

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "F" 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 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 H. The standards may not attempt to cover everything to be  
taught but must focus on what is essential for students to  
learn.
- 16
- 18 I. The standards must be rigorous, challenging and  
competitive with those that prevail in other states and  
societies.
- 20
- 22 J. The standards must both motivate and measure student  
performance.
- 24
- 26 K. Content standards must define the knowledge and skills  
essential to each discipline.
- 28
- 30 L. Performance standards must specify the level of  
competence necessary to measure attainment of the content  
standards.
- 32
- 34 M. Standards must include multiple performance levels.
- 36
- 38 O. Standards may illustrate, but not dictate, the methods  
by which material is to be taught, except that the use of  
phonics is required.
- 40
- 42 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.
- 44
- 46 Q. The standards must include accommodations and  
modifications for students with special needs.
- 48
- 50 R. The content standards enumerated in the Maine Revised  
Statutes, Title 20-A, section 6209, subsection 2 must be

11 of 12

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

4 The task force shall submit its recommendations, including all  
6 necessary implementing legislation, to the Joint Standing  
Committee on Education and Cultural Affairs and to the Department  
8 of Education and the State Board of Education no later than  
November 1, 1997. Following submission of the recommendations,  
10 the content standards and performance indicators in those subject  
12 areas must be established subject to rules established jointly by  
the Department of Education and the State Board of Education in  
14 accordance with the Maine Revised Statutes, Title 5, chapter 375,  
subchapter II. Proposed rules must be circulated to all school  
16 administrative units and the public during the rule-making  
18 process. The department and the board shall consider carefully  
the recommendations of school administrative units in the  
20 rule-making process. Rules adopted pursuant to this Act must  
follow closely the recommendations of the task force and meet the  
22 criteria enumerated in section 1, subsection 2 of this Part.  
Rules adopted pursuant to this Act are major substantive rules,  
24 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.  
26 The rules may not require a school administrative unit to incur  
additional expenditures unless the State pays for 90% of the  
costs.

28 **Sec. B-2. Recommendation on student and school achievement.** By  
January 1, 1998, the State Board of Education and the Department  
30 of Education shall review and make recommendations to the  
Legislature on linking achievement of the learning results  
32 established in the Maine Revised Statutes, Title 20-A, section  
6209 to completion of high school. The board and the department  
34 also shall review and make recommendations on linking school  
administrative unit success to ensure that students achieve the  
36 learning results with state assistance for those units.

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

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48

**PART C**

**Sec. C-1. Appropriation.** The following funds are appropriated  
50 from the General Fund to carry out the purposes of

R.N.S.

this Act.

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**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

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

**DEPARTMENT OF EDUCATION  
TOTAL**

\$19,750

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.

**1997-98                      1998-99**

**EDUCATION, DEPARTMENT OF**

**Learning System**

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

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

**Professional Development**

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

10 **Sec. C-3. Appropriation.** The following funds are appropriated  
11 from the General Fund to carry out the purposes of this Act.

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13  
14 **1997-98** **1998-99**

15 **TREASURER OF STATE,**  
16 **OFFICE OF THE**  
17  
18 **State-municipal Revenue Sharing**

19 All Other \$1,674,294 \$2,240,876

20  
21 Provides additional funds to  
22 be distributed to  
23 municipalities.

24  
25 **OFFICE OF THE TREASURER OF STATE**  
26 **TOTAL** \$1,674,294 \$2,240,876

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28  
29 **FISCAL NOTE**

30  
31 **1997-98**

32 **APPROPRIATIONS/ALLOCATIONS**

33 General Fund \$19,750

34  
35 This amendment deappropriates all funds designated for the  
36 implementation of the system of learning results. The effect of  
37 these deappropriations and the amendment on the timing and  
38 implementation of a system of learning results can not be  
39 determined at this time. These General Fund deappropriations  
40 total \$1,674,294 in fiscal year 1997-98 and \$2,240,876 in fiscal  
41 year 1998-99.

42  
43 This amendment includes General Fund appropriations of  
44 \$1,674,294 and \$2,240,876 in fiscal years 1997-98 and 1998-99,  
45 respectively, for the Office of the Treasurer of State for  
46 state-municipal revenue sharing.

2 The amendment establishes a study committee to develop  
3 certain content standards and performance indicators. The  
4 amendment provides a General Fund appropriation to the Department  
5 of Education of \$7,000 in fiscal year 1997-98 to reimburse the  
6 travel expenses of legislative and public members of the group  
7 and for printing costs.

8  
9 The amendment proposes review and reporting requirements on  
10 school administrative units, which will result in additional  
11 expenditures to the units. The Maine Revised Statutes, Title  
12 30-A, section 5685 requires the State to provide sufficient  
13 amounts to meet at least 90% of these additional costs and to  
14 distribute the funds in accordance with a mandate payment  
15 distribution schedule.

16  
17 The amendment provides a General Fund appropriation of  
18 \$12,750 in fiscal year 1997-98 for the Department of Education.  
19 The one-time printing, postage and meeting costs incurred by the  
20 school administrative units, estimated to average approximately  
21 \$50 per unit, will be paid from this appropriation by the  
22 Department of Education in accordance with the distribution  
23 schedule.

## 26 SUMMARY

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

32  
33 1. Part A of the amendment disapproves the rules for  
34 learning results provisionally adopted by the Department of  
35 Education.

36  
37 2. Part B of the amendment:

38  
39 A. Establishes a new 15-member study group consisting of 8  
40 business people and parents of students and 7 educators and  
41 government officials. The study group will make  
42 recommendations in accordance with criteria established by  
43 the American Federation of Teachers, the learning standards  
44 adopted by the State of Virginia, the report of the Task  
45 Force on Learning Results and reports from local school  
46 administrative districts. Learning standards are required  
47 to be established in the areas of English language arts,  
48 including phonics; mathematics; science and technology; and  
49 social studies. Career preparation, foreign languages,  
50 health and physical education and visual and performing



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

2 arts learning standards are postponed until performance  
standards have been established in the above 4 content  
4 areas; and

6 B. Directs the study group to submit its recommendations  
and implementing legislation to the Joint Standing Committee  
8 on Education and Cultural Affairs and to the State Board of  
Education and Department of Education, which must develop  
10 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.

12 3. Part C of the amendment:

14 A. Appropriates funds for the study group established in  
16 this amendment; and

18 B. Deappropriates funds currently appropriated for  
20 professional development of educators to assist school  
administrative units with implementing the system of  
22 learning results and for modifications to the Maine  
Education Assessment test program to measure learning  
24 results and appropriates those funds for state-municipal  
revenue sharing.

26  
28 SPONSORED BY: Julie Winn  
(Representative WINN)  
30 TOWN: Glenburn  
32

# HOUSE AMENDMENT