

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1488

S.P. 466

In Senate, April 14, 2011

### **An Act To Create Innovative Public School Zones and Innovative Public School Districts**

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative PARRY of Arundel and  
Senators: President RAYE of Washington, SNOWE-MELLO of Androscoggin, THIBODEAU  
of Waldo, WOODBURY of Cumberland, Representatives: LUCHINI of Ellsworth, MALABY  
of Hancock, RICHARDSON of Carmel.

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

2 **Sec. 1. 20-A MRSA §6213** is enacted to read:

3 **§6213. Innovative public school zones and innovative public school districts**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Innovative, autonomous public school" or "school" means an innovative,  
7 autonomous public school established pursuant to section 6212.

8 B. "Innovation plan" means a plan for the creation and operation of an innovative,  
9 autonomous public school or innovative zone or district as described in subsections 2,  
10 3 and 4.

11 C. "Innovative public school district" or "district" means a school administrative unit  
12 in which all schools operated by the school administrative unit are innovative,  
13 autonomous public schools included in an innovation plan approved pursuant to this  
14 section and implemented by the school board.

15 D. "Innovative public school zone" or "zone" means 2 or more innovative,  
16 autonomous public schools operated by a school administrative unit that share  
17 common interests, such as their geographical location or educational focus, or that  
18 sequentially serve classes of students as they progress through elementary and  
19 secondary education and in which a school board implements an innovation plan  
20 approved pursuant to this section.

21 E. "Public school" has the same meaning as in section 1, subsection 24.

22 **2. School-initiated innovation plan.** A public school or a group of 2 or more public  
23 schools in a school administrative unit may submit to its school board an innovation plan.  
24 The school board may approve an instruction design, a school calendar, a staff selection  
25 process and a method for assessing professional development to be used in an innovative,  
26 autonomous public school that is not in conflict with applicable statutory and regulatory  
27 requirements.

28 A. A school board shall receive and review each innovation plan submitted pursuant  
29 to this subsection. The school board shall either approve or disapprove the  
30 innovation plan within 60 days after receiving the plan.

31 B. If the school board rejects the innovation plan, it shall provide to the public school  
32 or public schools that submitted the plan a written explanation of the basis for its  
33 decision. A public school or public schools may submit an amended innovation plan  
34 at any time.

35 C. If the school board approves the plan, it shall proceed to seek the commissioner's  
36 approval of the public school or public schools as an innovative, autonomous public  
37 school, an innovative public school zone or an innovative public school district  
38 pursuant to subsection 9.

1           **3. Board-initiated innovation plan.** A school board may initiate and collaborate  
2 with one or more public schools within the school administrative unit to create one or  
3 more innovation plans. In creating an innovation plan, the school board shall ensure that  
4 each public school that would be affected by the plan has the opportunity to participate in  
5 the creation of the plan.

6           **4. Innovation plan.** An innovation plan must include the following information:

7           A. A statement of the mission of the school, zone or district and why designation as a  
8 school, zone or district would enhance the ability of the school, zone or district to  
9 achieve its mission;

10          B. A description of the innovations the school, zone or district would implement,  
11 which may include, but are not limited to, innovations in school staffing, curriculum  
12 and assessment; school calendar; use of financial and other resources; and the  
13 recruitment, employment, evaluation and compensation of teachers, administrators  
14 and other staff employed by the school;

15          C. An identification of the improvements in academic performance that the school,  
16 zone or district expects to achieve in implementing the innovations;

17          D. A listing of the programs, policies and practices within the school, zone or district  
18 that would be affected by the innovations identified by the school, zone or district and  
19 the manner in which they would alter current programs, policies and practices. The  
20 programs, policies or practices may include, but are not limited to:

21               (1) A description of any research-based educational program to be implemented;

22               (2) The length of the school day and the school year;

23               (3) The student promotion and graduation policies;

24               (4) The assessment plan;

25               (5) The budget; and

26               (6) The staffing plan.

27          E. A description of any statutory requirements applicable to public schools or school  
28 administrative unit policy requirements that would need to be waived for the school,  
29 zone or district to implement the identified innovations;

30          F. An identification of the improvements in academic performance that the school,  
31 zone or district expects to achieve in implementing the innovations;

32          G. An identification of the strategic partnerships, including partnerships with  
33 business, industry, postsecondary education institutions, nonprofit educational  
34 organizations and other educational entities, that the school, zone or district expects  
35 to develop in implementing its identified innovation;

36          H. An estimate of the cost savings and increased efficiencies, if any, the school, zone  
37 or district expects to achieve in implementing the identified innovations;

38          I. A description of the strategies that the school, zone or district expects to  
39 implement in the future to secure and maintain the resources necessary to sustain the  
40 identified innovations;

