

****SPECIAL AGENDA****

**SCHOOL COMMITTEE MEETING FOR MONDAY, DECEMBER 17, 2018 7:00 PM
IN THE DINGLEY CONFERENCE ROOM AT THE DINGLEY BUILDING.**

Note: A review copy of reports and materials on the general session agenda is available at the Dingley Building. Interested parties may view same during regular business hours. Copies will be available at 10 cents per page.

LEGISLATIVE WORKSHOP

BETWEEN THE

LEWISTON SCHOOL COMMITTEE

LEWISTON CITY COUNCIL

LEWISTON LEGISLATORS

1. Call meeting to order. Pledge of Allegiance.

Video Notice: *This meeting is being recorded and can be viewed on the internet from a link at www.lewistonpublicschools.org*

2. To recap legislative accomplishments and outstanding issues from previous 2 years.
3. To receive a presentation of school issues to be addressed through possible legislation.
4. To receive a presentation of city issues to be addressed through possible legislation.
5. Open discussion
6. Adjourn

Notice: *This school district will accommodate members of the public with special needs to participate fully in this meeting. Please contact Executive Assistant Suzanne Turgeon (795-4100, Ext.207) if you have such needs.*

**NEXT SCHOOL COMMITTEE MEETING
EXECUTIVE SESSION MEETING, WEDNESDAY, DECEMBER 19, 2018
7:00pm @ DINGLEY**

Information for 12/17/18 Workshop with Maine Legislators

Prepared by Bill Webster, bwebster@lewistonpublicschools.org, 751-2922

As of December 13, 2018

Legislation Titles Backed by MSBA & MSSA)		Comments on the Above by Bill Webster, Lewiston Superintendent of Schools
<i>(Note: Numbering is for reference purposes only.)</i>		
1.	<p>An Act to Align State Law with Current Practice Around Required School Attendance i.e. lowering required age from 7 to 6.</p> <p><i>[Note: Earlier efforts to lower the age to 5 have been unsuccessful, and MSBA/MSSA believes that going down to age 6 is a good first step.]</i></p>	<p>Present State law only mandates attendance starting at age 7. Because of the law, DHHS will not investigate or follow-up on any reports related to lack of school attendance before the age of 7. This situation leaves too many 7 year olds a year or more behind their peers and contributes to the future dropout rate. Many western Maine districts already have as much as 15-20% of kindergarten and first grade students being chronically absent, which is defined as missing 10% or more of school days. Research indicates that such students are less likely to read at grade level and much more likely to drop out of school in high school. (see www.attendanceworks.org)</p>
2.	<p>An Act to Create and Fund a Plan to Move CDS Services for 3-5 Year-Olds into Public Schools</p>	<p>The intent of this proposed legislation is not necessarily to mandate that CDS Services (special education services for 3-5 year olds) be transferred to public schools, but rather to ensure that any movement in this direction is appropriately funded. The issue of who should oversee special education services for 3-5 year olds is controversial in Maine. Many families have been well-served by the present set-up and are against any transfer of services to the local public school. On the other hand, public schools are increasingly dealing with enrolling 4 or 5 year-olds who should have been receiving special education services, but are not. The public schools bear the higher cost of later interventions. My understanding is that Maine is the only state in the nation where public schools do not oversee special education for 3 and 4 year olds.</p>
3.	<p>An Act to Facilitate and Fund Recommended Changes in the Delivery of Special Education Services <i>(Work done by the SPED task force will inform the bill.)</i></p>	<p>In 2017 the Legislature created the Special Education Cost Drivers Task Force. The group has met over the past year and made a number of recommendations. This draft legislation would potentially support a number of their recommendations although I have not yet seen the final report.</p>
4.	<p>An Act to Increase Starting Teacher Salaries with State Support to \$40,000</p>	<p>10 or so years ago there was a similar effort to increase starting teacher pay to \$30,000. My understanding is that the key focus of the MSBA/MSSA effort is to ensure that any salary mandate will be funded by the State of Maine for districts not yet at the \$40,000 starting pay level. Lewiston's starting pay for teachers without a master's degree is \$36,300.</p>
5.	<p>An Act to Create a Viable Plan and Funding Mechanism to Bring Broadband Service to Underserved Parts of Maine</p>	<p>The focus of this draft legislation may seem to be rural Maine, but there are also underserved areas with urban areas as well.</p>

