

MAINE STATE LEGISLATURE

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MS

L.D. 1536

DATE: 5/21/97

(Filing No. H-631)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1093, L.D. 1536, "Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education"

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

PART A

Sec. A-1. Rules disapproved. The final adoption of Chapter 131: Rules for Learning Results, a provisionally adopted major substantive rule of the Department of Education, submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is not authorized.

PART B

Sec. B-1. Study group; development of standards and indicators. The Commissioner of Education shall convene a 15-member study group to develop recommended content standards and performance indicators in the areas of English language arts, including phonics, mathematics, science and technology and social studies. Simultaneously, each school administrative unit shall review the learning standards set forth in the report of the Task Force on Learning Results, established pursuant to Public Law 1993, chapter 290, the learning standards adopted by the State of Virginia and the criteria established in this section. The department shall supply school administrative units with a copy

HOUSE AMENDMENT

of the report of the task force, a copy of the Virginia standards
and a copy of the criteria. Each school administrative unit
shall report its findings to the study group.

1. **Membership.** The study group consists of the following
members:

A. Two members of the Senate, appointed by the President of
the Senate;

B. Two members of the House of Representatives, appointed
by the Speaker of the House;

C. One member from the Department of Education, appointed
by the Commissioner of Education;

D. One member of the State Board of Education, appointed by
the board;

E. One teacher appointed by the Governor;

F. Three representatives of Maine business, appointed by
the Governor; and

G. Five parents of Maine students, grades kindergarten
through 12, 2 appointed by the President of the Senate, 2
appointed by the Speaker of the House and one appointed by
the Governor.

No member of the task force may be a person who has submitted
legislation in support of learning results, is serving on the
Joint Standing Committee on Education and Cultural Affairs in the
118th Legislature or who has served on the Special Commission to
Study and Evaluate the Status of Education Reform in Maine,
established in Resolve 1989, chapter 88 or the Task Force on
Learning Results, established in Public Law 1993, chapter 290.

2. **Recommendations.** The study group shall develop its
recommendations in accordance with the following criteria.

A. The paramount purpose of the standards is to improve
academic performance.

B. The standards must be firmly grounded in academic
content and the well-accepted disciplines of a sound
education.

C. The standards may not focus on social, behavioral and
moral issues that do not lend themselves to a
standard-setting mechanism.

- 2 D. The standards must outline the essential knowledge to be
learned and the skills to be acquired in each subject area.
- 4
- 6 E. Each standard must be clear and specific.
- 8 F. Standards must be defined grade-by-grade in a framework
that provides effective guidance to all participants in the
educational system.
- 10
- 12 G. The standards must facilitate a student's transition
from one school to another within the State.
- 14
- 16 H. The standards may not attempt to cover everything to be
taught but must focus on what is essential for students to
learn.
- 18
- 20 I. The standards must be rigorous, challenging and
competitive with those that prevail in other states and
societies.
- 22
- 24 J. The standards must both motivate and measure student
performance.
- 26
- 28 K. Content standards must define the knowledge and skills
essential to each discipline.
- 30
- 32 L. Performance standards must specify the level of
competence necessary to measure attainment of the content
standards.
- 34
- 36 M. Standards must include multiple performance levels.
- 38
- 40 N. Standards must combine both knowledge and skills without
pursuing one at the expense of the other.
- 42
- 44 O. Standards may illustrate, but not dictate, the methods
by which material is to be taught, except that the use of
phonics is required.
- 46
- 48 P. The standards must be written clearly enough that both
parents and teachers understand what is expected of students
and can use the standards as a practical means of measuring
progress.
- 50
- Q. The standards must include accommodations and
modifications for students with special needs.
- R. The content standards enumerated in the Maine Revised
Statutes, Title 20-A, section 6209, subsection 2 must be

limited to English language arts, including phonics;
mathematics; science and technology; and social studies.

The task force shall submit its recommendations, including all necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs and to the Department of Education and the State Board of Education no later than November 1, 1997. Following submission of the recommendations, the content standards and performance indicators in those subject areas must be established subject to rules established jointly by the Department of Education and the State Board of Education in accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter II. Proposed rules must be circulated to all school administrative units and the public during the rule-making process. The department and the board shall consider carefully the recommendations of school administrative units in the rule-making process. Rules adopted pursuant to this Act must follow closely the recommendations of the task force and meet the criteria enumerated in section 1, subsection 2 of this Part. Rules adopted pursuant to this Act are major substantive rules, as defined in Title 5, chapter 375, subchapter II-A and must be submitted by December 31, 1997 to the Joint Standing Committee on Education 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. B-2. Recommendation on student and school achievement. By January 1, 1998, 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. The board and the department also shall review and make recommendations on linking school administrative unit success to ensure that students achieve the learning results with state assistance for those units.

