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Legislative Document

No. 1386

H.P. 940

House of Representatives, May 6, 2015

An Act To Amend the Laws Governing High School Graduation Requirements

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KORNFIELD of Bangor.
Cosponsored by Representatives: DAUGHTRY of Brunswick, FOWLE of Vassalboro,
MASTRACCIO of Sanford, PIERCE of Falmouth, SCHNECK of Bangor, TIPPING-SPITZ of
Orono, Senator: MILLETT of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §253, sub-§9**, as enacted by PL 2011, c. 669, §1, is amended
3 to read:

4 **9. Transition to standards-based educational system.** In order to facilitate the
5 transformation of the public education system to one in which standards are used to guide
6 curriculum and instruction and in which student advancement and graduation are based
7 on student completion of credit-bearing course work and student demonstration of
8 proficiency in meeting educational standards, the commissioner may waive or alter any
9 provision of this Title as specified in an approved plan for transitioning to proficiency-
10 based graduation in accordance with section 4722-A as the provision pertains to requiring
11 or prohibiting an action based on the age or grade level of a student. This authority
12 applies to all age-based or grade-based requirements, except that the commissioner may
13 not waive or alter:

14 A. Requirements imposed by federal law, or imposed by state law in order to comply
15 with federal law, including but not limited to requirements relating to assessment and
16 special education;

17 B. Compulsory attendance and eligibility to enroll standards;

18 C. Provisions relating to public funding, including tuition rates;

19 D. Health-related provisions, if advised by health professionals not to alter the
20 requirements; and

21 E. Provisions of this Title that are not administered by the commissioner, including
22 but not limited to certain provisions relating to institutions of higher education.

23 The commissioner shall adopt or amend rules to implement this subsection. Rules
24 adopted pursuant to this subsection before July 1, 2013 are routine technical rules
25 pursuant to Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted
26 or amended by the commissioner pursuant to this subsection are major substantive rules
27 pursuant to Title 5, chapter 375, subchapter 2-A.

28 **Sec. 2. 20-A MRSA §4502, sub-§1**, as amended by PL 2011, c. 669, §3, is
29 further amended to read:

30 **1. General requirements.** Elementary and secondary schools and school
31 administrative units, including an educational program or school located in or operated by
32 a juvenile correctional facility, shall meet all requirements of the system of learning
33 results as established in section 6209 as well as other requirements of this Title and other
34 statutory requirements applicable to the public schools and basic school approval
35 standards. Each school administrative unit shall prepare and implement a comprehensive
36 education plan that is aligned with the system of learning results, focused on the learning
37 of all students and oriented to continuous improvement. The comprehensive education
38 plan must include a plan for transitioning to a blended system of graduation requirements
39 based on accumulating academic credits for the successful completion of courses required
40 for graduation in accordance with section 4722 and student demonstration of proficiency

1 in meeting educational standards of proficiency-based graduation in accordance with
2 section 4722-A. This plan must also address all other plans required by the department.

3 **Sec. 3. 20-A MRSA §4502, sub-§8, ¶B,** as enacted by PL 2011, c. 669, §5, is
4 amended to read:

5 B. A request to waive the requirement for a transition plan to a blended system of
6 graduation requirements based on accumulating academic credits for the successful
7 completion of courses required for graduation in accordance with section 4722 and
8 student demonstration of proficiency in meeting educational standards of proficiency-
9 based graduation in accordance with section 4722-A by January 1, 2017 must include
10 specific information about the reason for the waiver request and a date by which the
11 proficiency-based graduation requirement will be met. Any waiver granted by the
12 commissioner under this paragraph must require an annual report to the
13 commissioner on the school administrative unit's progress toward meeting the
14 requirements of ~~section~~ sections 4722 and 4722-A. ~~This paragraph is repealed July 1,~~
15 2020.

