

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 electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2001

Members:

Sen. Betty Lou Mitchell, Chair

Sen. John M. Nutting

Sen. Margaret Rotundo

Rep. Shirley K. Richard, Chair

Rep. Mabel J. Desmond

Rep. James G. Skoglund

Rep. Elizabeth Watson

Rep. Stephen C. Estes

Rep. Glenn Cummings

Rep. Vaughn A. Stedman

Rep. Mary Black Andrews

Rep. Carol Weston

Rep. Mary Ellen Ledwin

Rep. Donald G. Soctomah

Staff:

Phillip D. McCarthy, Legislative Analyst

Julie Read Marsh, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 considered by the committees. It is organized 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
CON RES XXX..... *Chapter # of Constitutional Resolution passed by both Houses*
CONF CMTE UNABLE TO AGREE..... *Committee of Conference unable to agree; bill died*
DIED BETWEEN BODIES..... *House & Senate disagree; bill died*
DIED IN CONCURRENCE..... *One body accepts ONTP report; the other indefinitely postpones the bill*
DIED ON ADJOURNMENT..... *Action incomplete when session ended; bill died*
EMERGENCY..... *Enacted law takes effect sooner than 90 days*
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... *Emergency bill failed to get 2/3 vote*
FAILED ENACTMENT/FINAL PASSAGE..... *Bill failed to get majority vote*
FAILED MANDATE ENACTMENT..... *Bill imposing local mandate failed to get 2/3 vote*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
INDEF PP..... *Bill Indefinitely Postponed*
ONTP..... *Ought Not To Pass report accepted*
OTP ND..... *Committee report Ought To Pass In New Draft*
OTP ND/NT..... *Committee report Ought To Pass In New Draft/New Title*
P&S XXX..... *Chapter # of enacted Private & Special Law*
PUBLIC XXX..... *Chapter # of enacted Public Law*
RESOLVE XXX..... *Chapter # of finally passed Resolve*
UNSIGNED..... *Bill held by Governor*
VETO SUSTAINED..... *Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Education and Cultural Affairs

needs-based scholarship funds for the beneficiary of a program account whether or not the beneficiary attends an institution of higher education in the State.

2. It clarifies that, if an account is opened by an entity that is not required by the Internal Revenue Code to designate a beneficiary, that participant is not required to designate a beneficiary when opening an account.
3. It clarifies that an individual participant may designate a successor participant to become owner of the account on the death or disability of the current participant.

LD 1760

An Act to Implement Maine's System of Learning Results

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM MAJ ONTP MIN	S-303

LD 1760 proposed to address inconsistencies in the laws that could hinder implementation of the system of learning results for students in Maine public and approved private schools. It proposed to require implementation of the system of learning results in several key places in the Maine Revised Statutes, Title 20-A, such as the sections of law governing the purpose of the Department of Education, the duties of the Commissioner of Education and the State Board of Education, vocational programs, approved private schools and schools in the unorganized territories.

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

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

Committee Amendment “A” (S-303) proposed to make 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.

Joint Standing Committee on Education and Cultural Affairs

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 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.
9. It requires that the local assessment system be fully 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.
10. It adds a new subsection on graduation decisions at public high schools, phasing in the content areas of learning results to require graduation to be determined by student achievement in all content areas by the 2009-2010 school year.
11. It revises the application of the statewide system of learning results to private schools approved for tuition that enroll at least 60% publicly funded students.
12. It adds a new section governing the application of the 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.
13. It requires that the required component of Maine studies that is Maine Native American studies will be addressed in the review of content standards and performance indicators of the learning results.
14. It adds unallocated language to the bill to accomplish the full implementation of the system of learning results. The amendment clarifies that the intent of the Legislature is to provide adequate funding from the State to finance the requirements of fully implementing the system of learning results. The amendment also provides that the Joint Standing Committee on Education and Cultural Affairs shall consider 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.
15. It also proposed to add a fiscal note to the bill.

Enacted law summary

Joint Standing Committee on Education and Cultural Affairs

Public Law 2001, chapter 454 addresses inconsistencies in the education laws and revises certain sections of the education laws related to the implementation of the system of learning results for students in Maine public schools and private schools approved for tuition that enroll at least 60% publicly funded students.

The law accomplishes the following:

1. It amends the requirements for basic school approval, including the requirement that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students. It also 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; and establishes financial hardship as one criterion in determining whether to grant the waiver;
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 requires a comprehensive system of local and state assessments be fully implemented in school administrative units by the end of the 2003-2004 school year; and it further 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. It provides for a waiver of this requirement to be developed through rulemaking, and also authorizes the commissioner 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 also establishes a schedule for using a local assessment system as the basis for program, placement and student graduation decisions at public high schools; and also provides that graduation decisions must be determined by student achievement in all content areas by the 2009-2010 school year;
6. It provides for a system of accountability for schools where students are not meeting standards, including providing assistance to these schools to support the learning of students;
7. It revises the application of the statewide system of learning results for certain private schools by clarifying that the learning results only apply to private schools approved for tuition that enroll at least 60% publicly funded students as specifically provided in Maine Revised Statutes, Title 20-A, chapter 222;
8. It requires that the required component of Maine studies that is Maine Native American studies will be addressed in the review of content standards and performance indicators of the learning results;
9. It provides that rules adopted under the Maine Revised Statutes, Title 20-A, chapter 222 are major substantive rules; and
10. It clarifies that the intent of the Legislature is to provide adequate funding from the State to finance the requirements of fully implementing the system of learning results; and also provides that the Joint Standing Committee on Education and Cultural Affairs shall consider 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.