

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1124

H.P. 807

House of Representatives, March 30, 1995

An Act to Establish the Education Reform Act of 1995.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Representatives: BENEDIKT of Brunswick, BRENNAN of Portland,
CHARTRAND of Rockland, KEANE of Old Town, KERR of Old Orchard Beach, LEMAIRE
of Lewiston, MORRISON of Bangor, O'GARA of Westbrook, POVICH of Ellsworth,
SIROIS of Caribou, TOWNSEND of Portland, TRUMAN of Biddeford, Senators: CAREY of
Kennebec, RUHLIN of Penobscot.

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

2
4 **Sec. 1. 20-A MRSA §§9 and 10** are enacted to read:

6 **§9. Education Coordinating Committee**

8 The Education Coordinating Committee, referred to in this
10 chapter as the "committees," is established to promote
12 efficiency, cooperative effort and strategic planning between the
14 Department of Education, the State Board of Education, the
16 University of Maine System, the Maine Technical College System
18 and the Maine Maritime Academy. The committee consists of the
20 Commissioner of Education, the Chair of the State Board of
22 Education, the Chancellor of the University of Maine System, the
24 Chair of the Board of Trustees of the University of Maine System,
26 the President of the Maine Technical College System, the Chair of
28 the Board of Trustees of the Maine Technical College System, the
30 President of the Maine Maritime Academy and the Chair of the
32 Board of Trustees of the Maine Maritime Academy.

34 The committee shall meet at least 2 times each year. The
36 commissioner shall convene the first meeting of the committee by
38 October 15, 1995. The committee shall elect a chair from among
40 its members to serve for a term to be determined by the
42 committee. The committee shall report on its deliberations and
44 any recommendations to the Governor and the joint standing
46 committee of the Legislature having jurisdiction over education
48 matters by February 15th each year.

30 **§10. Education Research Institute**

32 The Education Research Institute, referred to in this
34 section as the "institute," is established to collect and analyze
36 education information and perform targeted education research for
38 the Legislature. The institute shall create and maintain an
40 education information system that tracks important education data
42 for kindergarten and grades one to 12. The institute shall also
44 conduct targeted education research at the request of the
46 Legislature.

48 1. Legislature to direct institute. The Legislature,
42 through the joint standing committee of the Legislature having
44 jurisdiction over education matters, shall direct the institute.
46 The Legislature may appoint a University of Maine System employee
48 to serve as Director of the Education Research Institute. The
42 director shall consult with and act on behalf of the Legislature,
44 performing such data collection, analysis and research as the
46 Legislature may require.

2 2. Steering committee. The Education Research Institute
3 Steering Committee, referred to in this section as the "steering
4 committee," is established to advise the Legislature and the
5 Director of the Education Research Institute on all matters
6 related to the institute. Steering committee members must be
7 appointed by the joint standing committee of the Legislature
8 having jurisdiction over education matters for a term of 2
9 years. The steering committee shall meet at least 4 times each
10 year and must include, but is not limited to, at least one member
11 of the following:

12 A. The joint standing committee of the Legislature having
13 jurisdiction over education matters;

14 B. The Department of Education;

15 C. The State Board of Education;

16 D. The University of Maine System;

17 E. The Maine School Management Association;

18 F. The Maine Education Association;

19 G. The Maine Municipal Association; and

20 H. The Maine Principals Association.

21 A member of the joint standing committee of the Legislature
22 having jurisdiction over education matters shall serve as Chair
23 of the Education Research Institute Steering Committee. The
24 chair shall serve for a 2-year term.

25 3. Location and access. The education information system
26 and research results must be maintained by the Director of the
27 Education Research Institute at the University of Maine System.
28 The education information system and research results must be
29 available for use by any interested group or individual. The
30 institute shall charge a fee for use equal to the cost of
31 providing documents, data tapes or other material.

32 Sec. 2. 20-A MRS §254, sub-§11 is enacted to read:

33 11. Social services in schools. The commissioner shall
34 work to promote interdepartmental cooperation in providing social
35 services to students in kindergarten and grades one to 12. The
36 commissioner shall encourage school boards to work with social
37 service providers through a variety of service delivery models to
38 meet students' social service needs. The commissioner shall
39 report on the result of this effort to the joint standing
40 committee.

committee of the Legislature having jurisdiction over education matters by February 1, 1996, and every 2 years thereafter.

