

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1760

S.P. 582

In Senate, March 29, 2001

An Act to Implement Maine's System of Learning Results.

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Penobscot.
Cosponsored by Representative RICHARD of Madison and
Senators: MILLS of Somerset, NUTTING of Androscoggin, ROTUNDO of Androscoggin,
Representatives: BELANGER of Caribou, DESMOND of Mapleton.

Be it enacted by the People of the State of Maine as follows:

2
3 **Sec. 1. 20-A MRSA §201, sub-§1**, as enacted by PL 1981, c. 693,
4 §§5 and 8, is amended to read:

6 **1. Supervise public education.** Supervise, guide and plan
7 for a coordinated system of public education for all citizens of
8 the State based on the system of learning results as established
9 in section 6209;

10 **Sec. 2. 20-A MRSA §253, sub-§4, ¶¶C and D**, as enacted by PL
12 1981, c. 693, §§5 and 8, are amended to read:

14 C. Coordinate the purchase and use of all department
15 equipment; and

16 D. Review the function and operation of the department to
17 ensure that overlapping functions and operations are
18 eliminated; and

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

22 E. Provide leadership in the implementation of the system
23 of learning results as established in section 6209 for each
24 child enrolled in each public or approved private school.

26 **Sec. 4. 20-A MRSA §254, sub-§2**, as enacted by PL 1983, c. 693,
28 §§5 and 8, is amended to read:

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

36 **Sec. 5. 20-A MRSA §256, sub-§1**, as amended by PL 1989, c. 889,
38 §4, is further amended to read:

40 **1. Report to Governor and Legislature.** The commissioner
41 shall prepare and deliver to the Governor and Legislature an
42 annual report on the status of public education in the State,
43 regarding the implementation of the system of learning results
44 for each child enrolled in a public or approved private school
45 and including any suggestions and recommendations to improve
46 public education and including the reporting requirements of
47 section 13506, subsection 3-A. This annual report must also
48 include a description of the activities and accomplishments of
49 the state board.

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

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

24 **Sec. 6. 20-A MRSA §405, sub-§3, ¶S,** as amended by PL 1995, c.
26 395, Pt. J, §3, is further amended to read:

28 S. Develop long-range education goals and standards for
30 school performance and student performance to improve
32 learning results as established in section 6209 and
34 recommend to the commissioner and to the Legislature a plan
36 for achieving those goals and standards;

38 **Sec. 7. 20-A MRSA §1001, sub-§6,** as amended by PL 1983, c.
40 859, Pt. C, §§1 and 7, is further amended to read:

42 **6. General courses of study.** They shall adopt and direct
44 the general courses of study in alignment with the system of
46 learning results as established in section 6209 in accordance
48 with the requirements of this Title.

50 **Sec. 8. 20-A MRSA §2703, sub-§1, ¶D,** as enacted by PL 1981, c.
52 693, §§5 and 8, is amended to read:

54 D. ~~Shall~~ Must be ratified by a majority vote of each of the
56 governing bodies party to the contract; ~~and~~

58 **Sec. 9. 20-A MRSA §2703, sub-§1, ¶E,** as amended by PL 1983, c.
60 859, Pt. A, §§6 and 25, is further amended to read:

62 E. ~~Shall~~ Must meet any additional requirements set forth in
64 rules established by the commissioner and ~~shall~~ must be
66 filed with the commissioner. Contracts with private schools
68 ~~shall~~ must be approved by the commissioner; ~~and~~

70 **Sec. 10. 20-A MRSA §2703, sub-§1, ¶F** is enacted to read:

72 F. Must require schools that receive students through a
74 tuition contract to comply with section 2902, subsection 4.

