

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

S.P. 322 - L.D. 944

**Resolve, To Review the Impact of Unfunded Education Mandates and  
Evaluate the Efficacy of Education Laws**

**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 enactment of unfunded education mandates and other provisions of federal and state education laws may result in adverse fiscal effects on school administrative units in the State, which are obligated to implement the new federal or state requirements without receiving the funding necessary to do so; and

**Whereas,** the economic consequences of the recent economic recession have reduced the amount of Federal Government and State Government revenues that are available to support the operations of public schools in the State and have affected the ability of local property taxpayers to bear the financial burden of unfunded education mandates on school administrative units in the State; and

**Whereas,** the Department of Education and the task force proposed by this resolve must begin their work as soon as possible in order to recommend legislation to repeal or modify education provisions that are archaic or unnecessary, lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit or result in adverse effects on school administrative units and career and technical regions in the State; 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

**Sec. 1. Department of Education to review unfunded education mandates. Resolved:** That the Department of Education shall conduct an analysis of the efficacy of current education laws and the impact of unfunded education mandates and other regulatory burdens on school administrative units and career and technical regions in the State. The department's analysis must include a summary of recent research and surveys conducted by state officials and pursuant to legislative studies and

education stakeholder groups, including an up-to-date list that identifies unfunded or underfunded federal or state education mandates, regulatory burdens and other education requirements that lack a significant public purpose, require a disproportionate financial effort for the intended public policy benefit, result in adverse effects on school administrative units, are found to be archaic or unnecessary or are no longer considered to be a priority with respect to the evolving public education system in the State; and be it further

**Sec. 2. Commissioner of Education to convene review committee.**

**Resolved:** That the Commissioner of Education shall convene a review committee to examine the list of unfunded education mandates, regulatory burdens and other education requirements identified under the Department of Education's analysis pursuant to section 1. The Commissioner of Education shall invite the following education stakeholder groups to appoint representatives to serve as members of the review committee:

1. The State Board of Education;
2. The Maine Education Association;
3. The Maine Principals' Association;
4. The Maine School Boards Association;
5. The Maine School Superintendents Association;
6. The Maine Association of School Business Officials;
7. The Maine Administrators of Career and Technical Education;
8. The Maine Administrators of Services for Children with Disabilities; and
9. The Maine Parent Teacher Association; and be it further

**Sec. 3. Review committee; duties. Resolved:** That the review committee convened under section 2 shall examine the analysis conducted by the Department of Education pursuant to section 1 and evaluate the items and issues contained in the list compiled by the department. The evaluation conducted by the review committee must include, but is not limited to:

1. A reexamination of the parameters established by the department in its analysis conducted pursuant to section 1;
2. An assessment of the costs and benefits of the unfunded or underfunded education mandates identified by the department;
3. An analysis of whether the mandates established education initiatives that contributed to the improvement of student performance and academic success or the prevention of dropouts, as defined in the Maine Revised Statutes, Title 20-A, section 5102, and juvenile delinquencies; and

4. A review of alternative funding mechanisms or solutions proposed or adopted in other states and jurisdictions to address the adverse effect of unfunded education mandates on public school systems.

The review committee shall amend the list identified by the department in section 1 and shall establish, by consensus, a list of priority recommendations regarding the unfunded or underfunded education mandates, regulatory burdens and other education requirements that should be repealed or amended by the Legislature; and be it further

**Sec. 4. Review committee; report. Resolved:** That the Commissioner of Education shall report the findings and conclusions of the review committee, including any proposed legislation to address the review committee's recommendations, to the Joint Standing Committee on Education and Cultural Affairs by January 10, 2014. The joint standing committee is authorized to submit a bill related to the report to the Second Regular Session of the 126th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.