

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

M

L.D. 1760

DATE: May 31, 2001

(Filing No. S-303)

EDUCATION AND CULTURAL AFFAIRS

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE SENATE 120TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 582, L.D. 1760, Bill, "An Act to Implement Maine's System of Learning Results"

Amend the bill by striking out all of sections 3 to 5 and inserting in their place the following:

Sec. 3. 20-A MRSA §253, sub-§4, ¶E is enacted to read:

E. Provide leadership in the implementation of the system of learning results as established in section 6209.

Sec. 4. 20-A MRSA §254, sub-§2, as enacted by PL 1983, c. 693, §§5 and 8, is amended to read:

2. Training and development. The commissioner shall encourage-in-service-education-and-staff-development-for-teachers in-cooperation-with-school-officers promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results as established in section 6209.

Sec. 5. 20-A MRSA §256, sub-§1, as amended by PL 1989, c. 889, §4, is further amended to read:

1. Report to Governor and Legislature. The commissioner shall prepare and deliver to the Governor and Legislature an annual report on the status of public education in the State regarding the implementation of the system of learning results as

2 established in section 6209, including any suggestions and
3 recommendations to improve public education and including the
4 reporting requirements of section 13506, subsection 3-A. This
5 annual report must also include a description of the activities
6 and accomplishments of the state board.

7 The commissioner shall include in the annual report a listing of
8 requests by school districts for affirmative action workshops and
9 an assessment of the department's ability to meet past and
10 projected demand for in-service training related to affirmative
11 action or gender equity.

12 The commissioner may be invited by the Speaker of the House of
13 Representatives and the President of the Senate annually, in
14 January, to appear before a joint session of the Legislature to
15 address the Legislature on the status of public education in the
16 State and such related matters as the commissioner desires to
17 bring to the Legislature's attention.'

18
19 Further amend the bill by striking out all of section 10.

20
21 Further amend the bill by striking out all of section 13 and
22 inserting in its place the following:

23
24 'Sec. 13. 20-A MRSA §4502, sub-§1, as amended by PL 1999, c.
25 770, §1, is further amended to read:

26
27 1. **General requirements.** Elementary and secondary schools
28 and school administrative units, including an educational program
29 or school located in or operated by a juvenile correctional
30 facility, shall meet all requirements of the system of learning
31 results as established in section 6209 as well as other
32 requirements of this Title and other statutory requirements
33 applicable to the public schools and basic school approval
34 standards. Each school administrative unit shall prepare and
35 implement a comprehensive education plan that is aligned with the
36 system of learning results, focused on the learning of all
37 students and oriented to continuous improvement. This plan must
38 address all plans required by the department.'

39
40 Further amend the bill by striking out all of section 17 and
41 inserting in its place the following:

42
43 'Sec. 17. 20-A MRSA §4502, sub-§8 is enacted to read:

44
45 8. **Waivers.** The commissioner may grant a school
46 administrative unit a waiver of one or more school approval
47 requirements upon receipt of an application from the school
48 administrative unit that includes the basis for the waiver
49 request and a plan to reduce reliance on waivers in subsequent
50

years. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver.'

Further amend the bill by striking out all of sections 20 and 21 and inserting in their place the following:

'Sec. 20. 20-A MRSA §4706, first ¶, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is repealed and the following enacted in its place:

American history and Maine studies must be taught as specified in the system of learning results established in section 6209.

Sec. 21. 20-A MRSA §4706, sub-§2, as amended by PL 1991, c. 655, §4, is further amended to read:

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, which must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6202-A, subsection 4.'

Further amend the bill by striking out all of section 31 and inserting in its place the following:

'Sec. 31. 20-A MRSA §6202-A is enacted to read:

§6202-A. Local assessment system established; content

Each school administrative unit shall establish a local assessment system to measure student achievement of the learning results established in section 6209. Local assessments may include portfolios, performances and demonstrations in addition to other measures of achievement. Commercially produced assessment tools may be part of a local assessment system but may not carry a majority of the weight in determining student performance. The local assessment system must be implemented as follows.

