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EDUCATION AND CULTURAL AFFAIRS

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

COMMITTEE AMENDMENT " " 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.

COMMITTEE AMENDMENT

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

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

6 A. Elementary school level and middle school level students for school administrative
7 units that send all their elementary school level and middle school level students as
8 tuition students to schools elsewhere in the State;

9 B. High school level students for school administrative units that send all their high
10 school level students as tuition students to schools elsewhere in the State; and

11 C. School level students for school administrative units that send all their school level
12 students to schools elsewhere in the State.

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

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

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

21 **3. Number of teaching positions required.** The commissioner shall identify for each
22 school administrative unit, using the pupil count arrived at under section 15674, subsection
23 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~, the number of school level
24 teaching positions that are required in order to achieve the student-to-teacher ratios set forth
25 in subsection 2.

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

28 **3. Number of staff positions required.** The commissioner shall identify for each
29 school administrative unit, using the pupil count arrived at under section 15674, subsection
30 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~, the number of staff
31 positions that are required in order to achieve the student-to-staff ratios set forth in
32 subsection 2.

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

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

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

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

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

5 **SUMMARY**

6 This amendment is the majority report of the committee. It removes the emergency
7 preamble and clause. It strikes the bill and requires the Department of Education to use a
8 3-year average for pupil counts, if that average is greater than the current 2-year average,
9 when a school administrative unit experiences a decrease of 10% or more of total school
10 administrative unit student enrollment in the most recent year.

11 **FISCAL NOTE REQUIRED**

12 **(See attached)**