16 **Sec. 4. 20-A MRSA §4704,** as amended by PL 2001, c. 454, §18, is further
17 amended to read:

18 **§4704. Courses prescribed by the commissioner**

19 The commissioner shall prescribe by rule the basic courses of study that are in
20 alignment with the system of learning results as established in section 6209 for the
21 elementary and secondary schools, consistent with the requirements of this chapter, and
22 ~~may~~ shall include minimum time requirements and performance standards.

23 **Sec. 5. 20-A MRSA §4705,** as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is
24 amended to read:

25 **§4705. Courses prescribed by local boards**

26 The school board of each school administrative unit ~~may~~ shall prescribe instructional
27 requirements in addition to minimum state requirements, subject to approval by the
28 commissioner.

29 **Sec. 6. 20-A MRSA §4721,** as repealed and replaced by PL 2009, c. 313, §13, is
30 amended to read:

31 **§4721. General requirement**

32 **1. Comprehensive program of instruction.** A secondary school shall provide a
33 comprehensive program of instruction of at least 2 years in length, which must include
34 credit-bearing courses and meet the requirements of this chapter and the parameters for
35 essential instruction and graduation requirements established under section 6209. The
36 program must include instruction for all students in career and education development,
37 English language arts, health education and physical education, mathematics, science and
38 technology, social studies, visual and performing arts and world languages.

1 **2. Secondary school organization and delivery of instruction.** A secondary
2 school shall provide a blended structure that allows for student achievement of the
3 parameters for essential instruction and graduation requirements established under section
4 6209 in multiple pathways as set out under section 4703.

5 **Sec. 7. 20-A MRS §4722**, as amended by PL 2013, c. 439, §3, is further
6 amended to read:

7 **§4722. High school diploma standards**

8 A secondary school shall provide a comprehensive program of instruction leading to
9 a high school diploma as set out in section 4721. The commissioner shall ~~develop~~ adopt
10 or amend rules for the transition between the requirements of this section and the
11 parameters for essential instruction and graduation requirements established under section
12 6209.

13 **1. Minimum instructional requirements.** A comprehensive program of instruction
14 must include a minimum 4-year program that meets the curriculum requirements
15 established by this chapter and any other instructional requirements established by the
16 commissioner and the school board.

17 **1-A. Credit-bearing course work.** Beginning in the 2016-2017 school year,
18 diplomas must be awarded to students who meet the curriculum and instructional
19 requirements established in this subsection. School boards shall adopt policies that phase
20 in the requirements of this subsection. A total of at least 20 academic credits and the
21 demonstration of proficiency in meeting state standards in at least 2 content areas of the
22 system of learning results established under section 6209 are required for the awarding of
23 a diploma. Academic credit may be awarded to students enrolled in grades 9 to 12. For
24 the purposes of this subsection, "academic credit" means credit awarded for the
25 successful completion of a course of instruction plus assigned credit-bearing course work
26 for a semester of study with most courses taking place over 2 semesters during a school
27 year.

28 **2. Required subjects.** Courses in the following subjects ~~shall~~ must be provided in
29 separate or integrated study programs to all students and are required for a high school
30 diploma:

- 31 A. English--4 years;
- 32 B. Social studies and history, including American history, government, civics and
33 personal finance--2 years;
- 34 C. Mathematics--2 years;
- 35 D. Science, including at least one year of laboratory study--2 years; and
- 36 E. Fine arts, which may include art, music, forensics or drama--one year.

37 **2-A. Implementation of multiple pathways and opportunities.** Students may
38 demonstrate achievement of the standards through multiple pathways as set out under
39 section 4703 and multiple opportunities. Achievement may be demonstrated or academic
40 credits earned by evidence documented by course and learning experiences using

1 multiple measures, such as, but not limited to, examinations, quizzes, portfolios,
2 performances, exhibitions, projects and community service.

