

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "E" 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
12 taught but must focus on what is essential for students to
14 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
22 performance.
- 24 K. Content standards must define the knowledge and skills
26 essential to each discipline.
- 28 L. Performance standards must specify the level of
30 competence necessary to measure attainment of the content
standards.
- 32 M. Standards must include multiple performance levels.
- 34 N. Standards must combine both knowledge and skills without
36 pursuing one at the expense of the other.
- 38 O. Standards may illustrate, but not dictate, the methods
40 by which material is to be taught, except that the use of
42 phonics is required.
- 44 P. The standards must be written clearly enough that both
46 parents and teachers understand what is expected of students
48 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
limited to English language arts, including phonics;
mathematics; science and technology; and social studies.
- 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 travel expenses of legislative and public members of the group
and for printing costs.

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

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

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SUMMARY

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

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

32 2. Part B of the amendment:

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

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50 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 state-municipal revenue sharing.

SPONSORED BY: John Winn
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