

# MAINE STATE LEGISLATURE

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Date: 4/1/16

(Filing No. H-630)

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 944, L.D. 1394, Bill, "An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**Sec. 1. 20-A MRSA §8801, sub-§3** is enacted to read:

**3. Grants; rules.** The commissioner may award grants to qualifying school administrative units to provide start-up funds for the development or expansion of summer schools that meet the standards established by the routine technical rules adopted pursuant to subsection 1. The State may not include the grant funding awarded to school administrative units for summer schools in the cost of the educational resources included in the essential programs and services model as identified in chapter 606-B until the State achieves the 55% state share of the total cost of funding public education from kindergarten to grade 12 in accordance with the provisions of section 15671, subsection 7, paragraph C. Upon achievement of the 55% state share of the total cost of funding public education from kindergarten to grade 12, the Legislature shall determine how to include funding for summer schools within the essential programs and services model. On or before July 1, 2017, the state board and the commissioner shall jointly adopt or amend rules governing the awarding of grants to ensure that:

A. Grant funds support evidence-based best practices and are provided on a per-pupil basis using information provided by a statewide education research institute. A minimum level of start-up funds must be awarded to summer schools developed or expanded by isolated or small schools that meet the size and distance criteria established by the rules;

B. Approval of grant funds to qualifying school administrative units is based on eligibility requirements established by the commissioner; and

**COMMITTEE AMENDMENT**

1 C. A qualifying school administrative unit seeking to continue receiving grant funds  
2 submits a report to the commissioner that the summer school program conforms to  
3 the specified evidence-based best practices established by the rules.

4 Rules adopted or amended pursuant to this subsection are routine technical rules as  
5 defined in Title 5, chapter 375, subchapter 2-A.

6 **Sec. 2. 20-A MRSA §§8901 to 8904**, as enacted by PL 2005, c. 657, §1, are  
7 amended to read:

8 **§8901. Extended Learning Program Fund; standards; approval; definitions**

9 The ~~After-school~~ Extended Learning Program Fund, ~~referred to in this chapter as "the~~  
10 ~~program fund,"~~ is established to encourage the facilitation of high-quality ~~after-school~~  
11 extended learning programs in school administrative units throughout the State. The  
12 commissioner shall administer the program fund within the department. Standards and  
13 approval for the allocation and use of program fund money are as follows.

14 **1. Standards.** The commissioner shall establish standards consistent with the basic  
15 school approval requirements for ~~after-school~~ extended learning programs offered at  
16 elementary or secondary schools in the State. In establishing standards for ~~after-school~~  
17 extended learning programs, the commissioner may also consider the requirements of the  
18 21st Century Communities Learning Centers program authorized under Title IV, Part B  
19 of the federal Elementary and Secondary Education Act of 1965, as amended by the  
20 federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

21 **2. Approval.** An ~~after-school~~ extended learning program may be offered by a  
22 school administrative unit with the approval of the commissioner. The commissioner  
23 may inspect an ~~after-school~~ extended learning program, after which the commissioner  
24 shall approve and grant a certificate to a school that maintains approval standards. The  
25 expense of inspection must be paid by the department.

26 **3. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
27 following terms have the following meanings.

28 A. "Extended learning program" means a program that supports increased  
29 availability of and access to extended learning opportunities such as before-school  
30 and after-school programs, academic enrichment, mentoring, tutoring, community  
31 service and programs that extend the school year or school day for students in need of  
32 those extended learning opportunities.

33 B. "Program fund" means the Extended Learning Program Fund established in this  
34 section.

35 **§8902. Program fund grants; eligibility; calculation**

36 **1. Eligibility.** To receive program fund money calculated pursuant to subsection 2,  
37 the school administrative unit must be in compliance with any applicable standards and  
38 program requirements for ~~after-school~~ extended learning programs established by the  
39 commissioner pursuant to section 8901.

40 **2. Program fund grants; calculation.** The commissioner shall calculate one  
41 amount of the program fund money that may be made available as a grant to the

1 elementary school level and middle school level and another amount of program fund  
2 money that may be made available as a grant to the high school level in accordance with  
3 the following.

4 A. For fiscal year ~~2006-07~~ 2017-18, the commissioner shall establish a per-pupil  
5 amount for program fund grants.

6 B. For fiscal year ~~2007-08~~ 2018-19 and each subsequent year, the commissioner  
7 shall recalculate the per-pupil amount by using the amount calculated under  
8 paragraph A as a base and adjusting for appropriate trends in the Consumer Price  
9 Index or other comparable index.

