

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION-2008

Legislative Document

No. 2174

H.P. 1548

House of Representatives, January 28, 2008

An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NORTON of Bangor. (GOVERNOR'S BILL)
Cosponsored by Senator BOWMAN of York and Representatives: EDGECOMB of Caribou,
FARRINGTON of Gorham, STRANG BURGESS of Cumberland, SUTHERLAND of
Chapman, TREAT of Hallowell, Senator: MILLS of Somerset.

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

2 **Sec. 1. 20-A MRSA §4502, sub-§2**, as amended by PL 2007, c. 141, §7, is
3 further amended to read:

4 **2. Curriculum requirements.** Schools ~~shall also~~ must meet all curriculum ~~standards~~
5 requirements established in chapter 207-A. Schools that offer public preschool programs
6 shall demonstrate curriculum practice for those programs that implements the Maine
7 early childhood learning guidelines and is appropriate for the age and development level
8 of the children.

9 **Sec. 2. 20-A MRSA §4502, sub-§5**, as amended by PL 2007, c. 141, §§8 to 10, is
10 further amended to read:

11 **5. Other standards.** The state board and the commissioner shall jointly adopt basic
12 school approval rules governing school administrative units and elementary and
13 secondary schools. These rules must set minimum ~~standards~~ requirements in the
14 following areas, incorporating such ~~standards~~ requirements as are established by statute:

- 15 A. Instructional time, including a minimum school day and week;
- 16 B. Staffing, including student-teacher ratios, ~~except that the approval rules in effect~~
17 ~~for the school years beginning in the fall of 1998 and 1999 must~~ that permit
18 maximum student-teacher ratios of 25:1 school-wide for kindergarten to grade 8 and
19 maximum student-teacher ratios of 30:1 school-wide for grades 9 to 12;
- 20 C. Physical facilities, incorporating the school construction rules of the state board;
- 21 D. Standards for equipment and libraries;
- 22 E. Minimum school size, but including recognition of geographically isolated
23 schools;
- 24 F. Grade and program organization;
- 25 G. Assessment and evaluation of student performance;
- 26 H. Student personnel services, including guidance and counseling and,
27 notwithstanding any rules adopted by the department, comprehensive guidance plans
28 to be approved by the commissioner ~~for implementation in the 2000-01 school year~~;
- 29 I. Records, record keeping and reporting requirements;
- 30 J. Health, sanitation and safety requirements, including compliance with section
31 6302;
- 32 K. School improvement;
- 33 L-1. A plan for training and development of all personnel that is aligned with the
34 system of learning results as established in section 6209;
- 35 M. The use of time-out areas, administered in accordance with standards adopted by
36 the department and with this paragraph. The use of a time-out area is subject to the
37 following:

1 (1) The time-out area must be well ventilated and sufficiently lighted. The time-
2 out area may not be locked; and

3 (2) The time-out area must be designed to ensure the safety of the student so that
4 the student is supervised by a professional staff member in the room or can be
5 observed from outside of the time-out area and can be heard by a person
6 supervising the time-out area;

7 N. Preparation of a written local policy and implementation of training for all
8 unlicensed personnel who administer medication in accordance with the requirements
9 under section 254, subsection 5;

10 O. Preparation of a written local policy and implementation of training for all
11 guidance counselors and school personnel who administer reintegration planning
12 pursuant to section 254, subsection 12, who participate in a reintegration team and
13 who have access to confidential criminal justice information regarding juveniles
14 pursuant to section 1055, subsection 12; and

15 P. Provision of family outreach and support programs designed to improve parent-
16 school relations and parenting skills consistent with section 4252, subsection 8.

17 **Sec. 3. 20-A MRSA §4502, sub-§5-A**, as amended by PL 1999, c. 790, Pt. N, §1,
18 is repealed.

19 **Sec. 4. 20-A MRSA §4503**, as amended by PL 1985, c. 142, §1, is repealed.

