

# MAINE STATE LEGISLATURE

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An Act To Restore Equity in Education Funding  
S.P. 395 L.D. 1274  
(S "A" S-273 to C "A" S-240)

Tabled - June 29, 2011, by Senator **COURTNEY** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-240) AS AMENDED BY SENATE AMENDMENT "A" (S-273)** thereto.)

(In House, June 28, 2011, **PASSED TO BE ENACTED.**)

On motion by Senator **ALFOND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **SCHNEIDER** of Penobscot who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **JACKSON** of Aroostook who would have voted YEA.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will try to be succinct, but there are some points that I would like to make sure the Body knows before we vote on this. Before we get into, potentially, pieces of this bill, I think if you step back and talk to your Superintendents, there are massive funding challenges happening in all of our districts throughout the state. We all are losing our ARRA funds. We all are losing job dollars that were put into play in all states to help teachers stay in the classrooms. Those two things are a constant. Now, when you add the potential of L.D. 1274, Superintendents are gasping. They are just struggling to figure out how to plan and how to go forward, knowing that there is another cut pending for many districts across the state.

My second point, I wasn't here when EPS was created, but today I can see, potentially, why it was created. The politics behind this bill is probably as strong as any bill that I've seen in my three years here. Everyone is looking at spreadsheets, including myself. Everyone is looking at winners and losers, because this is the first time in EPS's history that a legislature is going in and changing parts of the formula. When that happens, you start moving money around. You start moving around for a reason, and that's what we have in L.D. 1274. We now have injected politics into the funding formula for the first time and now, going forward, we've set a precedent. I, being in the Minority, hope at one point before I'm termed out that I'm in the Majority. Today's vote, if passed, will set the precedent for when I, potentially, am in the Majority to start saying, "How do I start working with the funding formula to correct or to possibly bring more dollars to parts of the state that I want?" I think that is a terrible precedent to be setting.

Third point, I don't think this is helping K-12 education, statewide, at all. Who are going to be the true losers? It's going to be students. It's going to be teachers. It's going to be administrators. It's going to be our communities. All of a sudden those four sub-groups will be faced with a task of figuring out how to fund their school with less dollars. Does that mean cutting

teachers? Does that mean cutting programs? Does that mean raising local property taxes? Those are your three choices in communities today that are going to be losing. I would argue the state is losing today because of the precedent that this bill sets.

I'd also, potentially and fearfully, start getting ready for those of us, and there are 28 of us, in this Senate Chamber that either lose entirely or have districts that have some winners and some losers. For those 28 of us, fearfully and sadly, get ready for pink slips. Get ready for pink slips in your districts because, again, there are only so many options that districts will be able to do in 2012 - 2013. One of them is cutting teachers and administrators; hard working people that help make sure that your K-12 school is successful. Speaking of the 28 of us, I'm still confused on how I'm going to go back to my district after today's vote and tell them, "Mr. Superintendent or school committee, \$922,000 are gone from our district. I did everything I could, but I came out on the short end of the stick. Prepare for this gift and now we have \$922,000 that you have to cut from the City of Portland." This is coming off of hard budgets in 2008 - 2009. Hard budgets in 2009 - 2010. Hard budgets that will be put in place for 2010 - 2011. I'm not alone. There are 27 others of you that are also going to have to have those tough conversations. It's not going to be pretty. In fact, I think it's going to be very, very challenging.

My last point that I will make is that these changes in the EPS formula, whether you like EPS or not or whether you thought your EPS was fair or not, these are permanent changes. Good President Raye has argued that everyone is still going to get money through this bill, if Enacted. I hope there is never a time when we're not putting more money into EPS, but when that day comes, when there is money not going into EPS, the effect of this bill will hit your communities even harder. We are now creating a permanent change in EPS that is not going to go away. Yes, it's masked this time by \$19 million going in, but that's not always going to be the case. In fact, if it's ever lower than the \$6.3 million going into EPS, the challenges for all of our districts will be even harder. I truly hope that people will show courage today, understanding what the implications of this means, not only in the short term in 2012 and 2013, not only in the long term when we look at future budgets, but the precedent that we are setting today in this Chamber. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I, too, hope members of this Body will show courage today and recognize that the proposed changes to the EPS formula were not just pulled out of a hat, but made logical sense and correct a situation in the law that now exists. If you take another look at it, you would say it makes sense. One of the big changes in this law, one of the main changes this law makes to the formula is to remove the benefit costs for teachers from the calculation of salary cost included in the regional adjustment that the formula makes for each school district's salaries. The fact that benefits were included that were subject to regional adjustment, I would hope we would all agree, is nonsensical because every district pays essentially exactly the same benefits. It's the salary where there is a regional difference, and that also makes some logical sense. To remove the benefits from that and say we shouldn't count that, that we shouldn't subject benefit costs to a regional adjustment. What would make more sense? Ladies and gentlemen, I, too, would ask you all to

