

## §15671. Essential programs and services

Essential programs and services are those educational resources that are identified in this chapter necessary to ensure the opportunity for all students to meet the standards in the 8 content standard subject areas and goals of the system of learning results established in chapter 222. In order to achieve this system of learning results, school funding based on essential programs and services must be available in all schools on an equitable basis. Essential programs and services utilize resources that are currently provided or could be adapted to implement a system of learning results as well as additional resources, including federal funds, that are needed to ensure that these programs and services are available to all students. These essential programs and services provide the basis for the system of school funding. School funding must be adequate to fully provide for all of the staffing and other material resource needs of the essential programs and services identified by the Legislature. [PL 2021, c. 571, §17 (AMD).]

**1. State and local partnership.** The State and each local school administrative unit are jointly responsible for contributing to the cost of the components of essential programs and services described in this chapter. The state contribution to the cost of the components of essential programs and services must be made in accordance with this subsection:

A. [PL 2021, c. 571, §18 (RP).]

B. Beginning in fiscal year 2021-22, and in each subsequent fiscal year, the state share of the total cost of funding public education from kindergarten to grade 12, as described by essential programs and services, is 55%. [PL 2021, c. 571, §18 (AMD).]

The commissioner shall use the funding level determined in accordance with this section as the basis for a recommended funding level for the state share of the cost of the components of essential programs and services.

[PL 2021, c. 571, §18 (AMD).]

**1-A. State funding for kindergarten to grade 12 public education.** Beginning in fiscal year 2022-23 and in each fiscal year thereafter, if the annual target under subsection 7, paragraph B for the state share percentage of the total cost of funding public education from kindergarten to grade 12 for that fiscal year is less than 55%, the State shall increase the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year and the department, in allocating funds, shall make this increase in funding a priority. For those fiscal years that the funding appropriated or allocated for the cost of essential programs and services is less than 55% and is not sufficient to increase the state share percentage of the total cost of funding public education from kindergarten to grade 12 by at least one percentage point, no new programs or initiatives may be established for kindergarten to grade 12 public education within the department that would divert funds that would otherwise be distributed as general purpose aid for local schools pursuant to subsection 5.

[PL 2021, c. 571, §19 (AMD).]

**2. Per-pupil rate amounts.** A per-pupil rate represents an amount of funds that is to be made available for each subsidizable pupil. Per-pupil rates are determined pursuant to section 15676.

A. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

B. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

C. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

D. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

[PL 2005, c. 2, Pt. D, §33 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

**3. Specialized student populations.** In recognition that educational needs can be more costly for some student populations than for others, special student populations are specifically addressed in section 15675 and section 15681-A, subsection 2.

A. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

B. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

C. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

D. [PL 2005, c. 2, Pt. D, §33 (RP); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF).]

[RR 2021, c. 2, Pt. A, §48 (COR).]

**4. Educational cost components outside the per-pupil rate.** A per-pupil rate is not a suitable method for allocation of all educational cost components. These components may include, but are not limited to, debt service, transportation, bus purchases, career and technical education, small school adjustments, teacher educational attainment and longevity of service and adjustments to general purpose aid. The funding methodology of these educational cost components must be established based on available research.

[PL 2005, c. 2, Pt. D, §33 (AMD); PL 2005, c. 2, Pt. D, §§72, 74 (AFF); PL 2005, c. 12, Pt. WW, §18 (AFF); PL 2005, c. 397, Pt. D, §3 (REV).]

**5. Local control of expenditures.** Except for those components that are targeted funds, funds provided for the essential programs and services described in this section must be distributed as general purpose aid for local schools, and each school administrative unit shall make its own determination regarding the configuration of resources best suited for its pupils and how to allocate available funds for these resources.

[PL 2001, c. 660, §1 (NEW).]

**5-A. Funds from casino slot machines or table games.** Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed as general purpose aid for local schools, and each school administrative unit shall make its own determination as to how to allocate these resources. Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

[PL 2017, c. 284, Pt. C, §16 (AMD).]

**6. Targeted funds.** Funds for technology, implementation of a standards-based system and the costs of additional investments in educating children in kindergarten to grade 2 as described in section 15681 must be provided as targeted allocations. State funds for extended learning provided above the basic economically disadvantaged student adjustment in section 15675, subsection 2 must also be provided as targeted allocations and restricted to approved programs that benefit economically disadvantaged students.