10 **3. Budget recommendation.** Beginning in fiscal year ~~2006-07~~ 2017-18 and prior to  
11 December 15th of each year, the commissioner shall recommend to the Governor and to  
12 the Department of Administrative and Financial Services, Bureau of the Budget the  
13 funding levels for the program fund for payment in the next fiscal year. The  
14 commissioner shall include these funding levels in the department's request to the  
15 Legislature for appropriations from the General Fund to carry out the purposes of this  
16 chapter.

17 **4. Appropriations.** The commissioner shall allocate funds appropriated by the  
18 Legislature to carry out the purposes of this chapter as grants to eligible school  
19 administrative units.

20 **5. Exclusion of funding within essential programs and services.** The State may  
21 not include the grant funding awarded to school administrative units for the provision of  
22 extended learning programs under subsection 2 in the cost of the educational resources  
23 included in the essential programs and services model as identified in chapter 606-B until  
24 the State achieves the 55% state share of the total cost of funding public education from  
25 kindergarten to grade 12 in accordance with the provisions of section 15671, subsection  
26 7, paragraph C. Upon achievement of the 55% state share of the total cost of funding  
27 public education from kindergarten to grade 12, the Legislature shall determine how to  
28 include funding for the provision of extended learning programs within the essential  
29 programs and services model.

30 **§8903. Report**

31 The department shall report by June 30, ~~2007~~ 2017 and annually thereafter to the  
32 joint standing committee of the Legislature having jurisdiction over education and  
33 cultural affairs on the number of school administrative units participating in an ~~after-~~  
34 ~~school~~ extended learning program, the nature of the ~~after-school~~ extended learning  
35 programs receiving money, the amount of money distributed and the number of children  
36 participating in an ~~after-school~~ extended learning program.

37 **§8904. Rules**

38 ~~The~~ On or before July 1, 2017, the commissioner shall adopt rules for the standards,  
39 approval and administration of the program fund, including the establishment of program  
40 fund requirements and specifications and procedures for the application and distribution  
41 of available funds, and to otherwise carry out the purpose of this chapter. Rules adopted  
42 pursuant to this section are routine technical rules as defined by Title 5, chapter 375,  
43 subchapter 2-A.

1           **Sec. 3. 20-A MRSA §13803** is enacted to read:

2           **§13803. Collaborative time for professional development**

3           **1. Grants; rules.** The commissioner may award grants to qualifying school  
4 administrative units to support collaborative time for professional development that meets  
5 the evidence-based best practice standards of professional development in order to  
6 implement proficiency-based learning.

7           The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
8 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
9 2-A.

10           **2. Exclusion of funding within essential programs and services.** The State may  
11 not include the grant funding awarded to school administrative units for the provision of  
12 collaborative time for professional development under subsection 1 in the cost of the  
13 educational resources included in the essential programs and services model as identified  
14 in chapter 606-B until the State achieves the 55% state share of the total cost of funding  
15 public education from kindergarten to grade 12 in accordance with the provisions of  
16 section 15671, subsection 7, paragraph C. Upon achievement of the 55% state share of  
17 the total cost of funding public education from kindergarten to grade 12, the Legislature  
18 shall determine how to include funding for the provision of collaborative time for  
19 professional development within the essential programs and services model.

20           **Sec. 4. 20-A MRSA §15688-A, sub-§§8 to 11** are enacted to read:

21           **8. Funds for economically disadvantaged students.** Beginning in fiscal year 2017-  
22 18 and for each subsequent year, the commissioner may expend and disburse funds to  
23 provide additional support to school administrative units for economically disadvantaged  
24 students beyond the additional weight of .15 provided for each economically  
25 disadvantaged student pursuant to section 15675, subsection 2.

26           **9. Summer schools.** Beginning in fiscal year 2017-18 and for each subsequent year,  
27 the commissioner may expend and disburse funding for grants for the establishment of  
28 summer schools in accordance with the provisions of chapter 317.

29           **10. Extended learning programs.** Beginning in fiscal year 2017-18 and for each  
30 subsequent year, the commissioner may expend and disburse funding for grants for the  
31 establishment of extended learning programs in accordance with the provisions of chapter  
32 318.

33           **11. Collaborative time for professional development.** Beginning in fiscal year  
34 2017-18 and for each subsequent year, the commissioner may expend and disburse  
35 funding for grants for the establishment of collaborative time for professional  
36 development that meets best practices for professional development in accordance with  
37 the provisions of section 13803.