20 **Sec. 5. 20-A MRSA §4503-A** is enacted to read:

21 **§4503-A. Requirements specific to secondary school organizations**

22 **1. Evidence of provision of optimal conditions.** In order for each graduating
23 student to be prepared for postsecondary education, careers and citizenship, a local school
24 unit must submit, as part of the comprehensive education plan required under section
25 4502, subsection 1, evidence that it is employing practices that provide optimal
26 conditions for student and professional learning, as evidenced by current research on best
27 practice.

28 **2. Requirements for secondary school practices.** In addition to the basic school
29 approval requirements as outlined in section 4502, the requirements of this subsection
30 must also be met by secondary schools beginning in the 2009-2010 school year.

31 A. A secondary school shall provide a comprehensive program of instruction of at
32 least 4 years in length, which must meet the requirements of this chapter and the
33 system of learning results established in section 6209.

34 B. A secondary school shall provide evidence of planning and implementing
35 coordinated programs that support the academic and social needs of students as they
36 transition into and out of the school.

37 C. A secondary school shall provide evidence that time is provided throughout the
38 school year and the weekly schedule for teachers to work collaboratively to design
39 high-quality curricula, instruction and assessments, including:

- 1 (1) Integrated and applied learning;
2 (2) Differentiated instruction; and
3 (3) The use of assessments for learning to improve day-to-day classroom
4 instruction.

5 **Sec. 6. 20-A MRSA §4504, sub-§2**, as amended by PL 2005, c. 446, §1, is
6 further amended to read:

7 **2. Comprehensive review.** The commissioner shall conduct a comprehensive
8 review of a school administrative unit in accordance with the school assistance process
9 established in section 6210, based on a review of the school administrative unit's
10 comprehensive education plan and ~~the local assessment system~~ student achievement data,
11 or as part of an inspection in accordance with section 258-A.

12 **Sec. 7. 20-A MRSA §4511**, as amended by PL 1987, c. 395, Pt. A, §66, is further
13 amended to read:

14 **§4511. Accreditation requirements**

15 **1. General authorization.** The state board and the commissioner shall jointly adopt
16 rules establishing accreditation ~~standards~~ requirements for secondary and elementary
17 schools of the State.

18 **2. Intent.** Accreditation ~~standards are~~ is intended to encourage excellence in school
19 programs. The rules ~~shall~~ must include such components as the quality and variety of
20 instructional programs, the credentials, experience and general performance of staff and
21 adequacy of school facilities.

22 **3. Specific requirements.** In addition to ~~standards~~ requirements that are adopted in
23 subsection 1, accreditation ~~standards shall~~ requirements must include, but are not ~~be~~
24 limited to, the following.

25 A. The school has a clearly written statement reflective of the needs, beliefs and
26 values of the school community. It is supported by stated goals and objectives and is
27 consistent with the district's philosophy.

28 B. The school is effectively managed and provides leadership that promotes the
29 achievement of educational excellence.

30 C. The school demonstrates evidence of a ~~well-planned and periodically evaluated~~
31 well-planned curriculum which and program evaluation that has consistently resulted
32 in exemplary educational programming.

33 D. The school demonstrates a carefully coordinated effort to provide instructional
34 processes ~~which that~~ that have consistently resulted in a learning environment ~~which that~~
35 that promotes excellence. A variety of instructional techniques is used by a majority of
36 the teachers.

37 E. The school has a carefully planned staff development program guided by sound
38 educational theory that promotes exemplary practices.

1 F. The school has a climate ~~which~~ that promotes individual self-esteem, high
2 expectations for achievement and a positive attitude toward learning.

3 G. The school has a collaboratively planned community relations program ~~which~~ that
4 promotes close cooperation between the school and the community toward the
5 achievement of the school's goals and objectives.

6 H. The school facility offers an effective setting for the delivery of ~~high-quality~~ high-
7 quality programs and services.

8 **Sec. 8. 20-A MRSA §4512**, as amended by PL 1987, c. 395, Pt. A, §67, is further
9 amended to read:

10 **§4512. Implementation**

11 **1. Accreditation optional.** Any approved elementary or middle school may, through
12 its school board, apply for accreditation.

