

MAINE STATE LEGISLATURE

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L.D. 1791

DATE: March 29, 1996 (Filing No. S-549)

EDUCATION AND CULTURAL AFFAIRS

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 701, L.D. 1791, Bill, "An Act to Initiate Education Reform in Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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

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2 and assessments will be of the highest possible quality. The
3 ultimate goal and intent of the Legislature is to ensure that the
4 State's schools will enable today's students to gain the
5 knowledge and skills necessary to be effective parents, citizens,
6 workers and adults.

7 **§6209. System of learning results established**

8
9 The department in consultation with the state board shall
10 establish and implement a comprehensive, statewide system of
11 learning results, referred to in this section as the "system," no
12 later than the 2002-03 school year. The system, based broadly
13 upon guiding principles set forth in this section, must establish
14 high academic standards at all grade levels in the areas of math;
15 English; science and technology; social studies, including
16 history, economics and civics; career preparation; visual and
17 performing arts; health and physical education; and foreign
18 languages. Only students in a public school or a private school
19 approved by the State pursuant to section 2902 and approved for
20 the receipt of public funds by private secondary schools pursuant
21 to section 2951 are required to participate in the system of
22 learning results. The commissioner shall develop accommodation
23 provisions for instances where course content conflicts with
24 sincerely held religious beliefs and practices of a student's
25 parent or guardian. The system shall be adopted to accommodate
26 exceptional students as defined in section 7001, subsection 2.

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

28 **A. A clear and effective communicator who:**

29 (1) Uses oral, written, visual, artistic and
30 technological modes of expression;

31 (2) Reads, listens to and interprets messages from
32 multiple sources; and

33 (3) Uses English and at least one other language;

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

35 (1) Creates career and education plans that reflect
36 personal goals, interests and skills, and available
37 resources;

38 (2) Demonstrates the capacity to undertake independent
39 study; and

40 (3) Finds and uses information from libraries,
41 electronic data bases and other resources;

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C. A creative and practical problem solver who:

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(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

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2 (2) Comprehends relationships among different modes of
3 thought and methods associated with the traditional
4 disciplines.

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

8 A. Career preparation;

10 B. English language arts;

12 C. Foreign languages;

14 D. Health and physical education;

16 E. Mathematics;

18 F. Science and technology;

20 G. Social studies; and

22 H. Visual and performing arts.

24 **Sec. 2. Development of standards and indicators.** The Department
26 of Education and the State Board of Education, and the joint
27 standing committee of the Legislature having jurisdiction over
28 education matters shall jointly develop recommended content
29 standards and student performance indicators for the subject
30 areas described in the Maine Revised Statutes, Title 20-A,
31 section 6209, subsection 2. Following development of those
32 recommendations the content standards and performance indicators
33 must be established subject to rules established jointly by the
34 department and the board in accordance with the Maine
35 Administrative Procedure Act, chapter 375, subchapter II.
36 Proposed rules must be widely circulated to school administrative
37 units and the public during the rule-making process. Rules
38 adopted pursuant to this Act are major substantive rules as
39 defined in Title 5, chapter 375, subchapter II-A, and must be
40 reviewed by the joint standing committee of the Legislature
41 having jurisdiction over education matters and cultural affairs
42 and approved by the Legislature. The rules may not require a
43 school administrative unit to incur additional expenditures
44 unless the State pays for 90% of the costs.

46 **Sec. 3. Schools to adopt system of learning results subject to**
47 **availability of funds.** Following approval of rules establishing
48 content standards and student performance indicators and subject
49 to state funding for professional development assistance, school
50 administrative units shall adopt the system of

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2 learning results. A school administrative unit may delay
3 adoption of the system of learning results in the subject areas
4 of career preparation, foreign languages and visual and
5 performing arts if adoption in those subject areas can not be
6 achieved within existing local resources. The Department of
7 Education shall develop a reporting mechanism that permits a
8 school administrative unit to report such a delay to the
9 department at no cost to the unit.

