



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 502

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H.P. 359

House of Representatives, January 31, 2019

### An Act To Establish the Summer Success Program Fund

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative PIERCE of Falmouth.  
Cosponsored by Senator BREEN of Cumberland and  
Representatives: DAUGHTRY of Brunswick, GATTINE of Westbrook, HANDY of Lewiston,  
JORGENSEN of Portland, MORALES of South Portland, PERRY of Calais, Senators:  
DIAMOND of Cumberland, MILLETT of Cumberland.

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

2 **Sec. 1. 20-A MRSA c. 317, sub-c. 2** is enacted to read:

3 **SUBCHAPTER 2**

4 **SUMMER SUCCESS PROGRAM FUND**

5 **§8811. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following  
7 terms have the following meanings.

8 **1. Program fund.** "Program fund" means the Summer Success Program Fund  
9 established in section 8812.

10 **2. Social impact bond.** "Social impact bond" means a performance-based bond that  
11 operates over a fixed period of time and for which repayment to an investor is contingent  
12 upon a specific social outcome being achieved.

13 **3. Summer success program.** "Summer success program" means a program offered  
14 by a public school that provides traditional and alternative teaching methods to ensure  
15 that every student has access to a high-quality extended school year program that helps  
16 the student improve the student's academic achievement and addresses the needs of the  
17 student to demonstrate content area proficiency based on the student's grade level.

18 **§8812. Summer Success Program Fund**

19 **1. Establishment.** The Summer Success Program Fund is established as a  
20 nonlapsing, dedicated fund to be directed and administered by the commissioner within  
21 the department and held by the Treasurer of State. The State Controller shall set up and  
22 maintain an account for the money received from social impact bonds and other money  
23 paid into the program fund. The Treasurer of State shall invest and reinvest the program  
24 fund for the benefit of summer success programs.

25 **2. Sources of money.** The following sources of money may be paid into the  
26 program fund:

27 A. Money appropriated from the General Fund;

28 B. Any grants, gifts and other money from the State and from any unit of federal,  
29 state or local government or from any person, firm, partnership or corporation for  
30 deposit to the program fund;

31 C. All money received from a social impact bond; and

32 D. All interest, dividends or other pecuniary gains from investment of money in the  
33 program fund.

34 **3. Social impact bond.** A social impact bond may involve the department or a  
35 school administrative unit partnering with a service provider or outside investor that

1 provides the financing for the summer success program that is the object of the bond,  
2 which the department or a school administrative unit is not required to repay unless  
3 student achievement in the summer success program is demonstrated by a measurable  
4 outcome.

5 **4. Application of program fund.** Money in the program fund must be continuously  
6 applied by the commissioner to carry out this section and may not be used for any other  
7 purpose. School administrative units must ensure that program funds made available to  
8 provide grants for expanded access to summer success programs for elementary and  
9 secondary school students supplement and do not supplant federal funding.

10 **§8813. Standards; approval**

11 The commissioner shall use the program fund to encourage the facilitation of high-  
12 quality summer success programs in school administrative units throughout the State.

13 **1. Standards.** The commissioner shall establish standards for summer success  
14 programs consistent with the basic school approval requirements as set forth in  
15 subchapter 1 for summer school programs offered at elementary or secondary schools in  
16 the State. In establishing standards for summer success programs, the commissioner may  
17 also consider the following:

18 A. Guidelines similar to, but not identical with, the requirements of the community  
19 learning centers program authorized under Title IV, Part B of the federal Elementary  
20 and Secondary Education Act of 1965, as amended by the federal Every Student  
21 Succeeds Act, 20 United States Code, Chapter 70 to help students improve their  
22 academic achievement by providing educational opportunities that close the  
23 achievement gap between high-performing and low-performing students, including  
24 the gap between economically disadvantaged students and their peers;

25 B. Effective models of summer success programs that improve student achievement,  
26 including model programs that involve networking and partnerships with community-  
27 based organizations that provide a range of high-quality services to support student  
28 learning and development. In order to partner with a summer success program, a  
29 community-based organization must be exempt from federal income taxation under  
30 the United States Internal Revenue Code of 1986, Section 501(a), pursuant to the  
31 United States Internal Revenue Code of 1986, Section 501(c)(3); and

32 C. Implementation of the formative and summative assessment methods used by a  
33 school administrative unit during the school year to measure student achievement in  
34 order to monitor the progress of students in that school administrative unit who are  
35 participating in the summer success programs.

36 **2. Approval.** A summer success program may be offered by a school administrative  
37 unit with the approval of the commissioner. The commissioner may inspect a summer  
38 success program, after which the commissioner shall approve and grant a certificate to a  
39 school that maintains approval standards under subsection 1. The department shall pay  
40 the expense of the inspection.

