

MAINE STATE LEGISLATURE

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L.D. 651

Date: 6-3-21

(Filing No. H-357)

MAJORITY

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 478, L.D. 651, "An Act To Stabilize Student Count in Maine's School Funding Formula"

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 20-A MRSA §15674, sub-§1, ¶B, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8; and

Sec. 2. 20-A MRSA §15674, sub-§1, ¶C, as amended by PL 2017, c. 284, Pt. C, §29, is further amended to read:

C. Beginning in fiscal year 2018-19 and until fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; and

Sec. 3. 20-A MRSA §15674, sub-§1, ¶D is enacted to read:

D. Beginning in fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with 5104-A, except that if a school administrative unit experiences a decline in total school administrative unit student enrollment of 10% or more in the most recent year, the pupil counts for October 1st of the 3 most recent calendar years prior to the year of funding must be used unless that count is less than the average of the October 1st pupil counts of the 2 most recent calendar years.

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Sec. 4. 20-A MRSA §15674, sub-§2, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

2. Exception. Notwithstanding subsection 1, paragraph C, the pupil count identified in subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable, must be used for:

- A. Elementary school level and middle school level students for school administrative units that send all their elementary school level and middle school level students as tuition students to schools elsewhere in the State;
- B. High school level students for school administrative units that send all their high school level students as tuition students to schools elsewhere in the State; and
- C. School level students for school administrative units that send all their school level students to schools elsewhere in the State.

Sec. 5. 20-A MRSA §15675, first ¶, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

For the purpose of calculating the total operating allocation under this chapter pursuant to section 15683, the following additional weights must be added to the per-pupil count calculated under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable.

Sec. 6. 20-A MRSA §15678, sub-§3, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

3. Number of teaching positions required. The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable, the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.

Sec. 7. 20-A MRSA §15679, sub-§3, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

3. Number of staff positions required. The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable, the number of staff positions that are required in order to achieve the student-to-staff ratios set forth in subsection 2.

Sec. 8. 20-A MRSA §15679, sub-§5, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

5. Salary costs for substitute teachers. The commissioner shall calculate the additional salary costs for substitute teachers for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~ or D, whichever is applicable. In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of a substitute teacher for 1/2 day.

Sec. 9. 20-A MRSA §15683, sub-§1, ¶A, as amended by PL 2019, c. 398, §33, is further amended by amending subparagraph (1) to read:

COMMITTEE AMENDMENT

ROS

COMMITTEE AMENDMENT "A" to H.P. 478, L.D. 651

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(1) The pupil count set forth in section 15674, subsection 1, paragraph C or D,
whichever is applicable;

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

SUMMARY

This amendment is the majority report of the committee. It removes the emergency
preamble and clause. It strikes the bill and requires the Department of Education to use a
3-year average for pupil counts, if that average is greater than the current 2-year average,
when a school administrative unit experiences a decrease of 10% or more of total school
administrative unit student enrollment in the most recent year.

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/03/21 *MAC*

130th MAINE LEGISLATURE

LD 651

LR 1881(02)

An Act To Stabilize Student Count in Maine's School Funding Formula

Fiscal Note for Bill as Amended by Committee Amendment *(ACH-357)*
Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Increases total cost of public education from kindergarten to grade 12

Fiscal Detail and Notes

This legislation requires the use of a 3-year average of attending pupil counts in the calculation of the operating cost component of essential programs and services for school administrative units that experience a decrease of 10% or more in its attending school enrollment in the most recent year if the 3-year average is greater than the 2-year average used in current law. This provision will increase the total cost of public education from kindergarten to grade 12 beginning in fiscal year 2022-23 and the state's share of that cost. Although the impact will depend on the number of schools that experience a 10% or more reduction in attending student enrollment each year, the Department of Education has estimated that, had this provision been in effect in fiscal year 2021-22, the total cost of K-12 public education would have increased by \$1,000,000, with the state's share being 51.83% or \$518,300.