

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
EDUCATION AND CULTURAL AFFAIRS**

JUNE 1996

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Enacted law summary

Public Law 1995, chapter 569 makes the state agency client provisions of the School Finance Act of 1995 consistent with state and federal laws ensuring special education and early intervention services for children with disabilities.

LD 1780 **Resolve, to Establish a Tuition Rate for the Town of
Dennysville and to Review the Provision of Education Services
in the Unorganized Territory** RESOLVE 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-716

LD 1780, which was introduced without reference to committee, proposed to establish the tuition charge for students from Dennysville attending Edmunds School for the 1996-97 school year. The bill also directed the Commissioner of Education, with the assistance of a study committee, to review and make recommendations concerning the provision of education services in the unorganized territory.

House Amendment "A" (H-716) adds a fiscal note to the resolve.

Enacted law summary

Resolve 1995, chapter 61 establishes the tuition charge for students from Dennysville attending Edmunds School for the 1996-97 school year. The bill also directs the Commissioner of Education, with the assistance of a study committee, to review and make recommendations concerning the provision of education services in the unorganized territory.

LD 1786 **An Act to Transfer the Agricultural Education Consultant to
the Department of Agriculture, Food and Rural Resources** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 1786 one of 6 bills submitted by the Commission to Study Options for Preserving the Dairy Industry in the State. The bill proposed to transfer the position of agricultural education consultant, established under the Department of Education by the Maine Revised Statutes, Title 20-A, section 253, subsection 6, to the Department of Agriculture, Food and Rural Resources to facilitate and administer the department's educational programs.

LD 1791 **An Act to Initiate Education Reform in Maine** PUBLIC 649

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO	OTP-AM MAJ	S-549
MITCHELL EH	OTP-AM MIN	S-600

LD 1791 required the Department of Education, in consultation with the State Board of Education, to establish a comprehensive statewide system of learning results no later than the 2002-03 school year. This requirement is consistent with the recommendations in the 1996 report of the Task Force on Learning Results. The bill established guiding principles and content standards for this system of learning results. The system must include a plan to assist school administrative units in helping all students achieve the learning results and a plan for professional development. The bill required the establishment of a student assessment system, encompassing changes to the current assessment tests and a redesigned test for secondary students. Receipt of a high school diploma must be based on the satisfactory completion of the secondary level state and local assessment tests.

Committee Amendment "A" (S-549) was the majority report and proposed to replace the bill. The amendment established 6 guiding principles to aid in the development of learning standards for all public school students. Recommendations for the standards, referred to as "learning results" and consisted of content standards and performance indicators, will be developed jointly by the Joint Standing Committee on Education and Cultural Affairs, the Department of Education and the State Board of Education in the areas of career preparation, English language arts, foreign languages, health and physical education, mathematics, science and technology, social studies and visual and performing arts.

Following development of the recommendations, the department and the board would have jointly established content standards and performance indicators through the rule-making process. As required by that process, public hearings were to be held on the proposed standards and indicators prior to consideration by the Legislature. Review and final acceptance or rejection by the Legislature would have occurred during the First Regular Session of the 118th Legislature.

The amendment required school administrative units to adopt the learning results within current resource levels. Adoption in the areas of English language arts, health and physical education, mathematics, science and technology and social studies could have been achieved within existing budgeted resources. School administrative units could delay implementation of the learning standards in the areas of career preparation, foreign languages and visual and performing arts if implementation cannot be achieved within existing resources.

The amendment provided a \$2,000,000 appropriation for professional development for the 1996-97 school year and requires future annual appropriations of at least \$2,000,000 for professional development. Failure of the Legislature to appropriate funds for professional development in any year would result in suspension of the system of learning results.

The amendment required the department to use the Maine Education Assessment, the "MEA," to measure student and school performance in achieving the learning standards. Students were not required to pass the MEA or achieve a minimum score to complete any grade or graduate from high school. The amendment required the state board and the department to review and make recommendations to the Legislature by January 1, 1997 on linking achievement of the learning results to completion of high school. The amendment also encouraged school administrative units to develop additional local assessments to measure student achievement, including student portfolios, performances, demonstrations and other records of achievements.

The amendment required the department, in consultation with the state board, to develop a plan to assist school administrative units in helping all students achieve the learning results. The amendment also required the department to develop a plan for providing intensive assistance to school administrative units experiencing difficulty meeting the learning results.

The amendment made clear that only public school students and students attending private schools approved for educating public school students are required to meet the learning results. Home-schooled students and students attending religious schools were exempt from the provisions of the bill. The amendment also required the commissioner to develop accommodations for students requiring special education services and for students when course content conflicts with religious beliefs.

The amendment added a fiscal note and an appropriation section to the bill.

Committee Amendment "B" (S-550) was the minority report and would have replaced the bill. This amendment changed the bill to a resolve that directed each school administrative unit to review the learning standards set forth in the report of the Task Force on Learning Results and the learning standards adopted in at least one other state in accordance with criteria established by a national teachers' group. The amendment required each school administrative unit to provide to the Commissioner of Education a report on the projected program changes and the costs associated with implementation of those changes. The Commissioner of Education was directed to compile the reports and prepare a review and analysis in accordance with the same criteria used by school administrative units, accompanied by any necessary implementing legislation, for submission to the Legislature by December 30, 1997. This amendment also added a fiscal note to the bill. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-884) would have replaced the bill. The amendment changed the bill to a resolve that directed each school administrative unit to review the principles of education reform set forth in the report of the Task Force on Learning Results and to provide the Commissioner of Education a report on the projected program changes and the costs associated with implementation of those changes. The Commissioner of Education was directed to compile the reports and prepare a review and analysis, accompanied by any necessary implementing legislation, for submission to the Legislature by December 30, 1997. The amendment added an appropriation section and a fiscal note to the bill. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-912) proposed to combine the majority and minority reports of the Joint Standing Committee on Education and Cultural Affairs by specifying the learning standards that each school administrative district must review. This amendment established a 15-member study group to develop and recommend standards only in the areas of English language arts, mathematics, science and technology and social studies. (Not adopted)