Sec. B-3. Expanded areas for learning standards. Following establishment of learning standards in the areas of English language arts, including phonics, mathematics, science and technology and social studies, the Department of Education and the State Board of Education shall advise the Legislature on establishing learning standards in the areas of career preparation, foreign languages, health and physical education and visual and performing arts.

PART C

Sec. C-1. Appropriation. The following funds are

appropriated from the General Fund to carry out the purposes of
this Act.

2

4

1997-98

6

EDUCATION, DEPARTMENT OF

8

Leadership

10

All Other

\$7,000

12

Provides funds for the reimbursement of
expenses of the public members of the study
group charged to develop and recommend
standards.

14

16

Reimbursement for State Mandates

18

All Other

12,750

20

Provides funds to allow the Department of
Education to pay school administrative units
for the one-time review and reporting
requirements imposed.

22

24

26

**DEPARTMENT OF EDUCATION
TOTAL**

\$19,750

28

Sec. C-2. Appropriation. Notwithstanding Public Law 1995,
chapter 649, section 7, the following funds are deappropriated
from the General Fund to carry out the purposes of this Act.

30

32

1997-98

1998-99

34

EDUCATION, DEPARTMENT OF

36

Learning System

38

All Other

(\$674,294)

(\$1,240,876)

40

Deappropriates funds for the
Maine Education Assessment
testing previously
appropriated in Public Law
1997, chapter 24, Part JJ,
section 1.

42

44

46

48

Professional Development

50

All Other

(\$1,000,000)

(\$1,000,000)

2 Deappropriates funds for
3 professional development of
4 educators previously
5 appropriated in Public Law
6 1997, chapter 24, Part JJ,
7 section 1.

8
9 **DEPARTMENT OF EDUCATION**
10 **TOTAL** (\$1,674,294) (\$2,240,876)''

11
12 **FISCAL NOTE**

13
14 **1997-98** **1998-99**
15
16 **APPROPRIATIONS/ALLOCATIONS**
17
18 General Fund (\$1,654,544) (\$2,240,876)

19
20 This amendment deappropriates all funds designated for the
21 implementation of the system of learning results. The effect of
22 these deappropriations and the amendment on the timing and
23 implementation of a system of learning results can not be
24 determined at this time. These General Fund deappropriations
25 total \$1,674,294 in fiscal year 1997-98 and \$2,240,876 in fiscal
26 year 1998-99.

27
28 The amendment establishes a study committee to develop
29 certain content standards and performance indicators. The
30 amendment provides a General Fund appropriation to the Department
31 of Education of \$7,000 in fiscal year 1997-98 to reimburse the
32 travel expenses of legislative and public members of the group
33 and for printing costs.

34
35 The amendment proposes review and reporting requirements on
36 school administrative units, which will result in additional
37 expenditures to the units. The Maine Revised Statutes, Title
38 30-A, section 5685 requires the State to provide sufficient
39 amounts to meet at least 90% of these additional costs and to
40 distribute the funds in accordance with a mandate payment
41 distribution schedule.

42
43 The amendment provides a General Fund appropriation of
44 \$12,750 in fiscal year 1997-98 for the Department of Education.
45 The one-time printing, postage and meeting costs incurred by the
46 school administrative units, estimated to average approximately
47 \$50 per unit, will be paid from this appropriation by the
48 Department of Education in accordance with the distribution
49 schedule.

2
4
SUMMARY

6 This amendment replaces the committee amendment. This
8 amendment disapproves the rules for learning results
provisionally adopted by the Department of Education and
establishes a study group to assist in formulating new rules.

10 1. Part A of the amendment disapproves the rules for
12 learning results provisionally adopted by the Department of
Education.

14 2. Part B of the amendment:

16 A. Establishes a new 15-member study group consisting of 8
18 business people and parents of students and 7 educators and
government officials. The study group will make
20 recommendations in accordance with criteria established by
the American Federation of Teachers, the learning standards
22 adopted by the State of Virginia, the report of the Task
Force on Learning Results and reports from local school
24 administrative districts. Learning standards are required
to be established in the areas of English language arts,
26 including phonics; mathematics; science and technology; and
social studies. Career preparation, foreign languages,
28 health and physical education and visual and performing arts
learning standards are postponed until performance standards
have been established in the above 4 content areas; and

30 B. Directs the study group to submit its recommendations
32 and implementing legislation to the Joint Standing Committee
on Education and Cultural Affairs and to the State Board of
34 Education and Department of Education, which must develop
rules in accordance with the recommendations. The rules
36 must be submitted to the Joint Standing Committee on
Education and Cultural Affairs by December 31, 1997.

38 3. Part C of the amendment:

40 A. Appropriates funds for the study group established in
42 this amendment; and

2 B. Deappropriates funds currently appropriated for
3 professional development of educators to assist school
4 administrative units with implementing the system of
5 learning results and for modifications to the Maine
6 Education Assessment test program to measure learning
7 results.

8

10

SPONSORED BY: Julie Winn
(Representative WINN)

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14

TOWN: Glenburn

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