Sec. 3. 20-A MRSA §401, first ¶, as amended by PL 1989, c. 503, Pt. B, §72, is further amended to read:

The State Board of Education is established by Title 5, section 12004-C, subsection 1. The state board is designated as the State's policy leader for all matters related to the education of children from preschool through high school and as the chief advocate for public schools, kindergarten and grades one to 12. The state board shall fulfill its responsibilities, powers and duties in partnership and in consultation with the department. The State Board of Education shall--be is an autonomous body and shall maintain an office in Augusta. The appointments, terms and expenses of the State Board of Education members shall-be are as follows.

Sec. 4. 20-A MRSA §401, sub-§1. as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. **Appointment.** The state board shall consist of 9 15 members who shall--be are appointed by the Governor. Each appointment shall must be subject to review by the joint standing committee having jurisdiction over education matters and to confirmation by the Legislature.

Sec. 5. 20-A MRSA §401, sub-§5, as enacted by PL 1987, c. 851, §5, is amended to read:

5. **Assistance.** The department shall provide staff assistance to the state board in carrying out its functions. The state board shall employ one full-time professional to conduct research, provide policy analysis, advise on technical matters and perform other professional functions required by the state board.

Sec. 6. 20-A MRSA §402, sub-§2, as amended by PL 1987, c. 395, Pt. A, §48, is further amended to read:

2. **Meetings.** Meetings of the state board shall must be held ~~at least quarterly~~ at least once each month on call of the ~~chairman~~ chair or the commissioner on 5 days' written notice to members. If both the ~~chairman~~ chair and commissioner are absent, or refuse to call a meeting, any 3 members of the state board may call a meeting by similar notices in writing.

Sec. 7. 20-A MRSA §405, sub-§3, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2 A. Make recommendations to the Legislature for the
3 efficient conduct of the public schools. The chair of the
4 state board shall address the Legislature by the first of
5 February each year on the State's education policy goals for
6 children from preschool through high school and on the
7 State's progress in achieving the goals of the 5-year plan
8 for education;

9 **Sec. 8. 20-A MRSA §405, sub-§3, ¶Q,** as amended by PL 1993, c.
10 290, §2, is further amended to read:

11 Q. Serve as state agency for administering federal funds
12 for construction of school facilities and for vocational
13 education; and

14 **Sec. 9. 20-A MRSA §405, sub-§3, ¶S,** as enacted by PL 1993, c.
15 290, §3, is amended to read:

16 S. Develop long-range education goals and standards for
17 school performance and student performance to improve
18 learning results and recommend to the commissioner and to
19 the Legislature a plan for achieving those goals and
20 standards;

21 **Sec. 10. 20-A MRSA §405, sub-§3, ¶¶T to X** are enacted to read:

22 T. Establish and maintain a 5-year plan for education that
23 includes goals and policies for the education of children in
24 kindergarten and grades one to 12 and that promotes services
25 for preschool children. The plan must incorporate and build
26 upon the work of the Task Force on Learning Results,
27 established in Public Law 1993, chapter 290 and the federal
28 GOALS 2000: Educate America Act. The plan must provide
29 direction on a variety of important issues, including, but
30 not limited to:

31 (1) Statewide use of the Common Core of Learning;

32 (2) The role of the Department of Education;

33 (3) Establishing and measuring learning results;

34 (4) Coordinating the provision of social services
35 through schools;

36 (5) Applied technology education;

37 (6) School-based management;

- 2 (7) Professional development for school staff;
- 4 (8) Reduction of teacher time spent on nonteaching
duties;
- 6 (9) School improvement plans;
- 8 (10) Expanded public school choice; and
- 10 (11) School approval;

12 U. Implement school council pilot projects to encourage
14 widespread community involvement in schools. The purpose of
16 the school council is to develop an education vision, goals
18 and a school improvement plan based on the Common Core of
20 Learning, consistent with standards set by the Task Force on
22 Learning Results and in accordance with local school board
24 policies. The school improvement plan must be submitted to
26 the school board for review and approval annually.

28 School council membership is flexible, but must include
30 representatives of major stakeholders in the school and the
32 community. The local school board shall select members of
34 the school council, except that the school principal shall
36 serve as chair of the council.