6. An Act to Protect Student Privacy on Surveillance Videos	Recently there was a court case in Kentucky where the courts ruled that a school bus video is a public record. This draft legislation would ensure that such videos had similar privacy protections as a student's academic record.
7. An Act to Restore System Administration Allocations in Maine School Districts to the Level Prescribed in 2017-2018	In FY 2017 the allocation in the EPS formula was \$233 per student for system administration. This was whittled down, in effect, to \$138 or so per students a couple of years ago in response to the concern that Maine's school districts spend too much on administration even though this allocation was lower than any national measure. The rate was further reduced to \$92 per student in 2018-19 for districts who chose not to participate in a regional service center. Districts who are participating in regional service centers receive an additional allocation of \$46 or so per student. Under this legislation the penalty for non-participation would go away, and the extra allocation would go back into the EPS formula. There is a place for regional service centers in Maine, but penalizing districts that may already be efficient is the wrong approach. Lewiston is part of the Great Falls Regional Service Center along with Auburn, MSAD 52 and RSU 16. The four districts are participating in order not to lose subsidy, but our work has not yet resulted in any true cost saving measures. I am also very disappointed to report that the Maine Department of Education has rejected supporting our plan to fund the development of a substitute tracking and scheduling system because the service center will not be processing payroll for all four districts from day one.
8. An Act to Create a Renovation Fund to Support the Usefulness and Longevity of Public School Buildings (<i>Essentially creates a revolving renovation fund to support school maintenance.</i>)	For years Maine has had a revolving renovation fund that districts have used for renovations and upgrades of facilities. The draft legislation would potentially reinvigorate this program through the allocation of funds and broaden the definition of allowable expenditures.

Other Issues of Significance to Lewiston and likely Other Area Districts

9. Poverty is major hurdle for many Lewiston families and their children in schools. This includes housing and food insecurity and trauma and other issues that impact academic success. As a state we need to determine and provide additional social, emotional and financial supports if we are to move the needle further on graduation rates and improved workforce development.
10. Maine law that requires multiple fire drills and 1 lockdown drill per school year is outdated and needs to be more aligned with the current realities of risks to students.
11. The Maine Educational Assessment (MEA) is too time-consuming, and results are of limited use because of the months-long delay in grading. The assessment should be revamped and shortened with the focus being to assess the entire school rather than individual students.
12. There has been little change in the State's adult education subsidy over the last 10 years even as our needs have increased, particularly in work force development and in academic skills building.
13. Funding for school-based health centers has not been consistent. Steady financial support is required if providers are to retain staff and have continuity of service.

POTENTIAL LEGISLATIVE ISSUES

Revenue Sharing.

For a number of years, and particularly during and after the great recession, municipal revenue sharing funds were redirected to the State's general fund. As a result, revenue sharing is now receiving 2% of state sales and income taxes, not the statutorily required 5%. Per state projections, Lewiston will receive \$2,927,055 this year. If fully funded, that amount would increase to \$7,317,638, an increase of \$4,390,583. An additional \$4.4 million would reduce the City's property tax rate by \$2.29. We urge you to support a full restoration of revenue sharing funds in the next state budget. In addition, Maine Municipal Association will be advocating for a constitutional amendment requiring that not less than 5% of state sales and income tax revenue be distributed to municipalities on a monthly basis.

Homestead Exemption.

We recognize that there will be an effort to increase the value of the Homestead Exemption and, potentially, to also increase the municipal reimbursement percentage from 62.5%. Proponents of the homestead support it because it directly reduces the tax bills of resident homeowners. At the same time, it can have a negative effect on renters and businesses in a community to the extent that this exemption is not 100% funded by the state.

Assuming the homestead exemption remains at the current \$20,000, it reduces our property tax base by roughly \$66.9 million. After applying the 62.5% reimbursement from the state, the lost value is reduced to \$25,087,500. This non-reimbursed lost revenue resulting from reducing the city's tax base must be recovered through an increase in the tax rate. Under current law, the tax rate impact is about a 55 cent increase.

Unless the homestead exemption is 100% reimbursed, the non-homestead property owners in the community are required to pay additional taxes in order to fully reimburse the homestead.

While we support the homestead exemption and its possible expansion, we would also urge the delegation to place a priority on increasing the reimbursement rate. This would immediately provide some minor relief to non-homestead property owners since they would no longer be partially supporting the tax relief provided to those with the homestead exemption. Please keep in mind that the vast majority of Lewiston's tax base is in categories other than single family homes. We estimate that slightly more than 50% of our residents rent their dwellings. Once commercial, industrial, and vacant land is taken into consideration, properties with the homestead exemption represent less than 6% of our property tax base.

Especially in light of our high property tax rate, we support property tax relief for all of our residents and property owners.

