

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1189

S.P. 445

In Senate, March 21, 1991

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 ESTES of York

Cosponsored by Representative CROWLEY of Stockton Springs, Representative NORTON of Winthrop and Representative HANDY of Lewiston.

STATE OF MAINE

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

An Act Relating to Restructuring the Public Schools.



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 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 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 the 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. A school
42 administrative unit 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 rules 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, an
42 educator preparation program may request that the state board
44 wave the application of specific rules governing approval of
46 that program. The state board shall grant waiver requests if, in
48 the board's opinion, the program has:

50 A. Demonstrated that the rules for which a waiver is
52 requested prevent or seriously handicap the pursuit of the
54 program's plan;

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

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

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

78 E. Developed service, research and teaching relationships
80 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 shall communicate the reasons for
5 denying the request to the petitioning program.

6 Sec. 2. 20-A MRSA §10902, sub-§17, as repealed and replaced by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

8
9 17. **Uniform course descriptions.** To provide for a uniform
10 system of course descriptions for equivalent courses between the
11 various units of the University of Maine System; and

12
13 Sec. 3. 20-A MRSA §10902, sub-§18, as enacted by PL 1983, c.
14 806, §80, is amended to read:

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

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

22
23 19. **Public school restructuring.** To encourage the public
24 and private postsecondary education institutions in the State to
25 cooperate with the commissioner, the state board and school
26 administrative units to provide appropriate and timely
27 professional development programs and other support services to
28 educators in public schools engaged in school restructuring
29 efforts.

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

43 44 45 STATEMENT OF FACT

46
47 This bill describes the importance of school restructuring,
48 clarifies the definition of that term, calls for coordination and
49 cooperation among various educational and community groups in
50 establishing local school restructuring efforts and clarifies the

2 process by which waiver of existing rules may be used to
encourage school restructuring.

4 The first purpose of this bill is to provide a statement of
state support for current local restructuring efforts and to
6 stimulate future efforts.

8 The 2nd purpose of this bill is to permit, with certain
specific limitations, the Commissioner of Education to waive the
10 application of departmental rules. Exemptions will be granted in
certain circumstances to local school administrative units that
12 have demonstrated that they are engaged in significant school
restructuring efforts and that suspension of existing rules is
14 necessary to permit putting new school structures in place. The
bill also permits the State Board of Education to waive, in
16 certain limited circumstances, applicable program approval
requirements for educator preparation programs so that training
18 programs produce educators who are capable in restructuring
schools.

20 The 3rd purpose of this bill is to encourage the cooperation
necessary for the restructuring of schools to work effectively.
22 At the local level, it is necessary for school boards,
24 administrators, teachers and the community to support
restructuring efforts. At the state level, it is important that
26 the Department of Education, the State Board of Education, the
University of Maine System and other postsecondary educational
28 institutions act consistently.

30 The bill also directs the Commissioner of Education and the
State Board of Education to assess the impact of school
32 restructuring efforts and to report to the Joint Standing
Committee on Education by December 1, 1992.