2 **Sec. 11. 20-A MRSA §2902, sub-§4**, as amended by PL 1991, c.
824, Pt. B, §5, is further amended to read:

4 **4. Commissioner's basic curriculum.** Provide instruction in
the basic curriculum established by rule by the commissioner
6 under section 4704 and in alignment with the system of learning
results established in section 6209;

8 **Sec. 12. 20-A MRSA §3251**, as amended by PL 1985, c. 490, §2,
10 is further amended to read:

12 **§3251. School privileges in the unorganized territories**

14 Subject to such reasonable rules as the commissioner may
adopt, all persons who have attained the age of 5 years on
16 October 15th and have not reached 20 years of age before the
start of the school year and who reside with a parent in the
18 unorganized territory or who are resident emancipated minors or
residents at least 18 years old ~~shall-be~~ are eligible to attend
20 elementary and secondary schools and to receive appropriate
special education and related services without charge to
22 themselves or their parents. Education ~~shall~~ must be provided in
alignment with the system of learning results as established in
24 section 6209 under the direction of the commissioner and ~~shall~~
must meet the general standards for elementary and secondary
26 schooling and special education established pursuant to this
Title.

28 **Sec. 13. 20-A MRSA §4502, sub-§1**, as amended by PL 1999, c.
30 770, §1, is further amended to read:

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

44 **Sec. 14. 20-A MRSA §4502, sub-§5, ¶L**, as amended by PL 1999,
46 c. 669, §5, is repealed.

48 **Sec. 15. 20-A MRSA §4502, sub-§5, ¶L-1** is enacted to read:

2 L-1. A plan for training and development of all personnel
3 that is aligned with the system of learning results as
4 established in section 6209;

6 **Sec. 16. 20-A MRSA §4502, sub-§6**, as enacted by PL 1983, c.
7 859, Pt. A, §§20 and 25, is repealed and the following enacted in
8 its place:

10 6. Annual report on comprehensive education plan. The
11 superintendent shall make an annual report of progress on the
12 comprehensive education plan, developed pursuant to subsection 1,
13 to the citizens of the school administrative unit. The board
14 shall annually review and approve the plan. The superintendent
15 shall certify progress on the plan to the commissioner on an
16 annual basis.

18 **Sec. 17. 20-A MRSA §4502, sub-§8** is enacted to read:

20 8. Waivers. The commissioner may grant a school
21 administrative unit a waiver of one or more school approval
22 requirements upon receipt of an application from the school
23 administrative unit that includes the basis for the waiver
24 request and a plan to ensure that future waivers are not needed.

26 **Sec. 18. 20-A MRSA §4504, sub-§2**, as amended by PL 1997, c.
27 696, §3, is repealed and the following enacted in its place:

28 2. Comprehensive review. The commissioner shall conduct a
29 comprehensive review of a school administrative unit in
30 accordance with the school assistance process established in
31 section 6210 or as part of an inspection in accordance with
32 section 258-A.

34 **Sec. 19. 20-A MRSA §4704**, as enacted by PL 1983, c. 859, Pt.
35 C, §§5 and 7, is amended to read:

36 **§4704. Courses prescribed by the commissioner**

38 The commissioner shall prescribe by rule the basic courses
39 of study that are in alignment with the system of learning
40 results as established in section 6209 for the elementary and
41 secondary schools, consistent with the requirements of this
42 chapter, and may include minimum time requirements and
43 performance standards.

44 **Sec. 20. 20-A MRSA §4706, first ¶**, as enacted by PL 1983, c.
45 859, Pt. C, §§5 and 7, is repealed and the following enacted in
46 its place:

2 In furtherance of the content standards articulated in the
3 system of learning results established in section 6209,
4 subsection 2, American history and Maine studies are required as
5 follows:

6 **Sec. 21. 20-A MRSA §4706, sub-§2,** as amended by PL 1991, c.
7 655, §4, is further amended to read:

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

17 A. Maine tribal governments and political systems and their
18 relationship with local, state, national and international
19 governments;

20
21 B. Maine Native American cultural systems and the
22 experience of Maine tribal people throughout history;

23
24 C. Maine Native American territories; and

25
26 D. Maine Native American economic systems.

