



132nd MAINE LEGISLATURE

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Legislative Document

No. 181

H.P. 114

House of Representatives, January 14, 2025

**An Act to Modify the Calculation of Pupil Counts Used for
Determination of School Administrative Unit Operating Costs**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative TUELL of East Machias.
Cosponsored by Senator MOORE of Washington and
Representatives: SARGENT of York, STROUT of Harrington.

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

2 **Sec. 1. 20-A MRSA §15674, sub-§1**, as corrected by RR 2021, c. 1, Pt. A, §20, is
3 amended to read:

4 **1. Pupil counts used for determination of operating costs.** In addition to the
5 additional weighted counts authorized under section 15675 ~~and except as provided in~~
6 ~~subsection 2~~, the pupil count used for operating costs in this Act is the sum of:

7 A. The average number of secondary school-age persons enrolled in an adult education
8 course counted during the most recent calendar year counted pursuant to section 8605,
9 subsection 2;

10 B. The average number of students in equivalent instruction programs during the most
11 recent calendar year, as reported pursuant to section 5021, subsection 8;

12 C. Beginning in fiscal year 2018-19 and until fiscal year 2022-23:

13 (1) The average of the pupil counts for October 1st of the 2 most recent calendar
14 years prior to the year of funding, reported in accordance with section 6004,
15 including the counts of students enrolled in an alternative education program made
16 in accordance with section 5104-A; ~~and~~

17 D. Beginning in fiscal year 2022-23 and until fiscal year 2026-27:

18 (1) The average of the pupil counts for October 1st of the 2 most recent calendar
19 years prior to the year of funding, reported in accordance with section 6004,
20 including the counts of students enrolled in an alternative education program made
21 in accordance with section 5104-A, except that if a school administrative unit
22 experiences a decline in total school administrative unit student enrollment of 10%
23 or more in the most recent year, the pupil counts for October 1st of the 3 most
24 recent calendar years prior to the year of funding must be used unless that count is
25 less than the average of the October 1st pupil counts of the 2 most recent calendar
26 years; and

27 E. Beginning in fiscal year 2026-27, the greater of:

28 (1) The average of the pupil counts for October 1st of the 3 most recent calendar
29 years prior to the year of funding, reported in accordance with section 6004,
30 including the counts of students enrolled in an alternative education program made
31 in accordance with section 5104-A; and

32 (2) The most recent October 1st pupil count prior to the year of funding, reported
33 in accordance with section 6004, including the count of students enrolled in an
34 alternative education program made in accordance with section 5104-A.

35 **Sec. 2. 20-A MRSA §15674, sub-§2**, as amended by PL 2021, c. 428, §4, is
36 repealed.

37 **Sec. 3. 20-A MRSA §15675, first ¶**, as amended by PL 2021, c. 428, §5, is further
38 amended to read:

39 For the purpose of calculating the total operating allocation under this chapter pursuant
40 to section 15683, the following additional weights must be added to the per-pupil count

1 calculated under section 15674, subsection 1, paragraph ~~C~~ D or E, whichever is
2 applicable.

3 **Sec. 4. 20-A MRSA §15678, sub-§3**, as amended by PL 2021, c. 428, §6, is further
4 amended to read:

5 **3. Number of teaching positions required.** The commissioner shall identify for each
6 school administrative unit, using the pupil count arrived at under section 15674, subsection
7 1, paragraph ~~C~~ D or E, whichever is applicable, the number of school level teaching
8 positions that are required in order to achieve the student-to-teacher ratios set forth in
9 subsection 2.

10 **Sec. 5. 20-A MRSA §15679, sub-§3**, as amended by PL 2021, c. 428, §7, is further
11 amended to read:

12 **3. Number of staff positions required.** The commissioner shall identify for each
13 school administrative unit, using the pupil count arrived at under section 15674, subsection
14 1, paragraph ~~C~~ D or E, whichever is applicable, the number of staff positions that are
15 required in order to achieve the student-to-staff ratios set forth in subsection 2.

