

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "D" 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.

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

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

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

14 C. One member from the Department of Education, appointed
16 by the Commissioner of Education;

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

22 E. One teacher appointed by the Governor;

24 F. Three representatives of Maine business, appointed by
26 the Governor; and

28 G. Five parents of Maine students, grades kindergarten
30 through 12, 2 appointed by the President of the Senate, 2
32 appointed by the Speaker of the House and one appointed by
34 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.

D. The standards must outline the essential knowledge to be
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 The task force shall submit its recommendations, including all
48 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
50 November 1, 1997. Following submission of the recommendations,

2 the content standards and performance indicators in those subject
3 areas must be established subject to rules established jointly by
4 the Department of Education and the State Board of Education in
5 accordance with the Maine Revised Statutes, Title 5, chapter 375,
6 subchapter II. Proposed rules must be circulated to all school
7 administrative units and the public during the rule-making
8 process. The department and the board shall consider carefully
9 the recommendations of school administrative units in the
10 rule-making process. Rules adopted pursuant to this Act must
11 follow closely the recommendations of the task force and meet the
12 criteria enumerated in section 1, subsection 2 of this Part.
13 Rules adopted pursuant to this Act are major substantive rules,
14 as defined in Title 5, chapter 375, subchapter II-A and must be
15 submitted by December 31, 1997 to the Joint Standing Committee on
16 Education and Cultural Affairs and approved by the Legislature.
17 The rules may not require a school administrative unit to incur
18 additional expenditures unless the State pays for 90% of the
19 costs.

20 **Sec. B-2. Recommendation on student and school achievement.** By
21 January 1, 1998, the State Board of Education and the Department
22 of Education shall review and make recommendations to the
23 Legislature on linking achievement of the learning results
24 established in the Maine Revised Statutes, Title 20-A, section
25 6209 to completion of high school. The board and the department
26 also shall review and make recommendations on linking school
27 administrative unit success to ensure that students achieve the
28 learning results with state assistance for those units.

30 **PART C**

32 **Sec. C-1. Debt service exception.** Notwithstanding the Maine
33 Revised Statutes, Title 20-A, section 15905, subsection 1,
34 paragraph A, the maximum debt service limit for fiscal year
35 1998-99 is increased to \$74,593,100.

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

40 **1997-98**

42 **EDUCATION, DEPARTMENT OF**

44 **Leadership**

46 All Other \$7,000

48 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.

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.

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

Sec. C-4. Appropriation. The following funds are

appropriated from the General Fund to carry out the purposes of this Act.

1998-99

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools

All Other \$3,915,170

Provides funds for debt service costs for the construction of new secondary and elementary schools.

DEPARTMENT OF EDUCATION TOTAL

\$3,915,170'

FISCAL NOTE

1997-98 1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund (\$1,654,544) \$1,674,294

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.

This amendment includes a General Fund appropriation of \$3,915,170 in fiscal year 1998-99 for the Department of Education's General Purpose Aid for Local Schools account as the state's share for the increase in the school construction debt service limit.

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.

2 The amendment proposes review and reporting requirements on
3 school administrative units, which will result in additional
4 expenditures to the units. The Maine Revised Statutes, Title
5 30-A, section 5685 requires the State to provide sufficient
6 amounts to meet at least 90% of these additional costs and to
7 distribute the funds in accordance with a mandate payment
8 distribution schedule.

10 The amendment provides a General Fund appropriation of
11 \$12,750 in fiscal year 1997-98 for the Department of Education.
12 The one-time printing, postage and meeting costs incurred by the
13 school administrative units, estimated to average approximately
14 \$50 per unit, will be paid from this appropriation by the
15 Department of Education in accordance with the distribution
16 schedule.

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SUMMARY

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21 This amendment replaces the resolve. This amendment
22 disapproves the rules for learning results provisionally adopted
23 by the Department of Education and establishes a study group to
24 assist in formulating new rules.

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

30 2. Part B of the amendment:

32 A. Establishes a new 15-member study group consisting of 8
33 business people and parents of students and 7 educators and
34 government officials. The study group will make
35 recommendations in accordance with criteria established by
36 the American Federation of Teachers, the learning standards
37 adopted by the State of Virginia, the report of the Task
38 Force on Learning Results and reports from local school
39 administrative districts; and

40

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

48 3. Part C of the amendment:

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

2 B. Deappropriates funds currently appropriated for
4 professional development of educators to assist school
6 administrative units with implementing the system of
8 learning results and for modifications to the Maine
Education Assessment test program to measure learning
results and appropriates those funds for new construction of
elementary and secondary schools.

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SPONSORED BY: Richard A. Wares
(Representative NASS)

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TOWN: Acton

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