Local Option Sales Tax.

Maine municipalities are largely reliant on the property tax to finance government services. We all recognize that this is a regressive tax that falls heavily on low and fixed income residents. Unfortunately and unlike many other states, Maine does not allow its municipalities to adopt

other forms of tax and revenue generation. We anticipate that a number of local option proposals will be advanced in the legislature this year. A 1% local sales tax in Lewiston would result in an estimated \$3,710,998 in revenue. This would represent about \$1.90 on our tax rate. Other local option or alternative revenue sources should and could be made available. A local option income tax would almost surely produce more revenue for Lewiston and share the cost of providing services to those who work in Lewiston and live elsewhere. Another area would be sharing a portion of state marijuana revenues with local communities.

MMA will be proposing legislation that would allow the local legislative body to impose a local option sales tax of not more than 1% on retail, meals, and lodging sales subject to the state sales tax.

Property Tax Relief, Seniors.

Reinstitute the state-administered, means-tested senior state tax deferral program. Up until April 1, 1991, the State's elderly property tax deferral program provided a mechanism to allow qualifying senior homeowners to defer property tax payments by having the State pay the property taxes on behalf of the homeowner. The state then places a lien on the property and recovers its outlay at the time the property is subsequently sold. There was much furor in the last session over the tax lien foreclosure process on home owners, something that rarely happens. Unlike the legislation eventually adopted last year, this proposal provides a mechanism for low income seniors to remain in their home while ensuring that the municipality receives taxes and allowing the state to recover its outlay in the future. We believe this would be a great alternative to offer homeowners who qualify.

Adult Use Marijuana Tax Revenue.

As mentioned above, we believe it is reasonable for the state to share the excise and sales tax revenues resulting from the sale of non-medical (e.g., "adult use" or "recreational") marijuana products with the host communities that have authorized the operation of related industries. We anticipate that a significant burden will be placed on local communities to license and regulate these operations and to deal with potential negative and unforeseen consequences. We are also concerned given what has happened with other state responsibilities such as alcohol enforcement and food service establishment inspections that the state will underfund its enforcement and regulatory functions devolving these responsibilities to local governments.

Utilities & Right of Way.

Unlike many jurisdictions, Maine law generally provides that companies designated as public utilities have free right of access to the public right of way. Theoretically, a portion of the space on utility poles is to be made available for municipal use for functions related to a public purpose and excluding non-police power/revenue producing purposes. In reality, this public space is often infringed on by other utilities. When a municipality then wishes to use the public space, it is required to pay "make ready" fees to cover the cost of relocating the infringing utility. Municipalities should be exempt from these fees and also should not be required to pay charges to replace utility poles. Free right of access to the public right of way is a significant benefit that creates problems for municipalities and we should receive some value for this.

Clarify the right of municipalities to assess a right of way access fee on all regulated public utilities, including the right to negotiate payment in kind. Second, broadband systems should be added to the list of publicly necessary infrastructure in the State Revenue Producing Municipal Facilities Act. While this is not a major issue for Lewiston given the range of private services available here, some communities struggle with broadband service to the extent that local governments have opted to install the required infrastructure to make it available to their residents and businesses. In these instances, the municipality generally makes the infrastructure investment and then open the “pipe” to private IP providers. Examples include Sanford, South Portland, and some of Maine’s island communities. We believe that such services are implied by the current law; however, making it explicit will ensure that the ability to do so cannot be questioned and may serve as a barricade to efforts of some private providers to advance legislation restricting such local government investments. Finally, we will soon face an explosion of small cell installations in our larger communities and high cell demand areas. As we migrate to 5G technology, provider will depend upon small cell installations placed 350 to 1,000 feet apart with up to 4 or 5 companies installing their separate systems. Even the FCC has recognized that municipalities should be able to charge installation and annual fees on such installations, and we believe Maine should enact legislation allowing municipalities to assess and collect service fees on entities that locate their facilities in the municipal right of way.

County Jail Funding.

Issues surrounding county jail funding have been before the legislature repeatedly in recent years with no consensus on a long-term solution. What is clear, however, has been a tendency to transfer additional costs onto municipalities and to kick the can down the road. It’s time for a permanent solution that protects the property tax payer.

County Inmate Healthcare Costs.

A bill will be introduced that clarifies existing law allowing Medicaid eligibility for incarcerated individuals and establishing a mechanism to make sure individuals who are eligible for such coverage are able to apply and renew their limited coverage while they are incarcerated.

Opioids.

