

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 852

S.P. 314

Received by the Secretary, February 26, 1991

Submitted by the Department of Education pursuant to Joint Rule 24.
Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

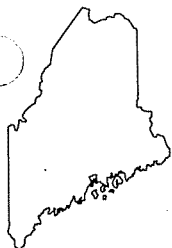
Presented by Senator COLLINS of Aroostook
Cosponsored by Senator ESTES of York, Representative CROWLEY of Stockton Springs
and Representative NORTON of Winthrop.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Relating to Restructuring Maine Schools.

Printed on recycled paper



Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 20-A MRSA §7 is enacted to read:

6 §7. Restructuring Maine public schools

8 The commissioner shall encourage school administrative units
10 to pursue an ongoing process of school restructuring as a means
12 of more effectively meeting the learning needs and improving the
14 academic performance of all students. The public and private
16 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.

18 1. Definition. For purposes of this section, the term
20 "school restructuring" means the process by which schools make
22 significant changes in the existing school structure, including
24 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:

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

30 B. A formal appraisal of the basic structures that govern
32 operation of the school; and

34 C. A commitment to revise the basic school structure to
achieve the comprehensive goals.

36 School restructuring includes consideration of changing roles for
38 parents, students, teachers, administrators and postsecondary
education officials.

40 2. Waiver of rules for local schools. School
42 administrative units undergoing school restructuring may request
44 that the commissioner waive the application of specific rules to
46 that unit, or to certain schools in that unit, if such action is
necessary to achieve school restructuring. The commissioner
shall grant a waiver if the requesting unit, as determined by the
commissioner, has:

48 A. Demonstrated that one or more state rules prevent or
50 seriously handicap the unit's pursuit of its restructuring
goals;

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

12 C. Provided evidence that the necessary resources and
14 community and staff support are present to ensure that the
16 restructuring changes requiring the waiver stand a
18 reasonable chance of succeeding;

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

24 E. Established a working relationship regarding
26 professional development with an institution of higher
28 education or a professional development service provider.

30 The request for the waiver must include documentation to
32 substantiate the conditions of this subsection. If the request
34 is denied, the commissioner shall provide the reasons for denying
36 the request to the school unit.

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

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

58 B. Demonstrated that reasonable steps have been taken to
60 provide the safeguards offered by the rule in question to
62 allow continued educational progress by students and protect
64 the continuity and integrity of the program and employees of
66 that program;

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

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

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

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

6
7 **Sec. 2. 20-A MRSA §201, sub-§2, as amended by PL 1989, c. 700,**
8 **Pt. B, §6, is further amended to read:**

9
10 **2. Interrelation with other programs.** Interrelate public
11 education with other social, economic, physical and governmental
12 activities, programs and services; and

13
14 **Sec. 3. 20-A MRSA §201, sub-§4, as amended by PL 1989, c. 700,**
15 **Pt. B, §8, is further amended to read:**

16
17 **4. Advancement of education.** Encourage and stimulate
18 public interest in the advancement of education; and

19
20 **Sec. 4. 20-A MRSA §201, sub-§6 is enacted to read:**

21
22 **6. Public school restructuring.** Encourage the public and
23 private postsecondary education institutions in the State to
24 cooperate with the Commissioner of Education, the State Board of
25 Education and school administrative units to provide appropriate
26 and timely professional development programs and other support
27 services to educators in public schools engaged in school
28 restructuring efforts.

29
30 **Sec. 5. Assessment and report.** The Department of Education and
31 the State Board of Education shall report in writing to the Joint
32 Standing Committee on Education and the Office of the Executive
33 Director of the Legislative Council by December 1, 1992 on the
34 status of school restructuring efforts. The report must include
35 a summary of the number of schools participating in restructuring
36 programs, a description of the types of restructuring programs,
37 the number of school and educator program approval waivers
38 requested and granted, a listing of the specific rules for which
39 waivers were requested and an assessment of the barriers to
40 school restructuring, including recommendations on how those
41 barriers may be addressed.

42
43
44 **STATEMENT OF FACT**

45
46 The purpose of this bill is to stimulate school
47 restructuring in order to enhance the learning opportunities of
48 students. The bill defines "school restructuring," encourages
49 the coordination and cooperation among various educational and
50 community groups in establishing local school restructuring
51 efforts and clarifies the process by which waiver of existing
52 rules may be used to encourage school restructuring.

2 Currently, waivers are permitted on a hardship basis when
3 schools are unable to comply with existing rules. Schools must
4 provide proof of inability to comply with minimum state standards
5 and, for that reason, are often reluctant to seek a waiver. The
6 bill permits the Commissioner of Education to waive the
7 application of departmental rules under certain other specified
8 conditions. Exemptions may be granted to local school
9 administrative units that demonstrate that they are engaged in a
10 significant school restructuring effort and that suspension of
11 existing rules is necessary to permit putting new school
12 structures in place. The bill also permits the State Board of
13 Education to waive, in certain limited circumstances, applicable
14 program approval requirements for educator preparation programs
15 so that training programs are able to produce educators who meet
16 the requirements of restructuring schools.

18 The bill also directs the Commissioner of Education and the
19 State Board of Education to assess the impact of school
20 restructuring efforts and to report to the Joint Standing
21 Committee on Education and the Office of the Executive Director
22 of the Legislative Council by December 1, 1992.