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UPDATE...

April 2016

Significant K-12 bills adopted

The Legislature adjourned Friday closing a session where significant legislation affecting public schools was passed with bi-partisan support.

There were key initiatives, including the standards-based diploma bill, and a \$15 million increase in General Purpose Aid. Another bill directs an additional \$900,000 to districts hard-hit by mill downsizing.

Friday's work was largely devoted to overriding the governor's vetoes of bills, including one that would make it a crime for an educator with authority over a student to have sexual contact with that student. Current law applies to students under age 18. The vote to override was overwhelming.

What didn't pass also was news. A bill that would have made education policy negotiable was defeated thanks to the lobbying efforts of school boards and superintendents and the 10 members of the Education Committee who voted against it at the committee level.

Below is a list of some of the more substantive bills passed this session. A full accounting of the 127th Legislature's work as it affected K-12 education will be detailed in MSMA's Legislative Newsletter issued later in May.

MONEY BILLS

L.D. 1699 - An Act to Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity

It would distribute just over \$900,000 in reserve funds to towns that have a 4.5 percent decline in valuation because of a single taxpayer. The new valuation would be based on the 4.5 percent or more loss averaged with the last three years typically used to determine valuation. The bill stipulates the money would be coming from savings in debt service for school construction that the Department of Education has identified. There is no change in the ED 279s most recently released i.e. it would not trigger a redistribution of General Purpose Aid.

L.D. 1641 – An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of

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Beardsley outlines K-12 challenges



Department of Education Deputy Commissioner William Beardsley Wednesday addressed the greater demands on public schools and their leaders, referring to countless regulations and mandates that have increased school spending in the state and left teachers with less time for students.

The forum, dubbed Maine Education at the Crossroads, was hosted by the Maine Heritage Policy Center – a group that supports limited government and opposes tax hikes.

Beardsley, who has taken on the role of deputy commissioner after the time limit on his acting commissioner status expired earlier this month, talked about what education funding was buying today and what he would like to see happen.

Chief among his priorities are to make sure all students can read by grade 3 and to reduce what he called the “income achievement gap,”
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Commission begins work on EPS

The first meeting of the governor's Blue Ribbon Commission to Reform Public Education Funding and Improve Student Performance got off to a rocky start, at least outside the building, when non-commission members were not allowed into the Blaine House where the meeting was being held.



Inside, Supt. Rick Colpitts, who is MSMA's designee on the commission, said the first order of business was introduction of commission members, followed by staff presentations on state population demographics, revenue and taxes, market opportunities, K-12 funding and University and Community College statistics.

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Significant K-12 bills

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the Department of Education for the Fiscal Year Ending June 30, 2017

This gave schools the additional \$15 million and at the same time created the EPS study commission. That commission is charged with reducing costs and improving student outcomes. (See story on page 1.)

L.D. 1475 - An Act To Facilitate the Use of State Education Subsidies

MSMA requested this bill, which was backed by a resolution adopted by the MSBA Delegate Assembly at last October's Fall Conference.

The bill would allow a school unit to include an article in the warrant for its annual budget meeting that says in the event the district receives more state subsidy than expected, the school board can: increase expenditures for school purposes in approved costs centers, without a special budget meeting or referendum; decrease the local tax rate for education; or increase reserves. Current laws already provides that funds can be carried over. This bill addresses the problem that typically happens every two years when the Legislature passes the state budget after districts have approved their budgets at the local level based on GPA estimates.

SIGNIFICANT POLICY BILLS**L.D. 1627 – An Act To Implement Certain Recommendations of the Maine Proficiency Education Council**

This bill requires proficiency in all Learning Results by the time the Class of 2025 walks across the stage versus the law it replaces, which required proficiency by 2021. The bill also supports local control of that timeline since districts that are ready sooner can move more quickly to require proficiency in the standards.

Those standards include the so-called core four – English, Math, Science and Social Studies – and the additional subjects of Art, Foreign Language, Health and Physical Education and the softer skills encompassed under Career and Education Development.

The timeline is:

- Class of 2021 – core 4
- Class of 2022 – core 4 plus 1
- Class of 2023 – core 4 plus 2
- Class of 2024 – core 4 plus 3
- Class of 2025 – all 8

The bill also outlines requirements for Career and Technical Education students to show proficiency and recognizes that successful completion of the CTE program itself is evidence of meeting the standards and is part of the CTE core four.

