

# MAINE STATE LEGISLATURE

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SAZ  
ROFS

L.D. 1512

Date: 6-3-21

(Filing No. H-355)

MAJORITY  
EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1120, L.D. 1512, "An Act To Create the Office of the Education Ombudsman and To Establish a Commission To Study the Creation of a Reporting and Response System To Assist Public Schools in Addressing Incidents of Bias, Discrimination and Harassment"

Amend the bill by striking out the title and substituting the following:

**'Resolve, To Study the Establishment of the Office of the Education Ombudsman'**

Amend the bill by striking out everything after the title and inserting the following:

**'Sec. 1. Task Force To Study the Establishment of the Office of the Education Ombudsman established. Resolved:** That the Task Force To Study the Establishment of the Office of the Education Ombudsman, referred to in this resolve as "the task force," is established.

**Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule 353, the task force consists of 14 members appointed as follows:

1. Three members of the Senate, appointed by the President of the Senate, with 2 members representing the party holding the largest number of seats in the Senate and one member representing the party holding the 2nd largest number of seats in the Senate;

2. Three members of the House of Representatives, appointed by the Speaker of the House, with 2 members representing the party holding the largest number of seats in the House of Representatives and one member representing the party holding the 2nd largest number of seats in the House of Representatives;

3. The following members appointed by the President of the Senate:

A. A member representing a statewide association of educators;

B. A member representing a statewide association of school boards and superintendents; and

C. A member of the Maine Human Rights Commission established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 15;

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- 1           4. The following members appointed by the Speaker of the House:
- 2           A. Two student members, one of which must represent a traditionally underrepresented
- 3           minority group. Both members must be selected from or recommended by the
- 4           Department of Education's Student Cabinet, the State Board of Education or a
- 5           statewide association of student council members;
- 6           B. A member of the Permanent Commission on the Status of Racial, Indigenous and
- 7           Maine Tribal Populations established under the Maine Revised Statutes, Title 5, section
- 8           25001; and
- 9           C. A member representing a statewide organization that advocates for students with
- 10          disabilities; and
- 11          5. The Commissioner of Education or the commissioner's designee.

12           **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair  
13           and the first-named House of Representatives member is the House chair of the task force.

14           **Sec. 4. Appointments; convening of task force. Resolved:** That all  
15           appointments must be made no later than 30 days following the effective date of this  
16           resolve. The appointing authorities shall notify the Executive Director of the Legislative  
17           Council once all appointments have been completed. After appointment of all members,  
18           the chairs shall call and convene the first meeting of the task force. If 30 days or more after  
19           the effective date of this resolve a majority of but not all appointments have been made, the  
20           chairs may request authority and the Legislative Council may grant authority for the task  
21           force to meet and conduct its business.

22           **Sec. 5. Duties. Resolved:** That the task force shall study how to establish the office  
23           of the education ombudsman, which must include the following:

- 24           1. The qualifications for the education ombudsman, which must include that the
- 25           ombudsman be a person of recognized judgment, independence, objectivity and integrity
- 26           and must be qualified by training or experience or both in public education law and policy
- 27           in this State, dispute resolution or problem resolution techniques, including mediation and
- 28           negotiation, and community outreach. The ombudsman may not be an employee of a school
- 29           administrative unit or the Department of Education or other state agency while serving as
- 30           education ombudsman;
- 31           2. The powers and duties of the education ombudsman, which must include:
- 32           A. Providing information to students, parents and interested members of the public
- 33           regarding the State's public school system;
- 34           B. Identifying obstacles to greater parent and community involvement in shared school
- 35           decision-making processes and recommending strategies for helping parents and
- 36           community members to participate effectively in shared school decision-making
- 37           processes, including understanding and respecting the roles of school administrators
- 38           and staff;
- 39           C. Identifying and recommending strategies for improving the success rates of ethnic
- 40           and racial minority students and students with disabilities identified as having
- 41           disproportionately lower academic achievement;

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- 1 D. Facilitating the resolution of complaints made by parents and students with regard
- 2 to the State's public school system;
- 3 E. Referring complainants and others to appropriate resources, agencies and
- 4 departments;
- 5 F. Consulting with representatives of organizations and groups regarding the work of
- 6 the office of the education ombudsman; and
- 7 G. Performing other functions consistent with the purpose of the education
- 8 ombudsman;
- 9 3. A definition of the role of the education ombudsman;
- 10 4. Where the office of the education ombudsman should be sited; and
- 11 5. The processes for reporting, communication, relationships, handling of concerns
- 12 and complaints, connection with the Department of Education customer care systems,
- 13 management of privacy and confidentiality and messaging to school districts.

14 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
15 necessary staffing services to the task force, except that Legislative Council staff support  
16 is not authorized when the Legislature is in regular or special session.

17 **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, the task force  
18 shall submit a report that includes its findings and recommendations, including suggested  
19 legislation, to the Joint Standing Committee on Education and Cultural Affairs no later than  
20 January 30, 2022. The Joint Standing Committee on Education and Cultural Affairs may  
21 report out a bill related to the report to the Second Regular Session of the 130th Legislature.'

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
23 number to read consecutively.

24 **SUMMARY**

25 This amendment, which is the majority report of the committee, replaces the bill with  
26 a resolve that establishes a legislative task force to study how to establish the office of the  
27 education ombudsman, including the qualifications for the ombudsman, the ombudsman's  
28 duties and powers, the definition of the role of the ombudsman, where the office should be  
29 sited and the processes for reporting, communication, relationships, handling of concerns  
30 and complaints, connection with the Department of Education customer care systems,  
31 management of privacy and confidentiality and messaging to school districts.

32 **FISCAL NOTE REQUIRED**

33 (See attached)

**COMMITTEE AMENDMENT**



Approved: 05/25/21 *MBC*

# 130th MAINE LEGISLATURE

LD 1512

LR 1819(02)

An Act To Create the Office of the Education Ombudsman and To Establish a Commission To Study the Creation of a Reporting and Response System To Assist Public Schools in Addressing Incidents of Bias, Discrimination and Harassment

Fiscal Note for Bill as Amended by Committee Amendment *A(H-355)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

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## Fiscal Note

### Legislative Cost/Study

#### Legislative Cost/Study

The general operating expenses of this study are projected to be \$3,250 in fiscal year 2021-22. The Legislature's budget for the 2022-2023 biennium includes \$10,000 in fiscal year 2021-22 and \$10,000 in fiscal year 2022-23 for the costs of legislative studies, as well as \$21,260 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

#### Fiscal Detail and Notes

Additional costs to the Department of Education to establish a commission to study the creation of a diversity, equity and inclusion reporting and response system can be absorbed within existing budgeted resources.