

MAINE STATE LEGISLATURE

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DATE: 5-20-97

(Filing No. H-569)

MAJORITY

EDUCATION AND CULTURAL AFFAIRS

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

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 resolve by striking out all of the emergency preamble.

Further amend the resolve in section 1 in the last line (page 1, line 27 in L.D.) by striking out the following: "authorized." and inserting in its place the following: 'authorized with the following amendment to the rule.'

Further amend the resolve in section 1 by inserting after the first paragraph the following:

'In order to reaffirm the intent of the Legislature expressed in Public Law 1995, chapter 649, in establishing a statewide system of learning results, the department shall include an application section in the rules reading as follows:

"1. Application of rules to local school administrative units.

These rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Implementation of these rules is at the discretion of the school administrative unit if additional local expenditures are required for implementation and the department has not paid its share of the additional, required costs.

A school administrative unit that determines that it is unable to implement the learning results in the areas of English

COMMITTEE AMENDMENT

language arts, health and physical education, mathematics, science and technology, and social studies within existing state and local resources must present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, assist the unit in planning for implementation.

Pursuant to Public Law 1995, chapter 649, section 3, school administrative units may delay implementation of the system of learning results in the areas of career preparation, foreign languages, and visual and performing arts if adoption in those areas can not be achieved within existing resources."

Further amend the resolve by striking out all of the emergency clause.

Further amend the resolve by inserting at the end before the summary the following:

FISCAL NOTE

Public Law 1997, chapter 24 includes General Fund appropriations of \$1,000,000 annually in fiscal years 1997-98 and 1998-99 for professional development of educators to assist school administrative units with implementing the system of learning results. Those appropriations are \$1,000,000 per year less than the amounts identified by the implementing law, Public Law 1995, chapter 649 and the Department of Education as an estimate of the funding needs of this program. It can not be determined whether these amounts are sufficient to fund 90% of the local costs to school units associated with the implementation of the system of learning results. If these amounts are insufficient, the Department of Education may not require local school units to implement the learning results pursuant to the Constitution of Maine prohibiting unfunded state mandates and the original implementing legislation, Public Law 1995, chapter 649.

Public Law 1997, chapter 24 also includes additional General Fund appropriations to the Department of Education for modifications to the Maine Education Assessment test program needed to measure learning results. The additional future General Fund appropriations necessary for measuring learning results can not be determined at this time.'

COMMITTEE AMENDMENT

SUMMARY

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4 This amendment requires that, prior to final adoption of
6 Chapter 131: Rules for Learning Results, the Department of
8 Education must amend the rule to add an application section. The
purpose of this application section is to ensure that the rules
do not conflict with the legislative intent expressed in the
enabling legislation that established a statewide system of
learning results.

10 Pursuant to Public Law 1995, chapter 649, section 2, these
12 rules may not require a school administrative unit to take any
14 action that necessitates additional expenditures from local
revenues unless the Department of Education pays for 90% of the
16 additional costs. Should a school administrative unit determine
18 that it is unable to implement the learning results in the 5 core
subject areas within existing state and local resources, the unit
shall present its findings and supporting evidence to the
Department of Education. The department shall review the
20 findings and evidence and, if necessary, assist the unit in
planning for implementation.

22 This amendment also restates the provisions of Public Law
24 1995, chapter 649, section 3 that allow a school administrative
unit to delay implementation of the system of learning results in
26 the areas of career preparation, foreign languages and visual and
performing arts if adoption in these areas can not be achieved
28 within the local unit's existing resources.

30 Finally, this amendment removes the emergency preamble and
clause and adds a fiscal note to the resolve.
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