1. Technical assistance. During the 2001-2002 and 2002-2003 school years, the department shall provide technical assistance to school administrative units in developing local assessment systems and setting standards for local assessment

2 systems. By the end of the 2003-2004 school year, the
3 superintendent of each school administrative unit shall certify
4 to the commissioner that the local assessment system meets these
5 standards.

6 2. Implementation. By the end of the 2003-2004 school
7 year, the local assessment system established pursuant to this
8 section must be fully implemented in school administrative units
9 as the measure of student progress.

10 3. Public high school graduation decisions. By the
11 2006-2007 school year, public high school graduation must be
12 determined by student achievement of the standards of the system
13 of learning results in English language arts, health and physical
14 education, mathematics, science and technology and social
15 studies, based on the school administrative unit's local
16 assessment system established pursuant to this section in
17 addition to other requirements as established by school board
18 policy. By the 2009-2010 school year, public high school
19 graduation must be determined by student achievement of the
20 standards of the system of learning results in all content areas
21 of the system of learning results, based on the school
22 administrative unit's assessment system established pursuant to
23 subsection 1 in addition to other requirements as established by
24 policy of the school board.

25 4. Graduation decisions at certain private high schools. By
26 the 2006-2007 school year, high school graduation for publicly
27 funded students in private schools approved for tuition that
28 enroll at least 60% publicly funded students, as determined by
29 the previous school year's October and April average enrollment,
30 must be determined by student achievement of the standards of the
31 system of learning results in English language arts, health and
32 physical education, mathematics, science and technology, and
33 social studies, in addition to other requirements that may be
34 established by the trustees. By the 2009-2010 school year, high
35 school graduation for publicly funded students in private schools
36 must be determined by student achievement of the standards of the
37 system of learning results in all content areas of the system of
38 learning results, in addition to other requirements as
39 established by the trustees.'

40
41
42 Further amend the bill by inserting after section 31 the
43 following:

44
45 'Sec. 32. 20-A MRSA §6209, first ¶, as amended by PL 1999, c.
46 75, §5, is further amended to read:

47
48 The department in consultation with the state board shall
49 establish and implement a comprehensive, statewide system of
50

2 learning results, referred to in this section as the "system," no
later than the 2002-03 school year. The system, based broadly
4 upon guiding principles set forth in this section, must establish
high academic standards at all grade levels in the areas of math;
6 English; science and technology; social studies, including
history, economics and civics; career preparation; visual and
8 performing arts; health and physical education; and foreign
languages. Only students in a public school or a private school
10 approved by ~~the State pursuant to section 2901 and approved for
the receipt of public funds by private secondary schools pursuant
to section 2951~~ for tuition that enrolls at least 60% publicly
12 funded students, as determined by the previous school year's
October and April average enrollment, are required to participate
14 in the system of learning results. The commissioner shall
develop accommodation provisions for instances where course
16 content conflicts with sincerely held religious beliefs and
practices of a student's parent or guardian. The system must be
18 adopted to accommodate exceptional students as defined in section
7001, subsection 2.'

20
Further amend the amendment in section 32 by striking out
22 all of subsection 3 and inserting in its place the following:

24 '3. Career preparation; foreign languages; visual and
performing arts. By the end of the 2002-2003 school year, each
26 school administrative unit shall address in the comprehensive
education plan, as required in section 4502, subsection 1, how
28 the school administrative unit will implement for all students
the content areas of career preparation, foreign languages and
30 visual and performing arts, including interim targets for partial
implementation. By the end of the 2006-2007 school year, each
32 local school administrative unit shall implement standards in
these additional content areas of the system of learning results,
34 contingent upon funding based on essential programs and services
or its equivalent. Notwithstanding any other provision of this
36 chapter, the commissioner is authorized to establish rules for
inclusion of some portion of the standards in visual and
38 performing arts for the graduating class of 2006-07.'

40 Further amend the bill in section 33 by striking out all of
that part designated "§6211." and inserting in its place the
42 following:

44 '§6211. Rulemaking

46 The commissioner shall develop rules to accomplish the
purposes of this chapter. Rules adopted pursuant to this chapter
48 are major substantive rules as defined in Title 5, chapter 375,
subchapter II-A.'

