

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

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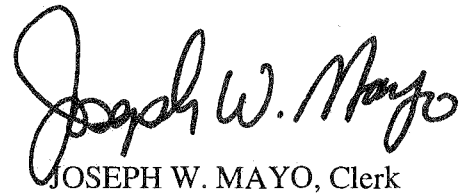
House of Representatives, March 25, 1997

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**An Act to Abolish the State Board of Education.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative JOY of Crystal.  
Cosponsored by Representatives: BRAGDON of Bangor, DEXTER of Kingfield, LANE of Enfield.

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

2  
3       **Sec. 1. 5 MRSA §12004-C, sub-§1**, as enacted by PL 1987, c.  
4 786, §5, is repealed:

6       **Sec. 2. 20-A MRSA §202, sub-§1**, as enacted by PL 1981, c. 693,  
7 §5 and affected by §8, is repealed.

8  
9       **Sec. 3. 20-A MRSA §401**, as amended by PL 1989, c. 503, Pt. B,  
10 §72, is repealed.

12       **Sec. 4. 20-A MRSA §401-A**, as enacted by PL 1987, c. 395, Pt.  
13 A, §47, is repealed.

14       **Sec. 5. 20-A MRSA §402**, as amended by PL 1987, c. 395, Pt. A,  
15 §48, is repealed.

18       **Sec. 6. 20-A MRSA §403**, as enacted by PL 1981, c. 693, §5 and  
19 affected by §8, is repealed.

20       **Sec. 7. 20-A MRSA §404**, as amended by PL 1987, c. 851, §6, is  
21 repealed.

24       **Sec. 8. 20-A MRSA §405**, as amended by PL 1995, c. 395, Pt. J,  
25 §§2 to 4, is further amended to read:

26  
27       **§405. Powers and duties**

28       ~~The state board shall have~~ In addition to all other powers  
29 and duties granted to it, the department has the following powers  
30 and duties.

31  
32       ~~1. General authority. The state board shall have only the~~  
33 ~~powers specifically stated in this Title.~~

34  
35       ~~2. Advisory role. The state board shall advise the~~  
36 ~~commissioner concerning matters contained in this Title.~~

37  
38       **3. Specific duties.** ~~The state board shall have~~ department  
39 has the following specific powers and shall perform the following  
40 duties:

41  
42       A. Make recommendations to the Legislature for the  
43 efficient conduct of the public schools;

44  
45       B. Approve the formation of school administrative districts;

46  
47       ~~Dr. Review, when necessary, decisions made by the~~  
48 ~~commissioner on applications for additions to, dissolution~~  
49 ~~of, transfers among, withdrawals from and closing of schools~~  
50 ~~in school administrative districts and community school~~  
51 ~~districts;~~

- 2 E. Adopt or amend rules on requirements for approval and  
4 accreditation of elementary and secondary schools;
- 6 F. Establish standards for the certification of teachers;
- 8 G. Adjust the subsidy to a school administrative unit when  
10 the expenditures for education in the unit show evidence of  
manipulation to gain an unfair advantage or are adjudged  
excessive;
- 12 H. Act on articles of agreement for creation of an  
14 interstate school district;
- 16 I. Develop and adopt a plan for the establishment of  
18 vocational centers and regions and act upon applications to  
alter the delivery of vocational education within vocational  
regions and center areas;
- 20 J. Adopt or amend rules on standards for school  
22 construction;
- 24 K. Approve projects for state construction aid;
- 26 L. Approve the formation of community school districts;
- 28 M. Approve isolated secondary schools;
- 30 N. Obtain information regarding applications for granting  
degrees and make a recommendation to the Legislature;
- 32 O. Recommend funds to the Bureau of the Budget for  
34 equalization of educational opportunity;
- 36 Q. Serve as state agency for administering federal funds  
38 for construction of school facilities and for vocational  
education;
- 40 S. Develop long-range education goals and standards for  
42 school performance and student performance to improve  
learning results and recommend ~~to the commissioner~~ and to  
44 the Legislature a plan for achieving those goals and  
standards;
- 46 T. Establish and maintain a 5-year plan for education that  
48 includes goals and policies for the education of children in  
kindergarten and grades one to 12 and that promotes services  
50 for preschool children. The plan must incorporate and build  
upon the work of the Task Force on Learning Results,  
52 established in Public Law 1993, chapter 290 and the federal  
GOALS 2000: Educate America Act;