16 **Sec. 6. 20-A MRSA §15679, sub-§5**, as amended by PL 2021, c. 428, §8, is further
17 amended to read:

18 **5. Salary costs for substitute teachers.** The commissioner shall calculate the
19 additional salary costs for substitute teachers for each school administrative unit using the
20 pupil count arrived at under section 15674, subsection 1, paragraph ~~C~~ D or E, whichever
21 is applicable. In order to calculate this amount, the commissioner shall establish a per-
22 pupil rate for the cost of a substitute teacher for 1/2 day.

23 **Sec. 7. 20-A MRSA §15681-A, sub-§2**, as amended by PL 2017, c. 284, Pt. C,
24 §37 and affected by §66, is further amended to read:

25 **2. Special education costs.** A school administrative unit receives an additional weight
26 of 1.50 for each special education student identified on the annual December 1st child count
27 as required by the federal Individuals with Disabilities Education Act for the most recent
28 year, up to a maximum of 15% of the school administrative unit's resident pupils as
29 determined under section 15674, subsection 1, paragraph ~~C~~, ~~subparagraph (1)~~ D or E,
30 whichever is applicable. For those school administrative units in which the annual
31 December 1st child count for the most recent year is less than 15% of the school
32 administrative unit's resident pupils as determined under section 15674, subsection 1,
33 paragraph ~~C~~, ~~subparagraph (1)~~ D or E, whichever is applicable, the special education child
34 count percentage may not increase more than 0.5% in any given year, up to a maximum of
35 1.0% in any given 3-year period. For each special education student above the 15%
36 maximum, the unit receives an additional weight of .38. In addition, each school
37 administrative unit must receive additional allocations:

38 A. For lower staff-student ratios and expenditures for related services for school
39 administrative units with fewer than 20 special education students identified on the
40 annual December 1st child count as required by the federal Individuals with Disabilities
41 Education Act for the most recent year;

42 B. For high-cost in-district special education placements. Additional funds must be
43 allocated for each student estimated to cost 3 times the statewide special education EPS

1 per-pupil rate. The additional funds for each student must equal the amount by which
2 that student's estimated costs exceed 3 times the statewide special education EPS per-
3 pupil rate;

4 D. Beginning July 1, 2018, to ensure the school administrative unit meets the federal
5 maintenance of effort requirement for receiving federal Individuals with Disabilities
6 Education Act funds in accordance with recommendations of any legislative task force
7 established in the First Regular Session of the 128th Legislature to identify special
8 education cost drivers and innovative approaches to services; and

9 E. A separate allocation must be determined for high-cost out-of-district special
10 education placements in accordance with this paragraph.

11 (1) For private school placements, additional funds must be allocated for each
12 student estimated to cost 4 times the statewide special education EPS per-pupil
13 rate. The additional funds for each student must equal the amount by which that
14 student's estimated costs exceed 4 times the statewide special education EPS per-
15 pupil rate.

16 (2) For public school placements, additional funds must be allocated for each
17 student estimated to cost 3 times the statewide special education EPS per-pupil
18 rate. The additional funds for each student must equal the amount by which that
19 student's estimated costs exceed 3 times the statewide special education EPS per-
20 pupil rate.

21 (3) For public regional special education program placements, additional funds
22 must be allocated for each student estimated to cost 2 times the statewide special
23 education EPS per-pupil rate. The additional funds for each student must equal the
24 amount by which that student's estimated costs exceed 2 times the statewide special
25 education EPS per-pupil rate. Resident students for the fiscal agent of the regional
26 special education program are considered out-of-district placements for purposes
27 of this determination. The commissioner may expend and disburse funds pursuant
28 to section 15689, subsection 9 for direct contractual agreements to provide legal
29 services, facilitation services and other services to assist a school administrative
30 unit with planning and implementing a regional special education program.

