

MAINE STATE LEGISLATURE

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MAJORITY
EDUCATION AND CULTURAL AFFAIRS

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

COMMITTEE AMENDMENT "A" to H.P. 1633, L.D. 2136, "Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education"

Amend the resolve by striking out all of the emergency preamble.

Further amend the resolve in section 1 in the last line by inserting after the following: "authorized" the following: 'only if the rules are amended as follows'

Further amend the resolve in section 1 by inserting at the end the following:

'1. The rules must be amended in Section 4, subsection 4.02, paragraph E by striking the following "as required by applicable federal law and regulations".

2. The rules must be further amended in Section 7, subsection 7.02, paragraph A, subparagraph 1(f) by striking the last 2 sentences in this subparagraph, which read as follows: "One-half credit in Maine studies shall be required if not taken in grades 6, 7 or 8. Instruction shall include Maine history and geography, the natural, economic and industrial resources of the state and the cultural and ethnic heritage of the state."

3. The rules must be further amended in Section 7, subsection 7.02, paragraph A, subparagraph 4 by striking the word "Programs" and replacing it with the word "Plans" in the last line of the subparagraph.

4. The rules must be further amended in Section 9, subsection 9.02 by adding the word "and" between the words "Health" and "Physical" so that the content standard subject area heading reads "Health and Physical" in the 2nd line of the subsection.

5. The rules must be further amended in Section 10, subsection 10.02, paragraph A by adding the words "and Technology" after the word "Science" so that the content standard subject area heading reads "Science and Technology" in the 3rd line of the paragraph.'

Further amend the resolve by striking out all of the emergency clause (page 1, lines 29 and 30 in L.D.)

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

FISCAL NOTE

The requirement that local school administrative units implement certain specific activities associated with the system of learning results represents a state mandate pursuant to the Constitution of Maine. The additional local costs can not be determined 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 2/3 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 these changes.

Public Law 2001, Chapter 358, Part U included \$1,300,000 in fiscal year 2001-02 in the appropriation for adjustments and miscellaneous costs for learning results implementation including the development of local assessment systems and assistance to schools in implementing the system of learning results. The Governor's proposed supplemental budget, LD 2080, Part D also includes \$1,300,000 for fiscal year 2002-03 for the same purpose. It is not clear if these funds are sufficient to fund at least 90% of the additional costs to local school units to implement the system of learning results.

The additional costs associated with the implementation of certain rules pertaining to specific activities associated with the system of learning results can be absorbed by the Department of Education utilizing existing budgeted resources.

The Department of Education has noted that, with the reauthorization of the Elementary and Secondary Education Act,

2 Congress has required that each state adopt and implement
demanding performance standards in several content areas, and
4 conduct assessment of student performance on standards in English
and mathematics by 2005-2006 and in science by 2007-2008.
6 Section 4 of the provisionally adopted rule (Chapter 127)
establishes standards for assessment that will assure local and
8 state compliance with these new federal requirements. The
department anticipates \$3.9 million in federal monies will be
targeted to the implementation of the assessment system required
10 in Title 20-A and this rule.'

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SUMMARY

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16 This amendment is the majority report of the Joint Standing
Committee on Education and Cultural Affairs. The committee
18 amendment amends the resolve to authorize the "final adoption" of
the "provisionally adopted" rule only if the rules are amended as
indicated.

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22 The amendment makes several changes to the rules as outlined
in the language added to section 1 of the resolve. It also adds
a fiscal note.
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