

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "C" to H.P. 281, L.D. 390, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019"

Amend the amendment by striking out all of Part C and inserting the following:

'PART C

Sec. C-1. 20-A MRSA §1051, sub-§6, ¶D is enacted to read:

D. A group of school administrative units that has an interlocal agreement pursuant to Title 30-A, chapter 115 to establish a regional education service agency to jointly purchase the services of a superintendent may elect the superintendent in the manner prescribed in the interlocal agreement.

Sec. C-2. 20-A MRSA §2412, sub-§5, ¶J, as enacted by PL 2015, c. 40, §1, is amended to read:

J. Public charter schools are subject to the same proficiency-based diploma standards set forth in section 4722-A and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4.

Sec. C-3. 20-A MRSA §5806, sub-§2, as repealed and replaced by PL 2013, c. 497, §1, is amended to read:

2. **Maximum allowable tuition.** The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. From school year 2009-2010 to school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is

1 less, unless the legislative body of the school administrative unit votes to authorize its
2 school board to pay a higher insured value factor that is no greater than 10% of the
3 school's tuition rate per student. For the 2014-2015 school year, a school administrative
4 unit is not required to pay an insured value factor greater than 6% of the school's tuition
5 rate per student, unless the legislative body of the school administrative unit votes to
6 authorize its school board to pay a higher insured value factor that is no greater than 10%
7 of the school's tuition rate per student. Beginning in the 2015-2016 school year, a school
8 administrative unit is not required to pay an insured value factor greater than the amount
9 of the prior school year's insured value factor adjusted by a percentage equal to the
10 percentage change in the state share percentage of the total cost of funding public
11 education in the prior school year as determined by section 15671, subsection 7,
12 paragraph ~~C~~ B as compared to the applicable percentage for the current school year. In
13 no case may the insured value factor be less than 6% or greater than 10% of the school's
14 tuition rate per student, unless the legislative body of the school administrative unit votes
15 to authorize its school board to pay an insured value factor that exceeds the amount
16 otherwise permitted by this subsection by no more than 5% of the school's tuition rate per
17 student. For the 2013-2014 school year only, the maximum allowable tuition charged to
18 a school administrative unit by a private school that participates in the Maine Public
19 Employees Retirement System must be increased above the amount otherwise permitted
20 under this section by an amount equal to the calculated normal cost of teacher retirement
21 for that school divided by the number of enrolled students as of October 1, 2012.

22 **Sec. C-4. 20-A MRSA §6955** is enacted to read:

23 **§6955. Repeal**

24 This chapter is repealed July 1, 2019.

25 **Sec. C-5. 20-A MRSA §15671, sub-§7, ¶A**, as amended by PL 2013, c. 368, Pt.
26 C, §6, is further amended to read:

27 A. The base total calculated pursuant to section 15683, subsection 2 is subject to the
28 following annual targets.

29 (1) For fiscal year 2005-06, the target is 84%.

30 (2) For fiscal year 2006-07, the target is 90%.

31 (3) For fiscal year 2007-08, the target is 95%.

32 (4) For fiscal year 2008-09, the target is 97%.

33 (5) For fiscal year 2009-10, the target is 97%.

34 (6) For fiscal year 2010-11, the target is 97%.

35 (7) For fiscal year 2011-12, the target is 97%.

36 (8) For fiscal year 2012-13, the target is 97%.

37 (9) For fiscal year years 2013-14 ~~and succeeding years~~ 2014-15, 2015-16 and
38 2016-17, the target is 97%.

39 (10) For fiscal year 2017-18 and succeeding years, the target is 100%.

1 **Sec. C-6. 20-A MRSA §15671, sub-§7, ¶B**, as amended by PL 2015, c. 389, Pt.
2 C, §3 and c. 481, Pt. D, §1, is further amended to read:

3 B. The annual targets for the state share percentage of the statewide adjusted total
4 cost of the components of essential programs and services are as follows.

5 (1) For fiscal year 2005-06, the target is 52.6%.

6 (2) For fiscal year 2006-07, the target is 53.86%.

7 (3) For fiscal year 2007-08, the target is 53.51%.

8 (4) For fiscal year 2008-09, the target is 52.52%.

9 (5) For fiscal year 2009-10, the target is 48.93%.

10 (6) For fiscal year 2010-11, the target is 45.84%.

11 (7) For fiscal year 2011-12, the target is 46.02%.

12 (8) For fiscal year 2012-13, the target is 45.87%.

13 (9) For fiscal year 2013-14, the target is 47.29%.

14 (10) For fiscal year 2014-15, the target is 46.80%.

15 (11) For fiscal year 2015-16, the target is 47.54%.

16 (12) For fiscal year 2016-17, the target is 48.14%.

17 (13) For fiscal year 2017-18, the target is 51.22%.

18 (14) For fiscal year 2018-19 and succeeding years, the state percentage of the
19 statewide cost of the components of essential programs and services is 55%.

20 **Sec. C-7. 20-A MRSA §15671, sub-§7, ¶C**, as amended by PL 2015, c. 389, Pt.
21 C, §4 and c. 481, Pt. D, §2, is repealed.

22 **Sec. C-8. 20-A MRSA §15671-A, sub-§2, ¶B**, as amended by PL 2015, c. 389,
23 Pt. C, §5 and c. 481, Pt. D, §3, is further amended to read:

24 B. For property tax years beginning on or after April 1, 2005, the commissioner shall
25 calculate the full-value education mill rate that is required to raise the statewide total
26 local share. The full-value education mill rate is calculated for each fiscal year by
27 dividing the applicable statewide total local share by the applicable statewide
28 valuation. The full-value education mill rate must decline over the period from fiscal
29 year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-
30 06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill
31 rate must be applied according to section 15688, subsection 3-A, paragraph A to
32 determine a municipality's local cost share expectation. Full-value education mill
33 rates must be derived according to the following schedule.