50

2 Further amend the bill by inserting after section 36 the following:

4 **Sec. 37. Legislative intent; application of system of learning results to certain private schools.** It is the intent of the Legislature that
6 the system of learning results reflect high expectations for all
8 students and create conditions where these expectations can be
10 met. To achieve this intent, while the Legislature recognizes
12 the distinct character of Maine's private schools that enroll 60%
14 or more publicly funded students, as determined by the previous
16 school year's October and April average enrollment, such schools
are required to participate in the system of learning results to
the extent specifically provided in the Maine Revised Statutes,
Title 20-A, section 6202; section 6202-A, subsection 4; and
section 6209.

18 **Sec. 38. Contributions from General Fund.** It is the intent of
the Legislature to provide adequate funding from the State in
20 order to finance the requirements of the Maine Revised Statutes,
Title 20-A, chapter 222 in implementing this Act. The state
22 funding requirements to implement this Act must be addressed by
the Joint Standing Committee on Education and Cultural Affairs
24 during the Second Regular Session of the 120th Legislature as the
Legislature considers the transition of the school funding
26 formula to a formula based on the essential programs and services
model.'

28 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
30 consecutively.

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

36 **FISCAL NOTE**

38 The requirement that local school administrative units must
40 implement certain specific activities associated with the system
of learning results represents a state mandate pursuant to the
42 Constitution of Maine. The additional local costs can not be
determined at this time. Unless General Fund appropriations are
44 provided to fund at least 90% of the additional costs or a
Mandate Preamble is amended to the bill and 2/3 of the members of
46 each House vote to exempt this mandate from the funding
requirement, the local school administrative units may not be
required to implement these changes.

48 The additional costs associated with administering the
50 implementation of specific activities associated with the system

of learning results can be absorbed by the Department of Education utilizing existing budgeted resources.'

SUMMARY

This amendment makes the following changes to the bill.

1. For basic school approval purposes, it requires that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students.

2. It requires the Commissioner of Education to promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results.

3. It allows the use of commercially produced assessment tools as part of the local assessment system, but they may not carry a majority of the weight in determining student performance.

4. It provides that the requirement that local units implement standards in the additional content areas of career preparation, foreign languages and visual and performing arts is contingent upon funding based on essential programs and services or its equivalent. The amendment also provides that the commissioner is authorized to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2006-2007.

5. It provides that, when a waiver of school approval requirements is granted, the unit must provide the commissioner with a plan to reduce reliance on waivers in the future. Financial hardship is one criterion in determining whether to grant the waiver.

6. It provides that rules adopted under the the Maine Revised Statutes, Title 20-A, chapter 222 are major substantive rules.

7. With regard to requirements for private schools, it deletes the reference to students enrolled in private schools in the commissioner's duties concerning providing leadership in implementing learning results and reporting to the Governor and the Legislature.

8. It deletes the requirement linking contracts between sending and receiving schools to require compliance with curriculum rules adopted by the commissioner.

COMMITTEE AMENDMENT "A" to S.P. 582, L.D. 1760

2 9. It requires that the local assessment system be fully
4 implemented by the end of the 2003-2004 school year in school
administrative units. It also clarifies that the requirements
apply to public high schools.

6 10. It adds a new subsection on graduation decisions at
8 public high schools, phasing in the content areas of learning
10 results to require graduation to be determined by student
achievement in all content areas by the 2009-2010 school year.

12 11. It revises the application of the statewide system of
14 learning results to private schools approved for tuition that
enroll at least 60% publicly funded students.

16 12. It adds a new section governing the application of the
18 system to certain private schools. Private schools that enroll
60% or more publicly funded students are required to participate
in the system of learning results as specifically provided.

20 13. It requires that the required component of Maine
22 studies that is Maine Native American studies will be addressed
in the review of content standards and performance indicators of
the learning results.

24 14. It adds unallocated language to the bill to accomplish
26 the full implementation of the system of learning results. The
28 amendment clarifies that the intent of the Legislature is to
provide adequate funding from the State to finance the
30 requirements of fully implementing the system of learning
32 results. The amendment also provides that the Joint Standing
Committee on Education and Cultural Affairs shall consider
34 financing the requirements of the system of learning results as
it reviews the transition of the school funding formula to a
formula based on the essential programs and services model during
the Second Regular Session of the 120th Legislature.

36 15. It also adds a fiscal note to the bill.