38 The state board shall select school council pilot project
40 sites from among a group of volunteer schools. If possible,
42 schools from a variety of unit types must be chosen,
44 including school administrative districts, community school
46 districts, school unions and municipal schools. The state
48 board shall evaluate the pilot projects and determine
50 whether school councils should be implemented statewide;

52 V. Review the organization of school administrative units
54 statewide to identify current cooperative agreements between
56 school administrative units. Cooperative agreements may
58 include, but are not limited to: purchasing or contract
60 agreements; administrative functions; shared staff and staff
62 training; and technology initiatives. Based on the review,
64 and in consultation with the department, the state board may
66 require that school administrative units develop and carry
68 out a plan for a cooperative agreement with one or more
70 other school administrative units. Cooperative agreements
72 may include agreements between school administrative units
74 and applied technology regions and applied technology
76 centers. The state board shall provide a progress report to
78 the joint standing committee of the Legislature having
80 jurisdiction over education matters by December 1, 1995.
82 The report must include an analysis of current cooperative

2 agreements and a framework for requiring additional
3 agreements statewide;

4 W. Study school consolidation statewide, develop a school
5 consolidation plan that includes criteria for evaluating
6 opportunities for consolidation and, if desirable, develop a
7 time line for implementation. The state board may require
8 that school administrative units consolidate; and

10 X. Beginning in March 1996, develop for the Legislature an
11 implementation plan for funding essential programs and
12 essential services. The plan must be based on the criteria
13 for student learning developed by the Task Force on Learning
14 Results. The plan must include establishment of a system to
15 measure and ensure that schools are held accountable for
16 student learning results. The board shall present its plan
17 and implementing legislation to the joint standing committee
18 of the Legislature having jurisdiction over education
19 matters by December 1, 1996.

20 **Sec. 11. 20-A MRS §1001, sub-§1-A** is enacted to read:

22 1-A. Policy-making role. They shall set local education
23 goals and establish policies for achieving those goals. The role
24 of the school board policy is broadly construed as that of
25 policymaker and communicator of community concerns and
26 interests. Actual management of the schools is assigned to the
27 superintendent in accordance with chapter 101, subchapter 2.

30 **Sec. 12. 20-A MRS §1001, sub-§15** is enacted to read:

32 15. Capital improvement program. They shall establish and
33 maintain a capital improvement program. The department shall
34 provide technical assistance to school administrative units in
35 carrying out this section. Assistance must include, but is not
36 limited to, the provision of a model capital improvement program
37 and the provision of technical and other assessment information
38 from the school facilities inventory under section 15918.

40 **Sec. 13. 20-A MRS §1051, sub-§2,** as enacted by PL 1981, c.
41 693, §§5 and 8, is amended to read:

42 **2. Appointment.** The school board shall elect, by majority
43 vote of the full membership, the superintendent, who shall act as
44 chief executive officer of the school administrative unit. The
45 school board, upon notification by the commissioner, shall meet
46 during December of the year preceding the expiration of the
47 superintendent's contract, at a day and place determined by the
48 chairman chair. When a vacancy occurs, the school board shall
49 meet as soon as possible to choose a superintendent.

2 **Sec. 14. 20-A MRSA §1051, sub-§3, ¶C** is enacted to read:

4 C. The school board shall evaluate the superintendent
6 annually to ensure quality and accountability.

8 **Sec. 15. 20-A MRSA §1055, sub-§§4 and 10**, as enacted by PL
10 1981, c. 693, §§5 and 8, are repealed.

12 **Sec. 16. 20-A MRSA §1055, sub-§§11 and 12** are enacted to read:

14 11. Appoint principals. The superintendent shall appoint
16 the principal for each school within the school administrative
18 unit. A principal must hold a state certificate issued in
20 accordance with chapter 502.

22 12. Appoint other school personnel. The superintendent
24 shall appoint all other school administrative unit personnel
26 consistent with collective bargaining and other requirements
28 established by the school board. The superintendent shall
30 consider the recommendations of the principal in appointing
32 personnel reporting directly to a principal.

34 **Sec. 17. 20-A MRSA §§1056 and 1057** are enacted to read:

36 **§1056. Principal; powers and duties**

38 The principal is the education leader of the school and is
40 responsible for managing and operating the school, subject to the
42 supervision of the superintendent.

44 1. Recommend school personnel. The principal is
46 responsible for recommending the hiring and firing of all
48 personnel assigned to the school, consistent with district
 personnel policies adopted by the school board and subject to
 review and approval by the superintendent.

