



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1425

H.P. 1038

House of Representatives, March 28, 2019

**An Act To Maintain the Integrity of the Department of Education
by Prohibiting Its Promotion of Policies and Practices That Are Not
Based on Rigorous Peer Review and Analysis, Limiting Acceptance
of Private Funding in Implementing and Influencing State Policy
and Retaining the Home Rule Powers to School Administrative
Units**

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SAMPSON of Alfred.
Cosponsored by Senator DOW of Lincoln and
Representatives: FECTEAU of Augusta, HAGGAN of Hampden, HANDY of Lewiston,
O'CONNOR of Berwick, ORDWAY of Standish, PICKETT of Dixfield, STEARNS of
Guilford, TUELL of East Machias.

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

2 **Sec. 1. 20-A MRSA §256, sub-§11** is enacted to read:

3 **11. Limit on authority.** Notwithstanding any other provision of law, the
4 commissioner may not:

5 A. Promote policies, programs, procedures or experiments in public schools that do
6 not adhere to rigorous standards of peer review and established statistical procedures
7 for determining the effectiveness in producing clearly identified outcomes;

8 B. Contract with or accept funding from private entities to implement state policies;
9 or

10 C. Maintain membership in regional or national educational organizations or
11 associations that are funded by private entities, including, but not limited to, a
12 consortium of New England secondary schools.

13 **Sec. 2. Withdraw from New England Secondary School Consortium.** The
14 Commissioner of Education shall withdraw the State from the New England Secondary
15 School Consortium on the effective date of this Act.

16 **Sec. 3. Return to home rule powers; report.** The Department of Education
17 shall, in consultation with school administrative units and the Maine Municipal
18 Association, study how to return home rule powers granted to municipalities by the
19 Maine Revised Statutes, Title 30-A, chapter 111 and by the Constitution of Maine,
20 Article VIII, Part Second to school administrative units. The department shall report to
21 the Joint Standing Committee on Education and Cultural Affairs on the department's
22 findings and recommendations, including recommended legislation, no later than January
23 1, 2020. The committee may report out legislation related to the subject matter of the
24 report to the Second Regular Session of the 129th Legislature.

25 **SUMMARY**

26 This bill prohibits the Commissioner of Education and Department of Education
27 personnel from promoting policies, programs, procedures or experiments in schools that
28 do not adhere to rigorous standards of peer review and established statistical procedures
29 for determining the effectiveness in producing clearly identified outcomes and from
30 contracting with and accepting funding from private entities to implement state policies.
31 This bill also directs the commissioner to withdraw from the New England Secondary
32 School Consortium and prohibits the commissioner from maintaining membership in
33 regional or national groups that are funded by private entities. The bill also directs the
34 Department of Education, in consultation with school administrative units and the Maine
35 Municipal Association, to study how to return home rule powers to school administrative
36 units.