3 **3. Satisfactory completion.** A diploma may be awarded to secondary school
4 students who have satisfactorily completed all diploma requirements in accordance with
5 the academic standards of the school administrative unit and the accumulation of
6 academic credits under this chapter. All secondary school students must achieve the
7 content standards of the parameters for essential instruction and graduation requirements
8 established pursuant to section 6209. Children with disabilities, as defined in section
9 7001, subsection 1-B, who successfully meet the content standards of the parameters for
10 essential instruction and graduation requirements in addition to any other diploma
11 requirements applicable to all secondary school students, as specified by the goals and
12 objectives of their individualized education plans, may be awarded a high school
13 diploma. Career and technical students may, with the approval of the commissioner,
14 satisfy the requirements of subsection 2 through separate or integrated study within the
15 career and technical school curriculum, including through courses provided pursuant to
16 section 8402 or 8451-A.

17 **4. Exception.** A secondary school student who has satisfactorily completed the
18 freshman year in an accredited degree-granting institution of higher education or a
19 secondary school student who has satisfactorily completed the junior and senior years in a
20 dual enrollment career and technical education program formed pursuant to chapter 229
21 may be eligible to receive a high school diploma from the secondary school the student
22 last attended, although the student may not meet the graduation requirements of this Title.

23 **5. Advanced study.** Nothing in this chapter may prevent the award of a diploma to a
24 student who has completed all diploma requirements in fewer than 4 years of study.

25 **6. Exception for certain veterans.** A secondary school may award a high school
26 diploma to a person who meets all of the following requirements. A diploma may be
27 awarded posthumously.

28 A. The person or the person's family must apply to the secondary school for the
29 diploma.

30 B. The person must either:

31 (1) Have attended the secondary school or attended a secondary school in the
32 geographic area now served by the secondary school; or

33 (2) Currently reside in the geographic area served by the secondary school.

34 C. The person must have left secondary school:

35 (1) Before or during World War II to serve in the Armed Forces during World
36 War II;

37 (2) Before or during the Korean Conflict to serve in the Armed Forces in the
38 Korean Conflict;

1 (3) Before or during the Vietnam War to serve in the Armed Forces during the
2 Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means
3 the period beginning February 28, 1961 and ending May 7, 1975; or

4 (4) To serve in the Armed Forces during the period of wartime or peacetime
5 after a period of wartime described in subparagraph (1), (2) or (3).

6 D. The person did not graduate or receive a high school diploma because of service
7 in the Armed Forces.

8 E. The person received an honorable discharge or a certificate of honorable service
9 from the Armed Forces.

10 For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force,
11 Marine Corps or Coast Guard; and the Merchant Marines only for the period of
12 December 7, 1941 to August 16, 1945.

13 ~~7. Applicability of requirements; transition to proficiency-based diploma.~~
14 ~~Except as provided in section 4722-A, this section applies to the granting of diplomas to~~
15 ~~secondary school students before January 1, 2017.~~

16 ~~8. Repeal.~~ This section is repealed July 1, 2020.

17 **Sec. 8. 20-A MRSA §4722-A**, as amended by PL 2013, c. 439, §4, is further
18 amended to read:

19 **§4722-A. Proficiency-based diploma standards**

20 Beginning January 1, 2017, a diploma indicating graduation from a secondary school
21 must be based on student accumulation of academic credits documenting the successful
22 completion of courses pursuant to section 4722 and student demonstration of proficiency
23 as described in this section. The commissioner may permit a school administrative unit
24 to award diplomas under this section prior to January 1, 2017 if the commissioner finds
25 that the unit's plan for awarding diplomas meets the criteria for proficiency-based
26 graduation under this section.

27 **1. Requirements for award of diploma.** In order to receive a diploma indicating
28 graduation from secondary school, a student must:

29 A. Demonstrate that the student engaged in educational experiences relating to
30 English language arts, mathematics and science and technology in each year of the
31 student's secondary schooling;

32 B. Demonstrate proficiency in meeting state standards in ~~all~~ at least 2 content areas
33 of the system of learning results established under section 6209;

34 C. Demonstrate proficiency in each of the guiding principles set forth in department
35 rules governing implementation of the system of learning results established pursuant
36 to section 6209; and

37 D. Meet any other requirements specified by the governing body of the school
38 administrative unit attended by the student.

