

MAINE STATE LEGISLATURE

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DATE: 5/22/97

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

HOUSE AMENDMENT "G" 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
- 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

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
areas must be established subject to rules established jointly by
12 the Department of Education and the State Board of Education in
accordance with the Maine Revised Statutes, Title 5, chapter 375,
14 subchapter II. Proposed rules must be circulated to all school
administrative units and the public during the rule-making
16 process. The department and the board shall consider carefully
the recommendations of school administrative units in the
18 rule-making process. Rules adopted pursuant to this Act must
follow closely the recommendations of the task force and meet the
20 criteria enumerated in section 1, subsection 2 of this Part.
Rules adopted pursuant to this Act are major substantive rules,
22 as defined in Title 5, chapter 375, subchapter II-A and must be
submitted by December 31, 1997 to the Joint Standing Committee on
24 Education and Cultural Affairs and approved by the Legislature.
The rules may not require a school administrative unit to incur
26 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.

46

PART C

48

Sec. C-1. Debt service exception. Notwithstanding the

HOUSE AMENDMENT "6" to COMMITTEE AMENDMENT "A" to H.P. 1093, L.D. 1536

Maine Revised Statutes, Title 20-A, section 15905, subsection 1, paragraph A, the maximum debt service limit for fiscal year 1998-99 is increased to \$71,735,950.

Sec. C-2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

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-3. 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.

2 **Professional Development**

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

6 Deappropriates funds for
 8 professional development of
 8 educators previously
 10 appropriated in Public Law
 1997, chapter 24, Part JJ,
 section 1.

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

16 **Sec. C-4. Appropriation.** The following funds are appropriated
 18 from the General Fund to carry out the purposes of this Act.

20 **1997-98 1998-99**

22 **EDUCATION, DEPARTMENT OF**

24 **General Purpose Aid for
 Local Schools**

26 All Other \$1,915,170

28 Notwithstanding any other
 30 provisions of law, provides
 funds for the State's share
 32 of the increased debt service
 limit. These additional
 34 funds must be used only for
 projects that are primarily
 36 to renovate or reconstruct
 existing school facilities.

38 **DEPARTMENT OF EDUCATION**
TOTAL \$1,915,170

42 **MENTAL HEALTH, MENTAL RETARDATION
 AND SUBSTANCE ABUSE SERVICES,
 44 DEPARTMENT OF**

46 **Mental Retardation Services -
 Community**

48 All Other \$1,000,000 \$1,000,000

2 Provides funds for services
4 to adults who are not class
members.

6 DEPARTMENT OF MENTAL HEALTH,
8 MENTAL RETARDATION AND
SUBSTANCE ABUSE SERVICES
TOTAL

\$1,000,000 \$1,000,000

10

12 TOTAL APPROPRIATIONS

\$1,000,000 \$2,915,170''

14

FISCAL NOTE

16

1997-98

1998-99

18

APPROPRIATIONS/ALLOCATIONS

20

General Fund (\$654,544) \$674,294

22

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

30

32 This amendment includes General Fund appropriations of
\$1,000,000 in each of fiscal years 1997-98 and 1998-99 for the
Department of Mental Health, Mental Retardation and Substance
34 Abuse Services, Mental Retardation - Community program for
services for adults who are not class members. It also provides
36 a General Fund appropriation to the Department of Education of
\$1,915,170 in fiscal year 1998-99 to provide the State's share of
38 debt service costs for certain school construction projects.

40

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

46

48 The amendment proposes review and reporting requirements on
school administrative units, which will result in additional
expenditures to the units. The Maine Revised Statutes, Title
50 30-A, section 5685 requires the State to provide sufficient

amounts to meet at least 90% of these additional costs and to
2 distribute the funds in accordance with a mandate payment
distribution schedule.

4
The amendment provides a General Fund appropriation of
6 \$12,750 in fiscal year 1997-98 for the Department of Education.
The one-time printing, postage and meeting costs incurred by the
8 school administrative units, estimated to average approximately
\$50 per unit, will be paid from this appropriation by the
10 Department of Education in accordance with the distribution
schedule.

14 SUMMARY

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

20
22 1. Part A of the amendment disapproves the rules for
learning results provisionally adopted by the Department of
Education.

24
26 2. Part B of the amendment:

28 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
30 recommendations in accordance with criteria established by
the American Federation of Teachers, the learning standards
32 adopted by the State of Virginia, the report of the Task
Force on Learning Results and reports from local school
34 administrative districts. Learning standards are required
to be established in the areas of English language arts,
36 including phonics; mathematics; science and technology; and
social studies. Career preparation, foreign languages,
38 health and physical education and visual and performing arts
learning standards are postponed until performance standards
40 have been established in the above 4 content areas; and

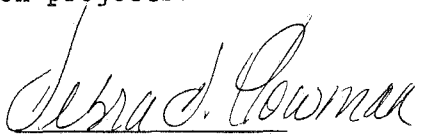
42 B. Directs the study group to submit its recommendations
and implementing legislation to the Joint Standing Committee
44 on Education and Cultural Affairs and to the State Board of
Education and Department of Education, which must develop
46 rules in accordance with the recommendations. The rules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

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3. Part C of the amendment:

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

B. Deappropriates funds currently appropriated for professional development of educators to assist school administrative units with implementing the system of learning results and for modifications to the Maine Education Assessment test program to measure learning results and appropriates those funds for the Department of Mental Health, Mental Retardation and Substance Abuse Services for services for adults who are not class members and to the Department of Education for certain school construction projects.

SPONSORED BY: 
(Representative PLOWMAN)

TOWN: Hampden

HOUSE AMENDMENT