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# UPDATE...

April 2018

## Legislative Update

The following is a list of key bills affecting public education and their status on May 2, when the Legislature adjourned.

**L.D. 1869, 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.** Language to authorize General Purpose Aid for fiscal year 2018-2019 was included in this bill because there was no supplemental budget. It was tabled and waiting further consideration when legislators unexpectedly left Augusta April 18 after failing to pass a session extension, which is usually perfunctory when critical business is in play. They came back into session on Wednesday but only took up veto overrides, and the plans for a special session to deal with GPA funding are unclear.

**L.D. 1843, An Act To Amend Career and Technical Education Statutes.** This changes the way CTE centers and regions are funded by basing state aid on program components versus the current expenditure-driven model. It essentially gives CTE programs their own funding formula. The state Department of Education, outside of this legislation, earmarked  
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## Bills need funding

The following bills dealing with public education have been passed by the Legislature but are on hold because they require funding that first has to be approved by the Appropriations Committee.

Their future is in double jeopardy this year because not all bills on the so-called Appropriations Table are approved for funding by the committee and the Legislature adjourned with no clear plan on when they're coming back to finish business.

Bills awaiting funding approval include:

**LD 1710, An Act To Restore Maine's School-based Health Centers** garnered a majority vote of support in the Health and Human Services Committee, using \$600,000 in available funds from the Fund for Healthy Maine to help pay for the restoration of funding cut in the negotiations around the biennial budget. That funding cut came as a surprise after contracts already had been sent for continuation of services at school based clinics across the state.

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## Legislature fails again to deal with school funding

Legislators Wednesday took no action on passing a bill that authorizes more than \$1 billion in General Purpose Aid to begin flowing to districts in July, and plans to come back before the end of the fiscal year are at best unclear.

Still in limbo is L.D. 1869, An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19, which essentially sets the minimum mill rate and authorizes state subsidy to go out to schools after the start of the new fiscal year on July 1.

If the Legislature fails to return and pass the bill, the Department of Education has determined there is an administrative solution to get the money out. The concern is the precedent it would set to have the Legislature cede authority for authorizing school funding to the executive branch.

**School Board members and superintendents are urged to contact their legislators and ask them to convene a special session to pass this bill. Funding for public education should be in the hands of legislators who represent the taxpayers, parents, teachers and students in their districts. GPA should not be an executive branch decision.**

A list of all House and Senate members and their contact information is available by clicking on this link: [Your Legislator](#).

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**Legislative Update**

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funding in the budget to have the state cover those costs at 100 percent i.e. no local share. ED 279s already distributed reflect the intended changes, which were proposed to support the expansion of CTE programs statewide. This bill needs approval for funding by the Appropriations Committee before it is finally passed.

**L.D. 1666, An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation.** This is the main bill still in play on proficiency-based diplomas. It has not been dealt with on the floor because it only came out of committee on Wednesday, April 18 – the day the Legislature failed to vote themselves an extension to finish their work. There are two reports or amendments.

The majority report is to make proficiency-based diplomas optional and create dual systems i.e. proficiency and traditional seat time. The fiscal note on this bill is just under \$600,000 in the next fiscal year for DOE staff needed to keep dual records and support two diploma systems. If passed, it would land on the Appropriations Table.

The minority report is to delay proficiency diploma requirements for a year and require districts to set up teacher-based task forces to help implement proficiency-based diplomas and provide training for teachers. This is viewed as a mandate by the Legislature and would require a two-thirds vote to pass.

**L.D. 1870, An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age.**

Lack of details in the original bill raised concerns on the Education Committee and the bill has been completely rewritten. It now calls for a task force to look at restructuring CDS, including transferring CDS services for 3-to-5-year-olds to schools, and appropriating \$3.7 million to cover a current shortfall in the program. This bill is on the Appropriations Table.

**L.D. 40, An Act To Strengthen Requirements for Water Testing for Schools.** This bill was carried over from last session and was redrafted by the sponsor. It calls for the water division in the Department of Health and Human Services to write the rules around testing, using the “3-Ts” protocol. The School Revolving Renovation Fund is the funding source cited in the bill – a concern since the fund already is woefully underfunded. The bill failed to get the necessary two-thirds vote in the House needed for a mandate.

**LD 1858, An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund.**

This bill passed and is law. It gives school security priority status along with health, safety and compliance issues including roof structural upgrades; improvements to indoor air quality; compliance with the Americans with Disabilities Act; hazardous material abatement or removal; and other health, safety and compliance issues. There is a bond bill in to increase funding for the School Revolving Renovation Fund, but bond bills are still under consideration by the Appropriations Committee and their fate is unclear.

**L.D. 1852, Chapter 115 Certification Rules.** Part I of the proposed rule was passed. Based on MSBA and MSSA testimony and from other educational partners, the status of

Education Technicians 1 and 2 was restored.