1 **2. Method of gaining and demonstrating proficiency.** Students must be allowed
2 to gain proficiency through multiple pathways, as described in section 4703, and must be
3 allowed to demonstrate proficiency by presenting multiple types of evidence, including
4 but not limited to teacher-designed or student-designed assessments, portfolios,
5 performance, exhibitions, projects and community service.

6 ~~**3. Exceptions.** Notwithstanding subsection 1, a student may be awarded a diploma~~
7 ~~indicating graduation from a secondary school in the following circumstances:~~

8 ~~A. A child with a disability, as defined in section 7001, subsection 1 B, who~~
9 ~~achieves proficiency as required in subsection 1, as specified by the goals and~~
10 ~~objectives of the child's individualized education plan, may be awarded a high school~~
11 ~~diploma.~~

12 ~~B. A student who has satisfactorily completed the freshman year in an accredited~~
13 ~~degree granting institution of higher education may be eligible to receive a high~~
14 ~~school diploma from the school the student last attended.~~

15 ~~B-1. A student who has satisfactorily completed the junior and senior years in a dual~~
16 ~~enrollment career and technical education program formed pursuant to chapter 229~~
17 ~~and who successfully demonstrates proficiency as required in subsection 1 may be~~
18 ~~eligible to receive a high school diploma from the secondary school the student last~~
19 ~~attended.~~

20 ~~D. A school administrative unit may award a high school diploma to a student who~~
21 ~~has met the standards set forth in a waiver request that was approved by the~~
22 ~~commissioner pursuant to section 4502, subsection 8.~~

23 ~~E. A person may be awarded a high school diploma, including a posthumous award,~~
24 ~~if the person or a family member of the person applies to a secondary school and:~~

25 ~~(1) The person:~~

26 ~~(a) Attended a secondary school in the geographic area now served by the~~
27 ~~secondary school from which a diploma is requested; or~~

28 ~~(b) Resides at the time of application for a diploma in the geographic area~~
29 ~~served by the secondary school from which a diploma is requested;~~

30 ~~(2) The person did not graduate or receive a diploma from a secondary school~~
31 ~~because the person left secondary school to serve in the Armed Forces and served~~
32 ~~during the following periods:~~

33 ~~(a) World War II, from December 7, 1941 to August 16, 1945;~~

34 ~~(b) The Korean Conflict;~~

35 ~~(c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or~~

36 ~~(d) The period of wartime or peacetime after a period of wartime described in~~
37 ~~division (a), (b) or (c); and~~

38 ~~(3) The person received an honorable discharge or a certificate of honorable~~
39 ~~service from the Armed Forces.~~

1 For the purposes of this paragraph, "Armed Forces" means the United States Army,
2 Navy, Air Force, Marine Corps, Coast Guard and the Merchant Marines.

3 **4. Grants; contingent extension of full implementation.** During the period of
4 transition to proficiency-based graduation and endorsements in accordance with this
5 section, the department, if funds are available, shall make annual transition grants to each
6 school administrative unit equal to 1/10 of 1% of the school administrative unit's total
7 cost of education calculated under section 15688, subsection 1 to be used in the manner
8 determined by the school administrative unit to fund the costs of the transition not
9 otherwise subsidized by the State. The date for implementation of the awarding of
10 diplomas or endorsements based on student demonstration of proficiency as described in
11 this section is extended one year for each year for which transition grants are not made
12 available to a school administrative unit or for which levels of general purpose aid for
13 local schools fall below school year 2012-2013 levels.

14 **Sec. 9. 20-A MRSA §4722-A, sub-§§5 and 6** are enacted to read:

15 **5. Endorsement of content area proficiency.** A school administrative unit shall
16 award an endorsement of content area proficiency to a student who has demonstrated
17 proficiency in a content area of the system of learning results established under section
18 6209. An endorsement of content area proficiency must be included in the student's
19 academic transcript as an official credential of academic achievement of content area
20 proficiency. A school administrative unit may report its issuance of endorsements of
21 content area proficiency to the department, and the department may collect and aggregate
22 these data as evidence of intermediate progress towards goals established for high school
23 graduation and endorsement of content area proficiency.

