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Legislative Document

No. 1388

H.P. 1021

House of Representatives, April 4, 2011

An Act To Allow Schools To Adopt Approved Alternative Curricula

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 CASAVANT of Biddeford.
Cosponsored by Senator SULLIVAN of York and
Representatives: BOLDUC of Auburn, HOGAN of Old Orchard Beach, JOHNSON of
Greenville, PRIEST of Brunswick, RANKIN of Hiram, WAGNER of Lewiston.

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

2 **Sec. 1. 20-A MRSA §8**, as enacted by PL 1991, c. 407, §1, is amended to read:

3 **§8. Restructuring public schools**

4 The commissioner shall encourage school administrative units to collaborate with
5 approved private schools and postsecondary institutions of higher education in the State
6 to pursue an ongoing process of school restructuring as a means of more effectively
7 meeting the learning needs and improving the academic performance of all students. The
8 approved private schools and the public and private postsecondary institutions of higher
9 education in the State are urged to cooperate with the department, the state board and
10 school administrative units to provide appropriate and ~~timely~~ exemplary curriculum
11 design, professional development programs and other support services to educators
12 employed in public schools engaged in school restructuring efforts.

13 **1. School restructuring.** For the purposes of this section, the term "school
14 restructuring" means the process by which schools and communities make significant
15 changes in the existing school structure, including the mission, curriculum, instructional
16 strategies, policies, roles, relationships and schedules that influence teaching and learning
17 in the school. School restructuring recognizes the critical educational role of technology
18 and integrates technology and technological systems in the classroom, in school
19 governance and in school record keeping. School restructuring is based on:

20 A. The development of comprehensive educational goals establishing community
21 expectations for what all students should know, the skills they should possess, the
22 attitude toward work and learning they should hold upon completing school and the
23 role of the school in the community;

24 B. A formal appraisal of the basic structures that govern operation of the school;
25 and

26 C. A commitment to revise the basic school structure to achieve the comprehensive
27 educational goals.

28 School restructuring, which is most effectively carried out at the local level, depends on
29 community and educator involvement and approval and student participation. School
30 restructuring includes consideration of changing roles for parents, students, teachers,
31 administrators, support staff, private school educators and officials, postsecondary
32 education institutions and officials, and various segments of the community. It may
33 include a significantly broadened role for schools.

34 School restructuring may include schools ~~and~~, school administrative units and approved
35 private schools combining efforts to cooperatively pursue restructuring activities. When
36 that occurs, one or more schools or units may be designated as demonstration sites.

37 **2. Waiver of rules for local schools.** A school administrative unit undergoing
38 school restructuring may request that the commissioner waive the application of specific
39 rules to that unit, or to certain schools in that unit, if such action is necessary to achieve
40 school restructuring. A school administrative unit that is undergoing school restructuring
41 at the middle school or high school level may request a waiver of the rule requirements

1 related to the system of learning results established in section 6209 if such action is
2 necessary to achieve school restructuring and an alternative curriculum framework
3 proposed for the school administrative unit's school restructuring differs from, but does
4 not conflict with, the rules under the system of learning results established in section
5 6209. The commissioner shall grant a waiver if the requesting unit, as determined by the
6 commissioner, has:

7 A. Demonstrated that one or more state rules prevent or seriously handicap the
8 unit's pursuit of its restructuring goals;

9 B. Demonstrated that reasonable steps have been taken to provide the safeguards
10 offered by the rules in question to allow continued educational progress by students
11 and protect the continuity and integrity of the unit and employees of that unit;

12 C. Provided evidence that the necessary resources and community and staff support
13 are present to ensure that the restructuring changes requiring the waiver stand a
14 reasonable chance of succeeding;

15 D. Informed any bargaining agent or agents representing affected school employees
16 of the waiver request; ~~and~~

17 E. Established a working relationship regarding professional development with an
18 institution of higher education or a professional development service provider; ~~and~~

19 F. When seeking a waiver for school restructuring and an alternative curriculum
20 framework for the middle school or high school level, established a working
21 relationship regarding curriculum design, instructional strategies and professional
22 development strategies with an approved private school to provide an alternative
23 curriculum framework for the middle school or high school level, as applicable. A
24 request for waiver under the conditions of this paragraph must include documentation
25 to substantiate the necessity of the alternative curriculum framework.

26 The request for the waiver must include documentation to substantiate the conditions of
27 this subsection. If the request is denied, the commissioner shall provide the reasons for
28 denying the request to the school administrative unit. The decision of the commissioner
29 may be appealed to the state board. The decision of the state board is final.

30 **3. Waiver of rules for educator preparation programs.** In order to prepare
31 educators to work in restructuring schools, an educator preparation program may request
32 that the state board waive the application of specific rules governing approval of that
33 program. The state board shall grant waiver requests if, in the board's opinion, the
34 program has:

35 A. Demonstrated that the rules for which a waiver is requested prevent or seriously
36 handicap the program in its pursuit of a plan to meet the educational needs of its
37 students and the staffing needs of restructuring schools;

38 B. Demonstrated that reasonable steps have been taken to provide the safeguards
39 offered by the rules in question to allow continued educational progress by students
40 and protect the continuity and integrity of the program and employees of that
41 program;

- 1 C. Provided evidence that the necessary resources and support from the governing
2 body and staff of an institution of higher education are present to ensure that the
3 changes requiring the waiver stand a reasonable chance of succeeding;
- 4 D. Informed any bargaining agent or agents representing affected program
5 employees of the waiver request; and
- 6 E. Developed service, research and teaching relationships with one or more
7 restructuring public schools.

8 The request for the waiver must include documentation to substantiate the conditions of
9 this subsection. If the request is denied, the state board shall communicate the reasons for
10 denying the request to the petitioning program.

11 **4. Authority to contract.** Upon the approval of a request for a waiver of the rule
12 requirements pursuant to subsection 2, paragraph F, a school administrative unit may
13 contract with the governing body of an approved private school to implement any
14 curriculum designs, instructional strategies and professional development strategies that
15 are necessary to achieve school restructuring at the middle school or high school level.

16 **SUMMARY**

17 This bill amends the school restructuring statutes to encourage school administrative
18 units to collaborate with approved private schools to develop alternative curriculum
19 frameworks to achieve school restructuring at the middle school or high school level.
20 The bill allows a school administrative unit that is undergoing restructuring at the middle
21 school or high school level to request a waiver of the rule requirements related to the
22 system of learning results established in the Maine Revised Statutes, Title 20-A, section
23 6209 if the waiver is necessary to achieve school restructuring and an alternative
24 curriculum framework proposed for the school administrative unit's school restructuring
25 differs from, but does not conflict with, the rules related to the system of learning results.