

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION-2009

Legislative Document

No. 1325

H.P. 929

House of Representatives, March 31, 2009

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

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SUTHERLAND of Chapman.
Cosponsored by President MITCHELL of Kennebec and
Representatives: CAIN of Orono, LOVEJOY of Portland, STRANG BURGESS of
Cumberland, Senators: BOWMAN of York, 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 requirements.** The state board and the commissioner shall jointly adopt
12 basic 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~~ Requirements 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~~
36 requirements adopted by the department and with this paragraph. The use of a time-
37 out area is subject to the 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, sub-§2**, as enacted by PL 1983, c. 859, Pt. A, §§20
20 and 25, is amended to read:

21 **2. Junior high school or middle school.** A junior high school or middle school is a
22 school ~~which~~ that maintains a diversified program of studies of 2 or more consecutive
23 grades from grades 6 to 9, which meets basic school approval and applicable curriculum
24 requirements. A junior high school or middle school may be maintained in connection
25 with or as part of an approved secondary school.

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

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

33 **Sec. 6. 20-A MRSA §4517**, amended by PL 1999, c. 790, Pt. N, §2, is repealed.

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

36 **§4703. Instruction for individual students**

37 Elementary and secondary schools ~~may provide special instruction for gifted and~~
38 ~~talented~~ shall provide students with opportunities for learning in multiple pathways that

1 include opportunities to accelerate learning to meet the needs of individual students, such
2 as, but not limited to:

- 3 1. Career and technical education. Career and technical education;
- 4 2. Alternative education programs. Alternative education programs;
- 5 3. Apprenticeships. Apprenticeships;
- 6 4. Career academies. Career academies;
- 7 5. Advanced placements. Advanced placements;
- 8 6. Online courses. Online courses;
- 9 7. Adult education. Adult education; or
- 10 8. Dual enrollment. Dual enrollment.

11 **Sec. 8. 20-A MRSA §4706, first ¶,** as repealed and replaced by PL 2001, c. 667,
12 Pt. A, §42, is amended to read:

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

16 **Sec. 9. 20-A MRSA §4706, sub-§1,** as amended by PL 2001, c. 403, §1, is
17 further amended to read:

18 **1. American history.** American history and ~~civil~~, government and citizenship,
19 including the Constitution of the United States, the Declaration of Independence, the
20 importance of voting and the privileges and responsibilities of citizenship, must be taught
21 in and required for graduation from all elementary and secondary schools, both public
22 and private.

23 **Sec. 10. 20-A MRSA §4710** is enacted to read:

24 **§4710. Kindergarten to grade 12 interventions**

25 By the school year that begins in the fall of 2012 all school administrative units shall
26 develop and implement a system of interventions for kindergarten to grade 12 that
27 provide each student who is not progressing toward meeting the content standards of the
28 parameters of essential instruction and graduation requirements or different learning
29 experiences or assistance to achieve the standard. The interventions must be specific,
30 timely and based upon ongoing formative assessments that continuously monitor student
31 progress.

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

1 **§4711. Elementary course of study**

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

11 **Sec. 12. 20-A MRSA §4712** is enacted to read:

12 **§4712. Junior high school or middle school course of study**

13 **1. Basic course of study.** The basic course of study for the junior high schools or
14 middle schools must provide for the instruction of all students in career and education
15 development, English language arts, health education and physical education,
16 mathematics, science and technology, social studies, visual and performing arts and world
17 languages, as described in the parameters for essential instruction and graduation
18 requirements subject to the schedule specified in section 6209.

19 **2. Personal learning plan.** A personal learning plan must be developed for each
20 junior high school or middle school student and must be reviewed and transferred with
21 the student to the next grade, including secondary school. This subsection must be
22 implemented beginning with the 2010-2011 school year.

23 **Sec. 13. 20-A MRSA §4721**, as amended by PL 2001, c. 454, §22, is repealed and
24 the following enacted in its place:

25 **§4721. General requirement**

26 **1. Comprehensive program of instruction.** A secondary school shall provide a
27 comprehensive program of instruction of at least 2 years in length, which must meet the
28 requirements of this chapter and the parameters of essential instruction and graduation
29 requirements established under section 6209. The program must include instruction for
30 all students in career and education development, English language arts, health education
31 and physical education, mathematics, science and technology, social studies, visual and
32 performing arts and world languages.