27
28 **Sec. 22. 20-A MRSA §4711,** as enacted by PL 1983, c. 859, Pt.
29 C, §§5 and 7, is amended to read:

30
31 **§4711. Elementary course of study**

32
33 The basic course of study for the elementary schools shall
34 must provide for the instruction of all students in the English
35 language, including reading, writing, spelling and grammar;
36 library instruction; mathematics; science; music; art and drama;
37 American history and government; social studies; Maine studies,
38 including the history, geography, culture and natural and
39 industrial resources of the State; health, hygiene and safety;
40 physical education; and career preparation, English language
41 arts, foreign languages, health and physical education,
42 mathematics, science and technology, social studies and visual
43 and performing arts, as described in the system of learning
44 results subject to the schedule specified in section 6209. In
45 furtherance of the content standards in section 6209, subsection
46 2, the course of study must also include physiology and hygiene,
47 with special reference to the effects of substance abuse,
48 including alcohol, tobacco and narcotics upon the human system.
49
50

2 **Sec. 23. 20-A MRSA §4721**, as enacted by PL 1983, c. 859, Pt.
C, §§5 and 7, is amended to read:

4 **§4721. General requirement**

6 A secondary school shall provide a course of study of at
least 2 years in length, which shall must meet the requirements
8 of this chapter and the system of learning results established in
section 6209. The course of study must include instruction of
10 all students in English language arts, mathematics, science and
technology, social studies, health and physical education, career
12 preparation, visual and performing arts and foreign languages.

14 **Sec. 24. 20-A MRSA §4722, first ¶**, as enacted by PL 1983, c.
859, Pt. C, §§5 and 7, is amended to read:

16 A secondary school shall provide at least one course of
study leading to a high school diploma ~~which shall~~ that must meet
18 the following standards. The commissioner shall develop rules
20 for the transition between the requirements of this section and
the system of learning results as established in section 6209.

22 **Sec. 25. 20-A MRSA §4722, sub-§3**, as amended by PL 1991, c.
24 716, §7, is further amended to read:

26 **3. Satisfactory completion.** A diploma shall ~~may~~ be awarded
only to secondary school students who have satisfactorily
28 completed all diploma requirements in accordance with the
academic standards of the school administrative unit, and
30 effective with the class of 2007, with the requirements specified
in section 6202-A, subsection 3. Applied technology students
32 may, with the approval of the commissioner, satisfy the 2nd-year
math and science, the 2nd-year social studies and the fine arts
34 requirements of subsection 2 through separate or integrated study
within the applied technology school ~~curriculum~~ curriculum.

36 **Sec. 26. 20-A MRSA §4729, first ¶**, as repealed and replaced by
38 PL 1989, c. 415, §12, is amended to read:

40 A school administrative unit may establish one or more
programs that are in alignment with the system of learning
42 results established in section 6209 as alternatives to the
regular course of study, including options allowed in sections
44 5104-A and 8605, to meet the needs of at-risk students ~~in~~
~~accordance with section 4502, subsection 5, paragraph B.~~

46 **Sec. 27. 20-A MRSA c. 222** is amended by repealing the chapter
48 headnote and enacting the following in its place:

50 CHAPTER 222

2 STANDARDS AND ASSESSMENT OF
4 STUDENT PERFORMANCE

6 **Sec. 28. 20-A MRSA §6201, 2nd and 3rd ¶¶**, as enacted by PL
1983, c. 859, Pt. D, §§3 and 4, are amended to read:

8
10 There is a need for assessment information at both the state
12 and local level to ~~identify the need for educational changes~~
measure progress and ensure accountability regarding the system
of learning results, which must be accomplished through a
comprehensive system of local and state assessments, involving
multiple measures to determine what each student knows and is
able to demonstrate regarding the standards of the system of
16 learning results.

