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H.P. 653

House of Representatives, March 7, 2011

An Act To Remove All Federal Funding from Inclusion in the Essential Programs and Services Funding Formula

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HARVELL of Farmington.

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

2 **Sec. 1. 20-A MRSA §15671, first ¶**, as enacted by PL 2001, c. 660, §1, is
3 amended to read:

4 Essential programs and services are those educational resources that are identified in
5 this chapter for all students to meet the standards in the 8 content standard subject areas
6 of the system of learning results established in chapter 222. In order to achieve this
7 system of learning results, school funding based on essential programs and services must
8 be available in all schools on an equitable basis. Essential programs and services utilize
9 resources ~~including federal funds~~ that are currently provided or could be adapted to
10 implement a system of learning results, as well as additional resources that are also
11 needed to ensure that these programs and services are available to all students. These
12 essential programs and services must provide the basis for the system of school funding
13 no later than 2007-08. School funding must be adequate to fully provide for all of the
14 staffing and other material resource needs of the essential programs and services
15 identified by the Legislature.

16 **Sec. 2. 20-A MRSA §15671, sub-§1**, as amended by PL 2005, c. 2, Pt. D, §32
17 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

18 **1. State and local partnership.** The State and each local school administrative unit
19 are jointly responsible for contributing to the cost of the components of essential
20 programs and services described in this chapter. Except as otherwise provided in this
21 subsection, for each fiscal year, the total cost of the components of essential programs
22 and services may not exceed the prior fiscal year's costs multiplied by one plus the
23 average real personal income growth rate as defined in Title 5, section 1665, subsection
24 1, except that in no case may that rate exceed 2.75%. For fiscal years commencing after
25 the state tax burden ranks in the middle 1/3 of all states, as calculated and certified by the
26 State Tax Assessor, the total cost of the components of essential programs and services
27 may not exceed the prior fiscal year's costs multiplied by one plus the average real
28 personal income growth rate as defined in Title 5, section 1665, subsection 1. The
29 Legislature, by an affirmative vote of each House, may exceed the limitations on
30 increases in the total cost of the components of essential programs and services provided
31 in this subsection, as long as that vote is taken upon legislation stating that it is the
32 Legislature's intent to override the limitation for that fiscal year. The state contribution to
33 the cost of the components of essential programs and services, ~~exclusive of federal funds~~
34 ~~that are provided and accounted for in the cost of the components of essential programs~~
35 ~~and services~~, must be made in accordance with this subsection:

36 A. The level of the state share of funding attributable to the cost of the components
37 of essential programs and services must be at least 50% of eligible state and local
38 General Fund education costs statewide, no later than fiscal year 2006-07; and

39 B. By fiscal year 2008-09 the state share of the total cost of funding public
40 education from kindergarten to grade 12, as described by essential programs and
41 services, must be 55%. Beginning in fiscal year 2005-06 and in each fiscal year until
42 fiscal year 2008-09, the state share of essential programs and services described costs
43 must increase toward the 55% level required in fiscal year 2008-09.

1 Beginning in fiscal year 2005-06 and in each fiscal year thereafter, the commissioner
2 shall use the funding level determined in accordance with this section as the basis for a
3 recommended funding level for the state share of the cost of the components of essential
4 programs and services.

5 **Sec. 3. 20-A MRSA §15672, sub-§32-A, ¶C**, as enacted by PL 2005, c. 2, Pt. D,
6 §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

7 **Sec. 4. 20-A MRSA §15676, sub-§1**, as amended by PL 2005, c. 2, Pt. D, §39
8 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

9 **1. Teaching staff costs.** The salary and benefit costs for school level teaching staff
10 that are necessary to carry out this Act, calculated in accordance with section 15678,
11 adjusted by the regional adjustment under section 15682 ~~and reduced by the amount of~~
12 ~~funds received by the school administrative unit during the most recent fiscal year under~~
13 ~~Title 1 of the federal Elementary and Secondary Act of 1965, 20 United States Code,~~
14 ~~Section 6301 et seq.;~~

15 **Sec. 5. 20-A MRSA §15676, sub-§2**, as amended by PL 2005, c. 2, Pt. D, §39
16 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

17 **2. Other staff costs.** The salary and benefit costs for ~~school level~~ school level staff
18 who are not teachers, but including substitute teachers, that are necessary to carry out this
19 Act, calculated in accordance with section 15679, adjusted by the regional adjustment
20 under section 15682 ~~and reduced by the amount of funds received by the school~~
21 ~~administrative unit during the most recent fiscal year under Title 1 of the federal~~
22 ~~Elementary and Secondary Act of 1965, 20 United States Code, Section 6301 et seq.; and~~

23 SUMMARY

24 This bill removes all references pertaining to the allocation of federal resources from
25 the statutory provisions of the Essential Programs and Services Funding Act.