

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

3mg  
1. 08.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Date: 3-26-12

(Filing No. S-477)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" 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;

COMMITTEE AMENDMENT

R. & S.

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

R. G. S.

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

A. of S

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

7. of 5.

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)**





# 125th MAINE LEGISLATURE

LD 1422

LR 1901(02)

## An Act To Prepare Maine People for the Future Economy

Fiscal Note for Bill as Amended by Committee Amendment "A" S 477

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

State Mandate - Exempted

#### State Mandates

##### Required Activity

Requires local school administrative units to transition to proficiency-based standards for awarding a high school diploma by January 1, 2017. To the extent that the development of the methodology for implementation can be provided by the working group and the Department of Education the costs to school administrative units may be moderated.

##### Unit Affected

School

##### Local Cost

Moderate  
statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional costs.

#### Fiscal Detail and Notes

Additional costs to the Department of Education to coordinate the development of standards, assessments and rubrics to be used in determining proficiency as required for secondary school graduation beginning January 1, 2017 and to develop the required technical assistance plan can be absorbed within existing budgeted resources.