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## **Resolve, To Conduct a Review of the Roles and Functions of the Department of Education and of Certain Mandates**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation establishes a stakeholder group to conduct a review of the roles and functions of the Department of Education; and

**Whereas,** the review must be initiated before the 90-day period expires in order that the review may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Stakeholder group established. Resolved:** That the stakeholder group to conduct a review of the roles and functions of the Department of Education, referred to in this resolve as "the stakeholder group," is established; and be it further

**Sec. 2 Stakeholder group membership. Resolved:** That the stakeholder group consists of 13 members. The Commissioner of Education or the commissioner's designee and the chair of the State Board of Education or the chair's designee are members of the stakeholder group. Other members of the stakeholder group are appointed as follows:

1. The President of the Senate shall appoint the following 3 members:

A. Two members of the Senate serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest number of members in the Senate; and

B. One person representing the Maine Administrators of Services for Children with Disabilities; and

2. The Speaker of the House of Representatives shall appoint the following 8 members:

A. Four members of the House of Representatives serving on the Joint Standing Committee on Education and Cultural Affairs, 2 from each of the 2 political parties having the greatest number of members in the House;

B. One person representing the Maine School Superintendents Association;

C. One person representing the Maine School Boards Association;

D. One person representing the Maine Education Association; and

E. One person representing the Maine Principals' Association; and be it further

**Sec. 3 Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the stakeholder group; and be it further

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

**Sec. 5 Duties. Resolved:** That the stakeholder group shall conduct a review of the roles and functions of the Department of Education and of unfunded and underfunded mandates and develop recommendations to change, as necessary, the roles and functions of the department and to alleviate the problem of unfunded and underfunded mandates; and be it further

**Sec. 6 Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the stakeholder group; and be it further

**Sec. 7 Report. Resolved:** That, no later than December 7, 2011, the stakeholder group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs may introduce a bill on matters relating to the report to the Second Regular Session of the 125th Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This resolve establishes a stakeholder group to conduct a review of the roles and functions of the Department of Education and of unfunded and underfunded mandates. The stakeholder group is required to prepare and submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 7, 2011.