

MAINE STATE LEGISLATURE

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DATE: 5/22/97

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

HOUSE AMENDMENT "F" 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
22 appointed by the Speaker of the House and one appointed by
the Governor.

24 No member of the task force may be a person who has submitted
26 legislation in support of learning results, is serving on the
Joint Standing Committee on Education and Cultural Affairs in the
28 118th Legislature or who has served on the Special Commission to
Study and Evaluate the Status of Education Reform in Maine,
30 established in Resolve 1989, chapter 88 or the Task Force on
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
40 content and the well-accepted disciplines of a sound
education.
- 42 C. The standards may not focus on social, behavioral and
44 moral issues that do not lend themselves to a
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

2 Committee on Education and Cultural Affairs and to the Department
of Education and the State Board of Education no later than
4 November 1, 1997. Following submission of the recommendations,
the content standards and performance indicators in those subject
6 areas must be established subject to rules established jointly by
the Department of Education and the State Board of Education in
8 accordance with the Maine Revised Statutes, Title 5, chapter 375,
subchapter II. Proposed rules must be circulated to all school
10 administrative units and the public during the rule-making
process. The department and the board shall consider carefully
12 the recommendations of school administrative units in the
rule-making process. Rules adopted pursuant to this Act must
14 follow closely the recommendations of the task force and meet the
criteria enumerated in section 1, subsection 2 of this Part.
16 Rules adopted pursuant to this Act are major substantive rules,
as defined in Title 5, chapter 375, subchapter II-A and must be
18 submitted by December 31, 1997 to the Joint Standing Committee on
Education and Cultural Affairs and approved by the Legislature.
20 The rules may not require a school administrative unit to incur
additional expenditures unless the State pays for 90% of the
costs.

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

32
Sec. B-3. Expanded areas for learning standards. Following
34 establishment of learning standards in the areas of English
language arts, including phonics, mathematics, science and
36 technology and social studies, the Department of Education and
the State Board of Education shall advise the Legislature on
38 establishing learning standards in the areas of career
preparation, foreign languages, health and physical education and
40 visual and performing arts.

42 **PART C**

44
Sec. C-1. Debt service exception. Notwithstanding the Maine
46 Revised Statutes, Title 20-A, section 15905, subsection 1,
paragraph A, the maximum debt service limit for fiscal year
48 1998-99 is increased to \$71,735,950.

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

4 Deappropriates funds for

6 professional development of

8 educators previously

10 appropriated in Public Law

12 1997, chapter 24, Part JJ,

14 section 1.

DEPARTMENT OF EDUCATION

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

14 **Sec. C-4. Appropriation.** The following funds are appropriated

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

18 **1997-98 1998-99**

EDUCATION, DEPARTMENT OF

20 **General Purpose Aid for**

22 **Local Schools**

24 All Other \$1,915,170

26 Notwithstanding any other

28 provision of law, provides

30 funds for the State's share

32 of the increased debt service

34 limit. These additional

funds must be used only for

projects that are primarily

to renovate or reconstruct

existing school facilities.

36 **DEPARTMENT OF EDUCATION**

38 **TOTAL**

\$1,915,170

40 **MENTAL HEALTH, MENTAL RETARDATION**

42 **AND SUBSTANCE ABUSE SERVICES,**

DEPARTMENT OF

44 **Mental Retardation Services -**

46 **Community**

All Other \$1,000,000 \$1,000,000

2 Provides funds for services
4 to adults who are not class
members.

6 DEPARTMENT OF MENTAL HEALTH, MENTAL
8 RETARDATION AND SUBSTANCE ABUSE
SERVICES

10 TOTAL \$1,000,000 \$1,000,000

12 TOTAL APPROPRIATIONS \$1,000,000 \$2,915,170'

14 FISCAL NOTE

16 1997-98 1998-99

18 APPROPRIATIONS/ALLOCATIONS

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

22 This amendment deappropriates all funds designated for the
24 implementation of the system of learning results. The effect of
26 these deappropriations and the amendment on the timing and
28 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.

30 This amendment includes General Fund appropriations of
32 \$1,000,000 in each of fiscal years 1997-98 and 1998-99 for the
34 Department of Mental Health, Mental Retardation and Substance
Abuse Services, Mental Retardation - Community program for
services for adults who are not class members. It also provides
36 a General Fund appropriation to the Department of Education of
\$1,915,170 in fiscal year 1998-99 to provide the State's share of
38 debt service costs for certain school construction projects.

40 The amendment establishes a study committee to develop
42 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
44 travel expenses of legislative and public members of the group
and for printing costs.

46 The amendment proposes review and reporting requirements on
48 school administrative units, which will result in additional
expenditures to the units. The Maine Revised Statutes, Title
50 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 committee amendment. 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

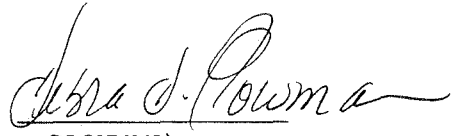
B. Directs the study group to submit its recommendations and implementing legislation to the Joint Standing Committee on Education and Cultural Affairs and to the State Board of Education and Department of Education, which must develop rules in accordance with the recommendations. The rules must be submitted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

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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 the Department of Mental Health, Mental Retardation and Substance Abuse Services for services for adults who are not class members and to the Department of Education for certain school construction projects.

SPONSORED BY: 
(Representative PLOWMAN)

TOWN: Hampden

HOUSE AMENDMENT