1 J. Evidence that both a majority of the administrators and a majority of the teachers  
2 employed at the school, zone or district approve of the innovation plan and consent to  
3 the designation as an innovative school, zone or district. The determination of  
4 approval and consent of the plan must be obtained by means of a secret ballot vote;

5 K. A statement of the level of support for designation as a school, zone or district  
6 demonstrated by the staff employed by the school, zone or district who are not  
7 administrators or teachers, the students and parents of students enrolled in the school,  
8 zone or district, and the community served by the school, zone or district; and

9 L. Any additional information required by the school board.

10 **5. Additional information.** An innovation plan, whether submitted by one or more  
11 public schools or created by a school board through collaboration with one or more public  
12 schools, must include the following information:

13 A. A description of how innovations in the schools in the zone or district would be  
14 integrated to achieve results that would be less likely to be accomplished by each  
15 school working alone; and

16 B. An estimate of any economies of scale that would be achieved by innovations  
17 implemented jointly by the schools within the zone or district.

18 **6. Prohibited acts.** An employee of a public school or school administrative unit  
19 may not be discriminated against by the school board, the superintendent or any other  
20 administrator of the school administrative unit or by any employee organization, officer  
21 of the organization or member of the organization for exercising or not exercising the  
22 rights provided for under this section. An employee of a school administrative unit or an  
23 officer or member of an employee organization may not impede, restrain or coerce an  
24 employee of a public school or school administrative unit to keep that employee from  
25 exercising the rights provided for under this section or cause an employer to impede,  
26 restrain or coerce an employee to keep that employee from exercising the rights provided  
27 for under this section.

28 **7. Innovations.** In considering or creating an innovation plan, each school board  
29 may consider innovations in the following areas:

30 A. Curriculum and academic standards and assessments;

31 B. Accountability measures, including, but not limited to, expanding the use of a  
32 variety of accountability measures to more accurately present a complete measure of  
33 student learning and accomplishment. The accountability measures adopted may  
34 include, but are not limited to:

35 (1) Use of graduation or exit examinations;

36 (2) Use of end-of-course examinations;

37 (3) Use of formative assessments that measure student growth over time;

38 (4) Use of multiple measures of student achievement;

39 (5) Measuring the percentage of students continuing on to postsecondary  
40 education; and

1                   (6) Measuring the percentage of students simultaneously obtaining a high school  
2                   diploma and an associate's degree or a career and technical education certificate  
3                   from a postsecondary educational institution;

4                   C. Provision of services, including, but not limited to, special education services;  
5                   services for gifted and talented students; services for students with limited English  
6                   proficiency; educational services for students at risk of academic failure, expulsion or  
7                   dropping out; and support services provided by the Department of Health and Human  
8                   Services or the Department of Corrections to a state ward or to a state agency client;

9                   D. Teacher recruitment, training, preparation and professional development;

10                  E. Teacher employment;

11                  F. Performance expectations and evaluation procedures for teachers and principals;

12                  G. Compensation for teachers, principals and other school personnel, including, but  
13                  not limited to, performance pay plans, total compensation plans and innovations with  
14                  regard to retirement and other benefits;

15                  H. School governance and the roles, responsibilities and expectations of principals;  
16                  and

17                  I. Preparation and counseling of students for transition to postsecondary education or  
18                  the workforce.

19                  **8. Gifts, grants and donations.** A school, zone or district may seek and accept  
20                  public and private gifts, grants and donations to offset the costs of developing and  
21                  implementing an innovation plan.

22                  **9. Commissioner's approval.** A school board shall submit school, zone or district  
23                  innovation plans approved pursuant to subsection 4, paragraph J to the commissioner.

24                  A. Within 60 days after receiving an innovation plan for a school, zone or district,  
25                  the commissioner shall approve the innovation plan unless the commissioner  
26                  concludes that the plan:

27                         (1) Is likely to result in a decrease in academic achievement in the innovative  
28                         school, zone or district; or

29                         (2) Is not fiscally feasible.

30                  B. If the commissioner does not approve the innovation plan, the commissioner shall  
31                  provide to the school board a written explanation of the basis for the decision. The  
32                  school board may submit an amended innovation plan for the commissioner's  
33                  approval at any time.

34                  Nothing in this subsection may prevent or may be construed to prevent the commissioner  
35                  from approving an innovation plan to create an innovative public school district when the  
36                  innovation plan is created by a school board for a school administrative unit that operates  
37                  only one innovative, autonomous public school.