13 **2. Implementation.** The commissioner shall determine which schools and school
14 units meet the requirements of accreditation, in accordance with adopted rules and this
15 Title.

16 **3. Comprehensive reviews.** The commissioner shall, on a one-year to 5-year cycle,
17 make a comprehensive review of each accredited school to determine whether the school
18 is continuing to meet the accreditation ~~standards~~ requirements.

19 **4. Rules.** Accreditation rules ~~shall~~ must be adopted in accordance with the Maine
20 Administrative Procedure Act, ~~Title 5, chapter 375~~.

21 **5. Accreditation process.** All school administrative units operating a secondary
22 school ~~shall~~ must undergo the state accreditation process on a 5-year cycle as established
23 by the commissioner starting in the ~~1989-90~~ 2012-2013 school year. Upon request from
24 a secondary school, the commissioner ~~shall have the authority to~~ may grant a waiver from
25 the accreditation process. The commissioner shall grant a waiver on the basis of
26 extenuating circumstances as defined by rule.

27 **Sec. 9. 20-A MRSA §4517**, as amended by PL 1999, c. 790, Pt. N, §2, is repealed.

28 **Sec. 10. 20-A MRSA §4703**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is
29 amended to read:

30 **§4703. Instruction for individual students**

31 ~~Elementary and secondary schools may provide special instruction for gifted and~~
32 ~~talented school students~~ must be provided opportunities for learning in a differentiated
33 environment that includes opportunities to accelerate learning to meet the needs of
34 individual students.

35 **Sec. 11. 20-A MRSA §4706, first ¶**, as repealed and replaced by PL 2001, c.
36 667, Pt. A, §42, is amended to read:

1 Instruction in American history, government, citizenship and Maine studies must be
2 taught as specified in aligned with the system of learning results parameters for essential
3 instruction and graduation requirements established in section 6209.

4 **Sec. 12. 20-A MRSA §4706, sub-§1**, as amended by PL 2001, c. 403, §1, is
5 further amended to read:

6 **1. American history.** American history ~~and civil~~, government and citizenship,
7 including the Constitution of the United States, the Declaration of Independence, the
8 importance of voting and the privileges and responsibilities of citizenship, must be taught
9 in and required for graduation from all elementary and secondary schools, both public
10 and private.

11 **Sec. 13. 20-A MRSA §4711**, as amended by PL 2001, c. 454, §21, is further
12 amended to read:

13 **§4711. Elementary course of study**

14 The basic course of study for the elementary schools must provide for the instruction
15 of all students in career ~~preparation and education development~~, English language arts,
16 ~~foreign world~~ languages, health ~~and education~~, physical education, mathematics, science
17 and technology, social studies and visual and performing arts, as described in the ~~system~~
18 ~~of learning results parameters for essential instruction and graduation requirements~~
19 subject to the schedule specified in section 6209. ~~In furtherance of the content standards~~
20 ~~in section 6209, subsection 2, the course of study must also include physiology and~~
21 ~~hygiene, with special reference to the effects of substance abuse, including alcohol,~~
22 ~~tobacco and narcotics, upon the human system.~~

23 **Sec. 14. 20-A MRSA §4712** is enacted to read:

24 **§4712. Middle school level course of study**

25 In addition to the course of study outlined in section 4711, the basic course of study
26 for the middle school level must ensure that all middle school level students participate in
27 challenging, standards-based curricula and engaging instruction resulting in effective
28 learning and high achievement. For purposes of this section, “middle school level”
29 means grade 6 to grade 8.

30 **Sec. 15. 20-A MRSA §4721**, as amended by PL 2001, c. 454, §22, is repealed and
31 the following enacted in its place:

32 **§4721. General requirements**

33 **1. Secondary school curriculum and instruction.** A secondary school shall
34 provide a comprehensive program of instruction of at least 4 years in length, which must
35 meet the requirements of this chapter and the system of learning results established in
36 section 6209. The program must include instruction of all students in English language
37 arts, mathematics, science and technology, social studies, health education, physical

1 education, career and education development, visual and performing arts and world
2 languages.

