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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 439, L.D. 1422, Bill, “An Act To Prepare Maine People for the Future Economy”

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §253, sub-§9 is enacted to read:

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

- A. Requirements imposed by federal law, or imposed by state law in order to comply with federal law, including but not limited to requirements relating to assessment and special education;
- B. Compulsory attendance and eligibility to enroll standards;
- C. Provisions relating to public funding, including tuition rates;

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

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

5 The commissioner shall adopt rules to implement this subsection. Rules adopted
6 pursuant to this subsection before July 1, 2013 are routine technical rules pursuant to
7 Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted by the
8 commissioner pursuant to this subsection are major substantive rules pursuant to Title 5,
9 chapter 375, subchapter 2-A.

10 **Sec. 2. 20-A MRSA §2902, sub-§3**, as repealed and replaced by PL 1985, c. 797,
11 §22, is amended to read:

12 **3. Courses required by law.** Provide instruction in elementary schools as specified
13 in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections
14 4701, 4704, 4706, 4722, 4723 and 4724.

15 **Sec. 3. 20-A MRSA §4502, sub-§1**, as amended by PL 2001, c. 454, §12, is
16 further amended to read:

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

28 **Sec. 4. 20-A MRSA §4502, sub-§6**, as repealed and replaced by PL 2001, c. 454,
29 §15, is amended to read:

30 **6. Annual report on comprehensive education plan.** The superintendent shall
31 make an annual report of progress on the comprehensive education plan, developed
32 pursuant to subsection 1, to the citizens of the school administrative unit. The school
33 board shall annually review and approve the plan. The superintendent shall certify
34 progress on the plan to the commissioner on an annual basis and shall submit to the
35 commissioner a copy of the minutes of the school board meeting at which the school
36 board reviewed and approved the plan.

37 **Sec. 5. 20-A MRSA §4502, sub-§8**, as enacted by PL 2001, c. 454, §16, is
38 amended to read:

39 **8. Waivers.** The commissioner may grant a school administrative unit a waiver of
40 one or more school approval requirements upon receipt of an application from the school
41 administrative unit that includes the basis for the waiver request and a plan to reduce

1 reliance on waivers in subsequent years. ~~Financial hardship is one criterion the~~
2 ~~commissioner must consider in determining whether to grant a waiver.~~

3 A. Financial hardship is one criterion the commissioner must consider in determining
4 whether to grant a waiver.

5 B. A request to waive the requirement for a transition plan to proficiency-based
6 graduation in accordance with section 4722-A by January 1, 2017 must include
7 specific information about the reason for the waiver request and a date by which the
8 proficiency-based graduation requirement will be met. Any waiver granted by the
9 commissioner under this paragraph must require an annual report to the
10 commissioner on the school administrative unit's progress toward meeting the
11 requirements of section 4722-A. This paragraph is repealed July 1, 2020.

12 C. The commissioner shall provide a report to the joint standing committee of the
13 Legislature having jurisdiction over education matters by February 1st annually on
14 the number of waivers provided pursuant to paragraph B, including the reasons for
15 the waivers granted. The commissioner shall promptly post the annual report
16 submitted pursuant to this paragraph on the department's publicly accessible website.

17 This paragraph is repealed July 1, 2020.

18 **Sec. 6. 20-A MRSA §4722, sub-§§7 and 8** are enacted to read:

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

22 **8. Repeal.** This section is repealed July 1, 2020.

23 **Sec. 7. 20-A MRSA §4722-A** is enacted to read:

24 **§4722-A. Proficiency-based diploma standards**

25 Beginning January 1, 2017, a diploma indicating graduation from a secondary school
26 must be based on student demonstration of proficiency as described in this section. The
27 commissioner may permit a school administrative unit to award diplomas under this
28 section prior to January 1, 2017 if the commissioner finds that the unit's plan for
29 awarding diplomas meets the criteria for proficiency-based graduation under this section.

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

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

35 B. Demonstrate proficiency in meeting state standards in all content areas of the
36 system of learning results established under section 6209;

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

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

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

8 **3. Exceptions.** Notwithstanding subsection 1, a student may be awarded a diploma
9 indicating graduation from a secondary school in the following circumstances.

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

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

17 C. A student who experiences education disruption, as described in section 5001-A,
18 subsection 4, paragraph F, who successfully demonstrates proficiency as required in
19 subsection 1 as set forth in the student's school work recognition plan as defined in
20 section 5161 must, with the approval of the commissioner, be awarded a Department
21 of Education diploma as defined in section 5161.

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

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

27 (1) The person:

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

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

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

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

36 (b) The Korean Conflict; or

37 (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; 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 **Sec. 8. 20-A MRSA §13016, sub-§2**, as amended by PL 1991, c. 622, Pt. X, §8,
4 is further amended to read:

5 **2. Professional teacher certificates.** A professional teacher certificate may be
6 renewed for 5-year periods in accordance with state board rules, which must require, at a
7 minimum, that the teacher complete at least 6 hours of professional or academic study, or
8 in-service training designed to improve the performance of the teacher in the field for
9 which the teacher holds an endorsement, or in a related subject area, or to improve the
10 teacher's knowledge of, and skill in, standards-based education. Teachers who desire to
11 qualify for a master teacher certificate must coordinate their continuing professional
12 education with the requirements of an applicable teacher action plan.

13 **Sec. 9. Development of standards-based system tools.** The Department of
14 Education shall coordinate the development of standards, assessments and assessment
15 criteria needed to enable school administrative units to implement a standards-based
16 system of education.

17 1. The Department of Education shall convene a working group to develop
18 standards, assessments and assessment criteria for determining student proficiency in the
19 guiding principles as outlined in department rule that are required for secondary school
20 graduation beginning January 1, 2017. The working group must include representatives
21 from school administrative units currently developing those standards, assessments and
22 assessment criteria. The working group shall develop draft standards, assessments and
23 assessment criteria for review not later than July 1, 2013.

