

APPROVED CHAPTER
MARCH 10, 2016 389
BY GOVERNOR PUBLIC LAW

STATE OF MAINE

—————
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SIXTEEN

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H.P. 1117 - L.D. 1641

An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of the Department of Education and To Change Certain Provisions of the Law Necessary to the Proper Operations of Government for the Fiscal Year Ending June 30, 2017

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, costs for providing public education have increased at an alarming rate despite declining student populations and without significant improvement in student outcomes, requiring immediate attention to address the underlying condition and its consequences; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. Commissioner of Education to convene commission. The Commissioner of Education or the commissioner's designee, referred to in this Part as "the commissioner," shall convene, no later than May 1, 2016, a commission to reform public education funding and improve student performance in the State.

1. Members. The commissioner shall invite to serve as members of the commission:

A. The Governor or the Governor's designee;

B. A representative of the Department of Education, appointed by the Governor, who shall serve as chair of the commission;

C. Notwithstanding Joint Rule 353, the following 4 members of the Legislature:

(1) The member of the Legislature who is serving as the Senate Majority Leader or that leader's designee, who must be a member on the Legislative Council;

(2) The member of the Legislature who is serving as the Senate Minority Leader or that leader's designee, who must be a member on the Legislative Council;

(3) The member of the Legislature who is serving as the House Majority Leader or that leader's designee, who must be a member on the Legislative Council; and

(4) The member of the Legislature who is serving as the House Minority Leader or that leader's designee, who must be a member on the Legislative Council;

D. A person who is serving on the State Board of Education, designated by the chair of the State Board of Education;

E. A person who was named Maine Teacher of the Year on or after January 1, 2006, designated by the Maine Education Association;

F. A person who is serving on the Maine Charter School Commission established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 10-D, designated by the chair of the Maine Charter School Commission;

G. A person who is a teacher or administrator at one of the State's career and technical education centers, designated by Maine Administrators of Career and Technical Education;

H. A person designated by the Maine School Management Association;

I. The Chancellor of the University of Maine System or the chancellor's designee;

J. The President of the Maine Community College System or the president's designee; and

K. Two members of the public, appointed by the Governor, at least one of whom has prior work experience in a municipal management role.

2. Vacancies; quorum. In the event of a vacancy on the commission, the commissioner shall select a replacement member in the same manner as the original selection set forth in subsection 1. A quorum consists of a majority of the nonvacant seats on the commission.

3. Meetings; duties. The commission shall meet at least 6 times each year in 2016 and in 2017. In order to identify solutions to lower the cost of public education and improve student performance, the commission shall collect and analyze data from all public secondary and postsecondary education units in the State that receive state funding. In conducting its review and analysis, the commission may:

A. Evaluate the success and shortcomings of the current funding formula for kindergarten to grade 12 education and propose changes to improve the funding formula;

- B. Identify the causes of increased per-pupil education costs and develop proposals to help local school districts contain increasing costs;
- C. Examine the State's special education spending, including its impact on school administrative units, and develop proposals to ensure the State's special education spending addresses the State's needs;
- D. Identify trends and disparities across the State in student performance in kindergarten to grade 12 and develop recommendations for improvement;
- E. Identify best practices for integrating technology into teaching and learning and develop proposals for statewide implementation of the best practices;
- F. Review the existing laws governing the process of school administrative unit consolidation and withdrawal and identify improvements that will help lower costs and improve outcomes for school administrative units;
- G. Evaluate teacher compensation throughout the State for adequacy and competitiveness and propose changes, as necessary;
- H. Identify state and federal mandates for school administrative units that result in increased cost to local property tax payers and propose options for how these mandates might be addressed;
- I. Assist school board and municipal leaders in identifying opportunities to leverage state or regional resources in order to reduce local costs;
- J. Review the use of federal funds by school administrative units and identify challenges associated with requirements of those funding sources;
- K. Examine the preparedness of students in the State to matriculate to the University of Maine System and the Maine Community College System and develop proposals to enhance the ability of public education from kindergarten to higher education to prepare students in the State for the modern workforce;
- L. Evaluate the adequacy and effectiveness of state funding provided to the Maine Community College System and the University of Maine System, the financial needs of each system and each system's tuition rates in order to develop a long-term strategy for the financial sustainability of each system;
- M. Identify opportunities to partner with the private sector and private philanthropic organizations to identify opportunities to access additional resources to reduce the cost of public education and improve student performance in the State; and
- N. Identify and evaluate additional issues that the commission determines might reduce the cost of education and improve student performance.

4. Staff assistance; funding. The Department of Education shall provide necessary staffing services to the commission. Funding for the commission must be provided from existing resources of the Department of Education.

5. Report; legislation. By January 10, 2017 and January 10, 2018, the commissioner shall submit to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters a report of the commission that includes findings and recommendations

for action to reform public education funding and improve student performance in the State. Notwithstanding Joint Rule 353, upon submission of each report of the commission, the commissioner is authorized to submit to the Legislature a bill to implement the commission's recommendations.

6. Expiration of commission. The commission is authorized until July 31, 2018.