

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1869

S.P. 712

In Senate, March 20, 2018

An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System

Submitted by the Department of Education pursuant to Joint Rule 203.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading 'Heather J.R. Priest'.

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.

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

2 **Sec. 1. 5 MRSA §17001, sub-§42**, as amended by PL 2007, c. 491, §§66 and 67,
3 is further amended to read:

4 **42. Teacher.** "Teacher" means:

5 A. Any employee of a public school or a school management and leadership center
6 established pursuant to Title 20-A, chapter 123 who fills any position that the
7 Department of Education requires be filled by a person who holds the appropriate
8 certification or license required for that position and:

9 (1) Holds appropriate certification from the Department of Education, including
10 an employee whose duties include, in addition to those for which certification is
11 required, either the setup, maintenance or upgrading of a school computer system
12 the use of which is to assist in the introduction of new learning to students or
13 providing school faculty orientation and training related to use of the computer
14 system for educational purposes; or

15 (2) Holds an appropriate license issued to a professional employee by a licensing
16 agency of the State;

17 B. Any employee of a public school or a school management and leadership center
18 established pursuant to Title 20-A, chapter 123 who fills any position not included in
19 paragraph A, the principal function of which is to introduce new learning to students,
20 except that a coach who is employed by a public school and who is not otherwise
21 covered by the definition of teacher as defined in this subsection or an employee who
22 is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1
23 and who is not otherwise covered by the definition of teacher defined in this
24 subsection may not be considered a teacher for purposes of this Part;

25 C. Any employee of a public school on June 30, 1989, in a position not included in
26 paragraph A or B which was included in the definition of teacher in effect on June 30,
27 1989, as long as:

28 (1) The employee does not terminate employment; or

29 (2) The employee terminates employment and returns to employment in a
30 position in the same classification within 2 years of the date of termination.

31 Regardless of any subsequent employment history, any employee of a public school
32 in a position which was included in the definition of teacher in effect on June 30,
33 1989, is entitled to creditable service as a teacher for all service in that position on or
34 before that date;

35 D. Any employee of a public school or a school management and leadership center
36 established pursuant to Title 20-A, chapter 123 in a position not included in
37 paragraph A, B or C who was a member of the State Employee and Teacher
38 Retirement Program of the retirement system as a teacher on August 1, 1988, as long
39 as:

40 (1) The employee does not terminate employment; or

1 (2) The employee terminates employment and returns to employment in a
2 position in the same classification within 2 years of the date of termination;

3 E. Any former employee of a public school or a school management and leadership
4 center established pursuant to Title 20-A, chapter 123 in a position not included in
5 paragraph A, B or C who was a member of the State Employee and Teacher
6 Retirement Program of the retirement system as a teacher before August 1, 1988, as
7 long as the former employee returns to employment in a position in the same
8 classification before July 1, 1991; or

9 F. For service before July 1, 1989, any employee of a public school in a position
10 which was included in the definition of teacher before July 1, 1989.

11 "Teacher" includes a person who is on a one-year leave of absence from a position as a
12 teacher and is participating in the education of prospective teachers by teaching and
13 supervising students enrolled in college-level teacher preparation programs in this State.

14 "Teacher" also includes a person who is on a leave of absence from a position as a teacher
15 and is duly elected as President of the Maine Education Association.

16 "Teacher" also includes a person who, subsequent to July 1, 1981, has served as president
17 of a recognized or certified bargaining agent representing teachers for which released
18 time from teaching duties for performance of the functions of president has been
19 negotiated in a collective bargaining agreement between the collective bargaining agent
20 and the teacher's school administrative unit and for whom contributions related to the
21 portion of the person's salary attributable to the released time have been paid as part of
22 the regular payroll of the school administrative unit.

23 **Sec. 2. 20-A MRSA §15671-A, sub-§2, ¶B**, as amended by PL 2017, c. 284, Pt.
24 C, §23, is further amended to read:

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

35 (1) For the 2005 property tax year, the full-value education mill rate is the
36 amount necessary to result in a 47.4% statewide total local share in fiscal year
37 2005-06.

38 (2) For the 2006 property tax year, the full-value education mill rate is the
39 amount necessary to result in a 46.14% statewide total local share in fiscal year
40 2006-07.

