

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "C" 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.

HOUSE AMENDMENT

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

4
6 A. Two members of the Senate, appointed by the President of
the Senate;

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

10
12 C. One member from the Department of Education, appointed
by the Commissioner of Education;

14 D. One member of the State Board of Education, appointed by
the board;

16 E. One teacher appointed by the Governor;

18 F. Three representatives of Maine business, appointed by
20 the Governor; and

22 G. Five parents of Maine students, grades kindergarten
24 through 12, 2 appointed by the President of the Senate, 2
appointed by the Speaker of the House and one appointed by
the Governor.

26
28 No member of the task force may be a person who has submitted
legislation in support of learning results, is serving on the
30 Joint Standing Committee on Education and Cultural Affairs in the
118th Legislature or who has served on the Special Commission to
32 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.

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

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

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

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

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

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

2 The task force shall submit its recommendations, including all
4 necessary implementing legislation, to the Joint Standing
6 Committee on Education and Cultural Affairs and to the Department
8 of Education and the State Board of Education no later than
10 November 1, 1997. Following submission of the recommendations,
12 the content standards and performance indicators in those subject
14 areas must be established subject to rules established jointly by
16 the Department of Education and the State Board of Education in
18 accordance with the Maine Revised Statutes, Title 5, chapter 375,
20 subchapter II. Proposed rules must be circulated to all school
22 administrative units and the public during the rule-making
24 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.

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

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

PART C

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

2 1997-98

4 EDUCATION, DEPARTMENT OF

6 Leadership

8 All Other \$7,000

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

14 Reimbursement for State Mandates

16 All Other 12,750

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

24 DEPARTMENT OF EDUCATION

TOTAL \$19,750

26 Sec. C-2. Appropriation. Notwithstanding Public Law 1995,
 28 chapter 649, section 7, the following funds are deappropriated
 30 from the General Fund to carry out the purposes of this Act.

32 1997-98 1998-99

32 EDUCATION, DEPARTMENT OF

34 Learning System

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

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

46 Professional Development

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

50 Deappropriates funds for

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

DEPARTMENT OF EDUCATION

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

FISCAL NOTE

1997-98 1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund (\$1,654,544) (\$2,240,876)

This amendment deappropriates all funds designated for the implementation of the system of learning results. The effect of these deappropriations and the amendment on the timing and 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.

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

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SUMMARY

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6 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
8 assist in formulating new rules.

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

14 2. Part B of the amendment:

16 A. Establishes a new 15-member study group consisting of 8
business people and parents of students and 7 educators and
18 government officials. The study group will make
recommendations in accordance with criteria established by
20 the American Federation of Teachers, the learning standards
adopted by the State of Virginia, the report of the Task
22 Force on Learning Results and reports from local school
administrative districts. Learning standards are required
24 to be established in the areas of English language arts,
including phonics; mathematics; science and technology; and
26 social studies. Career preparation, foreign languages,
health and physical education and visual and performing arts
28 learning standards are postponed until performance standards
have been established in the above 4 content areas; and

30

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

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3. Part C of the amendment:

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

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

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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.

SPONSORED BY: *John Winn*
(Representative WINN)

TOWN: Glenburn

HOUSE AMENDMENT