2. Supervise school personnel. The principal shall
 supervise and direct the work of all school personnel.

3. Establish and maintain 5-year plan. The principal and
 school staff are jointly responsible for establishing and
 maintaining a 5-year plan for the school, based on the Common
 Core of Learning.

4. Purchase textbooks and other supplies. The principal is
 responsible, subject to direction from the superintendent, for
 purchasing textbooks and other school supplies.

2 **§1057. Professional development**

4 Principals are entitled to receive regular and intensive
6 support for professional development. Professional development
8 must be considered an essential service and related costs must be
10 subsidized in accordance with chapter 606.

12 **Sec. 18. 20-A MRSA §1255, first ¶**, as amended by PL 1987, c.
14 395, Pt. A, §53, is further amended to read:

16 The commissioner shall determine the necessity for
18 reapportionment, except that the commissioner shall require that
20 a school administrative district reconsider reapportionment of
22 the district at least once every 10 years.

24 **Sec. 19. 20-A MRSA §1301, sub-§2-A** is enacted to read:

26 **2-A. Renegotiation of cost-sharing agreements.** The board
28 of directors shall hold a meeting of municipal directors at least
30 once every 10 years to reconsider the method of sharing costs
32 within the school administrative district. The district shall
34 give at least 15 days' notice to each municipality comprising the
36 district of that meeting. Renegotiation of the cost-sharing
38 agreement must be conducted in accordance with section 1301,
40 subsection 3, paragraphs B to F.

42 **Sec. 20. 20-A MRSA §1405, sub-§1**, as amended by PL 1987, c.
44 395, Pt. A, §62, is further amended to read:

46 **1. Petition.** The residents of a participating municipality
48 within a school administrative district composed of 3 or more
municipalities may petition to withdraw from the district in the
same manner as they would petition for the dissolution of a
school administrative district in accordance with section 1403,
~~except that only a simple majority vote of those casting valid~~
~~ballots in the municipality is required before the petition may~~
~~be presented to the board of directors and to the commissioner.~~

50 **Sec. 21. 20-A MRSA §13302, sub-§1**, as enacted by PL 1991, c.
52 556, §1 and affected by §2, is amended to read:

54 **1. Employment of principals.** The superintendent shall
56 ~~nominate~~ appoint principals for employment, subject to
58 regulations established by the school board governing salaries
and qualifications and the requirements of section 1001,
subsection 13. ~~If the school board approves the nomination, the~~
The superintendent may employ a principal for a term not to
exceed 3 years ~~as determined by the school board.~~

2 **Sec. 22. 20-A MRSA §13303**, as enacted by PL 1991, c. 556, §1
and affected by §2, is amended to read:

4 **§13303. Contract renewal**

6 **1. Notice.** A ~~school--board~~ superintendent shall provide
notice of the renewal or nonrenewal of a principal's employment
8 contract as follows.

10 A. Notwithstanding any contract provision to the contrary
and no later than March 1st of the year the contract
12 expires, the ~~school--board~~ superintendent shall notify a
principal who has been employed by the ~~board~~ superintendent
14 for more than 2 years of ~~its~~ the decision to renew the
principal's contract for a period not to exceed 3 years or
16 not to renew the principal's contract. Notice of a
principal's nonrenewal of contract must be in writing. Upon
18 written request, the ~~school--board~~ superintendent shall
provide a written statement of the reasons for nonrenewal to
20 a principal.

22 B. Notwithstanding any contract provision to the contrary
and no later than April 1st of the year the contract
24 expires, the ~~school--board~~ superintendent shall notify a
principal who has been employed by the ~~board~~ superintendent
26 for 2 years or less of ~~its~~ the decision to renew the
principal's contract for a period not to exceed 3 years or
28 not to renew the principal's contract. Notice of nonrenewal
of a principal's contract must be in writing.

30 **2. Failure to give notice.** If the ~~board~~ superintendent
32 fails to notify the principal in accordance with subsection 1,
the following provisions apply.

34 A. A principal may request in writing within 15 days of the
36 March 1st or April 1st notice deadline, as applicable, a
meeting with the ~~school--board~~ superintendent to discuss
38 contract renewal issues. The ~~board~~ superintendent shall
hold that meeting within 30 days of receipt of the
40 principal's request.