10 **Sec. 4. Department to review methods and potential costs of**
11 **implementing learning results.** By January 1, 1997, the Department
12 of Education shall review and make recommendations to the joint
13 standing committee of the Legislature having jurisdiction over
14 education matters on methods for implementing learning results in
15 the areas of career preparation, foreign languages and visual and
16 performing arts within existing local resources. If the
17 department finds that additional funds may be required to
18 implement learning results in those subject areas, the department
19 shall review and estimate the potential costs of implementation.
20 The department shall also review and make recommendations on
21 establishing a date by which all school administrative units must
22 implement learning results in all subject areas.

23 **Sec. 5. System must include plan to assist school administrative**
24 **units.** The system of learning results established in the Maine
25 Revised Statutes, Title 20-A, section 6209 must include a plan to
26 assist school administrative units in helping all students
27 achieve the learning results. The Department of Education, in
28 consultation with the State Board of Education and school
29 administrative units, shall develop the plan for assistance. The
30 plan must also include criteria to identify school administrative
31 units experiencing difficulty meeting the learning results and
32 the provision of intensive assistance to these school
33 administrative units. The plan for assistance must be
34 established by July 30, 1997 and implemented during the 1997-98
35 school year.

36 **Sec. 6. System must include plan for professional development.** The
37 system of learning results established in the Maine Revised
38 Statutes, Title 20-A, section 6209 must include a statewide plan
39 for professional development designed to promote the learning
40 results. The professional development plan must be established
41 by the Department of Education in consultation with the State
42 Board of Education, local school administrative units, higher
43 education institutions in this State, regional partnerships and
44 other interested stakeholders. The professional development plan
45 must be completed by June 30, 1996. The plan must be implemented
46 on July 1, 1996 and must include incentive funds awarded by the
47 Department of Education to all school administrative
48 units.

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2 units participating in the plan. Incentive funds must be awarded
3 at a rate of \$8 per pupil or \$10 per pupil for school
4 administrative units whose professional development plans are
5 accomplished in collaboration with one or more other school
6 administrative units. School administrative units must submit to
7 the Commissioner of Education a proposal outlining the unit's
8 plan for professional development. Receipt of incentive funds is
9 contingent upon approval of the proposal by the commissioner.

10 **Sec. 7. State commitment to professional development.**

11 Continuation of the system of learning results established in the
12 Maine Revised Statutes, Title 20-A, section 6209 is contingent on
13 an annual General Fund appropriation for professional development
14 of not less than \$2,000,000. The annual appropriation must be in
15 addition to customary and ongoing appropriations of General Fund
16 dollars for education purposes, including grades kindergarten to
17 12 and higher education. Failure of the Legislature to annually
18 appropriate a minimum of \$2,000,000 for professional development
19 will result in suspension of the system of learning results.

20 **Sec. 8. Establish student assessments.**

21 Student achievement of
22 the learning results established in the Maine Revised Statutes,
23 Title 20-A, section 6209 must be measured by a combination of
24 state and local assessments to measure progress and ensure
25 accountability. The 4th-grade, 8th-grade and 11th-grade results
26 of the Maine Education Assessment, the "MEA," are the state
27 assessments used to measure achievement of the learning results.
28 The 4th-grade and 8th-grade MEA must be used to measure
29 achievement of the learning results beginning in the 1998-99
30 school year. The 11th-grade MEA must be used to measure
31 achievement of the learning results beginning in the 1999-2000
32 school year. Local school administrative units may develop
33 additional assessments to measure achievement of the learning
34 results, including student portfolios, performances,
35 demonstrations and other records of achievements.

36 **Sec. 9. Recommendation on student achievement.**

37 By January 1,
38 1997, the State Board of Education and the Department of
39 Education shall review and make recommendations to the
40 Legislature on linking achievement of the learning results
41 established in the Maine Revised Statutes, Title 20-A, section
42 6209 to completion of high school.