34 (1) For the 2005 property tax year, the full-value education mill rate is the
35 amount necessary to result in a 47.4% statewide total local share in fiscal year
36 2005-06.

- 1 (2) For the 2006 property tax year, the full-value education mill rate is the
2 amount necessary to result in a 46.14% statewide total local share in fiscal year
3 2006-07.
- 4 (3) For the 2007 property tax year, the full-value education mill rate is the
5 amount necessary to result in a 46.49% statewide total local share in fiscal year
6 2007-08.
- 7 (4) For the 2008 property tax year, the full-value education mill rate is the
8 amount necessary to result in a 47.48% statewide total local share in fiscal year
9 2008-09.
- 10 (4-A) For the 2009 property tax year, the full-value education mill rate is the
11 amount necessary to result in a 51.07% statewide total local share in fiscal year
12 2009-10.
- 13 (4-B) For the 2010 property tax year, the full-value education mill rate is the
14 amount necessary to result in a 54.16% statewide total local share in fiscal year
15 2010-11.
- 16 (4-C) For the 2011 property tax year, the full-value education mill rate is the
17 amount necessary to result in a 53.98% statewide total local share in fiscal year
18 2011-12.
- 19 (5) For the 2012 property tax year, the full-value education mill rate is the
20 amount necessary to result in a 54.13% statewide total local share in fiscal year
21 2012-13.
- 22 (6) For the 2013 property tax year, the full-value education mill rate is the
23 amount necessary to result in a 52.71% statewide total local share in fiscal year
24 2013-14.
- 25 (7) For the 2014 property tax year, the full-value education mill rate is the
26 amount necessary to result in a 53.20% statewide total local share in fiscal year
27 2014-15.
- 28 (8) For the 2015 property tax year, the full-value education mill rate is the
29 amount necessary to result in a 52.46% statewide total local share in fiscal year
30 2015-16.
- 31 (9) For the 2016 property tax year, the full-value education mill rate is the
32 amount necessary to result in a 51.86% statewide total local share in fiscal year
33 2016-17.
- 34 (10) For the 2017 property tax year ~~and subsequent tax years~~, the full-value
35 education mill rate is the amount necessary to result in a 45% 48.78% statewide
36 total local share in fiscal year 2017-18 ~~and after~~.
- 37 (11) For the 2018 property tax year and subsequent tax years, the full-value
38 education mill rate is the amount necessary to result in a 45% statewide total
39 local share in fiscal year 2018-19 and after.

1 **Sec. C-9. 20-A MRSA §15676, sub-§§1 and 2**, as corrected by RR 2011, c. 2,
2 §19, are amended to read:

3 **1. Teaching staff costs.** ~~The Beginning July 1, 2017, the salary and benefit costs for~~
4 school level teaching staff that are necessary to carry out this Act, calculated in
5 accordance with section 15678; and adjusted by the regional adjustment under section
6 15682 ~~and reduced by the amount of funds received by the school administrative unit~~
7 ~~during the most recent fiscal year under Title I of the federal Elementary and Secondary~~
8 ~~Education Act of 1965, 20 United States Code, Section 6301 et seq.;~~

9 **2. Other staff costs.** ~~The Beginning July 1, 2017, the salary and benefit costs for~~
10 school-level staff who are not teachers, but including substitute teachers, that are
11 necessary to carry out this Act, calculated in accordance with section 15679; and adjusted
12 by the regional adjustment under section 15682 ~~and reduced by the amount of funds~~
13 ~~received by the school administrative unit during the most recent fiscal year under Title I~~
14 ~~of the federal Elementary and Secondary Education Act of 1965, 20 United States Code,~~
15 ~~Section 6301 et seq.; and~~

16 **Sec. C-10. 20-A MRSA §15678, sub-§2**, as enacted by PL 2003, c. 504, Pt. A,
17 §6, is amended to read:

18 **2. Ratios.** ~~In~~ Beginning July 1, 2017, in calculating the salary and benefit costs
19 pursuant to this section, the commissioner shall utilize the following student-to-teacher
20 ratios.

21 A. For the elementary school level, the student-to-teacher ratio is 17:1.

22 B. For the middle school level, the student-to-teacher ratio is ~~16:1~~ 17:1.

23 C. For the high school level, the student-to-teacher ratio is ~~15:1~~ 16:1.

24 **Sec. C-11. 20-A MRSA §15679, sub-§2, ¶¶A and B**, as enacted by PL 2003, c.
25 504, Pt. A, §6, are amended to read:

26 A. For the elementary school level and the middle school level:

27 (1) ~~The Beginning July 1, 2017, the student-to-education technician ratio is 100:1~~
28 114:1 for the elementary school level and 312:1 for the middle school level;

29 (2) The student-to-guidance staff ratio is 350:1;

30 (3) The student-to-librarian ratio is 800:1;

31 (4) The student-to-media assistant ratio is 500:1;

32 (5) The student-to-health staff ratio is 800:1;

33 (6) The student-to-school administrative staff ratio is 305:1; and

34 (7) The student-to-clerical staff ratio is 200:1.

35 B. For the high school level:

36 (1) ~~The Beginning July 1, 2017, the student-to-education technician ratio is 250:1~~
37 316:1;

- 1 (2) The student-to-guidance staff ratio is 250:1;
- 2 (3) The student-to-librarian ratio is 800:1;
- 3 (4) The student-to-media assistant ratio is 500:1;
- 4 (5) The student-to-health staff ratio is 800:1;
- 5 (6) The student-to-school administrative staff ratio is 315:1; and
- 6 (7) The student-to-clerical staff ratio is 200:1.

7 **Sec. C-12. 20-A MRSA §15681-A, sub-§2-A**, as enacted by PL 2007, c. 240,
8 Pt. XXXX, §27, is repealed.