2 U. Review the organization of school administrative units  
3 statewide to identify current cooperative agreements between  
4 school administrative units. Cooperative agreements may  
5 include, but are not limited to: purchasing or contract  
6 agreements; administrative functions; shared staff and staff  
7 training; and technology initiatives. Based on the review,  
8 ~~and-in-consultation-with~~ the department, ~~the-state-board~~ may  
9 require that school administrative units develop and carry  
10 out a plan for a cooperative agreement with one or more  
11 other school administrative units. "Cooperative agreement"  
12 may include agreements between school administrative units  
13 and applied technology regions and applied technology  
14 centers; and

15 V. Study school consolidation statewide, develop a school  
16 consolidation plan that includes criteria for evaluating  
17 opportunities for consolidation and, if desirable, develop a  
18 time line for implementation.

19 **6. Recommendations to Legislature.** The ~~state--board~~  
20 department shall recommend to the Legislature any new legislation  
21 or amendments to existing legislation for the efficient conduct  
22 of the public schools and for achieving the education and  
23 performance goals and standards and the plan for the public  
24 schools developed in accordance with subsection 3, paragraph S.

25 **7. Federal applied technology education aid.** The state  
26 ~~board~~ department shall administer any federal funds received for  
27 the benefit of applied technology education programs in the  
28 State. As the designated state agency authorized to administer  
29 federal funds, the ~~board~~ department shall develop a state plan,  
30 approve the State's application for applied technology education  
31 funds and disburse federal money as authorized and required by  
32 applicable federal law.

33 **8. Maine Merchant Marine Day.** Maine Merchant Marine Day is  
34 May 22nd as established in Title 1, section 127.

35 ~~9.--Contract-for-services.--The-state-board-may-contract-for~~  
36 ~~any-necessary-consultative-services-or-support-staff.~~

37 **Sec. 9. 20-A MRSA §406** as enacted by PL 1981, c. 693, §5 and  
38 affected by §8, is repealed.

39 **Sec. 10. Transition provisions.**

40 1. The Department of Education is the successor in every  
41 way to the powers, duties and functions of the former State Board  
42 of Education.

43 2. All existing rules, regulations and procedures in  
44 effect, in operation or promulgated in or by the State Board of  
45

2 Education or any of its administrative units or officers, are  
hereby declared in effect and continue in effect until rescinded,  
revised or amended by the proper authority.

4  
6 3. All existing contracts, agreements and compacts  
currently in effect in the State Board of Education continue in  
effect.

8  
10 4. Any positions authorized and allocated subject to the  
personnel laws to the former State Board of Education are  
transferred to the Department of Education and may continue to be  
authorized.

12  
14 5. All records, property and equipment previously belonging  
to or allocated for the use of the former State Board of  
16 Education become, on the effective date of this Act, part of the  
property of the Department of Education.

18  
20 6. All existing forms, licenses, letterheads and similar  
items bearing the name of or referring to the "State Board of  
Education" may be utilized by the Department of Education until  
22 existing supplies of those items are exhausted.

24 7. Any funds held by the State Board of Education on the  
effective date of this Act other than those necessary to  
26 accomplish the transition set forth in this section must be  
transferred to the Maine School of Science and Mathematics  
28 established in the Maine Revised Statutes, Title 20-A, chapter  
312. For the 1997-98 fiscal year, the Legislature shall  
30 appropriate to the Maine School of Science and Mathematics an  
amount equal to the appropriation for the State Board of  
32 Education for the 1996-97 fiscal year. If that amount exceeds  
the amount necessary to fund the Maine School of Science and  
34 Mathematics, the excess must be appropriated to the Department of  
Education for the purpose of general purpose aid.

36  
**Sec. 11. Maine Revised Statutes amended; revision clause.**

38 Wherever in the Maine Revised Statutes the words "State Board of  
Education" appear or reference is made to those words, they are  
40 amended to read and mean "the Department of Education," and the  
Revisor of Statutes shall implement this revision when updating,  
42 publishing or republishing the statutes.

44  
**SUMMARY**

46  
48 This bill abolishes the State Board of Education, transfers  
its responsibilities to the Department of Education and provides  
for its funding to be used for the Maine School of Science and  
50 Mathematics and general purpose aid.