

# **Factual and Policy Basis And Summary of Comments/Responses**

Department of Education

Chapter 132 Learning Results: Parameters for Essential Instruction

## **Factual and Policy Basis:**

This amended rule is the culmination of the periodic review of three of the content areas of the Maine Learning Results: health education and physical education, visual and performing arts, and world language.

The health education and physical education, visual and performing arts, and world language standards have been reformatted into the Department's updated Maine Learning Results structure to ensure consistency across content areas. This structure divides each content area's standards into three stages of development: childhood, pre-adolescence, and adolescence. Within these stages, the Department has also identified the associated grade levels: elementary, middle, and high school. Additionally, the Department has standardized the following three descriptors, so that they are consistent across the content areas:

Strand: A body of knowledge in a content area identified by a simple title.

Standard: Enduring understandings and skills that students can apply and transfer to contexts that are new to the student.

Performance Expectation: Building blocks to the standard and measurable articulations of what the student understands and can do.

## **Process for Review and Revision of the Standards**

A public comment period began on October 17<sup>th</sup>, 2019 and ended November 8<sup>th</sup>, 2019. In addition, the Department held a public hearing in Augusta on October 23<sup>rd</sup>, 2019. This public comment period sought feedback regarding the existing standards to ensure that the revision process would address the areas of the standards the public believed were problematic.

Once the comment period ended, the Department convened a steering committee with representation from a variety of grade levels, roles in education (teachers, administrators, higher education, and non-profit organizations), areas of expertise across the content area, and geographic region. This group closely reviewed the existing standards and public comments and provided recommendations as to the types of revisions to be made.

The Department reviewed and approved the recommendations of the steering committee and convened a writing team comprised of current and retired teachers from appropriate content areas. During July and August of 2021, the Department facilitated the writing teams' work. In September, the writing teams submitted drafts to the Department for review. The Department reviewed drafts and chose to adopt the writing team's recommendations in promulgating the amendments to this rule.

The proposed **Health Education & Physical Education** standards have been revised to identify Health Education as a strand and Physical Education as a strand to better delineate the unique standards and performance expectations in each. For the Health Education strand, the proposed draft is closely aligned to the National Health Education Standards and includes minor adjustments to wording for clarification and the combining or elimination of some language in order to be more clear, concise, and appropriate (for the age level or age span). In addition, content topics and examples were removed from the Performance Expectations as the committee felt they were limiting the content by implying those were the only topics to be addressed. For the Physical Education strand, several standards were renamed and/or restructured and the performance expectations reworded to better meet the needs of Maine educators.

The proposed **Visual & Performing Arts** standards have been adapted from the National Core Arts Standards while still including those items that Maine arts educators felt are specific to their work with Maine students. The two biggest changes to the document include the addition of Media Arts standards, a rapidly developing field of the creative economy that includes audio, video, digital design, and mixed media creations, and the realignment of strands that separate each arts discipline into its own collection of unique standards and performance expectations (previously, three of the five arts standards were universal across all arts disciplines; now, they are individualized for each discipline.) Although some disciplines share the same standards, their performance expectations are unique.

The proposed **World Languages** standards are in alignment to national standards ([ACTFL World-Readiness Standards for Learning Languages](#)), which were published in 2012, and are designed to meet the needs of Maine educators. Whereas the current standards include four strands, in the proposed draft, they have been reorganized into five strands, consistent with the five goal areas represented in the national standards. To make this shift, concepts included in the four original strands were retained but categorized differently in order to align with the five goal areas. For example, *language comparisons* appears in the Communication strand in the current standards, while in the proposed draft it appears in the Comparisons strand. Another substantial shift is the inclusion of proficiency levels in addition to grade spans. The current standards represent a full pre-K to Grade 12 progression of language learning. The proposed draft also offers this full progression, while at the same time providing multiple entry points by directing educators to begin at the current level of proficiency of their students. For example, if a program begins in Kindergarten, the educator will start by addressing the Kindergarten/Novice Low performance expectations. If the program begins in 7<sup>th</sup> grade, the educator will start with the performance expectations in the same Kindergarten/Novice Low level, in order to appropriately target instruction to students' current proficiency level. Finally, a third shift is within the performance expectations themselves. In the current standards, performance expectations direct educators to focus on specific topics and skills within the standard. However, the proposed draft mirrors the national standards in its intention to provide general, universally applicable performance expectations that can be tailored to all languages, whether modern, classical, or signed. Supplemental resources will provide greater guidance on how to tailor them to specific languages, particularly classical and signed languages, which differ from modern languages in terms of uses, communities of speakers/users, and cultures. It is also important to note that the [NCSSFL-ACTFL Can-Do Statements](#), which include general Communication and Intercultural Communication, provided the basis for the performance expectations in the proposed standards. The performance expectations in the Communication strand are based on the Can-Do Statements for interpersonal, interpretive, and presentational communication. For the four remaining strands, performance expectations were established based primarily on the Intercultural Communication Can-Do Statements.