9 **Sec. C-13. 20-A MRSA §15681-A, sub-§4**, as amended by PL 2015, c. 267, Pt.
10 C, §9, is further amended to read:

11 **4. Career and technical education costs.** Career and technical education costs in
12 the base year adjusted to the year prior to the allocation year. This subsection does not
13 apply to the ~~2017-18~~ 2018-19 funding year and thereafter; and

14 **Sec. C-14. 20-A MRSA §15683-B, sub-§3**, as enacted by PL 2015, c. 54, §6, is
15 amended to read:

16 **3. Operating allocation.** The commissioner shall determine a public charter
17 school's operating allocation for each year as the sum of:

18 A. The base allocation, which is the pupil count pursuant to subsection 2, paragraph
19 A multiplied by the public charter school's EPS per-pupil rates calculated pursuant to
20 subsection 1;

21 B. The economically disadvantaged student allocation, which is the pupil count
22 determined pursuant to subsection 2, paragraph B multiplied by the additional weight
23 for each economically disadvantaged student pursuant to section 15675, subsection 2;

24 C. The limited English proficiency student allocation, which is the pupil count
25 pursuant to subsection 2, paragraph C multiplied by the additional weight for each
26 limited English proficiency student pursuant to section 15675, subsection 1;

27 D. The targeted funds for standards-based system allocation, which is based on the
28 per-pupil amount pursuant to section 15683, subsection 1, paragraph C multiplied by
29 the pupil count pursuant to subsection 2, paragraph A;

30 E. The targeted funds for technology resource allocation, which is based on the per-
31 pupil amount pursuant to section 15683, subsection 1, paragraph D multiplied by the
32 pupil count in subsection 2, paragraph A; and

33 F. The targeted funds for public preschool to grade 2 student allocation, which is
34 based on the preschool to grade 2 pupil count pursuant to subsection 2, paragraph A
35 multiplied by the public charter school's elementary EPS per-pupil rates in subsection
36 1.

1 ~~The operating allocation calculated pursuant to this subsection must be adjusted by~~
2 ~~multiplying it by the appropriate transition percentage in accordance with section 15671,~~
3 ~~subsection 7.~~

4 **Sec. C-15. 20-A MRS §15686-A**, as amended by PL 2015, c. 389, Pt. C, §6 and
5 c. 489, §8, is further amended to read:

6 **§15686-A. Review of essential programs and services components**

7 **1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in
8 fiscal year ~~2006-07~~ 2017-18, and at least every 3 years thereafter, the commissioner,
9 using information provided by a statewide education policy research institute, shall
10 review the essential programs and services student-to-staff ratios, salary and benefits
11 matrices, ~~transportation~~, small schools adjustments, labor markets and gifted and talented
12 components and components related to implementation of proficiency-based reporting
13 and graduation requirements under this chapter and shall submit to the joint standing
14 committee of the Legislature having jurisdiction over education matters any
15 recommended changes for legislative action.

16 **2. Components to be reviewed beginning in fiscal year 2018-19.** Beginning in
17 fiscal year ~~2007-08~~ 2018-19, and at least every 3 years thereafter, the commissioner,
18 using information provided by a statewide education policy research institute, shall
19 review the essential programs and services career and technical education, special
20 education, specialized student populations, system administration and operations and
21 maintenance components under this chapter and shall submit to the joint standing
22 committee of the Legislature having jurisdiction over education matters any
23 recommended changes for legislative action.

24 **3. Components to be reviewed beginning in fiscal year 2019-20.** Beginning in
25 fiscal year ~~2008-09~~ 2019-20, and at least every 3 years thereafter, the commissioner,
26 using information provided by a statewide education policy research institute, shall
27 review the essential programs and services professional development, student assessment,
28 technology, transportation, leadership support, cocurricular and extra-curricular activities,
29 supplies and equipment and, ~~beginning in fiscal year 2016-17~~, charter school components
30 under this chapter and shall submit to the joint standing committee of the Legislature
31 having jurisdiction over education matters any recommended changes for legislative
32 action.

33 ~~**4. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in~~
34 ~~fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using~~
35 ~~information provided by a statewide education policy research institute, shall review the~~
36 ~~essential programs and services components under this chapter related to implementation~~
37 ~~of proficiency-based reporting and graduation requirements and shall submit to the joint~~
38 ~~standing committee of the Legislature having jurisdiction over education matters any~~
39 ~~recommended legislative changes.~~

40 The commissioner may adjust the schedule by replacing one component in one year
41 with another component in another year if information on a specific component is needed
42 in an earlier time frame. This replacement may not result in a component's being
43 reviewed beyond a 4-year period. The commissioner may include a review of one or

1 more of the components from sections 15688-A, 15689 and 15689-A to the schedule in
2 addition to the components listed in this section.

3 **Sec. C-16. 20-A MRSA §15688-A, sub-§1**, as amended by PL 2015, c. 267, Pt.
4 C, §10, is further amended to read:

5 **1. Career and technical education costs.** Beginning in fiscal year ~~2017-18~~ 2018-
6 19, the allocation for career and technical education must be based upon a program-
7 driven model that considers components for direct instruction, central administration,
8 supplies, operation and maintenance of plant, other student and staff support and
9 equipment. Monthly payments must be made directly to school administrative units with
10 career and technical education centers and directly to career and technical education
11 regions. If a school administrative unit with a career and technical education center or a
12 career and technical education region has any unexpended funds at the end of the fiscal
13 year, these funds must be carried forward for the purposes of career and technical
14 education.

