

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "D" 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. Contingent approval of rules. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 8072, 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 by the Legislature but is authorized contingent upon approval at referendum pursuant to section 2 of this Part.

Sec. A-2. Referendum procedure; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

HOUSE AMENDMENT

2 "Do you favor authorizing adoption of Chapter 131: Rules for  
4 Learning Results as provisionally adopted by the Department  
6 of Education and submitted for authorization to the 118th  
Legislature?"

8 The legal voters of each city, town and plantation shall  
10 vote by ballot on this question, and shall designate their choice  
12 by a cross or check mark placed within a corresponding square  
14 below the word "Yes" or "No." The ballots must be received,  
16 sorted, counted and declared in open ward, town and plantation  
18 meetings and returns made to the Secretary of State in the same  
manner as votes for members of the Legislature. The Governor  
shall review the returns and proclaim the results without delay.  
If it appears that a majority of the legal votes are cast in  
favor of this Part, the Governor shall proclaim that fact and  
this Part takes effect 30 days after the date of the proclamation.

20 The Secretary of State shall prepare and furnish to each  
22 city, town and plantation all ballots, returns and copies of this  
Part necessary to carry out the purpose of this referendum.

## 24 PART B

### 26 Sec. B-1. Study group; development of standards and indicators.

28 The Commissioner of Education shall convene a 15-member study  
30 group to develop recommended content standards and performance  
32 indicators in the areas of English language arts, including  
34 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  
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.

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

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

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

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

- 2 D. One member of the State Board of Education, appointed by  
the board;
- 4 E. One teacher appointed by the Governor;
- 6 F. Three representatives of Maine business, appointed by  
8 the Governor; and
- 10 G. Five parents of Maine students, grades kindergarten  
through 12, 2 appointed by the President of the Senate, 2  
12 appointed by the Speaker of the House and one appointed by  
the Governor.

14 No member of the task force may be a person who has submitted  
16 legislation in support of learning results, is serving on the  
18 Joint Standing Committee on Education and Cultural Affairs in the  
118th Legislature or who has served on the Special Commission to  
20 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.

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

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

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

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

36 D. The standards must outline the essential knowledge to be  
38 learned and the skills to be acquired in each subject area.

40 E. Each standard must be clear and specific.

42 F. Standards must be defined grade-by-grade in a framework  
that provides effective guidance to all participants in the  
44 educational system.

46 G. The standards must facilitate a student's transition  
from one school to another within the State.

48 H. The standards may not attempt to cover everything to be  
50 taught but must focus on what is essential for students to  
learn.

- 2 I. The standards must be rigorous, challenging and  
4 competitive with those that prevail in other states and  
societies.
- 6 J. The standards must both motivate and measure student  
performance.
- 8 K. Content standards must define the knowledge and skills  
10 essential to each discipline.
- 12 L. Performance standards must specify the level of  
14 competence necessary to measure attainment of the content  
standards.
- 16 M. Standards must include multiple performance levels.
- 18 N. Standards must combine both knowledge and skills without  
pursuing one at the expense of the other.
- 20 O. Standards may illustrate, but not dictate, the methods  
22 by which material is to be taught, except that the use of  
phonics is required.
- 24 P. The standards must be written clearly enough that both  
26 parents and teachers understand what is expected of students  
and can use the standards as a practical means of measuring  
28 progress.
- 30 Q. The standards must include accommodations and  
modifications for students with special needs.
- 32 R. The content standards enumerated in the Maine Revised  
34 Statutes, Title 20-A, section 6209, subsection 2 must be  
36 limited to English language arts, including phonics;  
mathematics; science and technology; and social studies.
- 38 The task force shall submit its recommendations, including all  
40 necessary implementing legislation, to the Joint Standing  
Committee on Education and Cultural Affairs and to the Department  
42 of Education and the State Board of Education no later than  
November 1, 1997. Following submission of the recommendations,  
44 the content standards and performance indicators in those subject  
areas must be established subject to rules established jointly by  
46 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  
48 administrative units and the public during the rule-making  
process. The department and the board shall consider carefully  
50 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 31, 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.

**Sec. B-4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1997-98

**EDUCATION, DEPARTMENT OF**

**Leadership**

All Other \$7,000

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

**Reimbursement for State Mandates**

All Other 12,750

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

8 **DEPARTMENT OF EDUCATION**  
**TOTAL**

\$19,750

10 **Sec. B-5. Appropriation.** Notwithstanding Public Law 1995,  
12 chapter 649, section 7, the following funds are deappropriated  
from the General Fund to carry out the purposes of this Part.

14 **1997-98** **1998-99**

16 **EDUCATION, DEPARTMENT OF**

18 **Learning System**

20 All Other (\$674,294) (\$1,240,876)

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

28 **Professional Development**

30 All Other (\$1,000,000) (\$1,000,000)

32 Deappropriates funds for  
34 professional development of  
educators previously  
36 appropriated in Public Law  
1997, chapter 24, Part JJ,  
38 section 1.

40 **DEPARTMENT OF EDUCATION**  
**TOTAL**

(\$1,674,294) (\$2,240,876)

42 **Sec. B-6. Contingent effective date.** This Part takes effect on  
44 the day of the proclamation required by Part A, only if the  
46 question submitted to voter referendum under Part A is not  
approved by the voters.'

48 **FISCAL NOTE**

50 The estimated cost of sending this resolve out to referendum

will vary according to the total number of referenda enacted during the First Special Session of the 118th Legislature to be submitted to the voters in November. The estimated cost to the Secretary of State if one to 6 referenda are enacted is \$95,000. Each additional referendum costs an additional \$7,000.

If rejected by the voters, the effect on the system of learning results can not be determined.

### SUMMARY

This amendment replaces the committee amendment. This amendment does the following.

1. Part A of the amendment sends the rules for learning results provisionally adopted by the Department of Education out to referendum.

2. Part B of the amendment takes effect if the referendum question is rejected. The amendment:

A. Establishes a new 15-member study group consisting of 8 business people and parents of students and 7 educators and government officials. The study group will make recommendations in accordance with criteria established by the American Federation of Teachers, the learning standards adopted by the State of Virginia, the report of the Task Force on Learning Results and reports from local school administrative districts. Learning standards are required to be established in the areas of English language arts, including phonics; mathematics; science and technology; and social studies. Career preparation, foreign languages, 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;

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

C. Appropriates funds for the study group established in this amendment; and

D. Deappropriates funds currently appropriated for professional development of educators to assist school



HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1093,  
L.D. 1536

2 administrative units with implementing the system of  
learning results and for modifications to the Maine  
4 Education Assessment test program to measure learning  
results and appropriates those funds for state-municipal  
revenue sharing.

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SPONSORED BY: Julie Winn  
10 (Representative WINN)

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TOWN: Glenburn

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