

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1692, L.D. 2342, Bill, "An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 5 MRSA §4576 is enacted to read:

§4576. Gender equity in school administrative positions

The commission shall promote gender equity in the hiring of public school administrators in cooperation with the Commissioner of Educational and Cultural Services and investigate all human rights complaints associated with the public school system.

The commission shall report annually on or before March 1st to the Governor, the Legislative Council and the joint standing committee of the Legislature having jurisdiction over educational matters on the status of efforts to promote gender equity in the public school system with an analysis and any recommendations the commission determines necessary. The report must include a summary of all information reported to the commission under Title 20-A, section 1001, subsection 14.

Sec. 2. 20-A MRSA §6 is enacted to read:

§6. Gender equity hearings

Beginning in 1991 and in each odd-numbered year thereafter, the joint standing committee of the Legislature having jurisdiction over educational matters shall hold biennial hearings on or before March 15th on the status of women in public school administration. The committee shall solicit testimony from all public and private educational organizations on the progress in providing support to women and in advancing the efforts of women to achieve administrative positions.

2 **Sec. 3. 20-A MRSA §254, sub-§§8 to 10** are enacted to read:

4 8. Model hiring procedure. By January 1, 1991, the
6 commissioner, in collaboration with organizations representing
8 school boards, school administrators, teachers, the Maine
10 Commission on Women and other interested parties, shall develop a
12 model hiring procedure for school administrators. The counsel
14 for the Maine Human Rights Commission appointed under Title 5,
16 section 4566, subsection 3, shall review the model hiring
18 procedure.

20 9. Statewide goal. The commissioner, in cooperation with
22 organizations representing school boards, school administrators,
24 teachers, the Maine Commission on Women and other interested
26 parties, shall set a statewide target goal for the 5 years
28 following the effective date of this subsection for the
30 employment of women in positions requiring administrator
32 certification. The commissioner shall review and update the
34 target goal after 2 years and 4 years.

36 10. Gender equity. The commissioner shall provide
38 technical assistance in the area of gender equity to school
40 administrative units, monitor progress in attaining the goal
42 established under subsection 9, promote communication between
44 professional groups concerning gender equity and initiate program
46 development in the area of gender equity.

48 **Sec. 4. 20-A MRSA §256, sub-§1**, as amended by PL 1987, c. 395,
50 Pt. A, §46, is further amended to read:

52 **1. Report to Governor and Legislature.** The commissioner
shall prepare and deliver to the Governor and Legislature an
annual report on the status of public education in the State,
including any suggestions and recommendations to improve public
education and including the reporting requirements of section
13506, subsection 3-A. This annual report shall must also include
a description of the activities and accomplishments of the state
board.

The commissioner shall include in the annual report a listing of
requests by school districts for affirmative action workshops and
an assessment of the department's ability to meet past and
projected demand for in-service training related to affirmative
action or gender equity.

The commissioner may be invited by the Speaker of the House of
Representatives and the President of the Senate annually, in
January, to appear before a joint session of the Legislature to
address the Legislature on the status of public education in the
State and such related matters as the commissioner desires to
bring to the Legislature's attention.

2 **Sec. 5. 20-A MRSA §256, sub-§7** is enacted to read:

4 **7. Women in administration; data; report.** The commissioner
6 shall compile data annually on the number of women holding
8 administrative positions requiring certification and shall report
10 the data annually, on or before January 1st, to the Maine Human
12 Rights Commission and the joint standing committee of the
14 Legislature having jurisdiction over educational matters.

16 **Sec. 6. 20-A MRSA §1001, sub-§§13 and 14** are enacted to read:

18 **13. Nondiscriminatory hiring.** They shall develop a
20 nondiscriminatory hiring practice for positions requiring
22 administrator certification. That hiring practice must include:

24 **A. Creation or reassessment of job descriptions;**

26 **B. Clearly stated criteria for positions; and**

28 **C. An interview format that includes questions based on job**
30 **descriptions and stated criteria.**

32 **14. Hiring practices report.** They shall submit a report of
34 the hiring of superintendents, assistant superintendents,
36 principals and assistant principals to the Maine Human Rights
38 Commission for review by January 1st of each year. The report
40 must contain the qualifications and gender of all persons hired
42 for these positions in the previous calendar year and the
44 qualifications, certifications and gender of all unsuccessful
46 candidates who met, without waiver, the locally established
48 standards for the positions. A school administrative unit shall
50 retain for at least 3 years the files of all candidates included
 in the report.

Sec. 7. 20-A MRSA §4502, sub-§4-A is enacted to read:

4-A. Affirmative action plan. Each school administrative
 unit shall develop an affirmative action plan in accordance with
 Title 5, chapter 65 as part of the school approval process and
 update this plan annually as necessary. The affirmative action
 plan must include a description of the status of the unit's
 nondiscriminatory hiring practice provided in section 1001,
 subsection 13, plans for in-service training programs on gender
 equity for teachers, administrators and school boards, and a plan
 for meeting the 5-year goal established under section 254,
 subsection 9. The unit shall submit any update of the plan
 annually to the commissioner.