24 2. The Department of Education shall maintain a publicly accessible website to serve
25 as a resource for schools implementing standards-based education systems. The website
26 must:

27 A. Include information about the experience of school administrative units that are
28 engaged in transforming their schools to standards-based systems, including schools
29 involved in the Maine Cohort for Customized Learning and the League of Innovative
30 Schools of the New England Secondary School Consortium;

31 B. Include a repository of model materials, including but not limited to report cards
32 and transcripts, assessment methodologies and assessment criteria for all content
33 areas of the system of learning results;

34 C. Be designed to facilitate communication among educators and administrators on
35 the transformation of schools to standards-based education systems; and

36 D. Provide information for school administrative units seeking to create regional
37 capacity to implement standards-based education systems, including information
38 about applying for a grant from the Fund for the Efficient Delivery of Educational
39 Services established pursuant to the Maine Revised Statutes, Title 20-A, section 2651
40 and information about school administrative units that are currently engaging in
41 regional cooperation in delivering education.

42 **Sec. 10. Development of technical assistance plan.** The Department of
43 Education shall develop a technical assistance plan that includes a timeline with

1 implementation dates for the resources and initiatives the department will provide to
2 enable school administrative units to transition to a standards-based education system.
3 The technical assistance plan must include but is not limited to the standards-based
4 system tools described in section 9, other resources related to model policies and best
5 practices, professional development and training and other initiatives that the department
6 determines will be necessary for school administrative units to transform their schools to
7 a standards-based education system. The technical assistance plan must be presented to
8 the joint standing committee of the Legislature having jurisdiction over education matters
9 for review by March 1, 2013. The joint standing committee may introduce a bill to the
10 First Regular Session of the 126th Legislature related to the department's activities
11 described in this section and section 9.

12 **Sec. 11. Amendment of age-based and grade-based statutory provisions.**

13 The Department of Education shall submit a bill to the First Regular Session of the 126th
14 Legislature to amend provisions of the Maine Revised Statutes, Title 20-A that
15 unreasonably restrict the ability of school administrative units to advance or graduate
16 students based on demonstrated proficiency in education standards. The bill may include
17 an amendment to the rule-making provisions under Title 20-A, section 253, subsection 9.'

18 **SUMMARY**

19 This amendment strikes and replaces the bill to establish statutory standards and to
20 direct the Department of Education to develop standards and procedures that enable
21 school administrative units to transition to a standards-based system of education that
22 awards a high school diploma based on a student's demonstrated proficiency in the areas
23 of assessment under state learning standards. The amendment adds a mandate preamble
24 and makes the following changes to the bill.

25 1. It provides that new high school diploma standards and requirements are
26 applicable to graduations beginning January 1, 2017 and reaffirms that students must
27 have the opportunity to gain proficiency through multiple pathways and to demonstrate
28 their proficiency by presenting multiple types of evidence. It also provides exceptions to
29 the proficiency-based high school diploma requirements for students in certain
30 circumstances, including carrying forward current exceptions to the standards for
31 awarding a high school diploma.

32 2. It amends the current high school diploma standards to provide that existing
33 requirements are applicable to high school diplomas awarded before January 1, 2017 and
34 that, if a school administrative unit wants to move to awarding a high school diploma
35 using proficiency-based standards before that date, the school unit may apply to the
36 Commissioner of Education to request the authority to do so.

37 3. It repeals the existing high school diploma standards effective July 1, 2020 in
38 order to authorize the Commissioner of Education to provide a waiver to a school
39 administrative unit that requests an extension of the January 1, 2017 deadline for
40 transitioning to proficiency-based standards for awarding a high school diploma.

41 4. It permits the Commissioner of Education to waive or alter the application of age-
42 based and grade-based requirements in law, if the alteration is needed to facilitate
43 standards-based education and the commissioner approves a plan to transition to

1 proficiency-based graduation. The commissioner must adopt rules to implement this
2 authority.

3 5. It provides that a school administrative unit's comprehensive education plan must
4 include a plan for transitioning to proficiency-based standards for awarding a high school
5 diploma by January 1, 2017.

6 6. The commissioner is required to provide an annual report by February 1st in 2017,
7 2018, 2019 and 2020 to the joint standing committee of the Legislature having
8 jurisdiction over education matters on the number of transition plan waivers provided to
9 school units and to post the annual report on the Department of Education's website.

10 7. It provides that a certified teacher may include training on standards-based
11 education toward the 6-hour recertification requirement.

12 8. It directs the Department of Education to coordinate the development of tools
13 needed to enable school administrative units to implement a standards-based system of
14 education. It also directs the department to convene a working group to develop
15 standards, assessments and assessment criteria for determining proficiency in the guiding
16 principles as outlined in department rule that are required for secondary school graduation
17 and to provide resources and communication opportunities for educators.

18 9. It directs the Department of Education to develop a technical assistance plan that
19 includes a timeline with implementation dates for the resources and initiatives the
20 department will provide to enable school administrative units to transition to a standards-
21 based system of education. It requires the department to present the technical assistance
22 plan to the joint standing committee of the Legislature having jurisdiction over education
23 matters for review not later than March 1, 2013, and it authorizes the joint standing
24 committee to introduce a bill to the First Regular Session of the 126th Legislature.

25 10. It directs the Department of Education to submit a bill to the First Regular
26 Session of the 126th Legislature to address provisions of the Maine Revised Statutes,
27 Title 20-A that unreasonably restrict the ability of school administrative units to advance
28 or graduate students based on demonstrated proficiency in education standards.

29 **FISCAL NOTE REQUIRED**

30 **(See attached)**