42 B. A school administrative unit shall pay a forfeiture to
the principal. The amount of that forfeiture is equal to
44 the sum of 1/260th of the principal's present annual salary
rate multiplied by the number of days between the
46 notification deadline and the date on which notification is
made or a complaint is filed in accordance with this
48 paragraph. A principal who believes notice has not been
provided as required in subsection 1 may file a complaint
50 with the commissioner. Following the filing of a complaint,

2 the commissioner shall make a determination of whether the
3 ~~school--board~~ superintendent has failed to notify the
4 principal as required by subsection 1 and of the amount of
5 forfeiture due. If a complaint is not filed within 30 days
6 after the termination of the principal's contract, the right
7 to a forfeiture is no longer available.

8 **3. Hearing.** Within 15 days of receipt of notice of
9 nonrenewal of a contract by a principal who has been employed for
10 more than 2 years, the principal may request in writing a hearing
11 with the school board and the superintendent on the decision not
12 to renew the contract. The board and the superintendent shall
13 hold the hearing within 30 days of receipt of the principal's
14 request and either or both parties may be represented by counsel.

15 **4. Meeting.** Within 15 days of receipt of notice of
16 nonrenewal of a contract by a principal who has been employed for
17 2 years or less, the principal may request in writing a meeting
18 with the school board and the superintendent to discuss contract
19 renewal issues. The board and the superintendent shall hold the
20 meeting within 30 days of receipt of the principal's request and
21 either or both parties may be represented by counsel.

22 **Sec. 23. 20-A MRSA §13304**, as enacted by PL 1991, c. 556, §1
23 and affected by §2, is amended to read:

24 **§13304. Dismissal**

25 In accordance with this section, a ~~school---~~
26 superintendent may dismiss a principal before the expiration of
27 the contract term.

28 **1. Requirements.** The principal may be dismissed only:

29 ~~A.--- After -- consideration -- of -- a -- recommendation -- of -- the~~
30 ~~superintendent;~~

31 B. For cause; and

32 C. After due notice and investigation; and

33 ~~D.--- After -- a -- hearing -- before -- the -- school -- board, -- if -- requested;~~
34 ~~and~~

35 ~~E.--- By -- a -- majority -- vote -- of -- the -- school -- board.~~

36 **2. Salary.** Upon dismissal, the principal's salary ceases.

37 **Sec. 24. 20-A MRSA §13305**, as enacted by PL 1991, c. 556, §1
38 and affected by §2, is amended to read:

2 **§13305. Elimination of principal's position**

4 The right to terminate a contract, after due notice of 90
6 days, is reserved to the ~~school-board~~ superintendent when changes
8 in local conditions warrant the elimination of the principal's
 position for which the contract was made.

10 **Sec. 25. 20-A MRSA §15603, sub-§8, ¶C**, as amended by PL 1993,
 c. 410, Pt. F, §10, is further amended to read:

12 C. The portion of the tuition costs applicable to the
14 insured value factor computed under section 5806, for the
 base year; and

16 **Sec. 26. 20-A MRSA §15603, sub-§8, ¶E**, as amended by PL 1991,
 c. 268, §2, is further amended to read:

18 E. Purchase or cost of construction of portable, temporary
20 classroom space as approved by the commissioner beginning
22 January 1, 1988. For the purposes of this section,
24 "portable, temporary classroom space" means a project
26 consisting of one or more mobile or modular buildings that
28 are at least partially constructed off site and are designed
30 to be moved to other sites with a minimum of disassembly and
32 reassembly. "Portable, temporary classroom space" includes,
34 but is not limited to, space for regular classrooms, small
36 group instruction, libraries, clinics and guidance and
38 administrative office space, including principal and
40 superintendent offices. The amount includable for
 determining the subsidy for a school administrative unit for
 the purchase or construction of portable temporary classroom
 space may not exceed the amount that would have been paid
 for lease of a comparable classroom. The department shall
 adopt rules for approving the purchase, construction or
 lease-purchase of portable temporary classroom space, and
 for determining the amount includable for subsidy purposes.
 Approved costs are those for the year prior to the year of
 allocation; and

42 **Sec. 27. 20-A MRSA §15603, sub-§8, ¶F** is enacted to read:

44 F. Principal and interest costs for an unanticipated minor
46 capital cost when the cost exceeds \$100,000 per incident and
 has been approved by the voters at a referendum.