- 1 (3) For the 2007 property tax year, the full-value education mill rate is the
2 amount necessary to result in a 46.49% statewide total local share in fiscal year
3 2007-08.
- 4 (4) For the 2008 property tax year, the full-value education mill rate is the
5 amount necessary to result in a 47.48% statewide total local share in fiscal year
6 2008-09.
- 7 (4-A) For the 2009 property tax year, the full-value education mill rate is the
8 amount necessary to result in a 51.07% statewide total local share in fiscal year
9 2009-10.
- 10 (4-B) For the 2010 property tax year, the full-value education mill rate is the
11 amount necessary to result in a 54.16% statewide total local share in fiscal year
12 2010-11.
- 13 (4-C) For the 2011 property tax year, the full-value education mill rate is the
14 amount necessary to result in a 53.98% statewide total local share in fiscal year
15 2011-12.
- 16 (5) For the 2012 property tax year, the full-value education mill rate is the
17 amount necessary to result in a 54.13% statewide total local share in fiscal year
18 2012-13.
- 19 (6) For the 2013 property tax year, the full-value education mill rate is the
20 amount necessary to result in a 52.71% statewide total local share in fiscal year
21 2013-14.
- 22 (7) For the 2014 property tax year, the full-value education mill rate is the
23 amount necessary to result in a 53.20% statewide total local share in fiscal year
24 2014-15.
- 25 (8) For the 2015 property tax year, the full-value education mill rate is the
26 amount necessary to result in a 52.46% statewide total local share in fiscal year
27 2015-16.
- 28 (9) For the 2016 property tax year, the full-value education mill rate is the
29 amount necessary to result in a 51.86% statewide total local share in fiscal year
30 2016-17.
- 31 (10) For the 2017 property tax year, the full-value education mill rate is the
32 amount necessary to result in a 50.86% statewide total local share in fiscal year
33 2017-18.
- 34 (11) For the 2018 property tax year ~~and subsequent tax years~~, the full-value
35 education mill rate is the amount necessary to result in a ~~45%~~ 50.50% statewide
36 total local share in fiscal year 2018-19 ~~and after~~.
- 37 (12) For the 2019 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 2019-20 and after.

40 **Sec. 3. Mill expectation.** The mill expectation pursuant to the Maine Revised
41 Statutes, Title 20-A, section 15671-A for fiscal year 2018-19 is 8.51.

1 **Sec. 4. Total cost of funding public education from kindergarten to grade**
 2 **12.** The total cost of funding public education from kindergarten to grade 12 for fiscal
 3 year 2018-19 is as follows:

	2018-19
	TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,464,839,305
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$509,865,569
Total Operating Allocation and Subsidizable Costs	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,974,704,874
Total Debt Service Allocation	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$96,696,235
Total Adjustments and Targeted Education Funds	
Adjustments pursuant to Title 20-A, section 15689	\$250,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$391,378
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$4,083,539
Bus refurbishing program adjustments pursuant to Title 20-A, section 15689, subsection 13	\$180,123

1	Maine Care seed payments adjustments	\$642,466
2	pursuant to Title 20-A, section 15689,	
3	subsection 14	
4		
5	Special education budgetary hardship	\$1,000,000
6	adjustment pursuant to Title 20-A, section	
7	15689, subsection 15	
8		
9	Total adjustments to the state share of total	\$6,547,506
10	allocation pursuant to Title 20-A, section 15689	
11		
12	Special education costs for state agency	\$29,737,998
13	clients and state wards pursuant to Title 20-A,	
14	section 15689-A, subsection 1	
15		
16	Essential programs and services components	\$300,000
17	contract pursuant to Title 20-A, section	
18	15689-A, subsection 3	
19		
20	Education research institute contract pursuant	\$250,000
21	to Title 20-A, section 15689-A, subsection 6	
22		
23	Learning through technology program	\$14,114,965
24	pursuant to Title 20-A, section 15689-A,	
25	subsection 12-A	
26		
27	Emergency bus loan pursuant to Title 20-A,	\$0
28	section 15689-A, subsection 9	
29		
30	Data management and support services for	\$4,926,754
31	essential programs and services pursuant to	
32	Title 20-A, section 15689-A, subsection 10	
33		
34	Postsecondary course payments pursuant to	\$3,000,000
35	Title 20-A, section 15689-A, subsection 11	
36		
37	National board certification salary	\$307,551
38	supplement pursuant to Title 20-A, section	
39	15689-A, subsection 12	
40		

1	Jobs for Maine's Graduates including college	\$3,545,379
2	pursuant to Title 20-A, section 15689-A,	
3	subsection 13	
4		
5	Maine School of Science and Mathematics	\$3,615,347
6	pursuant to Title 20-A, section 15689-A,	
7	subsection 14	
8		
9	Maine Educational Center for the Deaf and	\$7,769,215
10	Hard of Hearing pursuant to Title 20-A,	
11	section 15689-A, subsection 15	
12		
13	Transportation administration pursuant to	\$389,890
14	Title 20-A, section 15689-A, subsection 16	
15		
16	Special education for juvenile offenders	\$382,418
17	pursuant to Title 20-A, section 15689-A,	
18	subsection 17	
19		
20	Center of Excellence for At-risk Students	\$152,000
21	pursuant to Title 20-A, section 15689-A,	
22	subsection 20	
23		
24	Fund for the Efficient Delivery of	\$0
25	Educational Services pursuant to Title 20-A,	
26	section 15689-A, subsection 21	
27		
28	Comprehensive early college programs	\$1,000,000
29	funding (bridge year program) pursuant to	
30	Title 20-A, section 15689-A, subsection 23	
31		
32	Community school pilots (3 pilot projects for	\$50,000
33	5 years) pursuant to Title 20-A, section	
34	15689-A, subsection 25	
35		
36	Maine School for Marine Science,	\$320,414
37	Technology, Transportation and Engineering	
38	pursuant to Title 20-A, section 15689-A,	
39	subsection 26	
40		
41	Total targeted education funds pursuant to Title	\$69,861,931
42	20-A, section 15689-A	