3 **2. Secondary school organization and delivery of instruction.** A secondary
4 school shall provide a structure that allows for student achievement of the parameters for
5 essential instruction and graduation requirements established in section 6209 in different
6 instructional settings, such as career and technical education programs and alternative
7 education programs.

8 **Sec. 16. 20-A MRSA §4722, first ¶,** as amended by PL 2001, c. 454, §23, is
9 further amended to read:

10 A secondary school shall provide ~~at least one course of study~~ a comprehensive
11 program of instruction leading to a high school diploma ~~that must meet the following~~
12 ~~standards as set out in section 4721.~~ The commissioner shall develop rules for the
13 transition between the requirements of this section and the system of learning results as
14 established in section 6209.

15 **Sec. 17. 20-A MRSA §4722, sub-§1,** as enacted by PL 1983, c. 859, Pt. C, §§5
16 and 7, is repealed.

17 **Sec. 18. 20-A MRSA §4722, sub-§2,** as enacted by PL 1983, c. 859, Pt. C, §§5
18 and 7, is repealed.

19 **Sec. 19. 20-A MRSA §4722, sub-§3,** as amended by PL 2007, c. 451, §2, is
20 further amended to read:

21 **3. Satisfactory completion.** A diploma may be awarded to secondary school
22 students who have satisfactorily completed all diploma requirements in accordance with
23 the academic standards of the school administrative unit and this chapter. All secondary
24 school students must work toward achievement of the content standards of the ~~system of~~
25 ~~learning results~~ parameters for essential instruction and graduation requirements
26 established pursuant to section 6209. Children with disabilities, as defined in section
27 7001, subsection 1-A, who successfully meet the content standards of the ~~system of~~
28 ~~learning results~~ parameters for essential instruction and graduation requirements in
29 addition to any other diploma requirements applicable to all secondary school students, as
30 specified by the goals and objectives of their individualized education plans, may be
31 awarded a high school diploma. ~~Career and technical students may, with the approval of~~
32 ~~the commissioner, satisfy the 2nd year math and science, the 2nd year social studies and~~
33 ~~the fine arts requirements of subsection 2~~ Students must be allowed to meet the
34 requirements through multiple pathways including through separate or integrated study
35 within the career and technical school curriculum.

36 Students who experience education disruption, as defined in section 5001-A, subsection
37 4, paragraph F, who successfully demonstrate achievement of the content standards of the
38 ~~system of learning results~~ parameters for essential instruction and graduation
39 requirements in addition to any other diploma requirements applicable to secondary
40 school students as set forth in their school work recognition plans as defined in section

1 5161, subsection 6 must, with the approval of the commissioner, be awarded a
2 Department of Education diploma as defined in section 5161, subsection 2.

3 **Sec. 20. 20-A MRSA §4722, sub-§5-A** is enacted to read:

4 **5-A. Certification of the instructional program; secondary schools.** The
5 commissioner shall develop rules for the certification of instructional programs to ensure
6 a common meaning for the high school diploma regardless of the secondary school a
7 student attends. Rules adopted pursuant to this subsection are routine technical rules as
8 defined in Title 5, chapter 375, subchapter 2-A.

9 A. The school must provide evidence that the curriculum is aligned with the
10 parameters for essential instruction and graduation requirements established in
11 section 6209.

12 B. The school must provide evidence that:

13 (1) Students have open and equitable opportunities to demonstrate achievement
14 of the parameters for essential instruction and graduation requirements
15 established in section 6209 through either separate or integrated study programs;

16 (2) The school provides open and equitable access to a range of opportunities,
17 including, but not limited to, online courses, after-school and summer programs,
18 internships, apprenticeships, career and technical education, service learning,
19 dual-enrollment courses, advanced courses and locally sponsored and state-
20 sponsored early college programs; and

21 (3) Students are provided learning experiences that result in a student's applying
22 knowledge and skills in new or unpredictable situations.

23 C. The school must provide evidence of a carefully coordinated effort to differentiate
24 instruction within learning environments that are challenging and that are designed to
25 meet the education needs of individual students.