38                  **10. Commissioner's waiver.** Upon approval of an innovation plan for a school,  
39                  zone or district, the commissioner shall waive requirements of any statutes or rules

1 specified in the approved innovation plan as they pertain to the innovative school, zone or  
2 district, except that the commissioner may not waive requirements pertaining to:

3 A. School administrative unit employee participation in the Maine Public Employee  
4 Retirement System;

5 B. The standards established by the school board for awarding a high school diploma  
6 as set forth in chapter 207-A, subchapter 3;

7 C. The statewide assessment program established under this chapter to measure  
8 student achievement of the content standards in the system of learning results set  
9 forth in this chapter and in department rules implementing this chapter and other  
10 curricular requirements established by the school board; and

11 D. The applicable federal statutes and regulations pertaining to student assessment as  
12 required by the federal No Child Left Behind Act of 2001, 20 United States Code,  
13 Chapter 70.

14 Except as otherwise provided in this subsection, the commissioner may not waive any  
15 requirements of any law or rule specified in the approved innovation plan for an  
16 innovative school, zone or district if the law or rule relates to the implementation of or  
17 requirements for any program or grant for which the school administrative unit is  
18 receiving funds appropriated or allocated for the support of public school activities. The  
19 commissioner may waive any requirements of any law or rule that relates to the  
20 implementation of or requirements for any program or grant only if the funding for the  
21 program or grant is no longer allocated to the school administrative unit.

22 **11. State subsidy.** Designation as a school, zone or district may not affect the  
23 allocation of state subsidy for the school administrative unit as calculated pursuant to  
24 chapter 606-B.

25 **12. Revisions to innovation plan; changes to waivers.** If the school board, in  
26 collaboration with one or more public schools pursuant to subsection 3, revises an  
27 innovation plan as provided in subsection 9, paragraph B, the school board may request  
28 additional waivers or changes to existing waivers of the requirements of laws and rules as  
29 necessary to accommodate the revisions to the innovation plan, and the commissioner  
30 shall grant the request unless the commissioner concludes that the waivers or changes to  
31 existing waivers would be likely to result in a decrease in academic achievement in the  
32 school, zone or district, or would not be fiscally feasible.

33 A. In requesting a new waiver or a change to an existing waiver, the school board  
34 must demonstrate the consent of a majority of the teachers and a majority of the  
35 administrators employed at each school that is affected by the new or changed  
36 waiver.

37 B. Except as otherwise provided in this section, a waiver from the requirements of a  
38 law or rule that is granted pursuant to this section continues to apply to a school, zone  
39 or district as long as the school, zone or district continues to be designated as a  
40 school, zone or district.

41 **13. Exemption from school district reorganization requirements.**  
42 Notwithstanding chapter 103-A, a school administrative unit that has been approved by

1 the commissioner as an innovative public school district is exempt from the requirements  
2 to reorganize as a regional school unit or as a member entity of an alternative  
3 organizational structure and may not be assessed a penalty as a nonconforming school  
4 administrative unit pursuant to section 15696.

5 **14. Performance review.** Three years after the commissioner approves an  
6 innovation plan for a school, zone or district, and every 3 years thereafter, the school  
7 board shall review the level of performance of the school, zone or district and determine  
8 whether the school, zone or district is achieving or making adequate progress toward  
9 achieving the academic performance results identified in the innovation plan of the  
10 school, zone or district. The school board, in collaboration with the school, zone or  
11 district, may revise the innovation plan as necessary to improve or continue to improve  
12 academic performance at the school, zone or district. Any revisions to the innovation  
13 plan require the consent of a majority of the teachers and a majority of the administrators  
14 employed at each affected school.

15 A. Following review of a school's performance, if the school board finds that the  
16 academic performance of students enrolled in the school is not improving at a  
17 sufficient rate, the school board may revoke the designation of the school as an  
18 innovative, autonomous public school.

19 B. Following review of the performance of a zone or district, if a school board finds  
20 that the academic performance of students enrolled in one or more of the schools  
21 included in the zone or district is not improving at a sufficient rate, the school board  
22 may remove the underperforming school or schools from the zone or district or may  
23 revoke the designation of the zone or district as an innovative public school zone or  
24 innovative public school district.

25 **15. Annual report.** By March 1, 2012, and each year thereafter, the commissioner  
26 shall submit to the Governor and to the joint standing committee of the Legislature  
27 having jurisdiction over education matters a report concerning the schools, zones and  
28 districts. At a minimum, the report must include:

29 A. The number of school administrative units designated as innovative districts in  
30 the preceding academic year and the total number of innovative districts in the State;

31 B. The number of innovative, autonomous public schools, and the number of  
32 innovative public school zones and innovative public school districts, including the  
33 number of schools in each zone and district and the number of students served in the  
34 schools and zones, expressed as a total number and as a percentage of the students  
35 enrolled in the district;

36 C. An overview of the innovations implemented in each school, zone and district;

37 D. An overview of the academic performance of the students served in schools,  
38 zones and districts, including a comparison between the academic performance of the  
39 students before and after implementation of the innovations;

40 E. Any recommendations for legislative changes based on the innovations  
41 implemented or to further enhance the ability of school administrative units and  
42 school boards to implement innovations; and



