

Date: January 1, 2022

Source of Report: Maine Department of Education

- H.P. 381 - L.D. 518, Chapter 58: *Resolve, Directing the Department of Education to Review and Assess State mandated Instruction and Training for Students*
- H.P. 194 - L.D. 278, Chapter 65: *Resolve, Directing the Department of Education to Develop a Process for the Consideration and Implementation of Changes to Mandated Instruction or Training for Students*

Context:

Title 20-A, §6209, gives the state the authority to establish and implement a comprehensive system of learning results. These Maine Learning Results are a common set of goals, or standards, that define the skills and knowledge students must obtain at specific stages in their education and development to be prepared for their postsecondary plans. It is then the responsibility of educators and local school leaders to design or purchase curriculum that supports the achievement of these goals. The Maine Learning Results is a carefully crafted document that is both developmentally appropriate and researched-based, and provides a comprehensive learning progression, kindergarten through 12th grade. The Department of Education (Department) reviews and revises the Maine Learning Results on a five-year cycle through a process that utilizes teacher expertise and includes multiple opportunities for public input.

Over the past several years, the Maine Education and Cultural Affairs Committee has been asked to consider a growing number of bills attempting to mandate topics of instruction, outside of the system of learning results, that the public feels children should be learning in school and are not. These bills are challenging because discrete requirements frequently sound perfectly reasonable when each is considered in isolation, but they must be evaluated within the entire system of learning results, which is best determined through the process of revising the Maine Learning Results and then allowing local educators and school leaders to determine how their curriculum can meet these goals. These bills have highlighted the tension between trusting Maine's trained educators, local school leaders, and local school boards to make the decisions about how best to achieve the Maine Learning Results, and a desire to statutorily ensure certain topics will be covered in the curriculum.

At their root, these bills often confuse teaching for learning, and incorrectly assume that for everything taught, there is an equal amount learned by all students. The objective of education is learning, not merely teaching, and learning cannot be mandated. Mandating, at best, might ensure coverage, but is far from ensuring students internalize the information and learn it.

Therefore, in the first regular session of the 130th Legislature, the Education and Cultural Affairs Committee passed two resolves, LD 518 and LD 278, tasking the Department to examine the current burden of mandated instruction on educators and recommend a process for future review of bills wishing to mandate instruction or training for students.

Actions:

The Department reviewed Title 20-A for all mandated instruction and training for students and then determined:

1. The ages of the students effected;
2. The broad academic subject area effected; and
3. An estimate of the required time and cost to implement each mandated instruction or training.

Findings:

Statute	Summary	Ages of affected students	Broad subject area affected	Estimated time and cost to implement
§4706. Instruction in American history, Maine studies and Maine Native American history	Requires: 1) American history, government and citizenship, including the Constitution of the US, the Declaration of Independence, voting, and citizenship; and 2) Maine history, including the Constitution of Maine, Maine geography and environmental and natural, industrial and economic resources of Maine and Maine’s cultural and ethnic heritage, and Maine Native American studies, be taught and required for graduation from all elementary and secondary public and private schools.	K-12	Social Studies	Varies
§4711. Elementary course of study	Requires that health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.	K-5	Health Education	Varies
§4712. Junior high school or middle school course of study	Requires that health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.	6-8	Health Education	Varies
§4722. Part 2, B: High school diploma standards	Requires social studies and history to include American history, government, civics and personal finance in order to graduate from high school.	9-12	Social Studies	Varies
§4723. Health and physical education	Requires: 1) secondary course of study to include: health, safety and physical education, physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, instruction on affirmative consent, communication and decision	9-12	1 st part of statute deals with general secondary course of study and	Varies

	making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions; 2) health education to include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.		the 2 nd part deals with Health Education	
§4724. Computer instruction	Requires that locally determined standards for computer literacy be required for graduation.	9-12	Secondary course of study	Varies

Upon review of statutes, the Department found that the current mandated instruction and training is not onerous or outdated. A full research study would be required to determine the effectiveness of these statutes, which was not possible in the six months between being assigned this resolve and the report's due date.

Recommendations:

As directed in LD 278, the Department has developed the following process and timeline for reviewing legislation that proposes to mandate instruction or training for students.

Process:

Step 1: The Education and Cultural Affairs Committee, in collaboration with the Department, will identify a proposed bill as mandating instruction or training for students.

Step 2: The Department will work with the bill sponsor to amend language to remove mandating instruction or training and include considering the topic in a comprehensive manner during the appropriate system of learning results review process(es) according to the timeline indicated below.

Step 3: The Department will include the topic of the proposed bill in the standards review process where educators will determine if it is appropriate to incorporate, and, if so, will incorporate it into the standards revision.

Step 4: As part of the standards revision process, the Department will develop a plan to provide sufficient resources and professional learning to support educators and school leaders in the implementation of the revised standards.

Step 4: The Department will report back to the Education and Cultural Affairs Committee and the bill sponsor on the result of the standards review process during the public hearing on the Rule Chapter 132.

Timeline: *The following timeline includes the dates of the next two upcoming review cycle of the Maine Learning Results.*

2023-2024: Science, technology, and engineering, and social studies review

2024-2025: English language arts, life & career ready, and mathematics review

2025-2026: Health & physical education, visual & performing arts, and world languages review

2026-2028: Comprehensive review of the System of Learning Results

2028-2029: Science, technology, and engineering, and social studies review

2029-2030: English language arts, life & career ready, and mathematics review

2030-2031: Health & physical education, visual & performing arts, and world languages review

Contact: Beth Lambert, Director of Innovative Teaching and Learning, beth.lambert@maine.gov.