38           **Sec. 5. 20-A MRSA §15689-C, sub-§4,** as enacted by PL 2009, c. 275, §2, is  
39 amended to read:

40           **4. Guidelines for updating adjustments, miscellaneous costs and enhancing**  
41 **student performance and opportunity costs.** The commissioner's recommendations  
42 regarding the enhancing student performance and opportunity costs, adjustments and

1 miscellaneous costs components as set forth in subsection 2 also must delineate each  
2 amount that is recommended for each subsection and paragraph under sections 15688-A,  
3 15689 and 15689-A and the purposes for each cost in these sections. For each amount  
4 shown in the commissioner's recommendations, the commissioner's recommendation  
5 must also show the amount for the same component or purpose that is included in the  
6 most recently approved state budget, the differences between the amounts in the most  
7 recently approved state budget and the commissioner's recommendations and the reasons  
8 for the changes.

9 **Sec. 6. 22 MRSA §8307, sub-§2, ¶F**, as amended by PL 2011, c. 691, Pt. B, §24,  
10 is further amended to read:

11 F. The types of activities and programs to be provided, including preschool and  
12 ~~after-school~~ extended learning programs;

13 **Sec. 7. Maine Revised Statutes headnote amended; revision clause.** In the  
14 Maine Revised Statutes, Title 20-A, chapter 318, in the chapter headnote, the words  
15 "after-school programs" are amended to read "extended learning programs" and the  
16 Revisor of Statutes shall implement this revision when updating, publishing or  
17 republishing the statutes.

18 **Sec. 8. Public preschool programs for children 4 years of age; start-up**  
19 **funding; further review.** The Department of Education shall initiate, as soon as  
20 possible, the process for awarding start-up funding grants for the 2017-18 school year in  
21 order for qualified school administrative units to implement or expand public preschool  
22 programs for children 4 years of age in accordance with the Maine Revised Statutes, Title  
23 20-A, section 4271 and section 4502, subsection 9.

24 During the First Regular Session of the 128th Legislature, the joint standing  
25 committee of the Legislature having jurisdiction over education and cultural affairs shall  
26 conduct a further review of the obstacles that impede school administrative units from  
27 developing and operating public preschool programs. As part of this review, the joint  
28 standing committee shall:

29 1. Review the data gathered from the ongoing survey of public preschool teachers  
30 conducted by the Education Research Institute, established in the Maine Revised Statutes,  
31 Title 20-A, section 10, as well as the data gathered from the survey of school  
32 superintendents by the Education Research Institute and presented to the Commission To  
33 Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding  
34 Formula, established pursuant to Resolve 2013, chapter 114, regarding a school  
35 administrative unit's costs and capacity for developing, operating and expanding public  
36 preschool programs;

37 2. Further investigate the obstacles that remain in terms of start-up costs, capital  
38 costs and ongoing operational costs for a school administrative unit to develop and run a  
39 public preschool program for children 4 years of age and also investigate parental  
40 obstacles and other issues related to expanding public preschool programs; and

41 3. Review the provisions of the recently adopted Department of Education Rule  
42 Chapter 124, which establishes school approval standards governing the school  
43 administrative units that are implementing public preschool programs, and consider the

1 implications of the quality standards established in the rules related to the approval of  
2 public preschool programs.

3 **Sec. 9. Rules.** Rules adopted by the Department of Education pursuant to the  
4 Maine Revised Statutes, Title 20-A, section 13803 must include the following conditions  
5 for the awarding of grants:

6 1. Funding must support evidence-based best practices and be provided on a per-  
7 pupil or per teacher basis. A minimum level of start-up funds must be awarded for the  
8 provision of collaborative time for professional development by isolated or small schools  
9 that meet the size and distance criteria established by the rules;

10 2. Approval of grant funds to qualifying school administrative units must be based  
11 on eligibility requirements established by the Commissioner of Education; and

12 3. Continued receipt of grant funds requires submission of a report to the  
13 commissioner that the provision of collaborative time for professional development  
14 conforms to the specified evidence-based best practices established by the rules.

15 **Sec. 10. Models for funding and evaluating extended school day and**  
16 **summer school programs for inclusion in the essential programs and services**  
17 **funding formula; further research.** The Department of Education and the  
18 Education Research Institute, established in the Maine Revised Statutes, Title 20-A,  
19 section 10, shall conduct further research and analysis of extended school day programs  
20 that support improved student achievement and determine if such programming should  
21 also qualify under the grant program for funding summer school programs in Title 20-A,  
22 section 8801, subsection 3. The department and the institute shall submit a report,  
23 including recommendations, to the joint standing committee of the Legislature having  
24 jurisdiction over education and cultural affairs by March 1, 2017.

