

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1995

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 10, 1996, unless otherwise indicated.

CHAPTER 649

S.P. 701 - L.D. 1791

An Act to Initiate Education Reform in Maine

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

Sec. 1. 20-A MRSA §§6208 and 6209 are enacted to read:

§6208. Legislative intent

The Legislature finds that because all children can learn at significantly higher levels, it is essential that the Legislature, the State Board of Education, the Department of Education, school administrative units, educators and parents provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among State Government, school administrative units, educators, parents, business persons, and the community, school administrative units and educators can develop and teach to high standards that will enable students to become productive and fulfilled members of society. The Legislature further finds that the system of learning results established in section 6209 will serve as a foundation for education reform, will promote assessment of student learning, will reinforce accountability and will encourage equity. The Legislature, therefore, encourages the State Board of Education, the Department of Education and school administrative units to employ a high degree of creativity in developing content standards and performance indicators and to explore a wide range of programs and options so that the standards adopted will reflect the highest possible expectations and assessments will be of the highest possible quality. The ultimate goal and intent of the Legislature is to ensure that the State's schools will enable today's students to gain the knowledge and skills necessary to be effective parents, citizens, workers and adults.

§6209. System of learning results established

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, referred to in this section as the "system," no later than the 2002-03 school year. The system, based broadly upon guiding

principles set forth in this section, must establish high academic standards at all grade levels in the areas of math; English; science and technology; social studies, including history, economics and civics; career preparation; visual and performing arts; health and physical education; and foreign languages. Only students in a public school or a private school approved by the State pursuant to section 2902 and approved for the receipt of public funds by private secondary schools pursuant to section 2951 are required to participate in the system of learning results. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system shall be adopted to accommodate exceptional students as defined in section 7001, subsection 2.

1. Guiding principles. Each student must leave school as:

A. A clear and effective communicator who:

- (1) Uses oral, written, visual, artistic and technological modes of expression;
- (2) Reads, listens to and interprets messages from multiple sources; and
- (3) Uses English and at least one other language;

B. A self-directed and life-long learner who:

- (1) Creates career and education plans that reflect personal goals, interests and skills, and available resources;
- (2) Demonstrates the capacity to undertake independent study; and
- (3) Finds and uses information from libraries, electronic data bases and other resources;

C. A creative and practical problem solver who:

- (1) Observes situations objectively to clearly and accurately define problems;
- (2) Frames questions and designs data collection and analysis strategies from all disciplines to answer those questions;
- (3) Identifies patterns, trends and relationships that apply to solutions to problems; and
- (4) Generates a variety of solutions, builds a case for the best response and critically evaluates the effectiveness of this response;

D. A responsible and involved citizen who:

- (1) Recognizes the power of personal participation to affect the community and demonstrates participation skills;
- (2) Understands the importance of accepting responsibility for personal decisions and actions;
- (3) Knows the means of achieving personal and community health and well-being; and
- (4) Recognizes and understands the diverse nature of society;

E. A collaborative and quality worker who:

- (1) Knows the structure and functions of the labor market;
- (2) Assesses individual interests, aptitudes, skills, and values in relation to demands of the workplace; and
- (3) Demonstrates reliability, flexibility and concern for quality; and

F. An integrative and informed thinker who:

- (1) Applies knowledge and skills in and across English language arts, visual and performing arts, foreign languages, health and physical education, mathematics, science and technology, social studies and career preparation; and
- (2) Comprehends relationships among different modes of thought and methods associated with the traditional disciplines.

2. Content standards. Each student shall study and achieve proficiency in the following content standard subject areas:

- A. Career preparation;
- B. English language arts;
- C. Foreign languages;
- D. Health and physical education;
- E. Mathematics;
- F. Science and technology;
- G. Social studies; and
- H. Visual and performing arts.

Sec. 2. Development of standards and indicators. The Department of Education and the State Board of Education, and the joint standing

committee of the Legislature having jurisdiction over education matters shall jointly develop recommended content standards and student performance indicators for the subject areas described in the Maine Revised Statutes, Title 20-A, section 6209, subsection 2. Following development of those recommendations the content standards and performance indicators must be established subject to rules established jointly by the department and the board in accordance with the Maine Administrative Procedure Act, chapter 375, subchapter II. Proposed rules must be widely circulated to school administrative units and the public during the rule-making process. Rules adopted pursuant to this Act are major substantive rules as defined in Title 5, chapter 375, subchapter II-A, and must be reviewed by the joint standing committee of the Legislature having jurisdiction over education matters and cultural affairs and approved by the Legislature. The rules may not require a school administrative unit to incur additional expenditures unless the State pays for 90% of the costs.

