

# MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 255, L.D. 291, Bill, "An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 20-A MRSA §4706, as amended by PL 1991, c. 655, §4, is further amended to read:

§4706. Instruction in American history, Maine studies and Maine Native American history

The following subjects shall be are required.

1. American history. American history and civil government, including the Constitution of the United States, the Declaration of Independence, the importance of voting and the privileges and responsibilities of citizenship, shall must be taught in and required for graduation from all elementary and secondary schools, both public and private.

2. Maine studies. A course in Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, must be taught in-at-least-one grade-from-grade-6-to-grade-8,-in-all-schools,-both-public-and private. These-concepts-must-be-integrated-into-the-curriculum in-grades-9-to-12. A required component of Maine studies is Maine Native American studies addressing the following topics:

- 2           A. Maine tribal governments and political systems and their  
3           relationship with local, state, national and international  
4           governments;
- 6           B. Maine Native American cultural systems and the  
7           experience of Maine tribal people throughout history;
- 8           C. Maine Native American territories; and
- 10           D. Maine Native American economic systems.

12           **Sec. 2. Maine Native American History and Culture Commission.**  
14           The Maine Native American History and Culture Commission,  
15           referred to in this section as the "commission," is established  
16           to help prepare for the inclusion of Maine Native American  
17           history and culture into the required course in Maine studies as  
18           specified in the Maine Revised Statutes, Title 20-A, section  
19           4706, subsection 2.

20           **1. Membership.** The commission consists of the following 15  
21           members:

24           A. Eight members selected by the tribal chiefs and  
25           governors of the Passamaquoddy Tribe, the Penobscot Nation,  
26           the Houlton Band of Maliseet Indians and the Aroostook Band  
27           of Micmacs. At least one of these members must be appointed  
28           to serve from the Maine Indian Tribal-State Commission;

30           B. Six members selected by the Commissioner of Education,  
31           including an elementary school teacher, a middle school  
32           teacher, a high school teacher, a curriculum director, a  
33           superintendent or principal and an employee of the  
34           Department of Education; and

36           C. One member selected by the Chancellor of the University  
37           of Maine System.

38           **2. Duties.** The commission shall:

40           A. Assist school administrative units and educators in the  
41           exploration of a wide range of educational materials and  
42           resources relating to Maine Native American history and  
43           culture;

44           B. Identify materials and resources for implementing Maine  
45           Native American history and culture; and

48

2 C. Involve other knowledgeable organizations and  
individuals able and willing to assist with this work,  
4 including, but not limited to, museums and educators.

6 **3. Convening the commission.** No later than 30 days  
following the effective date of this Act, the Maine Indian  
Tribal-State Commission shall call and convene the first meeting  
8 of the commission and preside over the selection of a chair.

10 **4. Reporting.** The commission shall report its findings to  
the Commissioner of Education for implementation and shall  
12 provide a copy to the Maine Indian Tribal-State Commission,  
regarding:

14 A. Educational materials that are appropriate to assist  
16 school administrative units and educators in the State to  
include Maine Native American history and culture into the  
18 required course in Maine studies; and

20 B. Opportunities for professional development, training and  
22 technical assistance that must be provided to assist school  
administrative units and educators in the State in  
24 implementing Maine Native American history and culture into  
the required course in Maine studies.

26 **5. Staff assistance and resources.** The Maine Indian  
Tribal-State Commission shall provide staffing assistance to the  
28 commission. Each entity appointing members to the commission  
shall reimburse its appointees to the commission for travel costs  
30 associated with participation in commission meetings and other  
activities of the commission. Each entity shall assist in  
32 identifying and securing resources to enhance the work of the  
commission.

34 **6. Implementation.** The commission shall provide a  
36 preliminary report to the Commissioner of Education for  
dissemination to educators in the State by June 1, 2002 and a  
38 final report by September 1, 2003.

40 **Sec. 3. Report must include plan to assist school administrative  
units.** The recommendations of the Maine Native American History  
42 and Culture Commission must include a plan to assist the  
Department of Education in helping school administrative units  
44 implement instruction in Maine Native American studies. The plan  
must also include criteria to identify school administrative  
46 units having difficulty meeting the instructional components of  
Maine Native American studies and the provision of assistance to  
48 these school administrative units. The plan for assistance must  
be established by July 30, 2004 and implemented during the  
50 2004-2005 school year.

**Sec. 4. School to implement Maine Native American studies subject to availability of funds.**

Following review of the recommendations of the Maine Native American History and Culture Commission, school administrative units may not be required to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Implementation of instruction in Maine Native American studies is at the discretion of the school administrative unit if additional local expenditures are required for implementation and the department has not paid its share of the additional local costs.

A school administrative unit that determines that it is unable to implement instruction in Maine Native American studies within existing state and local resources shall present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, assist the unit in planning for implementation.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The requirements that local school administrative units must teach Maine Native American history and culture in all elementary and secondary schools in Maine and shall present their findings and supporting evidence to the Department of Education if such units determine they are unable to implement instruction in Maine Native American studies within existing state and local resources represents a state mandate pursuant to the Constitution of Maine. The additional costs are indeterminate at this time. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, the local school administrative units may not be required to implement this change.

The additional costs associated with convening the Maine Native American History and Culture Commission can be absorbed by the Maine Indian Tribal-State Commission utilizing existing budgeted resources.

The additional costs associated with reviewing certain findings and evidence and assisting local school administrative units with planning for implementation of certain studies can be absorbed by the Department of Education utilizing existing budgeted resources.'

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**SUMMARY**

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6 This amendment requires that Maine Native American history  
and culture be taught in all elementary and secondary schools.  
8 The amendment also establishes a study commission to identify and  
explore available materials and resources for Maine educators to  
10 use in implementing these instructional areas. The amendment  
authorizes the Maine Indian Tribal-State Commission to carry out  
the study commission.

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14 The amendment further requires the study commission  
recommendations to include a plan to assist the Department of  
Education in helping school administrative units implement  
16 instruction in Maine Native American studies. The plan for  
assistance must be established by July 30, 2004 and implemented  
18 during the 2004-2005 school year. Finally, the amendment allows  
a school administrative unit to delay implementation of  
20 instruction in Maine Native American studies if implementation of  
the component topics can not be achieved within existing local  
22 resources and requires the Department of Education to develop a  
reporting mechanism that permits a school administrative unit to  
24 report such a delay to the department at no cost to the unit.

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The amendment also adds a fiscal note to the bill.