25 **Sec. 11. Federal Title I funding and educational equity for economically**  
26 **disadvantaged students; further research.** The Department of Education and the  
27 Education Research Institute, established in the Maine Revised Statutes, Title 20-A,  
28 section 10, shall conduct further research and analysis of the availability of federal grant  
29 funds that may be received by school administrative units beginning in the 2017-2018  
30 school year under Title I of the federal Elementary and Secondary Education Act of 1965,  
31 20 United States Code, Section 6301 et seq. and under the applicable federal statutes and  
32 regulations established under the Every Student Succeeds Act of 2015, 20 United States  
33 Code, Chapter 70, which reauthorized the Elementary and Secondary Education Act of  
34 1965. The department and the institute shall submit a report, including findings and  
35 recommendations related to the allocation of state funding for school administrative units  
36 that are eligible to receive federal Title I funding and other funding for educational equity  
37 for economically disadvantaged students, to the joint standing committee of the  
38 Legislature having jurisdiction over education and cultural affairs by March 1, 2017.

39 **Sec. 12. Professional development grants for school and school**  
40 **administrative unit leaders.** For fiscal year 2017-18, the Department of Education  
41 may award grants to qualifying school administrative units to provide funds for  
42 professional development for school and school administrative unit leaders to support  
43 professional development best practices to implement proficiency-based learning. The  
44 amount of grant funding must be determined based on recommendations made by the

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1 Department of Education upon review of evidence-based research conducted by the  
2 Education Research Institute, established in the Maine Revised Statutes, Title 20-A,  
3 section 10. The department shall submit its recommendations for grant funding for  
4 professional development for school and school administrative unit leaders to support  
5 professional development best practices to implement proficiency-based learning to the  
6 joint standing committee of the Legislature having jurisdiction over education and  
7 cultural affairs and the joint standing committee of the Legislature having jurisdiction  
8 over appropriations and financial affairs during the First Regular Session of the 128th  
9 Legislature.

10 **Sec. 13. Collaborative time for professional development.** During the First  
11 Regular Session of the 128th Legislature, the joint standing committee of the Legislature  
12 having jurisdiction over education and cultural affairs, in collaboration with the  
13 Department of Education, shall develop best practice guidelines pursuant to the Maine  
14 Revised Statutes, Title 20-A, section 13803, including guidelines for the definition of  
15 "qualifying leadership" and the inclusion of leadership in collaborative time for  
16 professional development pursuant to section 12. The department shall submit a report to  
17 the joint standing committee of the Legislature having jurisdiction over education and  
18 cultural affairs by December 4, 2017. The report submitted by the department must  
19 include recommendations for best practice guidelines, as well as recommended  
20 procedures to increase the accountability of school administrative units' current  
21 expenditures in terms of professional development best practices and methods for the  
22 department to share school administrative units' professional development best practices.

23 **Sec. 14. Regional cost adjustments for teacher salaries; further review.**  
24 During the First Regular Session of the 128th Legislature, the joint standing committee of  
25 the Legislature having jurisdiction over education and cultural affairs shall review the  
26 updated data and accompanying analysis on the regional labor market adjustments  
27 presented by the Education Research Institute, established in the Maine Revised Statutes,  
28 Title 20-A, section 10, to the Commission To Strengthen the Adequacy and Equity of  
29 Certain Cost Components of the School Funding Formula, established pursuant to  
30 Resolve 2013, chapter 114. The joint standing committee shall examine the potential cost  
31 consequences of the updated labor market adjustments on individual regions and evaluate  
32 these consequences within the net funding effects of all the recommendations of the  
33 commission's report. The joint standing committee may submit any necessary  
34 implementing legislation related to its review of regional cost adjustments for teacher  
35 salaries to the Second Regular Session of the 128th Legislature.'

36 **SUMMARY**

37 This amendment strikes and replaces the bill, which was reported out by the Joint  
38 Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter  
39 114, section 10. The amendment updates a number of initiatives proposed in the bill to  
40 incorporate changes to the education statutes and rules proposed by the Commission To  
41 Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding  
42 Formula that the commission's report indicated are necessary to implement its  
43 recommendations. The amendment retains many provisions of the bill, but differs from  
44 the bill in the following ways.