31 The commissioner shall develop an appeals procedure for calculated special education
32 costs for school administrative units;

33 **Sec. 8. 20-A MRSA §15683, sub-§1, ¶A**, as amended by PL 2021, c. 428, §9, is
34 further amended by amending subparagraph (1) to read:

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

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

39 (1) The pupil count set forth in section 15674, subsection 1, paragraphs A, B and
40 ~~C or D~~ or section 15674, subsection 1, paragraphs A, B and E, whichever is
41 applicable;

42 **Sec. 10. 20-A MRSA §15683, sub-§1, ¶C**, as amended by PL 2005, c. 635, §8, is
43 further amended by amending subparagraph (1) to read:

1 (1) The product of the elementary school level and middle school level per-pupil
2 amount for targeted funds for the implementation of a standards-based system
3 calculated pursuant to section 15681, subsection 2 multiplied by the kindergarten
4 to grade 8 portion of the pupil count calculated pursuant to section 15674,
5 subsection 1, paragraph C, ~~subparagraph (1) D or E, whichever is applicable~~; and

6 **Sec. 11. 20-A MRSA §15683, sub-§1, ¶C**, as amended by PL 2005, c. 635, §8, is
7 further amended by amending subparagraph (2) to read:

8 (2) The product of the high school level per-pupil amount for targeted funds for
9 the implementation of a standards-based system calculated pursuant to section
10 15681, subsection 2 multiplied by the grade 9 to 12 portion of the pupil count
11 calculated pursuant to section 15674, subsection 1, paragraph C, ~~subparagraph (1)~~
12 D or E, whichever is applicable;

13 **Sec. 12. 20-A MRSA §15683, sub-§1, ¶D**, as corrected by RR 2017, c. 1, §11, is
14 amended by amending subparagraph (1) to read:

15 (1) The product of the elementary school level and middle school level per-pupil
16 amount for targeted technology resource funds calculated pursuant to section
17 15681, subsection 3 multiplied by the kindergarten to grade 8 portion of the pupil
18 count calculated pursuant to section 15674, subsection 1, paragraph C,
19 ~~subparagraph (1) D or E, whichever is applicable~~; and

20 **Sec. 13. 20-A MRSA §15683, sub-§1, ¶D**, as corrected by RR 2017, c. 1, §11, is
21 amended by amending subparagraph (2) to read:

22 (2) The product of the high school level per-pupil amount for targeted technology
23 resource funds calculated pursuant to section 15681, subsection 3 multiplied by the
24 grade 9 to 12 portion of the pupil count calculated pursuant to section 15674,
25 subsection 1, paragraph C, ~~subparagraph (1) D or E, whichever is applicable~~;

26 **Sec. 14. 20-A MRSA §15689, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt. C,
27 §49, is further amended by amending subparagraph (1) to read:

28 (1) Multiplying 5% of each school administrative unit's essential programs and
29 services per-pupil elementary rate by the average number of resident kindergarten
30 to grade 8 pupils as determined under section 15674, subsection 1, paragraph C,
31 ~~subparagraph (1) D or E, whichever is applicable~~; and

32 **Sec. 15. 20-A MRSA §15689, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt. C,
33 §49, is further amended by amending subparagraph (2) to read:

34 (2) Multiplying 5% of each school administrative unit's essential programs and
35 services per-pupil secondary rate by the average number of resident grade 9 to
36 grade 12 pupils as determined under section 15674, subsection 1, paragraph C,
37 ~~subparagraph (1) D or E, whichever is applicable~~; and

38 SUMMARY

39 This bill amends the calculation of the pupil count used for determination of operating
40 costs for school administrative units to provide that, beginning in fiscal year 2026-27, the
41 pupil count includes the greater of the average of the pupil counts for October 1st of the 3
42 most recent calendar years prior to the year of funding and the most recent October 1st

1 pupil count. The bill corrects cross-references to these provisions of law as necessary. The
2 bill also repeals outdated language that is no longer used in calculating the pupil count.