26 D. The school must provide evidence that students are provided multiple
27 opportunities to demonstrate their achievement of the diploma requirements through
28 assessments required by the school administrative unit and the State.

29 E. The school must provide evidence of a plan that integrates technology into
30 curriculum, instruction and assessment.

31 **Sec. 21. 20-A MRSA §4728**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is
32 repealed.

33 **Sec. 22. 20-A MRSA §6201**, as amended by PL 2001, c. 454, §§27 and 28, is
34 further amended to read:

35 **§6201. Legislative intent**

36 The Legislature ~~concurs with the recommendation of the 1984 report of the~~
37 Commission on the Status of Education in Maine finds that all students graduating from
38 high school must be prepared for success in postsecondary institutions, careers and
39 citizenship and that a state-wide statewide educational assessment program must be

1 implemented to ensure that each student in the State has an equal opportunity to meet this
2 outcome.

3 There is a need for assessment information at both ~~the~~ state and local ~~level~~ levels to
4 measure progress and ensure accountability and comparability regarding the
5 implementation of the system of learning results, which set forth in section 6209 and in
6 department rules implementing that section and other curricular requirements. This must
7 be accomplished through ~~a comprehensive system of local and state~~ assessments;
8 ~~involving multiple measures~~ to determine what each student knows and is able to
9 demonstrate regarding the standards of the system of learning results.

10 ~~This comprehensive local and state~~ The assessment system must have the following
11 objectives:

12 **1. Statewide assessment.** To provide information on the academic achievement and
13 progress of Maine students;

14 **2. State goals.** To establish a process for a continuing evaluation of the system of
15 learning results ~~established~~ set forth in section 6209 and in department rules
16 implementing that section to aid in the development of ~~educational~~ education policies,
17 standards and programs and to measure comparability of educational opportunity for
18 students throughout the State;

19 **3. Local programs.** To provide school officials with information to assess the
20 quality, effectiveness and appropriateness of educational materials; and methods and
21 curriculum needs, including remediation and enrichment in their schools;

22 **4. Individual students.** To provide school staffs with information about the
23 individual students that may be used, with other information, to meet individual and
24 ~~educational~~ education needs of the student. The statewide assessment program may not
25 be the only criteria for judging student performance;

26 **5. Trends.** To identify year-to-year trends in student achievement; and

27 **6. Parents.** To provide parents with information about the achievements of their
28 children ~~on the assessment program.~~

29 **Sec. 23. 20-A MRSA §6202, first ¶,** as amended by PL 2005, c. 662, Pt. A, §13,
30 is further amended to read:

31 The commissioner shall establish a statewide assessment program to measure and
32 evaluate on a continuing basis the academic achievements of students at in grades 4, 8
33 and 11 in the content areas of the system of learning results established 3 to 12 on the
34 accountability standards set forth in section 6209 specified by the commissioner and in
35 department rules implementing that section and other curricular requirements. The
36 commissioner may elect to provide for the use of alternative measures of student
37 achievement in ~~grade 11~~ grades 9 to 12. This assessment applies to students in the public
38 elementary and secondary schools and in all private schools approved for tuition whose
39 school enrollments include at least 60% publicly funded students, as determined by the
40 previous school year's October and April average enrollment. The assessment program

1 must be adapted to meet the needs of children with disabilities as defined in section 7001,
2 subsection 1-A or other students as defined under rules by the commissioner.

3 **Sec. 24. Rulemaking.** The Department of Education shall adopt rules to
4 implement the Maine Revised Statutes, Title 20-A, section 4503-A, subsection 2,
5 paragraph A and section 4721. In adopting rules under this section, the department shall
6 solicit input from interested parties, including the Maine Higher Education Council.
7 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
8 chapter 375, subchapter 2-A.

9

SUMMARY

10 This bill amends **standards** for student assessment; basic school approval; the
11 elementary, middle and secondary courses of study; the comprehensive program of study
12 for the high school diploma; and the Department of Education diploma in order to more
13 fully implement Maine's system of **learning** results.