48 **Sec. 28. 20-A MRSA §15603, sub-§29-A** is enacted to read:

50 29-A. Unanticipated minor capital cost. "Unanticipated
 minor capital cost" means the cost of an unplanned repair to a

2 school building when the repair could not have been predicted by
3 a regular maintenance inspection, a professional engineering
4 study or a capital improvement plan.

6 **Sec. 29. 20-A MRSA §15907, sub-§1**, as amended by PL 1983, c.
7 426, §4, is repealed and the following enacted in its place:

8 **1. Payment of State's share.** The state allocation for each
9 unit for principal and interest costs must be paid by the
10 commissioner according to that unit's debt retirement schedule
11 and rules adopted pursuant to this chapter.

12 For all current and future principal and interest costs payable
13 by a local unit to the bondholder, the state allocation for
14 principal and interest costs must be paid by the commissioner to
15 the bondholder or the bondholder's designated trustee one
16 business day prior to the date of the unit's next principal and
17 interest payment. If the payment date falls on a Monday, payment
18 must be made to the bondholder on the preceding Friday.

20 **Sec. 30. 20-A MRSA §15909, sub-§5** is enacted to read:

22 **5. Rate of construction aid.** A school administrative unit's
23 initial local share of the total cost of a project must be either
24 15% of the total cost or the equivalent of 4 mills multiplied by
25 the unit's fiscal capacity, whichever is less.

26 A. The 4 mills must be calculated on the fiscal capacity in
27 effect at the time the project is first approved by the
28 state board.

29 B. The unit's initial local share must be applied to the
30 project costs during the period of construction.

31 C. The unit's initial local share may be derived from local
32 appropriations or gifts.

33 D. The unit's initial local share may not be considered an
34 educational cost for inclusion in the unit's state-local
35 allocation under chapter 606.

36 **Sec. 31. 20-A MRSA §§15917 and 15918** are enacted to read:

37 **§15917. Construction Reserve Fund**

38 **1. Construction Reserve Fund established.** There is
39 established the Construction Reserve Fund, maintained for the
40 exclusive purpose of school construction, except that a school
41 facilities inventory, periodic updates of the inventory conducted
42 by the department and technical assistance to school
43

2 administrative units in developing and maintaining local capital
3 improvement programs may be funded from this account. Funds from
4 the Construction Reserve Fund may not be expended for any purpose
5 other those included in this subsection.

6 **2. Transfers to the Construction Reserve Fund.** School
7 administrative units shall transfer any revenues derived from
8 bond sales for local construction projects that exceed the final
9 cost of the project and revenues from the interest income from
10 investment of bond proceeds in excess of the interest costs of
11 temporary borrowing to the Construction Reserve Fund. For
12 purposes of this section, final costs are determined by the final
13 project audit as defined in the State Board of Education Rules
14 for School Construction Projects.

15 **3. Rules.** The commissioner may adopt or amend rules to
16 carry out the purposes of this section.

17 **§15918. School facilities inventory**

18
19
20 **1. Inventory.** The department shall conduct an inventory of
21 all public school facilities in the State. The inventory must
22 identify each public school building and include a systematic and
23 comprehensive assessment of its condition. The inventory must
24 consist of the following:

25
26 **A.** A survey sent to each school principal that gathers
27 building use statistics, information about the physical
28 condition of school buildings and a list of rooms by program
29 area. The survey must be completed by December 1, 1995; and

30
31 **B.** A technical assessment of each school building including
32 building systems and compliance with codes. The department
33 shall contract with the appropriate person for assessments
34 in each school. The technical assessment must be completed
35 by December 1, 1996.

36
37 **2. Data base established.** The department shall establish
38 and maintain a school facilities data base that must be available
39 for inclusion in any education research data base established by
40 the Legislature.

41
42 **3. Inventory updated.** The department shall update
43 information from the inventory at least every 3 years.

44
45 **4. Inventory eligible for funds.** Any activity carried out
46 in accordance with this section is eligible for funds available
47 from the Construction Reserve Fund.
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Sec. 32. 30-A MRSA §6006-E is enacted to read:

§6006-E. Education combined investment funds

1. Education investment funds established. Notwithstanding any provisions of law to the contrary, the bank may establish, as part of or independent of the indenture under which it issues long-term debt, one or more education combined investment funds for the purpose of investing funds of a school administrative unit, provided the bank adopts accounting procedures from which the exact interest and charges of the funds combined for investment may be determined. The bank shall adopt rules necessary to administer this section.

