

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 930, L.D. 2359, Bill, "An Act Relating to Restructuring Maine Public Schools"

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. 20-A MRSA §6 is enacted to read:

§6. Restructuring Maine public schools

The commissioner shall encourage school administrative units to pursue an ongoing process of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students. The public and private postsecondary institutions of higher education in the State are urged to cooperate with the department, the State Board of Education and school administrative units to provide appropriate and timely professional development programs and other support services to educators employed in public schools engaged in school restructuring efforts.

1. Definition. For the purposes of this section, the term "school restructuring" means the process by which schools make significant changes in the existing school structure, including the policies, roles and relationships that influence school programs. School restructuring, initiated at the local level, includes community and educator support and approval and student participation. School restructuring is based on:

A. The development of comprehensive goals prescribing what all students should know, the skills they should possess and the attitudes they should hold upon completing school;

2 B. A formal appraisal of the basic structures that govern
3 operation of the school; and

4
5 C. A commitment to revise the basic school structure to
6 achieve the comprehensive goals.

7 School restructuring includes consideration of changing roles for
8 parents, students, teachers, administrators and postsecondary
9 education officials.

10
11 2. Waiver of rules for local schools. School
12 administrative units undergoing school restructuring may request
13 that the commissioner waive the application of specific rules to
14 that unit, or to certain schools in that unit, if such action is
15 necessary to achieve school restructuring. The commissioner
16 shall grant a waiver if the requesting unit, as determined by the
17 commissioner, has:

18
19 A. Demonstrated that one or more state rules prevent or
20 seriously handicap the unit's pursuit of its restructuring
21 goals;

22
23 B. Demonstrated that reasonable steps have been taken to
24 provide the safeguards offered by the rule in question to
25 allow continued educational progress by students and protect
26 the continuity and integrity of the unit and employees of
27 that unit;

28
29 C. Provided evidence that the necessary resources and
30 community and staff support are present to ensure that the
31 restructuring changes requiring the waiver stand a
32 reasonable chance of succeeding;

33 D. Informed any bargaining agent or agents representing
34 affected school employees of the waiver request; and

35 E. Established a working relationship regarding
36 professional development with an institution of higher
37 education or professional development service provider.

38 The request for the waiver must include documentation to
39 substantiate the conditions of this subsection. If the request
40 is denied, the commissioner shall provide the reasons for denying
41 the request to the school unit.

42
43 3. Waiver of rules for educator preparation programs. In
44 order to prepare educators to work in restructuring schools,
45 educator preparation programs may request that the State Board of
46 Education waive the application of specific rules governing
47 approval of that program. The State Board of Education shall
48 grant waiver requests if, in the board's opinion, the program has:

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2 A. Demonstrated that the rule for which a waiver is
4 requested prevents or seriously handicaps the pursuit of the
program's restructuring plan;

6 B. Demonstrated that reasonable steps have been taken to
8 provide the safeguards offered by the rule in question to
10 allow continued educational progress by students and protect
the continuity and integrity of the program and employees of
that program;

12 C. Provided evidence that the necessary resources and
14 support from the institution of higher education's governing
16 body and staff are present to ensure that the restructuring
changes requiring the waiver stand a reasonable chance of
succeeding;

18 D. Informed any bargaining agent or agents representing
20 affected program employees of the waiver request; and

22 E. Developed service, research, and teaching relationships
with one or more restructuring public schools.

24 The request for the waiver must include documentation to
26 substantiate the conditions of this subsection. If the request
is denied, the State Board of Education shall communicate the
28 reasons for denying the request to the petitioning program.

30 **Sec. 2. 20-A MRSA §10902, sub-§17, as repealed and replaced by**
PL 1987, c. 402, Pt. A, §121, is amended to read:

32 **17. Uniform course descriptions.** To provide for a uniform
34 system of course descriptions for equivalent courses between the
various units of the University of Maine System; and

36 **Sec. 3. 20-A MRSA §10902, sub-§18, as enacted by PL 1983, c.**
38 **806, §80, is amended to read:**

40 **18. Aid to Families with Dependent Children recipients.** To
develop programs with the goal of enabling recipients of Aid to
42 Families with Dependent Children to achieve educational and skill
levels that will assist them to compete for employment which that
44 can eliminate their dependency on public assistance; and

46 **Sec. 4. 20-A MRSA §10902, sub-§19 is enacted to read:**

48 19. Public school restructuring. To encourage the public
and private postsecondary education institutions in the State to
48 cooperate with the Commissioner of Educational and Cultural
Services, the State Board of Education and school administrative
50 units to provide appropriate and timely professional development

2 programs and other support services to educators in public
schools engaged in school restructuring efforts.