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

37 **3. Personal learning plans.** Personal learning plans must be maintained for each
38 student.

1 **Sec. 14. 20-A MRSA §4722, first ¶**, as amended by PL 2001, c. 454, §23, is
2 further amended to read:

3 A secondary school shall provide ~~at least one course of study a comprehensive~~
4 ~~program of instruction leading to a high school diploma that must meet the following~~
5 ~~standards as set out in section 4721.~~ The commissioner shall develop rules for the
6 transition between the requirements of this section and ~~the system of learning results as~~
7 ~~the parameters for essential instruction and graduation requirements established in~~ under
8 section 6209.

9 **Sec. 15. 20-A MRSA §4722, sub-§1**, as enacted by PL 1983, c. 859, Pt. C, §§5
10 and 7, is amended to read:

11 **1. Minimum instructional requirements.** A ~~diploma course of study shall~~
12 ~~comprehensive program of instruction must include a minimum 4-year program of~~
13 ~~instruction which that~~ meets the curriculum requirements established by this chapter and
14 any other instructional requirements established by the commissioner and the school
15 board.

16 **Sec. 16. 20-A MRSA §4722, sub-§2-A** is enacted to read:

17 **2-A. Implementation of multiple pathways and opportunities.** Students may
18 demonstrate achievement of the standards through multiple pathways as set out under
19 section 4703 and multiple opportunities. Achievement may be demonstrated by evidence
20 documented by:

21 A. Course and learning experiences using multiple measures, such as, but not limited
22 to, examinations, quizzes, portfolios, performances, exhibitions and projects based on
23 state-developed rubrics or locally developed rubrics that the department determines
24 meet established criteria; and

25 B. State-level supported assessments that are scored by benchmarks established by
26 the department. The assessments may include but are not limited to:

27 (1) District implemented large-scale assessments that have been benchmarked to
28 the Maine Learning Results: Parameter for Essential Instruction; and

29 (2) Student portfolios that meet the criteria of a Department of Education
30 diploma as defined in section 5161, subsection 2.

31 **Sec. 17. 20-A MRSA §4722, sub-§3**, as amended by PL 2007, c. 451, §2, is
32 further amended to read:

33 **3. Satisfactory completion.** A diploma may be awarded to secondary school
34 students who have satisfactorily completed all diploma requirements in accordance with
35 the academic standards of the school administrative unit and this chapter. All secondary
36 school students must ~~work toward achievement of~~ achieve the content standards of the
37 ~~system of learning results parameters for essential instruction and graduation~~
38 ~~requirements~~ established pursuant to section 6209. The diploma for each secondary
39 school student must reflect credits earned in all 8 content areas. Although all students
40 must have educational experiences in all 8 content areas, in order to be awarded a

1 diploma all students must meet the standards in the 4 common areas statewide of English
2 language arts, mathematics, science and technology and social studies. The student shall
3 select one other area of the 3 areas to meet the standards of health education and physical
4 education, visual and performing arts or world languages. In lieu of one of these areas a
5 student may meet the requirement of a national industry-recognized standard. Students
6 must at least partially meet the standards in the remaining areas of health education and
7 physical education, visual and performing arts or world languages. All students are
8 deemed to address and meet the standards in career and education development through
9 integrated learning experiences and activities conducted in other content areas or through
10 activities such as the personal learning plan. Children with disabilities, as defined in
11 section 7001, subsection 1-A 1-B, who successfully meet the content standards of the
12 system of learning results parameters for essential instruction and graduation
13 requirements in addition to any other diploma requirements applicable to all secondary
14 school students, as specified by the goals and objectives of their individualized education
15 plans, may be awarded a high school diploma. Career and technical students may, with
16 the approval of the commissioner, satisfy the 2nd year math and science, the 2nd year
17 social studies and the fine arts requirements of subsection 2 through separate or integrated
18 study within the career and technical school curriculum.

