



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1900

H.P. 1338

House of Representatives, April 9, 2018

An Act To Repeal Proficiency-based Diplomas

Reported by Representative KORNFIELD of Bangor for the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2017, H.P. 1323.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT
Clerk

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2 **Sec. 1. 20-A MRSA §253, sub-§9**, as enacted by PL 2011, c. 669, §1, is repealed.

3 **Sec. 2. 20-A MRSA §2412, sub-§5, ¶J**, as enacted by PL 2015, c. 40, §1, is
4 amended to read:

5 J. Public charter schools are subject to the same ~~proficiency-based~~ diploma standards
6 set forth in section ~~4722-A~~ and are eligible for the same transition grants as
7 applicable to noncharter public schools in the State pursuant to section ~~4722-A~~,
8 subsection ~~4~~ 4722.

9 **Sec. 3. 20-A MRSA §2651, sub-§3, ¶B-1**, as enacted by PL 2015, c. 251, §5, is
10 amended to read:

11 B-1. Facilitate the transformation of the public education system to one in which
12 standards are used to guide curriculum and instruction and in which student
13 advancement and graduation are based on student demonstration of ~~proficiency~~
14 achievement in meeting educational standards;

15 **Sec. 4. 20-A MRSA §2902, sub-§3**, as amended by PL 2015, c. 40, §3, is further
16 amended to read:

17 **3. Courses required by law.** Provide instruction in elementary schools as specified
18 in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections
19 4701, 4704, 4706, 4722, ~~4722-A~~, 4723 and 4724.

20 **Sec. 5. 20-A MRSA §4502, sub-§1**, as amended by PL 2011, c. 669, §3, is
21 further amended to read:

22 **1. General requirements.** Elementary and secondary schools and school
23 administrative units, including an educational program or school located in or operated by
24 a juvenile correctional facility, shall meet all requirements of the system of learning
25 results as established in section 6209 as well as other requirements of this Title and other
26 statutory requirements applicable to the public schools and basic school approval
27 standards. Each school administrative unit shall prepare and implement a comprehensive
28 education plan that is aligned with the system of learning results, focused on the learning
29 of all students and oriented to continuous improvement. The comprehensive education
30 plan must include a plan for transitioning to ~~proficiency-based~~ the graduation ~~in~~
31 ~~accordance with requirements of~~ section ~~4722-A~~ 4722. This plan must also address all
32 other plans required by the department.

33 **Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C**, as enacted by PL 2011, c. 669,
34 §5, are repealed.

35 **Sec. 7. 20-A MRSA §4511, sub-§3, ¶J**, as enacted by PL 2015, c. 489, §1, is
36 repealed.

37 **Sec. 8. 20-A MRSA §4722, sub-§7**, as enacted by PL 2011, c. 669, §6, is
38 amended to read:

1 **7. Applicability of requirements.** ~~Except as provided in section 4722-A, this~~ This
2 section applies to the granting of diplomas to secondary school students ~~before beginning~~
3 January 1, ~~2017~~ 2019.

4 **Sec. 9. 20-A MRSA §4722, sub-§8,** as enacted by PL 2011, c. 669, §6, is
5 repealed.

6 **Sec. 10. 20-A MRSA §4722-A,** as amended by PL 2017, c. 284, Pt. C, §7, is
7 repealed.

8 **Sec. 11. 20-A MRSA §6209, sub-§2,** as amended by PL 2015, c. 489, §4, is
9 further amended to read:

10 **2. Parameters for essential instruction and graduation requirements.** Each
11 school subject to the provisions of this section shall ensure sufficient opportunity and
12 capacity through multiple pathways for all students to study ~~and achieve proficiency~~ in
13 the areas of:

- 14 A. Career and education development;
- 15 B. English language arts;
- 16 C. World languages;
- 17 D. Health, physical education and wellness;
- 18 E. Mathematics;
- 19 F. Science and technology;
- 20 G. Social studies; and
- 21 H. Visual and performing arts.

22 **Sec. 12. 20-A MRSA §6209, sub-§3-A,** as enacted by PL 2015, c. 489, §5, is
23 amended to read:

24 **3-A. Transcripts.** A school subject to this section shall:

25 ~~A. Maintain student transcripts containing certification of proficiency for each~~
26 ~~content area and guiding principle in the system of learning results pursuant to this~~
27 ~~section in which the student has demonstrated proficiency;~~

28 B. Certify on the basis of objective measures in the transcript a student's
29 postsecondary readiness; and

30 C. Establish a transcript that meets the requirements of ~~paragraphs A and paragraph~~
31 B as an officially sanctioned credential of student learning for admission to a
32 postsecondary education institution and employment in a business, trade or industry.