- 1           1. It amends the laws concerning after-school programs to comply with the extended
- 2           learning program recommended by the commission.
- 3           2. It strikes the bill's proposal to remove the state contributions to teacher retirement,
- 4           retired teachers' health insurance and retired teachers' life insurance from the annual
- 5           transition targets.
- 6           3. The bill proposes to remove language reducing the salary and benefit costs for
- 7           teachers and school education staff from the amount of funds received by a school
- 8           administrative unit under Title I of the federal Elementary and Secondary Education Act
- 9           of 1965, 20 United States Code, Section 6301 et seq. The amendment instead directs the
- 10          Department of Education and the Education Research Institute to conduct further research
- 11          and analysis of the availability of federal grant funds.
- 12          4. It strikes the bill's proposal to increase the adjustments to the state share of the
- 13          special education costs as part of the total allocation provided to a school administrative
- 14          unit that receives a minimum state allocation under the Maine Revised Statutes, Title
- 15          20-A, section 15689, subsection 1, paragraph B.
- 16          5. It strikes the bill's proposals to authorize the Commissioner of Education to
- 17          expend and disburse state funds to provide grants to school administrative units for the
- 18          establishment of summer schools and for the establishment of collaborative time for
- 19          professional development through the authorization of miscellaneous costs under Title
- 20          20-A, section 15689-A.
- 21          6. It adds the following initiatives to the enhancing student performance and
- 22          opportunity system provisions of school funding based on essential programs and
- 23          services in Title 20-A, section 15688-A to authorize the Commissioner of Education to
- 24          expend and disburse state funds:
- 25            A. To provide for additional support to school administrative units beyond the
- 26            additional weight of .15 provided for each economically disadvantaged student;
- 27            B. To provide grants to school administrative units for the establishment of summer
- 28            schools;
- 29            C. To provide grants to school administrative units for the establishment of extended
- 30            learning programs; and
- 31            D. To provide grants to school administrative units for the establishment of
- 32            collaborative time for professional development.
- 33          7. It adds the enhancing student performance and opportunity system provisions of
- 34          school funding based on essential programs and services in Title 20-A, section 15688-A
- 35          to the guidelines that require the Commissioner of Education to update the
- 36          recommendations, computation and the purposes for each of the cost components
- 37          included in adjustments and miscellaneous costs under Title 20-A, section 15689-C,
- 38          subsection 4.
- 39          8. It strikes the bill's proposal to appropriate and allocate funds for the General
- 40          Purpose Aid for Local Schools account.
- 41          9. It removes the requirement for the Department of Education to convene and staff a
- 42          stakeholder group to develop guidelines for the definition of "qualifying leadership" and

# COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 944, L.D. 1394

1 best practice guidelines for the inclusion of leadership in collaborative time for  
2 professional development and instead requires the department to develop those  
3 guidelines.

4 **FISCAL NOTE REQUIRED**  
5 (See attached)

**COMMITTEE AMENDMENT**



# 127th MAINE LEGISLATURE

LD 1394

LR 2011(02)

## An Act To Implement the Recommendations of the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-630)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

Minor cost increase - General Fund

#### Fiscal Detail and Notes

This legislation requires the Education Research Institute (ERI), along with the Department of Education, to conduct further research and analysis of extended school day programs and the availability of federal grant funds under Title I and other funding for educational equity for economically disadvantaged students.

The Department of Education's General Purpose Aid for Local Schools program already has funding of \$250,000 in both fiscal years 2015-16 and 2016-17 to support the work of the ERI, which was established in Public Law 1995, c. 395, Part J, to collect and analyze education information and perform targeted education research for the Legislature. This fiscal note assumes that funding for the ERI in fiscal year 2016-17 included in the biennial budget will be sufficient to support the cost of the two research projects in this bill and that both will be included in the 2016-2017 workplan approved by the Joint Standing Committee on Education and Cultural Affairs and, therefore, no General Fund appropriation is required. If the projects are not included in the 2016-2017 workplan and no General Fund appropriations are made to support the costs of the research projects, the ERI may not be able to conduct the required research and analysis.

This legislation allows, but does not require, the Commissioner of Education to provide grants and "expend and disburse funds" for summer school programs, collaborative time for professional development, economically disadvantaged students and professional development for school and school administrative unit leaders. Since no funding is included in the bill and the language is permissive, there is no fiscal impact associated with these parts of the bill other than the cost of rulemaking, which can be absorbed within the department's existing budgeted resources.

Additional costs to the Department of Education to collaborate with the joint standing committee of the Legislature having jurisdiction over education and cultural affairs during the First Regular Session of the 128th Legislature to develop best practice guidelines for collaborative time for professional development can be absorbed within existing budgeted resources.