2. Participation units. The bank may sell participation units in an education combined investment fund to school administrative units within the State. The participation units are legal investments for all school administrative units within the State.

3. Education combined investment funds; investment. The bank may invest funds of an education combined investment fund in direct obligations of the Federal Government, Federal Government agency obligations, repurchase agreements secured by the Federal Government agency obligations, prime commercial paper, tax-exempt obligations rated A or better by a nationally recognized rating agency, bankers' acceptances, certificates of deposit and similar financial instruments or any instrument permitted by law for the investment of funds belonging to the State or held in the State Treasury. The bank may retain qualified 3rd parties to advise it in the selection and administration of investments and any other 3rd parties it considers appropriate for the effective administration of the funds.

4. Eligible investments. Investments made, directed or supervised by the bank as part of an education combined investment fund or with its own funds may be made directly in eligible investments or in registered pools, funds or money market shares whose investments are in eligible investments. The purchase of evidence of participation in such a pool, fund or money market by the bank is considered identical to the direct purchase of eligible investments by the bank.

5. Fees. The bank may not charge fees to any participant in any education combined investment fund whose proceeds in the fund were originally obtained through a bond issue undertaken by the bank on behalf of the participant. The bank may charge reasonable fees to any participant in an education combined investment fund whose proceeds in the fund were not originally

2 obtained through a bond issue undertaken by the bank on behalf of
3 the participant.

4 **Sec. 33. Task Force on School Consolidation established.** The Task
5 Force on School Consolidation, referred to in this section as the
6 "task force," is established to assist the State Board of
7 Education in reviewing opportunities for school consolidation in
8 Maine, with a primary focus on middle school and high school
9 consolidation.

10 **1. Membership.** The task force consists of 9 members,
11 broadly representative of the regions of the State and the
12 individuals and groups affected by school consolidation. Six
13 members of the task force must be appointed by the state board in
14 consultation with the Joint Standing Committee on Education and
15 Cultural Affairs. The Governor, the President of the Senate and
16 the Speaker of the House of Representatives shall each appoint
17 one member of the task force. The task force shall select its
18 own chair from among its members.

19 **2. Duties.** The task force shall develop a state plan for
20 consolidation that includes criteria for evaluating opportunities
21 for consolidation and a recommended time line for
22 implementation. As part of its plan for consolidation, the task
23 force shall review school administrative units that are members
24 of school unions to determine whether school unions provide
25 adequate educational opportunities for students, whether school
26 unions are more or less efficient than other types of school
27 administrative units and whether student outcomes in school
28 unions are significantly different than in other types of school
29 administrative units.

30
31 Based upon its findings, the task force may recommend to the
32 State Board of Education that communities participating in a
33 school union continue unchanged, establish a cooperative
34 agreement with one or more other school administrative units or
35 take some alternative action.

36
37 **3. Report.** The task force shall present its report on the
38 state plan for consolidation and the review of school unions to
39 the State Board of Education by October 1, 1996.

40
41 **4. Resources.** The task force shall have sufficient
42 resources to assemble and analyze important education data,
43 including access to a computerized mapping system and any
44 available Maine education data base.

45
46 **5. Staff assistance.** The task force may receive staff
47 assistance from the State Board of Education, the Department of
48 Education and the Legislative Council.

2 **6. Compensation.** All members of the task force are
entitled to receive the legislative per diem and reimbursement
4 for travel expenses.

6 **Sec. 34. Task Force on the Role of Teachers established.** The Task
Force on the Role of Teachers, referred to in this section as the
8 "task force," is established to assist the State Board of
Education and the Department of Education in a comprehensive
10 review of the role of teachers in Maine public schools.

12 **1. Membership.** The task force consists of 9 members,
including superintendents, principals, teachers, community
14 members and others. Six members of the task force must be
appointed by the state board in consultation with the Department
16 of Education and the Joint Standing Committee on Education and
Cultural Affairs. The Governor, the President of the Senate and
18 the Speaker of the House of Representatives shall each appoint
one member of the task force. The task force shall select its
20 own chair from among its members.

22 **2. Duties.** The task force shall undertake a broad and
comprehensive review and make recommendations on the role of
24 teachers in Maine public schools and the need for expanded
professional development of school employees.