1		
2	Enhancing student performance and opportunity	
3		
4	Career and technical education costs pursuant	\$51,500,000
5	to Title 20-A, section 15688-A, subsection 1	
6		
7	Career and technical education middle school	\$5,000,000
8	pursuant to Title 20-A, chapter 313	
9		
10	College transitions programs through adult	\$450,000
11	education college readiness programs	
12	pursuant to Title 20-A, section 15688-A,	
13	subsection 2	
14		
15	School improvement and support pursuant to	\$0
16	Title 20-A, section 15688-A, subsection 5	
17		
18	National industry standards for career and	\$2,000,000
19	technical education pursuant to Title 20-A,	
20	section 15688-A, subsection 6	
21		
22	New or expanded public preschool pursuant	\$0
23	to Title 20-A, section 15688-A, subsection 4	
24		
25	Total enhancing student performance and	\$58,950,000
26	opportunity pursuant to Title 20-A, chapter 313	
27	and section 15688-A	
28		
29	Total Cost of Funding Public Education from	
30	Kindergarten to Grade 12	
31		
32	Total cost of funding public education from	\$2,206,760,546
33	kindergarten to grade 12 for fiscal year	
34	pursuant to Title 20-A, chapter 606-B, not	
35	including normal retirement costs	
36		
37	Total normal cost of teacher retirement	\$46,519,107
38		
39	Total cost of funding public education from	\$2,253,279,653
40	kindergarten to grade 12 for fiscal year	
41	pursuant to Title 20-A, chapter 606-B,	
42	including normal retirement costs	

1		
2	Total cost of state contribution to unfunded	\$181,527,833
3	actuarial liabilities of the Maine Public	
4	Employees Retirement System that are	
5	attributable to teachers, retired teacher health	
6	insurance and retired teacher life insurance	
7	for fiscal year 2018-19 pursuant to Title 5,	
8	chapters 421 and 423, excluding the normal	
9	cost of teacher retirement	
10		
11	Total cost of funding public education from	\$2,434,807,486
12	kindergarten to grade 12, plus state	
13	contributions to the unfunded actuarial	
14	liabilities of the Maine Public Employees	
15	Retirement System that are attributable to	
16	teachers, retired teacher health insurance and	
17	retired teacher life insurance for fiscal year	
18	2018-19 pursuant to Title 5, chapters 421 and	
19	423	

20 **Sec. 5. Local and state contributions to total cost of funding public**
21 **education from kindergarten to grade 12.** The local contribution and the state
22 contribution appropriation provided for general purpose aid for local schools for the fiscal
23 year beginning July 1, 2018 and ending June 30, 2019 is calculated as follows:

24			
25		2018-19	2018-19
26		LOCAL	STATE
27	Local and State Contributions to the		
28	Total Cost of Funding Public Education		
29	from Kindergarten to Grade 12		
30			
31	Local and state contributions to the total	\$1,137,901,570	\$1,115,378,083
32	cost of funding public education from		
33	kindergarten to grade 12 pursuant to the		
34	Maine Revised Statutes, Title 20-A,		
35	section 15683, subject to statewide		
36	distributions required by law		
37			
38	State contribution to the total cost of		\$181,527,833
39	teacher retirement, teacher retirement		
40	health insurance and teacher retirement		
41	life insurance for fiscal year 2018-19		
42	pursuant to Title 5, chapters 421 and		
43	423		

1
2 State contribution to the total cost of \$1,296,905,916
3 funding public education from
4 kindergarten to grade 12

5 **Sec. 6. Authorization of payments.** If the State's continued obligation for any
6 individual component contained in those sections of this Act that set the total cost of
7 funding public education from kindergarten to grade 12 and the local and state
8 contributions for that purpose exceeds the level of funding provided for that component,
9 any unexpended balances occurring in other programs may be applied to avoid proration
10 of payments for any individual component. Any unexpended balances from this Act may
11 not lapse but must be carried forward for the same purpose.

12 **Sec. 7. Limit of State's obligation.** Those sections of this Act that set the total
13 cost of funding public education from kindergarten to grade 12 and the local and state
14 contributions for that purpose may not be construed to require the State to provide
15 payments that exceed the appropriation of funds for general purpose aid for local schools
16 for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

17 **SUMMARY**

18 This bill establishes the total cost of funding public education from kindergarten to
19 grade 12, the state contribution and the local contribution for fiscal year 2018-19. This
20 bill also provides that employees of school management and leadership centers
21 established under the Maine Revised Statutes, Title 20-A, chapter 123 are eligible to
22 participate in the Maine Public Employees Retirement System.