15 **Sec. C-17. 20-A MRSA §15689, sub-§9**, as enacted by PL 2007, c. 240, Pt. D,
16 §6, is amended to read:

17 **9. Regionalization, consolidation and efficiency assistance adjustment.** The
18 commissioner may expend and disburse funds limited to the amount appropriated by the
19 Legislature to carry out the purposes of promoting regionalization, consolidation and
20 efficiency. These funds ~~must~~ may be an adjustment to the qualifying school
21 administrative unit's state allocation. The commissioner may also expend and disburse
22 these funds as follows:

23 A. For direct contractual agreements to provide legal services, facilitation services
24 and other services to assist school administrative units with planning and
25 implementing regionalization, consolidation and efficiencies; and

26 B. For direct support to regional service agencies established pursuant to section
27 1051, subsection 6, paragraph D.

28 **Sec. C-18. 20-A MRSA §15689, sub-§13, ¶A**, as reallocated by RR 2011, c. 2,
29 §20, is amended to read:

30 A. Approval of bus refurbishing must be based on eligibility requirements
31 established by the commissioner, including, but not limited to, the age, mileage and
32 expected useful life of the bus. Bus refurbishing includes safety upgrades and may
33 include technology capability.

34 **Sec. C-19. 20-A MRSA §15689, sub-§§14 and 15** are enacted to read:

35 **14. MaineCare seed for school administrative units.** The commissioner may
36 deduct from a school administrative unit's state subsidy and pay on behalf of the school
37 administrative unit allowable school-based costs that represent the school administrative
38 unit's portion of MaineCare payments. A transfer of payment by the department to the
39 Department of Health and Human Services must be made pursuant to a schedule agreed
40 upon by the Department of Health and Human Services and the department and in a
41 manner that remains in compliance with federal intergovernmental transfer requirements.
42 No later than 90 days after the incurrence of allowable school-based payments to schools,

1 the Department of Health and Human Services shall provide the detailed payment
2 information to the department. The department shall make this information available and
3 apply the adjustment to the appropriate school administrative units within 30 days of
4 receipt of the detailed payment information from the Department of Health and Human
5 Services.

6 **15. Special education budgetary hardship adjustment.** Beginning in fiscal year
7 2018-19, the following provisions apply to adjustments for special education budgetary
8 hardships.

9 A. If a school administrative unit determined eligible pursuant to paragraph B
10 petitions the commissioner and demonstrates that the unexpected education costs of
11 placement of a student in a special education program will cause a budgetary
12 hardship, the commissioner may provide to the unit an amount not to exceed the
13 allowable costs of the placement less 3 times the statewide special education EPS
14 per-pupil rate for in-district placements or less 4 times the statewide special education
15 EPS per-pupil rate for out-of-district placements. The allowable costs are those
16 special education costs described in section 15672, subsection 30-A, paragraphs A
17 and B.

18 B. The commissioner shall determine that a school administrative unit is eligible for
19 an adjustment under paragraph A if:

20 (1) The student's placement is a result of an appeal approved by the
21 commissioner pursuant to section 5205, subsection 6 or the student became the
22 fiscal responsibility of the school administrative unit after the passage of that
23 unit's budget for the current fiscal year; and

24 (2) The school administrative unit's unexpected allowable costs result in a 5% or
25 more increase in the percentage of the unit's special education budget category to
26 the unit's total budget excluding the debt service budget category.

27 C. The funds for adjustments under paragraph A are limited to the amount
28 appropriated by the Legislature for that purpose, and any unexpended balance from
29 another program's appropriated amounts under this chapter may be applied by the
30 commissioner toward the adjustments.

31 D. A school administrative unit may expend the funds from the adjustment under
32 paragraph A without seeking approval by the unit's legislative body.

33 **Sec. C-20. 20-A MRS §15689-A**, as amended by PL 2015, c. 63, §1 and c. 267,
34 Pt. C, §§13 and 14 and Pt. GGG, §2 and corrected by RR 2015, c. 1, §15, is further
35 amended to read:

36 **§15689-A. Authorization of payment of targeted education funds**

37 **1. Payment of state agency client costs.** State agency client costs are payable
38 pursuant to this subsection. As used in this subsection, "state agency client" has the same
39 meaning as defined in section 1, subsection 34-A.

40 A. The commissioner shall approve special education costs and supportive services,
41 including transportation, for all state agency clients placed in residential placements
42 by an authorized agent of a state agency.

- 1 B. Special education costs authorized by this subsection for state agency clients must
2 be paid by the department in the allocation year at 100% of actual costs.
- 3 C. The commissioner shall pay only approved special education costs and supportive
4 services, including transportation, authorized by this subsection for state agency
5 clients and may not allocate for those special education costs and supportive services,
6 including transportation, incurred by the school administrative unit for state agency
7 clients in the base years starting July 1, 1985, and every base year thereafter.
- 8 D. Transportation costs for state agency clients, when provided in accordance with
9 rules established by the commissioner under section 7204, must be paid by the
10 department in the allocation year at 100% of actual costs.
- 11 E. The commissioner may pay tuition to school administrative units or private
12 schools for education institutional residents within the limits of the allocation made
13 under this section.
- 14 F. The commissioner may deduct from these funds and pay on behalf of the state
15 agency clients allowable school-based costs that represent the State's portion of
16 MaineCare payments. A transfer of payment by the department to the Department of
17 Health and Human Services must be made pursuant to a schedule agreed upon by the
18 Department of Health and Human Services and the department and in a manner that
19 remains in compliance with federal intergovernmental transfer requirements.
- 20 ~~2. Education of institutional residents. The commissioner may pay tuition to~~
21 ~~school administrative units or private schools for institutional residents within the limits~~
22 ~~of the allocation made under this section.~~
- 23 **3. Essential programs and services components contract.** The commissioner may
24 contract for the updating of the essential programs and services component with a
25 statewide education research institute.
- 26 **4. Learning results implementation, assessment and accountability.** The
27 commissioner may expend and disburse funds limited to the amount appropriated by the
28 Legislature to carry out the purposes of Public Law 1995, chapter 649, sections 5 and 8.
- 29 **6. Education research contract.** The commissioner may contract for the
30 compilation and analysis of education data with a statewide education research institute.
- 31 **7. Disbursement limitations.** The funds disbursed in accordance with this section
32 are limited to the amounts appropriated by the Legislature for these purposes.
- 33 ~~8. Laptop program. The commissioner may pay costs attributed to the contracted~~
34 ~~support services and annual payments for a program that provides laptop computers to~~
35 ~~middle school students.~~
- 36 **9. Emergency bus loan.** The commissioner may pay annual payments for an
37 emergency bus loan.
- 38 **10. Data management and support services for essential programs and services.**
39 The commissioner may pay costs attributed to system maintenance and staff support
40 consisting of 11 positions that provide professional and administrative support to general
41 purpose aid for local schools necessary to implement the requirements of the Essential
42 Programs and Services Funding Act.