show the courage to say that this is not just a bold grab at money. This is a thoughtful, very, very small minor change to the EPS formula, which I believe we heard earlier that amounts to a shifting of something like three-tenths of 1% of our education funding, done so at a time and in a manner that no district will actually receive less money than in an ensuing year because of it. Ladies and gentlemen, please show the courage to benefit those school districts, even if they are not your own, who are suffering under these small inequities in the system. Let them benefit. Let these changes, which make logical sense, take place. This is not the end of EPS and the EPS formula. This is not the end of school funding as we know it. This is a very minor, small adjustment which will benefit certain school districts, admittedly one of mine, who has found itself with virtually no funding from the State because of the EPS formula; a district of poor, well not poor but certainly low income, relatively low income, high unemployment district. How do I tell them, I would ask you. How do I tell those people in those towns that the State has no sympathy for them? To go at it on their own. The fact that they're not going to receive one more nickel over the next biennium in spite of the fact that substantial monies are going in from the original budget and an additional \$19 million of funding. In spite of that, they are receiving not one more nickel. Once again I would argue that we are not doing this simply as a grab, but as a very logical adjustment to the formula. Men and women of the Senate, I urge your support of the pending motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today in opposition and in a respectful disagreement with my good friend and colleague of Oxford County. This is hardly a small change for the people in my district. A small change is not something that is worth \$200,000; \$200,000 is taken away from my school districts, ones that are reducing their budgets, ones that hope to just maintain the status quo, and to do that, in meetings I recently attended, they talk about raising taxes. Our budgets are dynamic systems. They require increases due to inflation. The good Senator from Cumberland talked about the ARRA funds and articulated how complicated it is for taxpayers in those towns to maintain the status quo in our schools. Frankly, the status quo is not even good enough. Now we're going to be asking the property taxpayers in District 19 to pay \$200,000 more. I'm just one of 28 in this Chamber that are being impacted. I think we should think long and hard about this. I feel very strongly that this was not a thorough debate and I think many people are going to be very surprised when this law goes into place. Lastly, Mr. President, just a few weeks ago I said that we passed a very respectable and bi-partisan budget, but we have to think about the totality of our actions and it is bills like this that are going to sneak up on people. When you start putting one on top of another, people are going to be very disappointed, especially in the area of education. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. This may be a small adjustment to EPS, but it's a small adjustment with extraordinarily huge consequences. I have trouble understanding

the logic behind this. We seem to be saying that if you have a district with under 1,200 students we're going to increase your staffing ratios. Put another way, we're saying if you are in a school district with declining populations, or a small population, we're going to take money from growing schools and give it to you to hire more staff. Taking money from growing schools to give them to shrinking schools I don't think makes a lot of sense. It's not logical to me and I think it won't be logical to most of Maine people if they try to understand it. This would be one thing if we had reached our 55% target and were then infusing additional money on top of that. We'd say, "Look, let's see what we can do on top of that additional funding." We're not. We're using the new money in the budget as a slight of hand because that new money is still keeping us well short of the 55%. That is simply another down payment towards that 55% of current EPS. Under the current formula, you can look at what your schools should have gotten out of that additional money based on the law, based on what we put in place, in a bi-partisan way, several years ago. Instead we're taking money out of that and sending it to schools with declining populations. Everyone in Maine deserves a good education, but you shouldn't be doing it by twisting a formula and try to move money around. As I said during the original debate on this bill, if we think it's important enough then we should be doing it outside of EPS. We should be doing it as some other add on and funding it, not by pulling money out of this formula that is going to hurt so many schools. I know when my school districts, which are all growing, lose that \$850,000, there is a teacher that is not going to get brought back and that's a program that is going to have to be cut. The questions that I get are; why in the world are you taking money away from us? We have more students this year than we had last year. Why are you giving that to a school district that has fewer students this year than they did last year? It just doesn't make sense. Let's do this responsibly. This is just pitting parts of the state against each other and I think it is something that will come back to haunt us. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, having chaired the committee that heard this testimony, there often times when you are in public hearings there are folks that come to testify that cut right to the chase. I have to say that folks from Downeast do that very well. I said the last time this debate came, the testimony of the year for me came from a selectman from Jonesport by the way of Bimbo Look who came here. He took a day off the water as a lobsterman, to come down and say to us, "We are down to melting our gold balls to fund education. We have nothing left." They receive \$89 per student in state aid. This bill looks to correct that and it needs to be supported. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#295)**

YEAS: Senators: COLLINS, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COURTNEY, CRAVEN, DIAMOND, FARNHAM, GERZOFKY, GOODALL, HILL, HOBBS, SNOWE-MELLO, SULLIVAN, THIBODEAU, WOODBURY

ABSENT: Senator: DILL

PAIRED: Senators: JACKSON, SCHNEIDER

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency Mandate**

Resolve, Directing the Commissioner of Education To Adopt a Policy Regarding Management of Head Injuries in Youth Sports  
H.P. 84 L.D. 98  
(S "A" S-340 to C "A" H-519)

Comes From the House, **FAILED FINAL PASSAGE.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Require the Inclusion of a Financial Statement on School Administrative Unit Bond Obligations When Voting on a School Construction Project  
H.P. 275 L.D. 349  
(S "A" S-346 to C "A" H-124)

Comes From the House, **FAILED ENACTMENT.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Provide a Property Tax Exemption for Family Burying Grounds

H.P. 816 L.D. 1081  
(S "A" S-354 to C "A" H-476)

Comes From the House, **FAILED ENACTMENT.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

**Mandate**

An Act To Amend Standards for Participation in Certain Public School Services by Students Who Are Homeschooled  
H.P. 888 L.D. 1197  
(S "A" S-356 to C "A" H-571)

Comes From the House, **FAILED ENACTMENT.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE.**

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.