33 **Sec. 13. 20-A MRSA §6214, first ¶,** as enacted by PL 2015, c. 500, §1, is
34 amended to read:

35 Beginning with the 2018-2019 school year, for public schools, public charter schools
36 and private schools approved for tuition purposes that enroll at least 60% publicly funded

1 students, the commissioner shall implement a school accountability system to measure
2 school performance ~~and student proficiency~~ in students' achieving the knowledge and
3 skills described in the parameters for essential instruction and graduation requirements
4 established under section 6209, subsection 2 and that meets the reporting requirements of
5 the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h)
6 and related regulations.

7 **Sec. 14. 20-A MRS §6214, sub-§§1 to 3**, as enacted by PL 2015, c. 500, §1,
8 are amended to read:

9 **1. Performance measures.** The measures of school performance ~~and student~~
10 ~~proficiency~~ for the school accountability system implemented under this section must
11 include multiple measures of student achievement and:

12 A. Align with the components of the state accountability system required to ensure
13 equity in educational opportunity by the federal Every Student Succeeds Act of 2015,
14 20 United States Code, Section 6311(c) and related regulations;

15 ~~B. Use measures of student proficiency in all content areas of the learning results and~~
16 ~~the guiding principles using data gathered under section 4722-A, subsection 5;~~

17 C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame
18 for high school graduation rates;

19 D. As available, use measures of postsecondary readiness, persistence and
20 completion;

21 E. Establish a school administrative unit's eligibility and priority for targeted state
22 funding for school improvement and support under section 15688-A, subsection 5
23 and other applicable targeted funds authorized under section 15688-A; and

24 F. May include, but are not limited to, the use of:

25 (1) Summative assessments aligned with the grade-level expectations of the
26 parameters for essential instruction and graduation requirements established
27 under section 6209, subsection 2;

28 (2) Interim assessments that measure student growth over time; and

29 (3) Information from the state assessment program under section 6204 on student
30 achievement reported by the department in compliance with applicable federal
31 statutes and regulations regarding student assessment.

32 **2. Annual reports.** As provided in the federal Every Student Succeeds Act of 2015,
33 20 United States Code, Section 6311(h), the commissioner shall annually report the
34 statewide and school-level results of the school accountability system implemented under
35 this section with regard to the performance of schools ~~and the proficiency of students~~ in
36 each of the State's elementary and secondary schools.

37 ~~A. The commissioner shall provide each school with a profile of school performance~~
38 ~~and student proficiency based upon data from the school accountability system.~~

39 B. When a report is made under this subsection for purposes of comparative analysis
40 of elementary and secondary schools, the reporting mechanisms and the categories

1 reported must be uniform for each school compared at the elementary level or the
2 secondary level.

3 C. Notwithstanding any other provision of this section, the commissioner may not
4 provide a report of the statewide or school-level results of the school accountability
5 system until the final adoption of rules in accordance with subsection 3.

6 **3. Rules.** The department shall adopt rules to implement the school accountability
7 system established pursuant to this section. The rules adopted by the department must
8 specify the methods to be used as part of the annual assessment of the performance of
9 elementary and secondary schools ~~and the proficiency of elementary and secondary~~
10 ~~school students~~. Rules adopted pursuant to this subsection are major substantive rules as
11 defined in Title 5, chapter 375, subchapter 2-A.

12 **Sec. 15. 20-A MRSA §15686-A, sub-§1**, as amended by PL 2017, c. 284, Pt. C,
13 §44, is further amended to read:

14 **1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in
15 fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using
16 information provided by a statewide education policy research institute, shall review the
17 essential programs and services student-to-staff ratios, salary and benefits matrices, small
18 schools adjustments, labor markets and gifted and talented components and components
19 related to implementation of ~~proficiency-based~~ reporting and graduation requirements
20 under this chapter and shall submit to the joint standing committee of the Legislature
21 having jurisdiction over education matters any recommended changes for legislative
22 action.

23 **Sec. 16. 20-A MRSA §19301, sub-§2**, as enacted by PL 2015, c. 372, §1, is
24 amended to read:

25 **2. Content.** Content included in the digital content library established pursuant to
26 subsection 1 must further the State's educational initiatives, including learning through
27 technology, ~~proficiency-based~~ diploma standards based on achievement, college and
28 career readiness and student achievement in the system of standards and assessment
29 established under chapter 222.

30 **SUMMARY**

31 This bill repeals the provisions of law relating to proficiency-based high school
32 diploma standards.

33 The Joint Standing Committee on Education and Cultural Affairs has not taken a
34 position on the substance of the bill and by reporting out this bill the committee is not
35 suggesting and does not intend to suggest that it agrees or disagrees with any aspect of
36 this bill. The committee is reporting the bill out for the sole purpose of the bill's being
37 referred to the committee for an appropriate public hearing and subsequent processing in
38 the normal course.