1 **11. Courses for credit at eligible postsecondary institutions.** The commissioner
2 may pay costs for secondary students to take postsecondary courses at eligible
3 institutions. For the purposes of this subsection, "secondary student" includes a student
4 in a home instruction program pursuant to section 5001-A, subsection 3, paragraph A,
5 subparagraph (4) but does not include a student that is not a resident of the State pursuant
6 to section 5205, subsection 10.

7 **12. National board certification salary supplement.** The commissioner may pay
8 annual salary supplement payments to school administrative units or a publicly supported
9 secondary school for payment to school teachers who have attained certification from the
10 National Board for Professional Teaching Standards or its successor organization
11 pursuant to section 13013-A.

12 **12-A. Learning through technology.** The commissioner may pay costs attributed
13 to ~~professional and administrative staff support consisting of one Education Team and~~
14 ~~Policy Director position, 2 Education Specialist III positions, one Planning and Research~~
15 ~~Associate I position, one Director of Special Projects position and 2 Education Specialist~~
16 ~~II positions,~~ professional development and training in the use of open educational
17 resources and open-source textbooks and system maintenance for a program that
18 promotes learning through technology. A transfer of All Other funds from the General
19 Purpose Aid for Local Schools account to the All Other line category in the Learning
20 Through Technology General Fund nonlapsing account sufficient to support the All Other
21 costs and the agreement that provides one-to-one wireless computers for 7th grade, 8th
22 grade and high school students and educators may occur annually by financial order upon
23 recommendation of the State Budget Officer and approval of the Governor.

24 **13. Jobs for Maine's Graduates.** The commissioner may expend and disburse
25 funds for the Jobs for Maine's Graduates in accordance with the provisions of chapter
26 226.

27 **14. Maine School of Science and Mathematics.** The commissioner may expend
28 and disburse funds for the Maine School of Science and Mathematics in accordance with
29 the provisions of chapter 312.

30 **15. Maine Educational Center for the Deaf and Hard of Hearing and the**
31 **Governor Baxter School for the Deaf.** The commissioner may expend and disburse
32 funds for the Maine Educational Center for the Deaf and Hard of Hearing and the
33 Governor Baxter School for the Deaf in accordance with provisions of chapter 304.

34 **16. Transportation administration.** The commissioner may pay costs attributed to
35 ~~one Education Specialist III position~~ professional and administrative staff support and
36 system maintenance necessary to implement the transportation requirements of this
37 chapter and chapter 215.

38 **17. Special education and coordination of services for juvenile offenders.** The
39 commissioner may pay certain costs attributed to staff support and associated operating
40 costs for providing special education and providing coordination of education, treatment
41 and other services to juvenile offenders at youth development centers in ~~Charleston and~~
42 South Portland. A transfer of All Other funds from the General Purpose Aid for Local
43 Schools account to the Personal Services and All Other line categories in the Long Creek
44 Youth Development Center General Fund account within the Department of Corrections,

1 sufficient to support 2 Teacher positions, and to the Mountain View Youth Development
2 Center General Fund account within the Department of Corrections, sufficient to support
3 one Teacher one Education Specialist II position and one Office Associate II position,
4 may occur annually by financial order upon recommendation of the State Budget Officer
5 and approval of the Governor.

6 ~~18. Coordination of services for juvenile offenders.~~ The commissioner may pay
7 certain costs attributed to staff support and associated operating costs for providing
8 coordination of education, treatment and other services for juvenile offenders at youth
9 development centers in Charleston and South Portland. A transfer of All Other funds
10 from the General Purpose Aid for Local Schools account to the Personal Services and All
11 Other line categories in the Long Creek Youth Development Center, General Fund
12 account within the Department of Corrections sufficient to support one Education
13 Specialist II position and one Office Associate II position and to the Mountain View
14 Youth Development Center, General Fund account within the Department of Corrections
15 sufficient to support one Education Specialist II position and one Office Associate II
16 position may occur annually by financial order upon recommendation of the State Budget
17 Officer and approval of the Governor.

18 **19. Miscellaneous costs limitations.** The amounts of the miscellaneous costs
19 pursuant to this section are limited to the amounts appropriated by the Legislature for
20 these costs.

21 **20. Center of Excellence for At-risk Students.** The commissioner may expend and
22 disburse funds for the Center of Excellence for At-risk Students in accordance with the
23 provisions of chapter 227.

24 This subsection is repealed July 1, 2019.

25 **21. Fund for the Efficient Delivery of Educational Services.** The commissioner
26 may expend and disburse funds from the Fund for the Efficient Delivery of Educational
27 Services in accordance with the provisions of chapter 114-A.