24 **6. Academic transcript.** An academic transcript is the official record of student
25 performance in high school, including grades documenting academic achievement in
26 credit-bearing courses, academic credits awarded for successful completion of courses
27 required for a diploma and endorsements of content area proficiency awarded for
28 demonstration of proficiency in content areas of the system of learning results established
29 under section 6209.

30 **Sec. 10. 20-A MRSA §6209, sub-§2,** as amended by PL 2007, c. 259, §5, is
31 further amended to read:

32 **2. Parameters for essential instruction and graduation requirements.** Each
33 student shall study and accumulate academic credits upon the successful completion of
34 courses required for a diploma and shall achieve endorsements for proficiency in the
35 content areas of:

- 36 A. Career and education development;
- 37 B. English language arts;
- 38 C. World languages;
- 39 D. Health, physical education and wellness;
- 40 E. Mathematics;

- 1 F. Science and technology;
- 2 G. Social studies; and
- 3 H. Visual and performing arts.

4 In accordance with section 4722, a diploma must be awarded to each student who has
5 accumulated at least 20 academic credits documenting the successful completion of
6 courses aligned with this section, who has demonstrated proficiency in meeting state
7 standards in at least 2 content areas and who has satisfactorily completed all graduation
8 requirements prescribed by the commissioner and the school board of the school
9 administrative unit pursuant to chapter 207-A. An endorsement for content area
10 proficiency must be awarded to a student who has demonstrated proficiency in a content
11 area.

12 **Sec. 11. Rules.** The Department of Education shall provisionally adopt or amend
13 rules established pursuant to the Maine Revised Statutes, Title 20-A, section 253,
14 subsection 9 no later than December 31, 2015 in order to align the awarding of diplomas
15 with the provisions adopted or amended by this Act beginning with the 2016-2017 school
16 year.

17 **SUMMARY**

18 This bill amends the current education statutes related to requirements for awarding a
19 high school diploma to establish a blended system of graduation requirements that
20 provides that a diploma indicating graduation from a secondary school must be awarded
21 to students who accumulate at least 20 academic credits documenting the successful
22 completion of courses and demonstrate proficiency in meeting state standards in at least 2
23 content areas of the system of learning results established under the Maine Revised
24 Statutes, Title 20-A, section 6209. The bill also provides that a school administrative unit
25 may award an endorsement of content area proficiency to a student who has demonstrated
26 proficiency in a content area of the system of learning results. This bill accomplishes the
27 following.

28 1. It amends the basic school approval standards that guide curriculum and
29 instruction and promote student advancement and graduation to include language for
30 transitioning to the blended system. Specifically, it provides that a school administrative
31 unit's comprehensive education plan must include a plan for transitioning to the blended
32 system.

33 2. It provides that, beginning in the 2016-2017 school year, diplomas must be
34 awarded to students who meet the new curriculum and instructional requirements
35 established for secondary schools and school boards must adopt policies to phase in these
36 new requirements.

37 3. It strikes the provision that would repeal, on July 1, 2020, the standards for
38 awarding high school diplomas to secondary school students who successfully complete
39 courses required for graduation in accordance with Title 20-A, section 4722, thus
40 providing that these standards will continue to apply as part of the blended system.

1 4. It removes the requirement that a diploma indicating graduation from a secondary
2 school on or after January 1, 2017 must be based on student demonstration of proficiency
3 in all content areas established under the system of learning results and instead provides
4 that a diploma indicating graduation must be based on student demonstration of
5 proficiency in at least 2 content areas established under the system of learning results.

6 5. It provides that an endorsement of content area proficiency must be included in a
7 student's academic transcript as an official credential of academic achievement of content
8 area proficiency.

9 6. It directs the Department of Education to adopt or amend rules pursuant to Title
10 20-A, section 253, subsection 9 by December 31, 2015 in order to implement the new
11 blended system beginning with the 2016-2017 school year.