## Comments and Responses:

A public hearing on the proposed amendments to Chapter 132 was held from 3-5 p.m. on November 22<sup>nd</sup>, 2021. At the hearing, two individuals spoke.

The deadline for submission of written comments was December 3<sup>rd</sup>, 2021. Eighteen (18) sets of written comments, including comments from the two individuals who spoke at the hearing, were submitted by that date. Written comments were received from the following:

1. Julia Johnston, Passages Teacher, Wayfinder Schools
2. Kristin McLaren, Maranacook Community High School, MSAD 38
3. Todd Papianou, RSU 10
4. Mary Record, Scarborough HS
5. Lance Belanger, Cape Elizabeth School District
6. Karyn Bussell, Madison Area Memorial High School, Somerset County and resident of Skowhegan
7. Rose Angell, RSU#75
8. Amy Wheaton, Sherry Blais, Sarah Joseph, Karina Guzman-Bosio, and Dan Campbell, RSU#24
9. Colin Wheatley, Waterville Public Schools
10. Julia Johnston, Wayfinder Schools
11. Joshua Curtis, RSU 34
12. Brownyn Sale, Bates College
13. Heidi Corliss, SAD 22
14. Esme Ouellette, West Bath School
15. Melody Hasbrouck, Greater Portland Christian School
16. Julia Edwards, Poland Regional HS/Bruce Whittier MS
17. Laura Manduca, SAD 55
18. Sue Barre, Waterville Public Schools
19. Jessica Hamilton-Jones, Waterville Public Schools

### **GENERAL**

1. **Comment (#1):** Commentor was pleased to see more of an emphasis on the whole person, including mental health, different cultures and languages, and the arts, and stated that these programs are critical to helping all children succeed in their own way.

**Response:** Thank you for your comments. *No change was made as a result of this comments.*

### **WORLD LANGUAGE:**

2. **Comment (#2):** Commentor shared that, as a World Language Subject Area Committee representative, she is in full support of the revised standards' alignment with the ACTFL World-Readiness Standards.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

### **HEALTH EDUCATION AND PHYSICAL EDUCATION:**

3. **Comment (#3):** Commentor delivered public testimony as well as submitted written comments. The commentor expressed concern that the performance indicators, HS 1.2 & 1.3, Lifetime Activities, did not include analysis.

**Response:** The purpose of the standards is to identify the minimum of what a student should know and be able to do at certain points in their development. The committee determined that analysis, while something that educators could strive to achieve, was above the reasonable expectations of what every student should know and be able to do. *No change was made as a result of this comment.*

4. **Comment (#3):** Commentor discussed life after high school and the importance of teaching students the skills to be able to officiate.

**Response:** The purpose of standard 1.4 is to have students be able to attend to their own physical literacy (to be able to participate in physical activity that chose to do throughout life). Incorporating specific officiating skills would be a curriculum level decision that could be made at the local level. *No change was made as a result of this comment.*

5. **Comment (#3):** Commentor expressed concerns that students should be taught and assessed on their ability to break down a skill and provide feedback and practice with ques and coaching phrases to aid improvement.

**Response:** The level of details described in this comment address curriculum decision which are made at the local level. *No change was made as a result of this comment.*

6. **Comment (#3):** Commentor expressed concerns that graduating students should be able to explain the Feedback Loop of analyze, identify common errors, design practice sessions, feedback, coaching, refinement resulting in improvement of the skill.

**Response:** The level of details described in this comment address curriculum decision which are made at the local level. *No change was made as a result of this comment.*

7. **Comment (#3):** Commentor suggests that “analyze” should be added to PE 2.1 Movement Concepts.

**Response:** The writing committee had lengthy discussions about including analyzing and improving performance of self and others as well as creating a practice plan to improve performance. The committee decided that schools could choose to create curriculum that would include these concepts but that they were not appropriate at the standard level. *No change was made as a result of this comment.*

8. **Comment (#4):** Commentor suggests that §4723, should include depressants like GHB, Rohypnol, Ketamine, and Benzodiazepines such as Xanax and Valium that people may not consider "narcotics." Affirmative consent should include being sober as well as not specifically only including "alcohol, stimulants and narcotics."

**Response:** This comment period is for rule chapter 132.

9. **Comment (#4):** Commentor suggests that in §6671, youth mental health first aid training is unclear and lacking in information.

**Response:** This comment period is for rule chapter 132.

10. **Comment (#5):** Commentor suggests creating a new level for grades 5 and 6 because there is a need for intermediate level of standards and instructional delivery.

**Response:** The format of the Maine Learning Results is standard across all content areas and the format includes the breakdown of K – 5 by grade level, and then a 6-8 grade span. *No change was made as a result of this comment.*

- 11. Comment (#5):** Commentor noted that enjoyment was only in standard 5 and suggested that enjoyment can be found in health, challenge, self-expression and/or social interaction.

**Response:** This change would shift the focus to enjoyment versus physical activity. The standard is about students recognizing the value and importance of physical activity in their lives. Enjoyment is one aspect of physical activity. *No change was made as a result of this comment.*

- 12. Comment (#6):** Commentor shared information about the word “valid” and expressed concern that the expectation of students proving something is valid is unrealistic. Her recommendation is to remove the term “valid” from Health Education Standard 2 and use the term “reliable.”