28 ~~22. MaineCare seed for school administrative units.~~ The commissioner may
29 deduct from a school administrative unit's state subsidy and pay on behalf of the school
30 administrative unit allowable school based costs that represent the school administrative
31 unit's portion of MaineCare payments. A transfer of payment by the department to the
32 Department of Health and Human Services must be made pursuant to a schedule agreed
33 upon by the Department of Health and Human Services and the department and in a
34 manner that remains in compliance with federal intergovernmental transfer requirements.
35 No later than 90 days after the incurrence of allowable school based payments to schools,
36 the Department of Health and Human Services shall provide the detailed payment
37 information to the department. The department shall make this information available and
38 apply the adjustment to the appropriate school administrative units within 30 days of
39 receipt of the detailed payment information from the Department of Health and Human
40 Services.

41 **23. Comprehensive early college programs.** The commissioner may expend and
42 disburse funds to support early college programs that:

43 A. Provide secondary students with the opportunity to graduate from high school in 4
44 years with a high school diploma and at least 30 regionally accredited transferable

1 postsecondary credits allowing for completion of an associate degree within one
2 additional year of postsecondary schooling;

3 B. Involve a high school, a career and technical education center or region and one
4 or more institutions of higher education;

5 C. Organize students into cohort groups and provide them with extensive additional
6 guidance and support throughout the program with the goals of raising aspirations,
7 increasing employability and encouraging postsecondary degree attainment; and

8 D. Maintain a focus on serving students who might not otherwise pursue a
9 postsecondary education.

10 **24. Postsecondary education attainment in Androscoggin County.** The
11 commissioner shall expend and disburse \$75,000 in fiscal year 2015-16 and \$75,000 in
12 fiscal year 2016-17 to support postsecondary education attainment in Androscoggin
13 County.

14 **25. Community schools.** The commissioner may expend and disburse funds for the
15 establishment of community schools in accordance with the provisions of chapter 333.

16 This subsection is repealed July 1, 2021.

17 **26. Maine School for Marine Science, Technology, Transportation and**
18 **Engineering.** The commissioner may expend and disburse funds for the Maine School
19 for Marine Science, Technology, Transportation and Engineering in accordance with the
20 provisions of chapter 312-A.

21 **Sec. C-21. 20-A MRS §15905, sub-§1, ¶A,** as amended by PL 2015, c. 389,
22 Pt. C, §10, is further amended to read:

23 A. The state board may approve projects as long as no project approval will cause
24 debt service costs, as defined in section 15672, subsection 2-A, paragraph A and
25 pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits
26 specified in Table 1 in subsequent fiscal years.

	Table 1	
	Major Capital	Integrated, Consolidated Secondary and Postsecondary Project
Fiscal year	Maximum Debt Service Limit	Maximum Debt Service Limit
31 1990	\$ 48,000,000	
32 1991	\$ 57,000,000	
33 1992	\$ 65,000,000	
34 1993	\$ 67,000,000	
35 1994	\$ 67,000,000	
36 1995	\$ 67,000,000	
37 1996	\$ 67,000,000	
38 1997	\$ 67,000,000	
39 1998	\$ 67,000,000	
40 1999	\$ 69,000,000	
41 2000	\$ 72,000,000	

1	2001	\$ 74,000,000	
2	2002	\$ 74,000,000	
3	2003	\$ 80,000,000	
4	2004	\$ 80,000,000	
5	2005	\$ 84,000,000	
6	2006	\$ 90,000,000	
7	2007	\$ 96,000,000	
8	2008	\$100,000,000	
9	2009	\$104,000,000	
10	2010	\$108,000,000	
11	2011	\$126,000,000	
12	2012	\$116,000,000	
13	2013	\$116,000,000	
14	2014	\$126,000,000	\$10,000,000
15	2015	\$126,000,000	\$10,000,000
16	2016	\$126,000,000	\$10,000,000
17	2017	\$126,000,000	\$10,000,000
18	2018	\$126,000,000	\$10,000,000
19	2019	\$126,000,000	\$10,000,000
20	<u>2020</u>	<u>\$126,000,000</u>	<u>\$20,000,000</u>
21	<u>2021</u>	<u>\$126,000,000</u>	<u>\$20,000,000</u>
22	<u>2022</u>	<u>\$126,000,000</u>	<u>\$20,000,000</u>

23 **Sec. C-22. Mill expectation.** The mill expectation pursuant to the Maine Revised
 24 Statutes, Title 20-A, section 15671-A for fiscal year 2017-18 is 7.23.

25 **Sec. C-23. Total cost of funding public education from kindergarten to**
 26 **grade 12.** The total cost of funding public education from kindergarten to grade 12 for
 27 fiscal year 2017-18 is as follows:

28		2017-18
29		TOTAL
30	Total Operating Allocation	
31		
32	Total operating allocation pursuant to the Maine	\$1,960,368,089
33	Revised Statutes, Title 20-A, section 15683 and total	
34	other subsidizable costs pursuant to Title 20-A, section	
35	15681-A	
36		
37	Total Debt Service Allocation	
38		
39	Total debt service allocation pursuant to the Maine	\$87,568,693
40	Revised Statutes, Title 20-A, section 15683-A	
41		

1	Total Adjustments to the State Share of the Total	
2	Allocation	
3		
4	Total adjustments to the state share of the total	\$1,447,021
5	allocation pursuant to the Maine Revised Statutes, Title	
6	20-A, section 15689	
7		
8	Enhancing Student Performance and Opportunity	\$1,450,000
9		
10	Total Targeted Education Funds	
11		
12	Total targeted education funds pursuant to the Maine	\$66,360,736
13	Revised Statutes, Title 20-A, section 15689-A	
14		
15		
16	Total Normal Cost of Teacher Retirement	\$45,274,070
17		
18	Total Cost of Funding Public Education from	
19	Kindergarten to Grade 12	
20		
21	Total cost of funding public education from	\$2,162,468,609
22	kindergarten to grade 12 for fiscal year 2017-18	
23	pursuant to the Maine Revised Statutes, Title 20-A,	
24	chapter 606-B	