44 **Sec. 10. Report.**

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

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2 The Department of Education, in consultation with the State
3 Board of Education, is required to develop a system of learning
4 results. If the rules that are adopted to implement this system
5 result in additional expenses to school administrative units, the
6 State will be required to fund at least 90% of those additional
7 costs. The additional appropriations that may be required can
8 not be determined until those rules are adopted.

9 This bill includes a General Fund appropriation of
10 \$2,100,000 in fiscal year 1996-97 for the Department of Education
11 to provide professional development incentive awards and for
12 grants to regional demonstration sites for efficiency and
13 consolidation programs. Future annual appropriations of at least
14 \$2,000,000 will be required to fund the continuing professional
15 development costs.

16 The costs associated with planning, rule-making and
17 reporting requirements can be absorbed by the Department of
18 Education and the State Board of Education utilizing existing
19 budgeted resources.

22 **STATEMENT OF FACT**

23 The amendment replaces the bill. The amendment establishes
24 6 guiding principles to aid in the development of learning
25 standards for all public school students. Recommendations for
26 the standards, referred to as "learning results" and consisting
27 of content standards and performance indicators, will be
28 developed jointly by the Joint Standing Committee on Education
29 and Cultural Affairs, the Department of Education and the State
30 Board of Education in the areas of career preparation, English
31 language arts, foreign languages, health and physical education,
32 mathematics, science and technology, social studies and visual
33 and performing arts.

34 Following development of the recommendations, the department
35 and the board will jointly establish content standards and
36 performance indicators through the rule-making process. As
37 required by that process, public hearings will be held on the
38 proposed standards and indicators prior to consideration by the
39 Legislature. Review and final acceptance or rejection by the
40 Legislature will occur during the First Regular Session of the
41 118th Legislature.

42 The amendment requires school administrative units to adopt
43 the learning results within current resource levels. Adoption in
44 the areas of English language arts, health and physical
45 education, mathematics, science and technology and social studies
46 can be achieved within existing budgeted resources.

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2 School administrative units may delay implementation of the
3 learning standards in the areas of career preparation, foreign
4 languages and visual and performing arts if implementation cannot
5 be achieved within existing resources.

6 The amendment provides a \$2,000,000 appropriation for
7 professional development for the 1996-97 school year and requires
8 future annual appropriations of at least \$2,000,000 for
9 professional development. Failure of the Legislature to
10 appropriate funds for professional development in any year will
11 result in suspension of the system of learning results.

12 The amendment requires the department to use the Maine
13 Education Assessment, the "MEA," to measure student and school
14 performance in achieving the learning standards. Students do not
15 have to pass the MEA or achieve a minimum score to complete any
16 grade or graduate from high school. The amendment requires the
17 state board and the department to review and make recommendations
18 to the Legislature by January 1, 1997 on linking achievement of
19 the learning results to completion of high school. The amendment
20 also encourages school administrative units to develop additional
21 local assessments to measure student achievement, including
22 student portfolios, performances, demonstrations and other
23 records of achievements.

24 The amendment requires the department, in consultation with
25 the state board, to develop a plan to assist school
26 administrative units in helping all students achieve the learning
27 results. The amendment also requires the department to develop a
28 plan for providing intensive assistance to school administrative
29 units experiencing difficulty meeting the learning results.

30 The amendment makes clear that only public school students
31 and students attending private schools approved for educating
32 public school students are required to adopt the learning
33 results. Home-schooled students and students attending religious
34 schools are exempt from the provisions of the bill. The
35 amendment also requires the commissioner to develop
36 accommodations for students requiring special education services
37 and for students when course content conflicts with religious
38 beliefs.

39 The amendment adds a fiscal note and an appropriation
40 section to the bill.

COMMITTEE AMENDMENT