19 Students who experience education disruption, as defined in section 5001-A, subsection
20 4, paragraph F, who successfully demonstrate achievement of the content standards of the
21 system of learning results parameters for essential instruction and graduation
22 requirements in addition to any other diploma requirements applicable to secondary
23 school students as set forth in their school work recognition plans as defined in section
24 5161, subsection 6 must, with the approval of the commissioner, be awarded a
25 Department of Education diploma as defined in section 5161, subsection 2.

26 **Sec. 18. 20-A MRSA §4728**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is
27 repealed.

28 **Sec. 19. 20-A MRSA §4774, sub-§1**, as enacted by PL 1997, c. 758, §2, is
29 amended to read:

30 **1. High school credit.** ~~A school administrative unit may grant academic credit~~
31 ~~toward a high school diploma to a student who successfully completes a course under this~~
32 ~~chapter. High school credit is the successful completion of learning specified in units of~~
33 ~~study or syllabi.~~

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

36 **§6201. Legislative intent**

37 ~~The Legislature concurs with the recommendation of the 1984 report of the~~
38 ~~Commission on the Status of Education in Maine finds that all students graduating from~~
39 ~~high school must be prepared for success in postsecondary education, careers and~~
40 ~~citizenship and that a state-wide statewide educational assessment program must be~~
41 ~~implemented to ensure that each student in the State has an equal opportunity to meet this~~
42 ~~outcome.~~

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

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~~ parameters for essential instruction and graduation
16 requirements set forth in section 6209 and in department rules implementing that section
17 to aid in the development of ~~educational~~ education policies, standards and programs and
18 to measure comparability of educational opportunity for 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, interventions 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. 21. 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. 22. Application of new high school diploma standards.** School
4 administrative units may continue to award high school diplomas based on credits and
5 standards in place on the effective date of this Act, except that the new high school
6 diploma standards in the Maine Revised Statutes, Title 20-A, section 4722 as amended by
7 this Act apply to diplomas issued to high school graduates graduating in 2016 and
8 thereafter.

9 **Sec. 23. Transition to new high school diploma standards.** In preparing for
10 the transition to new high school diploma standards under the Maine Revised Statutes,
11 Title 20-A, section 4722, subsection 2-A the Department of Education shall:

12 1. Convene a representative work group to:

13 A. Examine what balance or weight should be given to the types of assessments in
14 each of the content areas and report to the Joint Standing Committee on Education
15 and Cultural Affairs in the Second Regular Session of the 124th Legislature in
16 January 2010; and

17 B. Examine other multiple pathways that could be used to demonstrate meeting the
18 high school diploma standard. The group may examine the effective standards-based
19 practices in the field in the consideration of how standards are being met by
20 individual students. The group shall examine the percent of students meeting the
21 standard in the content areas on an ongoing basis. The work group shall look at the
22 metrics in 2012 and examine any issues regarding any subgroups that need further
23 consideration;

24 2. Develop rubrics that address the key concepts and measurement topics in all the
25 content areas included in the parameters for essential instruction and graduation
26 requirements under Title 20-A, section 6209, including career and education
27 development; and

28 3. Develop 21st century-based assessments that address all 8 content areas included
29 in the parameters of essential instruction and graduation requirements established in Title
30 20-A, section 6209. The department shall:

31 A. Collaboratively develop rubrics for schools and teachers to use to measure student
32 achievement of the high school diploma standards that integrate the content areas;

33 B. Define what "meets the standard" means for each content area by 2010 and define
34 the metric for measuring the standards by 2012; and

35 C. Report to the State Board of Education in 2010 on the definition of "meeting the
36 standard" and the data that is being gathered on "meeting the standard."

37 **Sec. 24. Maine Revised Statutes headnote amended; revision clause.** In
38 the Maine Revised Statutes, Title 20-A, chapter 207-A, subchapter 2, in the subchapter
39 headnote, the words "elementary schools" are amended to read "elementary and junior

1 high schools or middle schools" and the Revisor of Statutes shall implement this revision
2 when updating, publishing or republishing the statutes.

3 **SUMMARY**

4 This bill amends standards for student assessment, basic school approval, the
5 elementary, middle and secondary courses of study, the comprehensive program of study
6 for the high school diploma and the Department of Education diploma in order to more
7 fully implement the parameters for essential instruction and graduation requirements.