[PL 2021, c. 571, §20 (AMD).]

**7. Transition; annual targets.** To achieve the system of school funding based on essential programs and services required by this section, the following annual targets are established.

A. The base total calculated pursuant to section 15683, subsection 2 is subject to the following annual targets.

- (1) For fiscal year 2005-06, the target is 84%.
- (2) For fiscal year 2006-07, the target is 90%.
- (3) For fiscal year 2007-08, the target is 95%.
- (4) For fiscal year 2008-09, the target is 97%.
- (5) For fiscal year 2009-10, the target is 97%.
- (6) For fiscal year 2010-11, the target is 97%.
- (7) For fiscal year 2011-12, the target is 97%.
- (8) For fiscal year 2012-13, the target is 97%.
- (9) For fiscal years 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18, the target is 97%.
- (10) For fiscal year 2018-19 and succeeding years, the target is 100%. [PL 2017, c. 284, Pt. C, §18 (AMD).]

B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is 49.77%.
- (15) For fiscal year 2019-20, the target is 50.78%.
- (16) For fiscal year 2020-21, the target is 51.83%.
- (17) For fiscal year 2021-22 and subsequent fiscal years, the target is 55%. [PL 2021, c. 398, Pt. C, §1 (AMD).]

C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components

of essential programs and services plus the state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance are as follows.

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.
- (4) For fiscal year 2014-15, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17, the target is 50.82%.
- (7) For fiscal year 2017-18, the target is 52.02%.
- (8) For fiscal year 2018-19, the target is 53.37%.
- (9) For fiscal year 2019-20, and subsequent fiscal years, the target is 55%. [PL 2019, c. 616, Pt. C, §2 (AMD).]

[PL 2021, c. 398, Pt. C, §1 (AMD).]

#### SECTION HISTORY

PL 2001, c. 660, §1 (NEW). PL 2003, c. 504, §A5 (AMD). PL 2003, c. 712, §§9,10 (AMD). PL 2005, c. 2, §§D32-34 (AMD). PL 2005, c. 2, §§D72,74 (AFF). PL 2005, c. 12, §UU1 (AMD). PL 2005, c. 12, §§UU12,13,WW 18 (AFF). PL 2005, c. 397, §D3 (REV). PL 2005, c. 519, §LL1 (AMD). PL 2007, c. 240, Pt. C, §2 (AMD). PL 2007, c. 539, Pt. C, §§3, 4 (AMD). PL 2009, c. 1, Pt. C, §1 (AMD). PL 2009, c. 213, Pt. C, §§3, 4 (AMD). PL 2009, c. 571, Pt. E, §§17, 18 (AMD). PL 2011, c. 1, Pt. C, §1 (AMD). PL 2011, c. 380, Pt. C, §§1-3 (AMD). PL 2011, c. 477, Pt. C, §§1, 2 (AMD). PL 2011, c. 655, Pt. C, §§2-4 (AMD). PL 2013, c. 1, Pt. C, §§1, 2 (AMD). PL 2013, c. 368, Pt. C, §§4-8 (AMD). PL 2013, c. 581, §6 (AMD). PL 2013, c. 595, Pt. C, §§1, 2 (AMD). PL 2015, c. 267, Pt. C, §§4-7 (AMD). PL 2015, c. 267, Pt. L, §10 (AMD). PL 2015, c. 389, Pt. C, §§2-4 (AMD). PL 2015, c. 481, Pt. D, §§1, 2 (AMD). PL 2017, c. 284, Pt. C, §§14-20 (AMD). PL 2019, c. 343, Pt. C, §§1, 2 (AMD). PL 2019, c. 398, §29 (AMD). PL 2019, c. 616, Pt. C, §§1, 2 (AMD). PL 2021, c. 1, Pt. C, §1 (AMD). PL 2021, c. 29, Pt. C, §1 (AMD). PL 2021, c. 398, Pt. C, §1 (AMD). PL 2021, c. 571, §§17-20 (AMD). RR 2021, c. 2, Pt. A, §48 (COR).

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