4 **Sec. 5. Assessment and report.** The Department of Educational
6 and Cultural Services and the State Board of Education shall
8 report in writing to the Joint Standing Committee on Education
10 and the Office of the Executive Director of the Legislative
12 Council by December 1, 1991, on the status of school
14 restructuring efforts. The report must include a summary of the
16 number of schools participating in restructuring programs, a
description of the types of restructuring programs, the number of
school and educator program approval waivers requested and
granted, a listing of the specific rules for which waivers were
requested and an assessment of the barriers to school
restructuring, including recommendations on how those barriers
may be addressed.

18 **FISCAL NOTE**

20 The Department of Educational and Cultural Services will
22 incur some additional costs to encourage school restructuring and
24 to assess and report on the status of school restructuring
26 efforts. These additional costs can be absorbed within the
existing budgeted resources of the department. This bill may
also indirectly affect expenditures by local school units and,
consequently, General Purpose Aid for Local Schools. However,
this effect can not be determined.'

30 **STATEMENT OF FACT**

32 This amendment replaces the original bill. The amendment
34 describes the importance of school restructuring, clarifies the
36 definition of that term, calls for coordination and cooperation
among various educational and community groups in establishing
38 local school restructuring efforts and clarifies the process by
which waiver of existing rules may be used to encourage school
restructuring.

40 Most of the structures under which schools operate, for
42 example, arrangement of the school day, organization of students
into grade levels, standard class size and traditional
44 teacher-administrator relationships, have not changed since the
19th century. In order to provide all students with better
46 learning opportunities, these structures are currently being
reexamined. Educators and communities are seeking alternative
structures for schools. The first purpose of this amendment is
48 to provide a statement of state policy-level support for current
local restructuring efforts and to stimulate future efforts.

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52 The 2nd purpose of this amendment is to permit, with certain
specific limitations, the Commissioner of Educational and

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2 Cultural Services to waive the application of departmental
3 rules. Exemptions will be granted in certain circumstances to
4 local school administrative units that have demonstrated that
5 they are engaged in a significant school restructuring effort and
6 that suspension of existing rules is necessary to permit putting
7 new school structures in place. The purpose of all school
8 restructuring efforts is to enhance the learning opportunities of
9 all students. Currently, waivers are permitted on a hardship
10 basis when schools are unable to comply with existing rules and
11 are viewed in a negative light. Schools must prove inability to
12 comply with minimum state standards and, for that reason, are
13 often reluctant to seek a waiver. If schools choose to seek a
14 waiver, they are often viewed as substandard. The waivers
15 provided in this amendment are tightly prescribed, temporary in
16 nature and granted for a positive reason: to enable schools to
17 restructure, providing better educational opportunities for
18 students. The amendment also permits the State Board of
19 Education to waive, in certain limited circumstances, applicable
20 program approval requirements for educator preparation programs
21 so that training programs are able to produce educators who meet
22 the requirements of restructuring schools.

23
24 The 3rd reason for this amendment is to encourage the
25 cooperation necessary for restructuring of schools to work
26 effectively. To be successful, there must be understanding and
27 agreement among all parties and on all educational levels in
28 school restructuring efforts. At the local level, it is
29 necessary for school boards, administrators, teachers and the
30 community to support restructuring efforts. At the state level,
31 it is important that the department, the State Board of
32 Education, the University of Maine System and other postsecondary
33 educational institutions act consistently.

34 The amendment also directs the Commissioner of Educational
35 and Cultural Services and the State Board of Education to assess
36 the impact of school restructuring efforts and to report to the
37 Joint Standing Committee on Education by December 1, 1991.
38

Reported by Senator Estes for the Committee on Education.
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