18 ~~The development of a state wide assessment program~~
~~necessitates an immediate effort to develop tests to allow~~
~~testing to begin during the 1985-86 school year. The program~~
20 ~~shall~~ This comprehensive local and state assessment system must
22 have the following objectives:

24 **Sec. 29. 20-A MRSA §6201, sub-§§2 and 4**, as enacted by PL 1983,
c. 859, Pt. D, §§3 and 4, are amended to read:

26
28 **2. State goals.** To establish a process for a continuing
evaluation of ~~state educational goals~~ the system of learning
results established in section 6209 and to aid in the development
30 of educational policies, standards and programs;

32 **4. Individual students.** To provide school staffs with
34 information about the individual students ~~which that~~ that may be used,
with other information, to meet individual and educational needs
36 of the student. The statewide assessment program ~~shall~~ may not
be the only criteria for judging student performance;

38 **Sec. 30. 20-A MRSA §6202**, as amended by PL 1985, c. 797, §37,
is further amended to read:

40 **§6202. State assessment program established; content**

42
44 The commissioner shall establish a statewide assessment
program, known as the Maine Education Assessment, to measure and
46 evaluate on a continuing basis the academic achievements of
students at grades 4, 8 and 11 in the content areas of the system
of learning results established in section 6209 specified by the
48 commissioner. This assessment applies to students in the public
elementary and secondary schools and in all private schools
50 approved for tuition whose school enrollments include at least

2 60% publicly-funded students, as determined by the previous
4 school year's October and April average enrollment. The
6 assessment program shall must be adapted to meet the needs of
8 exceptional students as defined in section 7001, subsection 2 or
10 other students as defined under rules by the commissioner. The
12 ~~program shall include the following components.~~

14 ~~1. -- Assessment in basic subjects. -- The program shall provide
16 an annual assessment of student performance in the curriculum
18 areas of reading, writing and mathematics.~~

20 ~~2. -- Additional subjects. -- The assessment program may be
22 extended, consistent with available resources, to include
24 assessments in science and social studies on a sampling basis in
26 alternate years.~~

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

30 **§6202-A. Local assessment system established; content**

32 Each school administrative unit shall establish a local
34 assessment system to measure student achievement of the learning
36 results established in section 6209. Local assessments may
38 include portfolios, performances and demonstrations in addition
40 to other measures of achievement. This may not be limited to
42 commercially produced assessment tools. The local assessment
44 system must be implemented as follows.

46 1. Technical assistance. During the 2001-2002 and
48 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
systems. By the end of the 2003-2004 school year, the
superintendent of each school administrative unit shall certify
to the commissioner that the local assessment system meets these
standards.

50 2. Implementation. By the end of the 2003-2004 school
52 year, the local assessment system established pursuant to this
54 section must be fully implemented as the measure of student
56 progress.

58 3. High school graduation decisions. By the 2006-2007
60 school year, high school graduation must be determined by student
62 achievement of the standards of the system of learning results in
64 English language arts, health and physical education,
66 mathematics, science and technology and social studies, based on
68 the school administrative unit's local assessment system
established pursuant to this section in addition to other

2 requirements as established by school board policy. By the
3 2009-2010 school year, high school graduation must be determined
4 by student achievement of the standards of the system of learning
5 results in all content areas of the system of learning results,
6 based on the school administrative unit's assessment system
7 established pursuant to subsection 1 in addition to other
8 requirements as established by policy of the school board.

9 **Sec. 32. 20-A MRSA §6209, sub-§§3 and 4** are enacted to read:

10 **3. Career preparation; foreign languages; visual and**
11 **performing arts.** By the end of the 2002-2003 school year, each
12 school administrative unit shall address in the comprehensive
13 education plan, as required in section 4502, subsection 1, how
14 the school administrative unit will implement for all students
15 the content areas of career preparation, foreign languages, and
16 visual and performing arts, including interim targets for partial
17 implementation. By the end of the 2006-2007 school year, to
18 coincide with funding based on essential programs and services,
19 each school administrative unit shall implement standards in
20 these additional content areas of the system.