25 **Sec. C-24. Local and state contributions to total cost of funding public**
 26 **education from kindergarten to grade 12.** The local contribution and the state
 27 contribution appropriation provided for general purpose aid for local schools for the fiscal
 28 year beginning July 1, 2017 and ending June 30, 2018 is calculated as follows:

29		2017-18	2017-18
30		LOCAL	STATE
31	Local and State Contributions to the		
32	Total Cost of Funding Public Education		
33	from Kindergarten to Grade 12		
34			
35	Local and state contributions to the total	\$1,054,954,753	\$1,107,513,856
36	cost of funding public education from		
37	kindergarten to grade 12 pursuant to the		
38	Maine Revised Statutes, Title 20-A,		
39	section 15683, subject to statewide		
40	distributions required by law		

41 **Sec. C-25. Authorization of payments.** If the State's continued obligation for
 42 any individual component contained in those sections of this Part that set the total cost of

SENATE AMENDMENT

1 funding public education from kindergarten to grade 12 and the local and state
2 contributions for that purpose exceeds the level of funding provided for that component,
3 any unexpended balances occurring in other programs may be applied to avoid proration
4 of payments for any individual component. Any unexpended balances from this Part may
5 not lapse but must be carried forward for the same purpose.

6 **Sec. C-26. Limit of State's obligation.** Those sections of this Part that set the
7 total cost of funding public education from kindergarten to grade 12 and the local and
8 state contributions for that purpose may not be construed to require the State to provide
9 payments that exceed the appropriation of funds for general purpose aid for local schools
10 for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

11 **Sec. C-27. Transfer from General Fund unappropriated surplus; Fund to**
12 **Advance Public Kindergarten to Grade 12 Education, Other Special Revenue**
13 **Funds account.** The State Controller shall transfer \$97,600,000 from the General Fund
14 unappropriated surplus to the Fund to Advance Public Kindergarten to Grade 12
15 Education, Other Special Revenue Funds account within the Department of Education no
16 later than June 30, 2018.

17 **Sec. C-28. Effective date.** That section of this Part that amends the Maine
18 Revised Statutes, Title 20-A, section 15683-B, subsection 3 takes effect July 1, 2017.'

19 Amend the amendment by striking out all of Part D.

20 Amend the amendment by striking out all of Parts TTT and UUU.

21 Amend the amendment by striking out all of Part VVVVV.

22 Amend the amendment by striking out all of Part XXXXX.

23 Amend the amendment by striking out all of Parts ZZZZZ, AAAAAA, BBBBBB,
24 CCCCCC, DDDDDD, EEEEE and FFFFFF.

25 Amend the amendment by inserting after Part YYYYYY the following:

26 **'PART ZZZZZZ**

27 **Sec. ZZZZZZ-1. Appropriations and allocations.** The following
28 appropriations and allocations are made.

29 **COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

30 **Bring College to ME Program Z168**

31 Initiative: Appropriates funds to offset a deappropriation contained in Part A of this Act
32 that reduces funding for the Bring College to ME Program in fiscal year 2018-19.

33	GENERAL FUND	2017-18	2018-19
34	All Other	\$0	\$320,000
35			
36	GENERAL FUND TOTAL	\$0	\$320,000

1 **Maine Community College System - Board of Trustees 0556**
 2 Initiative: Provides funding to continue current operations at Maine's 7 community
 3 colleges.

4	GENERAL FUND	2017-18	2018-19
5	All Other	\$0	\$3,180,000
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$3,180,000</u>

8 **Maine Community College System - Board of Trustees 0556**
 9 Initiative: Provides additional one-time funding for strategic initiatives related to
 10 occupational programming and statewide workforce development in fiscal years 2017-18
 11 and 2018-19.

12	GENERAL FUND	2017-18	2018-19
13	All Other	\$100,000	\$1,300,000
14			
15	GENERAL FUND TOTAL	<u>\$100,000</u>	<u>\$1,300,000</u>

16	COMMUNITY COLLEGE SYSTEM, BOARD OF		
17	TRUSTEES OF THE MAINE		
18	DEPARTMENT TOTALS	2017-18	2018-19
19			
20	GENERAL FUND	\$100,000	\$4,800,000
21			
22	DEPARTMENT TOTAL - ALL FUNDS	<u>\$100,000</u>	<u>\$4,800,000</u>

23 **EDUCATION, DEPARTMENT OF**
 24 **Fund for the Efficient Delivery of Educational Services Z005**

25 Initiative: Deallocates funds to offset allocations contained in Part A of this Act that
 26 provide one-time funding for consolidation of school administrative units.

27	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
28	All Other	(\$5,000,000)	(\$5,000,000)
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$5,000,000)</u>	<u>(\$5,000,000)</u>

31 **Fund to Advance Public Kindergarten to Grade 12 Education Z247**

32 Initiative: Allocates funds to increase the State's share of the total cost of public
 33 education from kindergarten to grade 12 to 55% beginning in fiscal year 2018-19.