- 13. Response:** The intent of the committee was to focus on the reliable aspect of information and mistakenly used the word valid. *As a result of this comment valid was replaced with reliable.*

- 14. Comment (#7):** Commentor shared how much she likes that the performance expectations for each of the 5 standards are performance based and includes additional positive statements for each standard.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

- 15. Comment: (#7):** Commentor spoke in support of revised Physical Education standards. She indicated skills are embedded in the standards and are open for curriculum choice.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

- 16. Comment (#8):** Commentor expresses disappointment that there is no longer a fitness testing performance indicator in Standard 3.

**Response:** The writing team felt that the focus of improving one’s fitness should be about personal growth and not focusing on one bar that every student should have to reach. They also recognized that PE teachers can/will assess students in whatever way is best for students and their program. *No change was made as a result of this comment.*

- 17. Comment (#8):** Commentor suggests performance expectations 5.3 and 5.4 are difficult to measure objectively.

**Response:** The performance indicator makes clear that the PE teacher should engage students in activities that have value to the students. This skill can be assessed through observation or student feedback. *No change was made as a result of this comment.*

- 18. Comment (#8):** Commentor would like to see movement and rhythm combined with motor skills  
**Response:** Movement and rhythm are included in Standard 1. *No change was made as a result of this comment.*

- 19. Comment (#8):** Commentor expressed concern that Standard 2 is now separated from Standard 1.

**Response:** Separating Standard 1 and 2 was a high priority for stakeholder groups during this review. It was believed that these two standards needed to be separated to ensure that sufficient time and attention was paid to both. *No change was made as a result of this comment.*

- 20. Comment (#8):** Commentor would like to see rules and etiquette included in Standard 2.

**Response:** Standard 4 is about personal and responsible behavior and covers rules, etiquette and safety. *No change was made as a result of this comment.*

**21. Comment (#8):** Commentor expressed concern that inclusion of Standard 4.2 in grades 4-12 would reduce activity time for students.

**Response:** Cooperative skills are an essential part of Physical Education and the committee believed are necessary to make time for. *No change was made as a result of this comment.*

**22. Comment (#8):** Commentor expressed concern that Standard 4.3 does not include language for rules and etiquette in activities.

**Response:** The level of details described in this comment address curriculum decision which are made at the local level. *No change was made as a result of this comment.*

**23. Comment (#8):** Commentor would like standards to be easy to understand for students and parents

**Response:** The intent of the writing team was to make the standards practical and clear for educators and administrators to use when planning curriculum. *No change was made as a result of this comment.*

#### **VISUAL AND PERFORMING ARTS:**

**24. Comment (#9):** Commentor shared that a broadening of language around musicians developing empathy, improving communication skills, and connecting with others was a positive addition to the new document.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

**25. Comment (#10):** Commentor expressed happiness with the emphasis on the whole person, including mental health, different cultures and languages, and the arts.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

**26. Comment (#11):** Commentor raised questions regarding the language/content of the Guiding Principles, about how students “prove efficiency”, and added costs related to addressing the Guiding Principles with all students.

**Response:** Thank you for your comment. The Guiding Principles are not included in this review. *No change was made as a result of this comment.*

**27. Comment (#12):** Commentor submitted comments that were predominantly technical in nature, referring to formatting and references.

**Response:** Thank you for your comment. *Some technical editing was made as a result of these comments.*

**28. Comment (#13):** Commentor expressed favorable feelings about the proposed standards, stating that they are a giant leap forward from what is presently in place.

**Response:** Thank you for your comment. *No change was made as a result of this comment.*

**29. Comment (#14):** Commentor provided a list of suggested specific wordsmithing edits.

**Response:** Thank you for your comment. *Some technical editing was made as a result of this comment.*

- 30. Comment (#15):** Commentor expressed pleasure in the quality of the proposed standards, specifically thankful that the elementary standards are developmentally appropriate, understandable, and in line with good teaching practices.  
**Response:** Thank you for your comment. *No change was made as a result of this comment.*
- 31. Comment (#16):** Commentor commended the committees' work on the new arts standards, thankful for the thought that went into the drafting of the proposed standards.  
**Response:** Thank you for your comment. *No change was made as a result of this comment.*
- 32. Comment (#17):** Commentor offered several statements supporting the writing/re-writing of the music standards.  
**Response:** Thank you for your comment. *No change was made as a result of this comment.*
- 33. Comment (#18):** Commentor expressed appreciation for the new format of the standards and the crosswalks attained between the National standards and the current MLRs for VPA.  
**Response:** Thank you for your comment. *No change was made as a result of this comment.*
- 31. Comment (#19):** Commentor commended the writing team's work on connecting student learning to culture, diversity, and community – softening the focus on physical outcomes/products and increasing the focus on the artistic process and the meaning behind the creation.  
**Response:** Thank you for your comment. *No change was made as a result of this comment.*