## MAINE STATE LEGISLATURE

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## 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

Legislative Document

No. 1716

S.P. 648

In Senate, December 17, 2003

Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 2003. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator BRENNAN of Cumberland.

Representative CRAVEN of Lewiston, and

Under suspension of the rules, cosponsored by Senators: BROMLEY of Cumberland, President DAGGETT of Kennebec, DOUGLASS of Androscoggin, ROTUNDO of Androscoggin, TREAT of Kennebec, Representatives: CUMMINGS of Portland, PINGREE of North Haven, WALCOTT of Lewiston.

	Emergency preamble. Whereas, Acts and resolves of the
2	Legislature do not become effective until 90 days after
4	adjournment unless enacted as emergencies; and
	Whereas, now that the federal No Child Left Behind Act of
6	2001 is in effect, 143 school classes in the State are now listed as "failing;" and
8	Whereas, implementing the policies of the federal No Child
10	Left Behind Act of 2001 will divert resources toward administration and testing and away from teaching; and
12	
14	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of
16	Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and
18	safety; now, therefore, be it
10	Sec. 1. Prohibit use of funds. Resolved: That the Department of
20	Education may not use any state funds to implement the policies of the federal No Child Left Behind Act of 2001; and be it further
22	
24	Sec. 2. Investigate. Resolved: That the Department of Education shall investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001; and be it further
26	
28	Sec. 3. Report. Resolved: That, no later than March 15, 2004, the Department of Education shall submit its findings to the Joint Standing Committee on Education and Cultural Affairs.
30	
32	Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.
34	CHINANA A DAV
36	SUMMARY
38	This resolve prohibits the Department of Education from using state funds to implement the policies of the federal No
40	Child Left Behind Act of 2001.
42	The resolve also requires the Department of Education to investigate the costs and benefits of not participating in the
44	federal No Child Left Behind Act of 2001. The resolve also requires the department to submit its findings to the Joint
	Standing Committee on Education and Cultural Affairs by March 15,
46	2004.