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Date: (Filing No. H- )

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 702, L.D. 958, “Resolve, To Direct the Department of Education To Review the Essential Programs and Services Model”

Amend the resolve by striking out the title and substituting the following:

**'Resolve, To Direct the Department of Education To Contract for an Independent Review of the Essential Programs and Services Model'**

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

**'Sec. 1. Department of Education; review of essential programs and services model. Resolved:** That the Department of Education, referred to in this resolve as "the department," shall enter into a contract for an independent review of the Essential Programs and Services Funding Act established under the Maine Revised Statutes, Title 20-A, chapter 606-B through a request for proposal process that awards a contract to a qualified research entity as set forth in this resolve. The review of the school funding formula must be designed to provide the Legislature with an objective and comprehensive policy implementation analysis that includes but is not limited to the following:

1. An analysis of whether the original intent of the essential programs and services model is being met and whether the essential programs and services school funding formula is providing an amount of funding, including the state share of general purpose aid for local schools, adequate to meet the actual cost of providing kindergarten to grade 12 public education programs;
2. An assessment of the effect of the essential programs and services school funding formula on the member municipalities of school administrative units whose property fiscal capacity is above, below or equivalent to the statewide average property fiscal capacity of school administrative units in the State; and
3. An assessment of the impact of recent laws enacting changes to the essential programs and services school funding formula and the phase-in of the percentage of the State's share of general purpose aid for local schools; and be it further

**COMMITTEE AMENDMENT**

1           **Sec. 2. Legislative review. Resolved:** That, within 30 days following the  
2 effective date of this resolve and prior to publishing the request for proposals as set forth  
3 in section 4, the Commissioner of Education shall mail to the Joint Standing Committee  
4 on Education and Cultural Affairs a draft proposal of the standards and qualifications  
5 proposed to be included in the request for proposals. The Joint Standing Committee on  
6 Education and Cultural Affairs is not authorized to meet to review the draft proposal.  
7 Within 15 days of receiving the draft proposal, the members of the joint standing  
8 committee shall provide the commissioner with their written or oral appraisal of the  
9 strengths and weaknesses of the draft proposal of the standards and qualifications. The  
10 commissioner shall consider the responses of the members of the joint standing  
11 committee prior to publishing the request for proposals as set forth in section 4; and be it  
12 further

13           **Sec. 3. Authorization. Resolved:** That, notwithstanding any other provision of  
14 law and after the Commissioner of Education has complied with section 2, the department  
15 may solicit and receive proposals to conduct a review of the essential programs and  
16 services funding model. The department may review proposals and enter into an  
17 agreement with a qualified research entity in accordance with the provisions of this  
18 resolve; and be it further

19           **Sec. 4. Request for proposals; standards and selection process. Resolved:**  
20 That the department shall develop a request for proposals and selection process that  
21 includes standards and other qualifications that the department determines necessary to  
22 select a research entity to conduct an objective and independent review of the essential  
23 programs and services school funding formula.

24           1. The standards and other qualifications must include but are not limited to the  
25 financial, technical and operational capacity of the research entity to conduct state-level  
26 education policy research and fiscal analysis as demonstrated by the professional  
27 experience and expertise of the research entity and its researchers.

28           2. No later than December 1, 2011, the department shall solicit proposals by  
29 publishing a notice of the request for proposals on the department's publicly accessible  
30 website and through advertisements in 2 or more public newspapers circulated wholly or  
31 in part in the State. The notice must provide that the department will accept, for 45 days  
32 after the initial date of publication, proposals from qualified research entities that meet  
33 the standards established by the department. A copy of the notice must be mailed to the  
34 members of the Joint Standing Committee on Education and Cultural Affairs.

35           3. After a proposal or proposals have been received and any public notification  
36 period has expired, the department shall rank the proposals in order of preference. In  
37 ranking the proposals, the department may consider factors that include, but are not  
38 limited to, professional qualifications, general contracting terms, rigorous approaches to  
39 policy and fiscal analyses and the need for state funds to deliver the project and discharge  
40 the agreement. The department shall undertake negotiations with the research entity  
41 submitting the first-ranked proposal. If the department is not satisfied with the results of  
42 the negotiations, the department may, at its sole discretion, terminate negotiations with  
43 that entity and may negotiate with the other entities in order of the ranking of their  
44 proposals. If only one proposal is received, the department shall negotiate in good faith

1 and, if the department is not satisfied with the results of the negotiations, the department  
2 may, at its sole discretion, terminate negotiations.

3 4. If the department determines that a proposal and agreement meets the standards  
4 and qualifications developed pursuant to this section, the department shall authorize the  
5 agreement.

6 5. Except for the name and mailing address of a research entity that submits a  
7 proposal, all records, notes, summaries, working papers, plans, interoffice and intraoffice  
8 memoranda or other materials prepared, used or submitted in connection with a proposal  
9 considered under this section are confidential and not subject to public review until the  
10 department determines that the proposal meets the standards of this section or until the  
11 proposal is finally rejected by the department.

12 6. By February 15, 2012, the department shall provide to the members of the Joint  
13 Standing Committee on Education and Cultural Affairs a report summarizing all  
14 proposals that the department has determined meet the standards of this section or that  
15 have been finally rejected and to inform the joint standing committee about the agreement  
16 as finalized; and be it further

17 **Sec. 5. Report. Resolved:** That the Commissioner of Education shall present a  
18 report of the results of the independent review to the joint standing committee of the  
19 Legislature having jurisdiction over education and cultural affairs by January 31, 2013.  
20 The joint standing committee may submit a bill relating to the report to the First Regular  
21 Session of the 126th Legislature; and be it further

22 **Sec. 6. Appropriations and allocations. Resolved:** That the following  
23 appropriations and allocations are made.

24 **EDUCATION, DEPARTMENT OF**

25 **General Purpose Aid for Local Schools 0308**

26 Initiative: Provides one-time funds for an independent review of the Essential Programs  
27 and Services Funding Act.

28	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
29	All Other	\$600,000	\$0
30			
31	<b>GENERAL FUND TOTAL</b>	<b>\$600,000</b>	<b>\$0</b>
32			

33 **SUMMARY**

34 This amendment replaces the resolve with a resolve that directs the Department of  
35 Education to enter into a contract for an independent review of the Essential Programs  
36 and Services Funding Act through a request for proposal process that awards a contract to  
37 a qualified research entity. The Department of Education is required to provide a report  
38 of the results of the independent review to the joint standing committee of the Legislature  
39 having jurisdiction over education and cultural affairs by January 31, 2013. The joint  
40 standing committee is authorized to submit a bill relating to the report to the First Regular

COMMITTEE AMENDMENT “ ” to H.P. 702, L.D. 958

1 Session of the 126th Legislature. The amendment also adds an appropriations and  
2 allocations section.

3 **FISCAL NOTE REQUIRED**

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5 **(See attached)**  
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