Sec. 3. Schools to adopt system of learning results subject to availability of funds.

Following approval of rules establishing content standards and student performance indicators and subject to state funding for professional development assistance, school administrative units shall adopt the system of learning results. A school administrative unit may delay adoption of the system of learning results in the subject areas of career preparation, foreign languages and visual and performing arts if adoption in those subject areas can not be achieved within existing local resources. The Department of Education shall develop a reporting mechanism that permits a school administrative unit to report such a delay to the department at no cost to the unit.

Sec. 4. Department to review methods and potential costs of implementing learning results.

By January 1, 1997, the Department of Education shall review and make recommendations to the joint standing committee of the Legislature having jurisdiction over education matters on methods for implementing learning results in the areas of career preparation, foreign languages and visual and performing arts within existing local resources. If the department finds that additional funds may be required to implement learning results in those subject areas, the department shall review and estimate the potential costs of implementation. The department shall also review and make recommendations on establishing a date by which all school administrative units must implement learning results in all subject areas.

Sec. 5. System must include plan to assist school administrative units.

The system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209 must include a plan

to assist school administrative units in helping all students achieve the learning results. The Department of Education, in consultation with the State Board of Education and school administrative units, shall develop the plan for assistance. The plan must also include criteria to identify school administrative units experiencing difficulty meeting the learning results and the provision of intensive assistance to these school administrative units. The plan for assistance must be established by July 30, 1997 and implemented during the 1997-98 school year.

Sec. 6. System must include plan for professional development. The system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209 must include a statewide plan for professional development designed to promote the learning results. The professional development plan must be established by the Department of Education in consultation with the State Board of Education, local school administrative units, higher education institutions in this State, regional partnerships and other interested stakeholders. The professional development plan must be completed by June 30, 1996. The plan must be implemented on July 3, 1997 and must include incentive funds awarded by the Department of Education to all school administrative units participating in the plan. Incentive funds must be awarded at a rate of \$8 per pupil or \$10 per pupil for school administrative units whose professional development plans are accomplished in collaboration with one or more other school administrative units. School administrative units must submit to the Commissioner of Education a proposal outlining the unit's plan for professional development. Receipt of incentive funds is contingent upon approval of the proposal by the commissioner.

Sec. 7. State commitment to professional development. Continuation of the system of learning results established in the Maine Revised Statutes, Title 20-A, section 6209 is contingent on an annual General Fund appropriation for professional development of not less than \$2,000,000. The annual appropriation must be in addition to customary and ongoing appropriations of General Fund dollars for education purposes, including grades kindergarten to 12 and higher education. Failure of the Legislature to annually appropriate a minimum of \$2,000,000 for professional development will result in suspension of the system of learning results.

Sec. 8. Establish student assessments. Student achievement of the learning results established in the Maine Revised Statutes, Title 20-A, section 6209 must be measured by a combination of state and local assessments to measure progress and ensure accountability. The 4th-grade, 8th-grade and 11th-grade results of the Maine Education Assessment, the "MEA," are the state assessments used to measure

achievement of the learning results. The 4th-grade and 8th-grade MEA must be used to measure achievement of the learning results beginning in the 1998-99 school year. The 11th-grade MEA must be used to measure achievement of the learning results beginning in the 1999-2000 school year. Local school administrative units may develop additional assessments to measure achievement of the learning results, including student portfolios, performances, demonstrations and other records of achievements.

Sec. 9. Recommendation on student achievement. By January 1, 1997, the State Board of Education and the Department of Education shall review and make recommendations to the Legislature on linking achievement of the learning results established in the Maine Revised Statutes, Title 20-A, section 6209 to completion of high school.

Sec. 10. Report. The State Board of Education and the Department of Education shall provide an annual report no later than December 15th to the joint standing committee of the Legislature having jurisdiction over education matters regarding progress toward implementation of the learning results. The annual report may include recommendations for legislation concerning implementation of the learning results.

See title page for effective date.

CHAPTER 650

H.P. 1279 - L.D. 1758

An Act to Amend the Protection from Abuse and Protection from Harassment Statutes

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

Sec. 1. 5 MRSA §4651, sub-§2, as amended by PL 1995, c. 265, §1, is repealed and the following enacted in its place:

2. Harassment. "Harassment" means:

A. Three or more acts of intimidation, confrontation, physical force or the threat of physical force directed against any person, family or business that are made with the intention of causing fear, intimidation or damage to property and that do in fact cause fear, intimidation or damage to property;

B. Three or more acts that are made with the intent to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine or the United States Constitution; or