21 **4. Review cycle.** The commissioner shall conduct a review
22 of the content standards and performance indicators by content
23 area on a 4-year cycle beginning in the 2003-2004 school year.
24 Any changes that are recommended must be approved through the
25 same process used for establishment of the system of learning
26 results.

27 **Sec. 33. 20-A MRSA §§6210 and 6211** are enacted to read:

28 **§6210. School assistance**

29 The commissioner shall provide assistance to a school
30 administrative unit when student performance in a school in the
31 school administrative unit beginning in the 2003-2004 school year
32 indicates that assistance is needed. This assistance must be
33 based on a thorough review of the comprehensive education plan,
34 as required in section 4502, subsection 1, and the evidence of
35 student performance provided by the school administrative unit's
36 local assessment system. This may include assignment of an
37 assistance team by the commissioner to work with the school
38 administrative unit over a period of not less than one year. The
39 commissioner shall pilot this process during the 2001-2002 and
40 2002-2003 school years and shall develop rules for school
41 administrative unit assistance and accountability to safeguard
42 the learning of the students in the school administrative unit.

43 **§6211. Rulemaking**

2 The commissioner shall develop rules to accomplish the
3 purposes of this chapter. Rules adopted pursuant to this chapter
4 are routine technical rules as defined in Title 5, chapter 375,
5 subchapter II-A.

6 **Sec. 34. 20-A MRSA §8101**, as enacted by PL 1981, c. 693, §§5
7 and 8, is amended to read:

8
9 **§8101. Purpose**

10 The Legislature recognizes that gifted and talented
11 students, who comprise approximately 3% to 5% of Maine's
12 students, require differentiated education programs ~~and services~~
13 that are aligned with the system of learning results as
14 established in section 6209, beyond those normally provided by
15 the regular school program in order to realize their educational
16 potential and contribution to themselves and to society.

17
18 **Sec. 35. 20-A MRSA §8202, sub-§1**, as enacted by PL 1993, c.
19 706, Pt. A, §4, is amended to read:

20
21 **1. Curriculum.** The school's curriculum is designed to
22 exceed existing state educational standards in the content areas
23 of the system of learning results established in section 6209.

24
25 **Sec. 36. 20-A MRSA §8306-A, first ¶**, as enacted by PL 1991, c.
26 518, §6, is amended to read:

27
28 The commissioner may adopt rules to establish requirements
29 for vocational education programs and courses in alignment with
30 the system of learning results established in section 6209, to
31 establish procedures for approving vocational education programs
32 and courses and to otherwise carry out the purposes of this
33 chapter.

34
35
36 **SUMMARY**

37
38 This bill addresses inconsistencies in the laws that could
39 hinder implementation of the system of learning results for
40 students in Maine public and approved private schools. It
41 requires implementation of the system of learning results in
42 several key places in the Maine Revised Statutes, Title 20-A,
43 such as the sections of law governing the purpose of the
44 Department of Education, the duties of the Commissioner of
45 Education and the State Board of Education, vocational programs,
46 approved private schools and schools in the unorganized
47 territories.

2 It further amends the requirements for school approval,
including the requirement to have a comprehensive education plan
4 that addresses all required plans, and establishes the importance
of training and development for all school personnel as a means
6 to implement the system of learning results. It requires a
comprehensive system of local and state assessments and
8 establishes a schedule for using a local assessment system as the
basis for program, placement and student graduation decisions.
10 It also establishes an implementation schedule for content
standards in career preparation, visual and performing arts, and
12 foreign languages that is linked to funding of essential programs
and services. It provides for a waiver of this requirement to be
14 developed through rulemaking, as well as rulemaking to provide a
smooth transition from the current system to the system that is
proposed.

16

18 Finally, this bill provides for a system of accountability
for schools where students are not meeting standards, providing
assistance to these schools to support the learning of students.