The opioid epidemic in Maine continues, with deaths in 2018 occurring at a record setting pace. Local police units do not have the resources to adequately care for individuals suffering from substance use disorder. They require treatment, but there are few treatment spaces available and most individuals end up in jail and fail to receive the treatment they need. Maine needs to do much more.

Several communities began innovative diversion projects in 2016 under a state funded pilot program, but the state has not continued funding them. Those projects, which varied from connecting individuals with treatment rather than charging them with a crime to hiring case managers to work with those with substance use disorder, showed promising results. For example, Biddeford/Saco share the services of a case manager who works with those impacted by substance use disorder, and they are much more likely to manage their disorder now that this help was available. Other programs assign case workers to reach out and visit all overdose victims and try to work with them to enter treatment. In addition to state-wide funding for

opioid efforts, we support the continuation of grant programs to support local programs designed to meet local needs and to assist in exploring creative ways to address this problem.

Sober Houses.

Maine has seen a proliferation of sober houses designed to provide safe living spaces for those struggling to remain opioid free. These operations, however, are unregulated as recently reported by the Bangor Daily News. As a result, these operations are susceptible to abuse. In addition, the city generally relies upon state regulation of group homes when it comes to our zoning and ADA accommodation policies. We believe the state should evaluate the need for regulation of these operations.

Public Transportation.

Maine currently does many things right with the respect to public transportation. Maine DOT makes creative and efficient use of federal funds, we have a group of regional providers who serve every corner of the state, and we offer fixed route bus service in our major communities; but we fall far short of meeting the transportation needs of Maine people.

Maine DOT's 2025 Transit Strategic Plan determined Maine fails to meet even the modest goal of providing 20% of the needed rides for those without access to a vehicle. The Plan estimates it will cost \$14 million a year just to get to the 20% goal.

Unfortunately, Maine only invests \$1.5 million a year of state funds into public transportation. We can and must do more to meet the needs of Maine people.

911 System Requirements and Technology Upgrades.

The state continually places additional mandates on our 911 System. Beginning with a mandated medical protocol, we have now seen a required system for handling fire calls and will soon see another for police. All of these mandates carry costs with them, including the need to cover employee training time with overtime. In addition, LA's 911 technology is outdated and must be replaced at a cost in excess of \$6 million. Recently, the state placed a cap on the 911 surcharge that it can collect and there has been discussion of lowering it. We would urge our delegation to evaluate this and seek ways that some of these funds could be used to offset capital and training costs for these systems. Alternatively, some states have allowed communications surcharges to be added at the local level to offset these costs. Absent this, the cost will, once again, fall to the property tax.

Municipal Infrastructure.

Maine communities know they must continually upgrade their infrastructure to attract and keep businesses. Infrastructure is essential to Maine's economic health. The state should develop a thoughtful infrastructure plan that utilizes Maine's bond capacity and other resources to achieve its goals. These must include maintaining the transportation network, upgrading wastewater systems that now have a \$1 billion unmet need, higher education facilities, broadband, and downtown revitalization, especially along riverfronts/waterfronts.

Workforce Development

Maine businesses, like their counterparts around the country, are clamoring for more skilled workers. One way for Maine to compete nationally is to develop the skilled workers in demand in the 21st century economy. This will require support for more Career and Technical Education (CTE) programs within the K-12 system and supporting the growth of programs in high demand fields as varied as machinists and engineers in the Community College and University Systems. In addition, we have a potential source of workers in our immigrant and refugee community if adequate job and language training is available. The City has embarked on efforts in this area, but local funds are limited. State support could address both employer needs and produce income and economic opportunity for this segment of our population.

Lead

We applaud the legislature for its efforts to establish a state fund to address lead remediation and urge your support for additional funding. We estimate that the total cost of bringing our multi-family housing stock up to lead free or lead safe standards will be in the range of \$60 to \$70 million dollars. If individual property owners are forced to bear this cost alone, it would likely lead to additional abandonment and demolitions, often at municipal cost. In addition, the Lead Poisoning Control Act (M.R.S.A Title 22, Subtitle 2, Part 3, Chapter 252, Section 1321) requires that a notice be conspicuously posted in buildings where an environmental lead hazard exists and prohibits removing the notice. It also requires any owner selling such a building to notify the prospective buyer of the hazard. We are aware of at least one situation in Lewiston where the notice was removed, the seller failed to disclose, and the purchaser was required to bear the cost of remediation. We suggest that the Act be amended to require the state to file a copy of the lead hazard notice in the registry of deeds and a subsequent notice of clearance once the hazard has been abated.