26 **3. Report.** The task force shall present its report on the
28 role of teachers and the need for expanded professional
development to the State Board of Education by October 1, 1996.

30 **4. Staff Assistance.** The task force may receive staff
32 assistance from the State Board of Education and the Department
of Education.

34 **5. Compensation.** All members of the task force are
36 entitled to receive the legislative per diem and reimbursement
for travel expenses.

38 **Sec. 35. Task Force on Children with Special Needs established.**
40 The Task Force on Children with Special Needs, referred to in
this section as the "task force," is established to assist the
42 State Board of Education and the Department of Education in
studying and developing strategies to assist schools and
44 teachers in identifying and working with children with special
needs.

46 **1. Membership.** The task force consists of 9 members,
48 including public school educators, higher education educators,
health care providers, physicians, psychologists, clinicians,

2 parents and community members. Six members of the task force
3 must be appointed by the State Board of Education in consultation
4 with Department of Education and the Joint Standing Committee on
5 Education and Cultural Affairs. The Governor, the President of
6 the Senate and the Speaker of the House of Representatives shall
7 each appoint one member of the task force. The task force shall
8 select its own chair from among its members.

9
10 **2. Duties.** The task force shall:

11 A. Study and develop strategies to ensure that schools and
12 teachers are prepared to identify children with learning
13 disabilities, attention deficit disorder and attention
14 deficit disorder with hyperactivity; and

15 B. Review the educational needs of students with learning
16 disabilities, attention deficit disorder and attention
17 deficit disorder with hyperactivity and explore educational
18 programs designed to meet those needs.

19
20 **3. Report.** The task force shall present its report on
21 identifying and working with children with special needs to the
22 State Board of Education by October 1, 1996.

23
24 **4. Staff assistance.** The task force may receive staff
25 assistance from the State Board of Education and the Department
26 of Education.

27
28 **5. Compensation.** All members of the task force are
29 entitled to receive the legislative per diem and reimbursement
30 for travel expenses.

31
32 **Sec. 36. Development of plan to revise rating system.** The State
33 Board of Education shall develop a plan for the Legislature that
34 revises the rating system for middle school and high school
35 construction projects by including a category that awards points
36 for school consolidation.

37
38 **1. Criteria.** In revising the rating system, the state
39 board shall establish criteria for evaluating whether points must
40 be awarded for consolidation for each middle school and high
41 school project presented to the state board. The criteria for
42 evaluating whether points must be awarded to a school
43 construction project for consolidation include:

44
45 A. The travel distance between proposed new schools and
46 existing schools;

47
48 B. The number of pupils a new school would serve;

49
50

2 C. The depth of the education program for the new school;
and

4 D. Other criteria the board may find appropriate.

6 **2. Rating points for consolidation.** The plan must include
a method for awarding rating points that does not penalize a
8 project that can not consolidate. Rating points for
consolidation must account for a minimum of 20% of the rating for
10 applicable school administrative units.

12 The plan must provide for a subsidy incentive for approved
school construction projects that include consolidation in
14 accordance with the following:

16 1. School construction projects that include consolidation
of school buildings within a school administrative unit are
18 entitled to receive an incentive payment equal to 10% of the
project cost. Half of the incentive payment must be paid
20 following final funding approval by the state board. The other
half of the payment must be paid following the final audit by the
22 Department of Education; and

24 2. School construction projects that include consolidation
of school buildings between school administrative units are
26 entitled to receive an incentive payment equal to 20% of the
project cost. Half of the incentive payment must be paid
28 following final funding approval by the state board. The other
half of the payment must be paid following the final audit by the
30 Department of Education.

32 The plan must provide that incentive payments are funded
from the existing state appropriation for debt service costs.

34 The state board shall also review issues related to
36 consolidation of elementary schools, including a review of the
literature and research on consolidation of elementary schools
38 and a review of Maine's current system of elementary schools.
The system review must include, but is not limited to, an
40 analysis of the number of elementary schools, their location
relative to one another, the number of pupils each school serves,
42 the cost of operation for each school and the education resources
each school provides.

44 The board shall report on the revised rating system, subsidy
46 incentive and elementary school consolidation to the Joint
Standing Committee on Education and Cultural Affairs by December
48 1, 1995.

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STATEMENT OF FACT

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This bill implements the school construction and school
governance recommendations of the Committee to Study
Organizational and Tax Issues in Public Schools.

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