Sec. 8. 20-A MRSA §13011, sub-§6 is enacted to read:

2 6. Alternative certification. The state board and the
3 commissioner shall promote existing alternative certification
4 requirements and procedures for administrator certifications and
5 make changes necessary to facilitate this process. The state
6 board and the commissioner shall test and evaluate this
7 alternative certification process and other alternative methods
8 of certification and report their findings to the joint standing
9 committee of the Legislature having jurisdiction over educational
10 matters on or before January 1, 1992.

11 **Sec. 9. 20-A MRSA §13019-A, sub-§1, ¶D,** as enacted by PL 1985,
12 c. 287, §5, is amended to read:

13 D. A basic level of knowledge in the following areas:

- 14 (1) Community relations;
- 15 (2) School finance and budget;
- 16 (3) Supervision and evaluation of personnel;
- 17 (4) Federal and state civil rights and education laws;
- 18 (5) Organizational theory and planning;
- 19 (6) Educational leadership;
- 20 (7) Educational philosophy and theory;
- 21 (8) Effective instruction;
- 22 (9) Curriculum development;
- 23 (10) Staff development; and
- 24 (11) Cultural differences and discriminatory and
25 nondiscriminatory hiring practices; and
26 ~~(11)~~ (12) Other competency areas as determined by
27 state board rule; and

28 **Sec. 10. 20-A MRSA §13019-B, sub-§1, ¶C,** as enacted by PL
29 1985, c. 287, §5, is amended to read:

30 C. A basic level of knowledge in the following areas:

- 31 (1) Community relations;
- 32 (2) School finance and budget;
- 33 (3) Supervision and evaluation of personnel;

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- (4) Federal and state civil rights and education laws;
- (5) Organizational theory and planning;
- (6) Educational leadership;
- (7) Educational philosophy and theory;
- (8) Effective instruction;
- (9) Curriculum development;
- (10) Staff development; and
- (11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and
- ~~(11)~~ (12) Other competency areas as determined by state board rule; and

Sec. 11. Study of incentive programs. The State Board of Education and the Commissioner of Educational and Cultural Services shall conduct a study and recommend to the 115th Legislature a program to establish and partially fund local internships in educational administration. These internships must be specifically aimed at providing an opportunity for women in the positions of assistant principal, principal and assistant superintendent. The state board and the commissioner shall design the program so that individuals who apply are selected for participation by school administrative units on a competitive basis. The state board and the commissioner shall design the program to enhance each participating unit's compliance with each unit's affirmative action plan. The state board and the commissioner shall recommend an appropriate level of funding for the program.

Sec. 12. Report on staffing needs. The Commissioner of Educational and Cultural Services shall report to the 115th Legislature on the level of additional staffing necessary to implement this Act.

Sec. 13. University of Maine System study of gender equity curriculum. The Trustees of the University of Maine System shall study and report to the 115th Legislature and the Joint Standing Committee on Education on:

- 1. How the University of Maine System, in cooperation with the Department of Educational and Cultural Services and the Maine Human Rights Commission, will address the recommendations of the Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System; and

2 2. How the University of Maine System will develop and
3 implement a curriculum on cultural differences that is a
4 requirement of program certification.

5 The University of Maine System, through its undergraduate and
6 graduate programs in the College of Education, shall include the
7 study of gender equity and cultural differences. The University
8 of Maine System shall support its campuses in the delivery of
9 this curriculum.

10 **Sec. 14. Appropriation.** The following funds are appropriated
11 from the General Fund to carry out the purpose of this Act.

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13
14 **1990-91**

15 **MAINE HUMAN RIGHTS COMMISSION**

16 **Human Rights Commission - Regulation**

17	Positions	(1)
18	Personal Services	\$25,926
19	All Other	4,150
20	Capital Expenditures	644

21 Provides funds for a field investigator to
22 investigate complaints, promote gender
23 equity, review records regarding hiring
24 practices as well as related costs, and
25 prepare a report to fulfill the provisions
26 of this Act.

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31 **MAINE HUMAN RIGHTS COMMISSION**
32 **TOTAL** \$30,720

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35 **FISCAL NOTE**

36 This bill appropriates \$30,720 from the General Fund in
37 fiscal year 1990-91 for one field investigator at the Maine Human
38 Rights Commission to promote gender equity in the hiring of
39 public school administrators.

40
41 The Department of Educational and Cultural Services will
42 also incur some additional costs in fiscal year 1990-91 to
43 develop and disseminate a model hiring procedure, to include
44 additional information in its annual report, and to promote
45 alternative administrator certification requirements and
46 procedures. The department will be able to absorb these costs
47 within existing budgeted resources. However, the department may
48 require future additional General Fund appropriations to meet the
49

2 demand for in-service training related to affirmative action or
gender equity. The demand can not be estimated at this time, but
4 an assessment of the department's ability to meet projected needs
in the area will be included in the commissioner's annual report
to the First Regular Session of the 115th Legislature.

6
8 The University of Maine System will also incur additional
costs to conduct a study of gender curriculum and report to the
115th Legislature. These costs can be absorbed within the
10 University of Maine System's existing budgeted resources.'

12
14 **STATEMENT OF FACT**

16 This amendment makes several technical changes to clarify
the intent and carry out the purpose of the original bill. The
amendment also adds a fiscal note and an appropriation section to
18 provide for the additional staffing needs of the Maine Human
Rights Commission.

Reported by the Committee on Education
Reproduced and distributed under the direction of the Clerk of the
House
3/22/90 (Filing No. H-974)