It also was clarified that short-term substitute teachers serving less than six weeks have to at least have a high school diploma. The DOE put recommended changes to Part 2 of rule on hold. This section deals with course requirements for given certificates. The DOE will instead take up Part 2 for the third time since 2016 and release its draft rule for comment later this year. It will be considered by the Legislature next session. If something isn't adopted, the rule presented before this latest iteration will go into effect in July of 2019.

**L.D. 1902, An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services.** This bill was reported out of committee the day the Legislature failed to extend its session, so its fate is unclear. There was a three-way division on the committee, with varying support for three amendments. Common themes include early intervention; dual certification of traditional and special education teachers to address teacher shortages; making special education law and rule easier to navigate; and, addressing the rising cost of state maintenance of effort. All three amendments are seen as potential unfunded mandates with a price of \$435,000 in the first year.

**L.D. 1689, An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget.** This bill would amend law passed in the biennial budget that requires participation in regional management centers for districts to get their full system administration allocation. It says that in 2019-20, administrative units that have established regionalized administrative services or are identified as high-performing, efficient school units by a statewide education policy research institute are eligible for \$141 per pupil in system administration funds. Under current law, only those belonging to a regional management center are eligible. This bill is on the Appropriations Table because it would redistribute state funding.

**Bills need funding**

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**L.D. 1870, An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age.** The bill itself was completely rewritten to call for creation of a task force to design a plan to transfer CDS services to schools and to appropriate \$3.7 million to make up for a current shortfall in CDS.

**L.D. 1331, An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund.** This bill calls for a \$20 million bond to increase funding for the School Revolving Renovation Fund. The fund provides a combination of grants and loans to do improvements and upgrades to school buildings to keep them safe and in compliance with building standards. These projects help prolong the life and usefulness of school buildings. Currently applications far exceed available resources, and a bill passed this year, L.D. 1858, added school security projects to the priority list.

## NH House defeats controversial school choice bill - for now

By DAVE SOLOMON, State House Bureau

CONCORD — A controversial school choice bill that would have directed some of the state’s education funds to parents for private school tuition failed in the House on Wednesday, despite the strong support of Gov. Chris Sununu and Republican leadership in the House and Senate.

A concern over the potential loss of funds to public schools, cited by Republican Neal Kurk of Weare, chairman of the Finance Committee, was a major issue leading to a 170-159 vote to send the bill, **SB 193**, to interim study.

“The bill before us shifts a major financial burden onto local property taxpayers, and I wasn’t elected to increase local property taxes,” Kurk said. “Interim study can result in a bill in the future that solves that problem.”

Supporters of the bill said it would give a small number of low-income students a chance to find a better fit for their education, at minimal loss to public school funding.

The vote caps a year-long legislative effort to enable the use of taxpayer funds for private school education, but it is not necessarily the last word on the proposal.

Majority Leader Dick Hinch, R-Merrimack, quickly called for the House to adjourn after the vote, preventing SB 193 opponents from making a motion to preclude future consideration of the bill during the current session.

That means it could be brought up again today when the House reconvenes, by simple majority on a motion made by a member who voted on the winning side, although absent a major change in attendance, the numbers appear to favor opponents.

Sununu, who campaigned aggressively for the bill, called Wednesday’s vote “a loss for New Hampshire children and their families,” and promised to keep working for the concept.

“While a slim majority in the House voted against expanding education opportunities for low-income families, we will continue to work with members of the House and Senate to advocate for what is right,” he said in a statement issued after the vote.

The entire Democratic caucus, with the exception of Rep. Dick Patten of Merrimack, joined 17 Republicans in supporting the Finance Committee recommendation of interim study.

Called the “school voucher bill” by critics and “freedom scholarships” by supporters, the bill went through many iterations since it passed the Senate along party lines in March 2017.

The House Education Committee made several significant changes during its deliberations last summer and into the fall, resulting in House passage of the amended bill, 184-162, in January.

The changes include substantial reductions in subsidies to cities and towns that lose public school students; tighter qualifications

for those seeking scholarships; and more accountability for the private schools that get the money.

After House passage, the bill was referred to House Finance because of the dollars involved, and was reworked again, with a cap on the number of students eligible for the program each year, and lower family income limits for eligibility.

Public school advocacy groups argued the program would drain millions of dollars from public schools, citing an analysis by the nonpartisan Legislative Budget Assistant that put the total loss at nearly \$100 million over the next 11 years.

Proponents of the bill questioned that number, but argued that even if accurate, it pales in comparison to the \$26.5 billion that will be spent on public education in that same time frame, during years of declining enrollment.

The bill passed the House in January on promises of five years of “stabilization payments” to school districts that lost state funding equal to 0.25 percent or more of the district’s budget, but that provision was deleted during the Finance Committee review.