1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	All Other	\$116,355,319	\$209,444,681
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$116,355,319</u>	<u>\$209,444,681</u>
5	General Purpose Aid for Local Schools 0308		
6	Initiative: Deappropriates funds to offset appropriations contained in Part A of this Act		
7	that provide funding for kindergarten to grade 12 public education.		
8	GENERAL FUND	2017-18	2018-19
9	All Other	(\$16,700,000)	(\$95,000,000)
10			
11	GENERAL FUND TOTAL	<u>(\$16,700,000)</u>	<u>(\$95,000,000)</u>
12	National Board Certification Salary Supplement Fund Z147		
13	Initiative: Reverses funds to offset transfers contained in Part A of this Act that eliminate		
14	funding for the National Board Certification Salary Supplement Fund program. This		
15	initiative will not generate \$335,000 in General Fund undedicated revenue in each fiscal		
16	year of the 2018-2019 biennium.		
17	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
18	All Other	\$335,000	\$335,000
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$335,000</u>	<u>\$335,000</u>
21	EDUCATION, DEPARTMENT OF		
22	DEPARTMENT TOTALS	2017-18	2018-19
23			
24	GENERAL FUND	(\$16,700,000)	(\$95,000,000)
25	OTHER SPECIAL REVENUE FUNDS	\$111,690,319	\$204,779,681
26			
27	DEPARTMENT TOTAL - ALL FUNDS	<u>\$94,990,319</u>	<u>\$109,779,681</u>
28	SECTION TOTALS	2017-18	2018-19
29			
30	GENERAL FUND	(\$16,600,000)	(\$90,200,000)
31	OTHER SPECIAL REVENUE FUNDS	\$111,690,319	\$204,779,681
32			
33	SECTION TOTAL - ALL FUNDS	<u>\$95,090,319</u>	<u>\$114,579,681</u>
34			

1 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
2 or section number to read consecutively.

3 **SUMMARY**

4 This amendment does the following.

5 1. It amends the total cost of education from kindergarten to grade 12 for fiscal year
6 2017-18, the state contribution and the annual target state share percentage.

7 2. It strikes the repeal of the 3% surcharge on incomes above \$200,000 enacted
8 pursuant to Initiated Bill 2015, chapter 4.

9 3. It strikes the repeal of funding for system administration and the declining
10 enrollment adjustment within essential programs and services.

11 4. It amends other statutory changes to the Essential Programs and Services Funding
12 Act.

13 5. It removes funding for the Fund for the Efficient Delivery of Education Services.

14 6. It strikes the repeal of the National Board Certification Salary Supplement
15 program and restores its funding.

16 7. It restores funding for the Bring College to ME program within the Maine
17 Community College System beginning in fiscal year 2018-19.

18 8. It provides additional ongoing funding for the 7 colleges within the Maine
19 Community College System.

20 9. It provides additional one-time funding for strategic initiatives related to
21 occupational programming and statewide workforce development in fiscal year 2017-18
22 and fiscal year 2018-19.

23 10. It strikes language that changes the annual reporting deadline for reports on the
24 performance of the Child Development Services System and changes fiscal reporting
25 requirements.

26 11. It strikes language that directs the State Controller to transfer \$5,000,000 in each
27 fiscal year of the 2018-2019 biennium, as one-time transfers, from the General Fund
28 unappropriated surplus to the Fund for the Efficient Delivery of Educational Services,
29 Other Special Revenue Funds account within the Department of Education.

30 12. It strikes language that creates school management and leadership centers and
31 allows the Commissioner of Education to authorize one additional public charter school
32 in each school year through the 2021-2022 school year once the statutory cap of 10 public
33 charter schools is reached.

34 13. It strikes language that directs the Department of Education to establish
35 education savings accounts for no more than 100 children with disabilities that may be
36 used by the parents or legal guardians of such children for certain educational purposes.

37 14. It strikes language that adds engaging in training and staff development for
38 identification of and provision of intervention services for children with autism to the
39 program functions of the Child Development Services System.

1 15. It strikes language that amends the career and technical education laws to enable
2 career and technical education programs to serve students in grades 6 to 8.

3 16. It strikes language that requires the University of Maine System, the Maine
4 Community College System and the Maine Maritime Academy to report the cost to
5 students of remedial courses in the subjects of English language arts and mathematics and
6 requires the Commissioner of Education to reduce state subsidy to the school
7 administrative units accordingly and pay those funds to the higher education institution
8 where the students took those remedial courses.

9 17. It strikes language that authorizes the State to bargain for a contract for standard
10 salary and benefits for public education employees in participating school districts.

11 18. It strikes language that directs the Department of Education to review the work
12 of the public-private partnership Count ME In and to undertake a comprehensive
13 attendance initiative to address truancy.

14 19. It strikes language that directs the Maine Education Policy Research Institute to
15 include a review of required testing and assessments in schools in the State as part of its
16 work plan.

FISCAL NOTE REQUIRED

(See attached)

18
19 SPONSORED BY: 

20 (Senator MILLETT)

21 COUNTY: Cumberland

**128th MAINE LEGISLATURE****LD 390****LR 2175(47)**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019

Fiscal Note for Senate Amendment "B" to Committee Amendment "C"

Sponsor: Sen. Millett of Cumberland

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	(\$23,723,000)	(\$92,415,000)	(\$88,790,000)	(\$88,267,500)
Appropriations/Allocations				
General Fund	(\$16,600,000)	(\$90,200,000)	(\$91,500,000)	(\$91,500,000)
Other Special Revenue Funds	\$111,690,319	\$204,779,681	\$164,135,000	\$175,235,000
Revenue				
General Fund	\$99,723,000	(\$2,785,000)	(\$2,710,000)	(\$3,232,500)
Other Special Revenue Funds	\$76,614,590	\$154,252,410	\$164,017,500	\$175,085,250
Transfers				
General Fund	(\$92,600,000)	\$5,000,000	\$0	\$0
Other Special Revenue Funds	\$92,600,000	(\$5,000,000)	\$0	\$0

Fiscal Detail and Notes

This amendment decreases General Fund appropriations by \$16,600,000 in fiscal year 2017-18 and by \$90,200,000 in fiscal year 2018-19. It results in a net increase in General Fund revenue of \$99,723,000 in fiscal year 2017-18 and a net decrease of \$2,785,000 in fiscal year 2018-19. It also includes a net increase in transfers from the General Fund of \$92,600,000 in fiscal year 2017-18 and a decrease of \$5,000,000 in fiscal year 2018-19. A balanced budget is maintained for the 2018-2019 biennium.