

## OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Education and Cultural Affairs  
From: Hillary Risler, Esq., Legislative Analyst  
Date: 2/25/2022  
Subj: [LD 1932, “Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education” \(Brennan\)](#)

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### SUMMARY

This resolve provides for legislative review of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a major substantive rule of the Department of Education. The System of Learning Results are reviewed on a five-year cycle pursuant to [20-A MRSA §6209, sub-§4](#). This year’s review includes the health and physical education standards, visual and performing arts standards, and world languages standards. The rule reformats the standards into the newly designed Maine Learning Results structure. This structure divides each content standard into three stages of development: childhood, pre-adolescence and adolescence. Within those three stages, there are three associated grade levels: elementary, middle and high school. In addition, the three descriptors (strand, standard and performance expectation) and their corresponding definitions have been standardized.

The provisionally adopted rule may be found on the department’s proposed rule and rule changes page [here](#); the Statement of Factual and Policy Basis and Summary of Comments/Responses may be found [here](#).

Department testimony summarizing the revisions can be found [here](#).

### PUBLIC HEARING TESTIMONY

- **Proponents**
  - The revisions proposed are the result of a thorough process, with multiple opportunities for stakeholder voice and expertise from department staff, representatives from higher education, district and building administration, and dozens of Maine educators
- **Opponents:** None
- **Neither For Nor Against:** None

## **MAJOR SUBSTANTIVE RULEMAKING CRITERIA:**

**Review Criteria:** MRSA Title 5, section 8072, subsection 4, provides the following review criteria for the committee to consider:

- A. Has the agency exceeded the scope of its authority in approving the rule?
- B. Does the rule conform to the legislative intent of the statute it implements?
- C. Does the rule conflict with other rules or laws?
- D. Is the rule necessary to accomplish the objectives of the law?
- E. Is the rule reasonable?
- F. Could the rule be made less complex or easier to understand?
- G. Was the rule proposed in compliance with requirements of Administrative Procedures Act and other law?
- H. If a rule significantly reduces property value, is the reduction necessary or appropriate and does the rule avoid an unconstitutional taking?

## **Voting Procedure for a Major Substantive Rule filed within the rule acceptance period:**

After reviewing the rule, the committee has the following options for voting on the resolve:

- **OTP** to authorize adoption of the rule with no changes
  - **ONTP** – A *failure to act* on a rule filed within the acceptance period authorizes adoption; killing the resolve is considered a failure to act on the rule; if the committee wishes to authorize the rule, an OTP vote is generally recommended.
- **OTP-A**
  - To authorize adoption of the rule if changes are made to the rule; or
  - Not to authorize adoption of the rule

## **PRELIMINARY FISCAL IMPACT STATEMENT:**

- Not yet determined