The CTE timeline is:

- Class of 2021 – CTE core 4
- Class of 2022 – core 4 plus 1
- Class of 2023 – core 4 plus 2
- Class of 2024 – core 4 plus 3

L.D. 1253 - An Act to Improve the Evaluation of Elementary and Secondary Schools

This bill provides for the creation of a new school report card that is far more nuanced than a simple letter grade. It says that beginning in 2018-2019, and only after the DOE adopts major substantive rules, public schools, including charter schools, and the so-called 60 percent schools will implement a system to measure school performance and student proficiency in the content areas required under the new proficiency-based diploma law. Data collected will align with the new federally required accountability system under the Every Student Succeeds Act to avoid duplication of effort. Among other things, the accountability system will give schools credit for students who take more than four years to graduate. The law requires the DOE to convene a work group whose recommendations will shape the proposed rules prior to their adoption.

L.D. 1576 - An Act to Amend Certain Education Laws

Despite the mundane name, this bill addresses the serious issue of finding schools for hard-to-place students. It says the DOE Commissioner can designate a district to enroll a hard-to-place student whose home SAU neither maintains a school or contracts with one. The sending school will pay tuition; special education costs and other costs related to FAPE. Both the home/sending school and the receiving unit can appeal the commissioner's placement to the State Board of Education.

The bill also makes several changes to charter law. It allows charter schools authorized by a local school board or a collaborative among local school boards to give enrollment preference to residents of the units whose school boards authorized it. It also makes charter schools subject to the teacher evaluation law and provides that compulsory attendance laws apply to virtual charter schools. It also provides that for a charter school whose catchment area includes SAUs with enrollment of 500 or fewer, where charter schools can only take up to 5 percent of the SAU's students per grade level for the first three years, if 5 percent is less than one, the charter can enroll one student.

L.D. 1459 - An Act to Clarify the Use of Student Data from the Statewide Assessment Test

This bill delays until the 2017-2018 school year the requirement that school administrative units fully implement the performance evaluation and professional growth system. It provides that, during the 2016-2017 school year, each unit must operate and apply a pilot project to all of the schools and applicable staff in the unit. It delays the use of statewide student assessment data as part of the performance evaluation and professional growth system to measure educator effectiveness. It also delays until the 2017-2018 school year the use of statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools.

L.D. 1540 – An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials

This bill removes the age limit on the victim of the crime of unlawful sexual contact, unlawful sexual touching or gross sexual assault when the victim is a student at an elementary, secondary or special education school and the actor is a person at the school who has authority over the student.

Commission begins work

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Supt. Colpitts said he was largely unaware that the public was being denied access to the meeting until it was raised by Sen. Justin Alford, a commission member. Gov. LePage, who was then serving on the commission, invited anyone who wanted to leave because of the closed nature of the meeting to go, but no one did.

Gov. LePage has subsequently taken himself off the commission because he believes he is too much of a lightning rod for the press, and his presence would disrupt the commission's work.

DOE Deputy Commissioner Bill Beardsley will remain on the commission as chairman. He is essentially running the Department of Education as he did before his term of Acting Commission expired earlier this month. Beardsley confirmed on Wednesday that all further meetings of the blue ribbon commission will be held in public.

Under the commission's charge, which was attached to a bill that gave schools an additional \$15 million in General Purpose Aid for next year, the group is supposed to evaluate the success and shortcomings of the current funding formula. (To see a full list of the commission's duties, see chart below. For a list of members, see page 4.)

The next meeting will be on June 7 in Supt. Colpitts' district, RSU 17, at the Oxford Hills Comprehensive High School. U-Maine Chancellor Jim Page suggested the commission meetings be held at various locations around the state.

The commission also agreed that beneficial homework would be to read other studies of the state's school funding formula, known as Essential Programs and Services (EPS), including the Picus Report, commissioned by the state in 2013 and a study conducted by former DOE Commissioner Stephen Bowen during the department's strategic planning process.

Supt. Colpitts said he believed the work has potential.

"I believe the commission has potential to positively impact K-12 funding and improve opportunities for our children. The commission needs to find its footing before taking the helm of any change by reviewing the excellent work of prior commissions and study groups. I look forward to future meetings and am pleased that the commission has agreed to meet in the Oxford Hills district. It is important to be around students when discussions about funding are taking place," he said.