1           **§8814. Program fund grants; eligibility; calculation**

2           Beginning in fiscal year 2020-21 and each subsequent year, the department, through a  
3 grant application process, shall provide from the program fund funding to cover 90% of  
4 the costs of summer success programs in school administrative units with greater than  
5 50% student participation in the federal free and reduced-price lunch program pursuant to  
6 section 6602, subsection 1, paragraph A. Any remaining available funds must be  
7 provided to school administrative units with greater than 35% student participation in the  
8 federal free and reduced-price lunch program.

9           **1. Eligibility.** To receive program fund money calculated pursuant to subsection 2, a  
10 school administrative unit must be in compliance with any applicable standards and  
11 program requirements for summer success programs established by the commissioner  
12 pursuant to section 8813.

13           **2. Program fund grants; calculation.** The commissioner shall calculate one  
14 amount of program fund money that may be made available as a grant to the elementary  
15 school level and another amount of program fund money that may be made available as a  
16 grant to the high school level in accordance with the following.

17           A. For fiscal year 2020-21, the commissioner shall establish a per-pupil amount for  
18 program fund grants.

19           B. For fiscal year 2021-22 and each subsequent year, the commissioner shall  
20 recalculate the per-pupil amount by using the amount calculated under paragraph A  
21 as a base and adjusting for appropriate trends in the Consumer Price Index or other  
22 comparable index.

23           **3. Budget recommendation.** By December 15, 2019 and prior to December 15th of  
24 each subsequent year, the commissioner shall recommend to the Governor and to the  
25 Department of Administrative and Financial Services, Bureau of the Budget the funding  
26 levels for the program fund for payment in the next fiscal year. The commissioner shall  
27 include these funding levels in the department's request to the Legislature for  
28 appropriations from the General Fund, allocations from federal funds and authorizations  
29 of Other Special Revenue Funds and social impact bonds to carry out the purposes of this  
30 subchapter.

31           **4. Appropriations and allocations.** The commissioner shall provide funds  
32 authorized by the Legislature to carry out the purposes of this subchapter as grants to  
33 eligible school administrative units.

34           **§8815. Report**

35           The department shall report by June 30, 2021 and annually thereafter to the joint  
36 standing committee of the Legislature having jurisdiction over education and cultural  
37 affairs on the number of school administrative units administering summer success  
38 programs, the nature of the summer success programs receiving money from the program  
39 fund, the amount of money distributed and the number of children participating in a  
40 summer success program.

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**§8816. Rules**

The commissioner shall adopt rules for the standards, approval and administration of the program fund, including the establishment of program fund requirements and specifications and procedures for the application and distribution of available funds, and to otherwise carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 20-A MRSA §15688-A, sub-§9** is enacted to read:

**9. Summer success programs.** Beginning in fiscal year 2020-21 and for each subsequent fiscal year, the commissioner may expend and disburse funds to provide grants for expanded access to summer success programs for elementary and secondary school students pursuant to chapter 317, subchapter 2. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 317, subchapter 2 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of summer success programs. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of chapter 317, subchapter 2.

**Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 20-A, chapter 317, before section 8801, the headnote "subchapter 1, summer schools" is enacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 4. Report.** The Commissioner of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 containing an outline of the routine technical rules proposed by the Department of Education to implement the Summer Success Program Fund, established in the Maine Revised Statutes, Title 20-A, chapter 317, subchapter 2, by the 2020-2021 school year.

**SUMMARY**

This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The bill accomplishes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund, money received from a social impact bond and interest, dividends and other pecuniary gains. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.

2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund

1 money for summer success programs offered at elementary and secondary schools in the  
2 State. It also allows the commissioner to include the following in the standards:

3 A. Guidelines similar to the federal 21st Century Community Learning Centers  
4 program to close the achievement gap between high-performing and low-performing  
5 students;

6 B. Effective models of summer success programs that involve networking and  
7 partnerships with community-based organizations that provide a range of high-quality  
8 services to support student learning and development; and

9 C. Implementation of the formative and summative assessment methods to measure  
10 student achievement in order to monitor the progress of students participating in  
11 summer success programs.

12 3. It provides that, beginning in fiscal year 2020-21, the department is required to  
13 provide grant funding, through a grant application process, to cover 90% of the costs of  
14 summer success programs in school administrative units with greater than 50% student  
15 participation in the federal free and reduced-price lunch program.

16 4. It adds the fund to the enhancing student performance and opportunity provisions  
17 of the Essential Programs and Services Funding Act.

18 5. It requires the commissioner to submit a report to the Joint Standing Committee  
19 on Education and Cultural Affairs by December 15, 2019 that outlines the proposed rules  
20 to implement the fund by the 2020-2021 school year.