

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "B" 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 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:

- 2 A. Two members of the Senate, appointed by the President of  
the Senate;
- 4 B. Two members of the House of Representatives, appointed  
6 by the Speaker of the House;
- 8 C. One member from the Department of Education, appointed  
by the Commissioner of Education;
- 10 D. One member of the State Board of Education, appointed by  
12 the board;
- 14 E. One teacher appointed by the Governor;
- 16 F. Three representatives of Maine business, appointed by  
the Governor; and
- 18 G. Five parents of Maine students, grades kindergarten  
20 through 12, 2 appointed by the President of the Senate, 2  
appointed by the Speaker of the House and one appointed by  
22 the Governor.

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

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

- 34 A. The paramount purpose of the standards is to improve  
36 academic performance.
- 38 B. The standards must be firmly grounded in academic  
content and the well-accepted disciplines of a sound  
40 education.
- 42 C. The standards may not focus on social, behavioral and  
moral issues that do not lend themselves to a  
44 standard-setting mechanism.
- 46 D. The standards must outline the essential knowledge to be  
learned and the skills to be acquired in each subject area.
- 48 E. Each standard must be clear and specific.

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

50 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.

**1997-98**

**EDUCATION, DEPARTMENT OF**

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**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)

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

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

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

6  
 7 **1997-98** **1998-99**

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 9 **EDUCATION, DEPARTMENT OF**

10 **General Purpose Aid for**  
 11 **Local Schools**

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

13 Provides funds to increase  
 14 appropriations available for  
 15 General Purpose Aid for Local  
 16 Schools.

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 18 DEPARTMENT OF EDUCATION  
 19 TOTAL \$1,674,294 \$2,240,876

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 23 **FISCAL NOTE**

24  
 25 **1997-98**

26 **APPROPRIATIONS/ALLOCATIONS**

27 General Fund \$19,750

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

35 This amendment includes General Fund appropriations of  
 36 \$1,674,294 and \$2,240,876 in fiscal years 1997-98 and 1998-99,  
 37 respectively, for the Department of Education to increase funding  
 38 for General Purpose Aid for Local Schools.

39 The amendment establishes a study committee to develop  
 40 certain content standards and performance indicators. The  
 41 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.

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 30-A, section 5685 requires the State to provide sufficient amounts to meet at least 90% of these additional costs and to distribute the funds in accordance with a mandate payment distribution schedule.

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

## SUMMARY

This amendment replaces the resolve. This 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.

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

2. Part B of 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; and

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.

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 General Purpose Aid for Local Schools.

SPONSORED BY:

(Representative D. BERRY)

TOWN: Belmont