House Amendment "C" to Committee Amendment "A" (H-921) proposed to delay the State's commitment to annually appropriate at least \$2,000,000 for professional development until fiscal year 1997-98. It replaced the \$2,100,000 General Fund appropriation in fiscal year 1996-97 with a provision that funds the Professional Renewal program in the Department of Education in fiscal year 1996-97 up to \$2,000,000 from the unappropriated surplus of the General Fund after all other required deductions. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-564) proposed to establish minimum homework requirements for students in grades 5 through 12. The amendment also required the preparation of transcripts and specifies the information to be recorded in the transcripts. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-565) proposed to establish criteria by which the content standards must be developed and required the Department of Education to adapt the Maine Education Assessment to focus on student achievement and proficiency in academic subjects. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-589) proposed to delay the implementation of the professional development plan by one year to July 1, 1997. It also eliminated the General Fund appropriation. (Not adopted)

Senate Amendment "D" to Committee Amendment "A" (S-594) proposed to delay the State's commitment to annually appropriate at least \$2,000,000 for professional development until fiscal year 1997-98. It replaced the \$2,100,000 General Fund appropriation in fiscal year 1996-97 with a provision that funds the Professional Renewal program in the Department of Education in fiscal year 1996-97 up to \$2,000,000 from the unappropriated surplus of the General Fund after all other required deductions. (Not adopted)

Senate Amendment "E" to Committee Amendment "A" (S-597) proposed to replace the committee majority report. The amendment established a 2-part process for the development of learning standards for all public school students. Recommendations for the standards, referred to as "learning results" and consisting of content standards and performance indicators, were to be developed jointly by the Joint Standing Committee on Education and Cultural Affairs, the Department of Education and the State Board of Education in the areas of career preparation, English language arts, foreign languages, health and physical education, mathematics, science and technology, social studies and visual and performing arts. Following development of the recommendations, the department and the board would have jointly established content standards and performance indicators through the rule-making process. As required by that process, public hearings were to be held on the proposed standards and indicators prior to consideration by the Legislature. Review and final acceptance or rejection by the Legislature would have occurred during the First Regular Session of the 118th Legislature. (Not adopted)

Senate Amendment "F" to Committee Amendment "A" (S-599) delays the implementation of the professional development plan by one year to July 7, 1997. It also eliminates the General Fund appropriation. (Not adopted)

Senate Amendment "G" to Committee Amendment "A" (S-600) proposed to delay the implementation of the professional development plan by one year to July 3, 1997. It also eliminates the General Fund appropriation.

Enacted law summary

Public Law 1995, chapter 649 establishes, effective July 1997, 6 guiding principles to aid in the development of learning standards for all public school students. Recommendations for the standards, referred to as "learning results" and consisting of content standards and performance indicators, will be developed jointly by the Joint Standing Committee on Education and Cultural Affairs, the Department of Education and the State Board of Education in the areas of career preparation, English language arts, foreign languages, health and physical education, mathematics, science and technology, social studies and visual and performing arts.

Following development of the recommendations, the department and the board will jointly establish content standards and performance indicators through the rule-making process. As required by that process, public hearings will be held on the proposed standards and indicators prior to consideration by the Legislature. Review and final acceptance or rejection by the Legislature will occur during the First Regular Session of the 118th Legislature.

Chapter 649 requires school administrative units to adopt the learning results within current resource levels. Adoption in the areas of English language arts, health and physical education, mathematics, science and technology and social studies can be achieved within existing budgeted resources. School administrative units may delay implementation of the learning standards in the areas of career preparation, foreign languages and visual and performing arts if implementation cannot be achieved within existing resources.

A \$2,000,000 appropriation is provided for professional development for the 1996-97 school year and requires future annual appropriations of at least \$2,000,000 for professional development. Failure of the Legislature to appropriate funds for professional development in any year will result in suspension of the system of learning results.

The department must use the Maine Education Assessment (MEA) to measure student and school performance in achieving the learning standards. Students do not have to pass the MEA or achieve a minimum score to complete any grade or graduate from high school. The state board and the department must review and make recommendations to the Legislature by January 1, 1997 on linking achievement of the learning results to completion of high school. School administrative units are encouraged to develop additional local assessments to measure student achievement, including student portfolios, performances, demonstrations and other records of achievements.

The department, in consultation with the state board, must develop a plan to assist school administrative units in helping all students achieve the learning results. The department is also required to develop a plan for providing intensive assistance to school administrative units experiencing difficulty meeting the learning results.

Only public school students and students attending private schools approved for educating public school students are required to meet the learning results. Home-schooled students and students attending religious schools are exempt from the provisions of the bill. The commissioner must develop accommodations for students requiring special education services and for students when course content conflicts with religious beliefs.

**LD 1800 Resolve, to Recognize the Maine School for the Arts and the
Maine High School for the Arts**

RESOLVE 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUMBRA	OTP-AM MAJ	H-794
PARADIS	ONTP MIN	

LD 1800 recognized the existence of the Maine School for the Arts, also known as the Maine High School for the Arts

Committee Amendment "A" (H-794) removed the emergency preamble and emergency clause, made technical changes to the resolve, corrected the name of the Maine School for the Arts/Maine High School for the Arts and placed standard restrictions on protection of the school's name as required by state law.

Enacted law summary

Resolve 1995, chapter 79 recognizes the existence of the Maine School for the Arts / Maine High School for the Arts.