It was replaced with a “one-time adjustment” of \$1,500 for each student who leaves a public school through the scholarship program.

*-N.H. Union Leader, May 2, 2018*

### **Legislature fails again**

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Wednesday’s session was officially a day to deal with bills the governor vetoed since the Legislature unexpectedly left town early on April 18 after failing to take what is usually a routine vote to extend the session. While hopes ran high that something would get done Wednesday, if only to determine the next time to meet, that did not happen.

Democratic House Speaker Sara Gideon proposed a three-day extension that failed along party lines. Republican leader, Ken Fredette, then pledged on the House floor he would support a special session, but later explained that support is contingent on what bills are brought back up.

“I don’t think Republicans are going to vote to come back and finish up this work with a bill that’s going to have [Medicaid] in there. Our people are not going to go back into special session until we see bills that we can support,” Fredette was quoted as saying in today’s Bangor Daily News. (See full story [here](#).)

That leaves the fate of some critical bills unknown.

In addition to school funding, a number of bond proposals and bills that have been approved by the House and Senate still need to be dealt with by the Appropriations Committee and finally passed. Both sides also agree they need to talk about tax conformity with the federal government since considerable changes have been made to the federal tax code.

MSMA will keep school boards and superintendents updated through bulletins as the situation around GPA becomes clearer. The DOE has said that regardless of what happens with a special session, districts will get their funding.

## 12 Regional Service Center plans moving forward

The Department of Education has identified 12 districts whose Regional Service Center applications are moving ahead to the next phase, which includes local approval.

Of the 23 center applications submitted in Part I of the process, nine are fully approved by the department to move forward for local approval and three require minor adjustments, according to the DOE. Those 12 involve 84 school administrative units.

Local school boards currently are reviewing and voting on the inter-local agreements that define the structure and governance of the regional service center; its functions, programs and services; how the center is financed; and, if necessary, how the agreement can be terminated. School board review is likely to continue into June and July.

Local voter approval of the agreement also is needed either through an article submitted to the RSU budget meeting or through referendum. Municipalities with a charter must gain approval through referendum, according to the DOE.

The department has provided guidance that as long as the Regional Service Center is operational by Dec. 1, it will receive the promised \$97,200 in direct state funding for FY 2019 to cover part of the director's salary and accounting and student data systems. For FY 2020 and subsequent years, direct state funding will be based on the actual component expenditures of the center.

Participating districts also will get their enhanced system administration funding, which was \$46 per student this fiscal year and goes up to \$94 in FY 2019. Non-participating districts were essentially penalized by those same amounts on a system administration allocation that was reduced for all districts to roughly \$140 per pupil in the biennial budget passed last July. That same budget created Regional Service Centers and the statute that governs them (Title 20-A, Chapter 123).

Below is a summary of the Regional Service Center Part I and Part II applications and their approval status. You will find downloadable PDFs of all Part I or Part II applications and the Maine DOE's response by clicking on the "Application Status" link. The information below was provided by the DOE.

### Application Status

#### **The following Part II Regional Service Center applicants have received Maine DOE approval to obtain each member school unit's school board and local approval:**

Central Aroostook Regional Service Center; Greater Sebago Education Alliance Regional Service Center; Kennebec Valley Student Supports Regional Service Center; Sheepscot Regional Service Center; Southern Aroostook Area Regional Service Center; Southern Maine Administrative Collaborative Regional Service Center; Southern Maine Regional Service Center; SPRPCE; and Valley Unified Regional Service Center

#### **The following Part II Regional Service Center applicants are pending Maine DOE approval:**

Great Falls Regional Service Center; Lisbon/Oak Hill Regional Service Center; and Northern Penobscot Regional Service Center

#### **The following Part I Regional Service Center applicants joined with other Part I applicants to create a larger center offering more programs and services for Part II:**

Mid-Coast Collaborative - joined [Greater Sebago Education Alliance Regional Service Center](#); Scarborough Cape Alliance - joined [Greater Sebago Education Alliance Regional Service Center](#); WSD-PPS-SPSD Service Center - joined [Greater Sebago Education Alliance Regional Service Center](#)

#### **The following Part I Regional Service Center applicant will not be operational for the 2018-19 school year:**

Region 9 School of Applied Technology's Regional Maintenance Facility

#### **The following Part I Regional Service Center applicants did not submit a Part II Application:**

Aroostook Regional Service Center; Central Maine Regional Service Center; OBD Regional Partnership; and Western Maine Regional Service Center

#### **The following Part I Regional Service Center applications did not meet the minimum required elements to submit a Part II application:**

Central Maine Collaborative School; Sheepscot Office Services; and Western Maine Regional Transportation Maintenance Facility



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

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