

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1424

H.P. 1047

House of Representatives, April 6, 2011

An Act To Enhance Parental Roles in Education Choice

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative VOLK of Scarborough.
Cosponsored by Senator MASON of Androscoggin and
Representatives: NEWENDYKE of Litchfield, O'CONNOR of Berwick, SANDERSON of
Chelsea, SIROCKI of Scarborough.

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

2 **Sec. 1. 20-A MRSA c. 101, sub-c. 3** is enacted to read:

3 **SUBCHAPTER 3**

4 **PARENTAL EMPOWERMENT IN SCHOOL RESTRUCTURING**

5 **§1071. Parental empowerment**

6 **1. Parental petition.** A parent of a student in an elementary or secondary school
7 that is not making adequate yearly progress under the federal No Child Left Behind Act
8 of 2001, 20 United States Code, Chapter 70, may petition the superintendent of the school
9 administrative unit in which the school is located to restructure the provision of services
10 provided by the school through one of the strategies described in subsection 3.

11 **2. Form of petition; procedure.** A petition for restructuring under subsection 1
12 must conform to format and circulation procedures adopted by rule by the commissioner.

13 **3. Restructuring strategies.** A petition under this section may request that a school
14 be restructured using one of the following strategies:

15 A. Closure of the school and transfer of the students to another existing or new
16 school within the school administrative unit;

17 B. Restarting the school by closing it and reopening it as a charter school under an
18 independent operator selected by the superintendent through a rigorous review
19 process;

20 C. Replacing school leadership and granting the new school leadership greater
21 flexibility in personnel and curriculum decisions; or

22 D. Transformation of the school through implementation of a turnaround strategy
23 with greater oversight of teacher development, training and evaluation by the
24 commissioner.

25 **4. Submission of petition.** If petitioners obtain the signatures of at least one parent
26 per student for at least 50% of the students enrolled at the school proposed for
27 restructuring, the petitioners may submit the petition to the commissioner for verification
28 of signatures. If the verified signatures total at least one parent per student for at least
29 50% of the students enrolled at the school proposed for restructuring, the commissioner
30 shall require the superintendent to submit to the commissioner within 3 months a plan for
31 implementation of the restructuring strategy requested in the petition.

32 **5. Implementation of plan.** Upon receipt of a restructuring plan under subsection 4,
33 the commissioner shall hold a public meeting on the plan within the area covered by the
34 school that is proposed for restructuring. The commissioner shall determine whether the
35 plan will improve educational opportunities for students within the school administrative
36 unit and may make changes to the plan if approved by the school administrative unit and
37 by the petitioners. If the commissioner determines that a plan will improve educational

1 opportunities for students within the school administrative unit, the commissioner shall
2 require the superintendent to implement the plan and establish a target date for
3 completion of implementation.

4 **6. Rules.** The commissioner shall adopt rules to implement this subchapter. Rules
5 adopted under this subsection are major substantive rules as defined in Title 5, chapter
6 375, subchapter 2-A.

7 **Sec. 2. Implementation.** When implementing this Act the Commissioner of
8 Education shall review the provisions of the laws and regulations of California and other
9 states on parent initiation of school restructuring and incorporate through rulemaking
10 provisions of those laws and regulations that will facilitate the effective and efficient
11 implementation of this Act.

12 **SUMMARY**

13 This bill allows parents to petition for the restructuring of a school that is not making
14 adequate yearly progress. Restructuring may include closure of the school, conversion of
15 the school to a charter school, replacement of school leadership and teachers and
16 oversight by the State of structural improvements. This bill is based on a process referred
17 to as the "Parent Trigger" adopted by the State of California in 2009.