liability for retired teachers; and be it further

23 **Sec. 2. Contract to review essential programs and services components.**
24 **Resolved:** That, for fiscal year 2014-15, the Commissioner of Education shall contract
25 with a statewide education research institute to review the cost components of the
26 Essential Programs and Services Funding Act and related education statutes pursuant to
27 section 1 of this resolve. The contract must be funded with funding allocated for the
28 purposes of the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 3. The
29 commissioner may not contract with a statewide education research institute to review
30 certain cost components of the Essential Programs and Services Funding Act in
31 accordance with the schedule established in Title 20-A, section 15686-A; and be it further

32 **Sec. 3. Contract for Education Research Institute. Resolved:** That, if
33 funds are required in addition to the funds provided pursuant to section 2 of this resolve
34 for the compilation and analysis of education data necessary to complete the study under
35 section 1 of this resolve, notwithstanding the Maine Revised Statutes, Title 20-A, section
36 15689-A, subsection 6, for fiscal year 2014-15, the Commissioner of Education and the
37 Legislature may contract with the Education Research Institute in accordance with Title
38 20-A, section 10 and use funds otherwise provided for a contract pursuant to Title 20-A,
39 section 15689-A, subsection 6. The contract authorized in accordance with Title 20-A,
40 section 15689-A, subsection 6 for fiscal year 2014-15 may not exceed the balance of
41 funds remaining after funds are allocated for this purpose; and be it further

42 **Sec. 4. Report; recommendations. Resolved:** That the department and the
43 institute shall submit a report containing their findings and recommendations pursuant to
44 section 1 of this resolve, including any necessary implementing legislation, to the joint

SENATE AMENDMENT

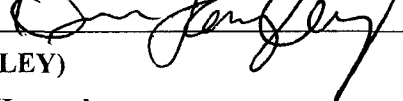
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SENATE AMENDMENT "A" to H.P. 1335, L.D. 1850

1 standing committee of the Legislature having jurisdiction over education and cultural
2 affairs by December 9, 2014. The joint standing committee of the Legislature having
3 jurisdiction over education and cultural affairs may submit a bill related to this report to
4 the First Regular Session of the 127th Legislature.'

5 **SUMMARY**

6 This amendment strikes the Commission To Strengthen the Adequacy and Equity of
7 Certain Cost Components of the School Funding Formula as established in the resolve.
8 Instead, this amendment requires the Department of Education and the Education
9 Research Institute to perform the research and analysis of certain cost components of the
10 Essential Programs and Services Funding Act and develop a plan to strengthen the
11 adequacy and equity of those cost components. The department and the institute are
12 required to comply with the same reporting requirements as specified in the resolve.

13 **SPONSORED BY:** 
14 (Senator LANGLEY)
15 **COUNTY: Hancock**

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



126th MAINE LEGISLATURE

LD 1850

LR 2782(03)

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

Fiscal Note for Senate Amendment "A" to Original Bill

Sponsor: Sen. Langley of Hancock

Fiscal Note Required: Yes

Fiscal Note

Removes Legislative Cost/Study

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$0	(\$10,000)	\$0	\$0
Appropriations/Allocations				
General Fund	\$0	(\$10,000)	\$0	\$0

Legislative Cost/Study

This amendment removes the study commission from the bill and eliminates the impact on the Legislature.

Fiscal Detail and Notes

This amendment eliminates the one-time General Fund appropriation of \$10,000 in fiscal year 2014-15 to the General Purpose Aid for Local Schools program within the Department of Education for the costs associated with contracting with a staffing agency to provide assistance to the commission.

Current law requires the Department of Education to contract with a statewide education research institute for the 1) updating of the essential programs and services components (Title 20-A, §15689-A, sub-§3) and 2) the compilation and analysis of education data (Title 20-A, §15689-A, sub-§6). For fiscal year 2014-15, \$250,000 is currently budgeted within the General Purpose Aid for Local Schools General Fund program account for each of these contracts, for a total of \$500,000. As amended, this legislation requires that, for fiscal year 2014-15 only, the Department of Education not contract with a statewide education research institute for the purposes established in current law, but instead allows these funds to be utilized to support the costs of the study.

Pursuant to Public Law 2013, Chapter 368, Part F, the Governor's Office of Policy and Management identified potential savings for fiscal year 2014-15 and submitted its recommendations to the Joint Standing Committee on Appropriations and Financial Affairs on October 2, 2013. The report included a recommendation to eliminate the \$500,000 in funding for both of the contracts listed in the paragraph above. Part F authorizes the Joint Standing Committee on Appropriations and Financial Affairs to submit legislation related to the report to the Second Regular Session of the 126th Legislature. Whether this recommendation will be included in legislation that may be reported out by the Joint Standing Committee on Appropriations and Financial Affairs can not be determined at this time. If the recommendation is included and the legislation is approved by the Legislature and signed by the Governor, this funding will not be available to support the work of the department and the institute. Unless an alternative funding source is identified or a General Fund appropriation is provided, the Department of Education and the Education Research Institute may not be able to complete all of the requirements of this legislation.