To follow the work and materials being reviewed by the commission, click the link below:

<http://www.maine.gov/doe/blue-ribbon/index.html>

Items the Commission may take up

- A. Evaluate the success and shortcomings of the current funding formula for kindergarten to grade 12 education and propose changes to improve the funding formula;
- B. Identify the causes of increased per-pupil education costs and develop proposals to help local school districts contain increasing costs;
- C. Examine the State's special education spending, including its impact on school administrative units, and develop proposals to ensure the State's special education spending addresses the State's needs;
- D. Identify trends and disparities across the State in student performance in kindergarten to grade 12 and develop recommendations for improvement;
- E. Identify best practices for integrating technology into teaching and learning and develop proposals for statewide implementation of the best practices;
- F. Review the existing laws governing the process of school administrative unit consolidation and withdrawal and identify improvements that will help lower costs and improve outcomes for school administrative units;
- G. Evaluate teacher compensation throughout the State for adequacy and competitiveness and propose changes, as necessary;
- H. Identify state and federal mandates for school administrative units that result in increased cost to local property taxpayers and propose options for how these mandates might be addressed;
- I. Assist school board and municipal leaders in identifying opportunities to leverage state or regional resources in order to reduce local costs;
- J. Review the use of federal funds by school administrative units and identify challenges associated with requirements of those funding sources;
- K. Examine the preparedness of students in the State to matriculate to the University of Maine System and the Maine Community College System and develop proposals to enhance the ability of public education from kindergarten to higher education to prepare students in the State for the modern workforce;
- L. Evaluate the adequacy and effectiveness of state funding provided to the Maine Community College System and the University of Maine System, the financial needs of each system and each system's tuition rates in order to develop a long-term strategy for the financial sustainability of each system;
- M. Identify opportunities to partner with the private sector and private philanthropic organizations to identify opportunities to access additional resources to reduce the cost of public education and improve student performance in the State; and
- N. Identify and evaluate additional issues that the commission determines might reduce the cost of education and improve student performance.

Governor's Blue Ribbon Commission Members

Legislators on the commission include **Sen. Garrett Mason, R-Androscoggin**, of Lisbon Falls, the Senate Majority Leader; **Sen. Justin Alfond, D-Cumberland**, of Portland, the Senate Minority Leader; **Rep. Sara Gideon, D-Freeport**, the Assistant Majority Leader; and, **Rep. Kenneth Fredette, R-Newport**, the House Minority Leader.

Other members include **Jana LaPoint of Falmouth**, a representative of the State Board of Education, who also serves on the Charter School Commission; **Tayla Edlund, a teacher in Cape Elizabeth**, and 2016 Maine Teacher of the Year, designated by the Maine Education Association; **Michael Wilhelm of Casco**, a member of the Maine Charter School Commission and the 2003 Superintendent of the Year; **Robert Callahan of Gorham**, director of the Lewiston Regional Technical Center, designated by Maine Administrators of Career and Technical Education; **Douglas Larlee of Norridgewock**, a teacher in RSU 74, who has served as chief negotiator for the local teachers' contract, designated as a public member; and, **Joshua Reny of Fairfield**, the assistant city manager of South Portland, designated as a public member.

The commission is rounded out by **SAD 17 Oxford Hills Supt. Richard Colpitts of Peru** designated by the Maine School Management Association; **University of Maine Chancellor James Page of Old Town**; **Maine Community College President Derek Langhauser of Cumberland Foreside**; and, **Department of Education Deputy Commissioner William Beardsley**, who serves as the commission chair.

Beardsley outlines

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where students from the richest counties in Maine out-perform the poorest in terms of academic achievement. Beardsley said the two clearly are linked since the income gap affects children before they enter school.

He also talked about where the \$2.4 billion in local, state and federal support for public schools in Maine is going and where the greatest cost increases have been. In an overview he has given to superintendents and other groups across the state, Beardsley outlined the cost drivers based on data comparing school year 2004-2005 to 2014-2015.

The highest percentage growth was 73 percent for student and staff support versus 18 percent growth in regular instruction. (System administration, which includes superintendents and the central office, is down 4 percent and is the only category that has decreased, according to the DOE.)

Beardsley said the numbers indicate the myriad of additional services schools are providing, which he suspected were “weighing teachers down”, are detracting from the core mission of teaching the child. Face-time with students is declining, he said, as red tape increases.

He said schools are being asked to do much more in areas like special education, health, technology and wrap-around social services. Schools have to abide by ever increasing mandates and countless pages of state and federal laws and rules -- all of which cost money.

He referred to the “wizards of Oz of from away” who tout various new methods and reforms that put more burden on teachers. “Does it really focus properly on the child?” he asked.

These and other questions about using school funding more effectively and equitably across the state are the charge of the governor's Blue Ribbon Commission to Reform Public Education Funding and Improve Student Performance. (See related story page 1.)

The creation of the commission was in the same bill that gave school districts \$15 million more in additional General Purpose Aid for the upcoming school year. The commission met for the first time on Monday, and the governor's decision to close the meeting to the public captured the headlines.

Deputy Commissioner Beardsley answered questions about that controversial move following his lunch presentation. He assured audience members that all future meetings would be open to the public.



If you have questions about any articles in this newsletter or suggestions for improving this publication, let us know.

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