

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1422

S.P. 439

In Senate, April 6, 2011

An Act To Prepare Maine People for the Future Economy

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.
Cosponsored by Senator ALFOND of Cumberland, Representative CAIN of Orono and
Representatives: RICHARDSON of Carmel, ROSEN of Bucksport, STRANG BURGESS of
Cumberland.

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

2 **PART A**

3 **Sec. A-1. 5 MRSA §1664, sub-§1, ¶G**, as amended by PL 2007, c. 613, §2, is
4 further amended to read:

5 G. Contain any statements relative to the financial plan that the Governor-elect or the
6 Governor considers desirable or that may be required by the Legislature; ~~and~~

7 **Sec. A-2. 5 MRSA §1664, sub-§1, ¶H**, as enacted by PL 2007, c. 613, §3, is
8 amended to read:

9 H. Include a long-range plan for State Government. The long-range plan must
10 describe the vision of the Governor-elect or the Governor for State Government for
11 the upcoming biennium and the 2 succeeding biennia and how the proposed biennial
12 budget fits into and moves State Government toward this long-range vision; and

13 **Sec. A-3. 5 MRSA §1664, sub-§1, ¶I** is enacted to read:

14 I. Present proposed expenditures on early childhood development, public education,
15 adult education, higher education and workforce development in a manner that
16 facilitates evaluation by the Legislature of whether funds are being appropriated and
17 allocated in a manner that best accords with the policy framework established in Title
18 20-A, section 501, advances the goals established in Title 20-A, section 502 and
19 implements the strategic plan developed pursuant to Title 20-A, section 505.

20 **Sec. A-4. 20-A MRSA c. 6** is enacted to read:

21 **CHAPTER 6**

22 **EDUCATION POLICY**

23 **§501. Education policy**

24 **1. Policy.** It is the policy of the State that the education system must prepare all of
25 the people of the State for success in college, career, citizenship and life. The State
26 recognizes that it needs an education system, spanning from early childhood development
27 through college and workforce training, in which:

28 A. All young children have access to high-quality programs that advance their
29 development;

30 B. All students graduate from high school prepared for college, career, citizenship
31 and life; and

32 C. The highest possible number of people in this State complete a 2-year or 4-year
33 college degree or other postsecondary national industry certificate.

34 **2. Core priorities.** In order to develop an education system that prepares all people
35 for future success, the State has identified the following as its core priorities:

- 1 A. High-quality early care and learning experiences that give all children an equal
2 opportunity for healthy growth and development;
- 3 B. High standards and personalized learning opportunities that maximize success for
4 all;
- 5 C. Effective, knowledgeable and well-trained teachers in every classroom to prepare
6 all children for success;
- 7 D. Strong and focused school, community and state leadership to support effective
8 teaching;
- 9 E. Engaged parents, families and communities that set high expectations for
10 academic achievement and work together to build a high-quality education system;
- 11 F. Expanded access to and support for college and workforce training to increase the
12 number of individuals earning college degrees and postsecondary national industry
13 certificates or occupational certificates and the high-paying jobs to which they lead;
- 14 G. Collection and analysis of reliable data to identify what is working well in the
15 education system and to address shortcomings; and
- 16 H. Efficient and equitable investment of education resources to maximize
17 opportunity, equity and accountability.

18 **§502. Education system goals**

19 **1. Preparation for kindergarten.** It is a goal of this State that children enter
20 kindergarten prepared for the learning experiences that primary school provides. The
21 chief indicator of progress toward the goal set forth in this subsection is the percentage of
22 children that enter kindergarten and are determined by a common measuring tool and
23 process to be prepared for learning experiences in the kindergarten curriculum.

24 **2. Preparation to read and calculate.** It is a goal of this State that children have a
25 foundation in reading and mathematics skills that is strong enough to allow them to learn
26 through application of those skills. The most effective strategy for reaching the goal set
27 forth in this subsection is to ensure that all children in this State are proficient in
28 mathematics and reading by the end of grade 3. The chief indicator of progress toward
29 the goal set forth in this subsection is the percentage of children enrolled in grade 4 who
30 are proficient in reading and mathematics.

31 **3. Preparation for college and workforce training.** It is a goal of this State that
32 children graduate from high school with mastery of the basic subjects and skills that
33 college and workforce training require. The most effective strategy for reaching the goal
34 set forth in this subsection is to ensure that all children in this State achieve the content
35 standards of the parameters for essential instruction and graduation requirements
36 established pursuant to section 6209 before earning a diploma, and providing multiple
37 pathways to that achievement as set out under section 4703. The chief indicator of
38 progress toward the goal set forth in this subsection is the percentage of students
39 graduating from high school with a standards-based diploma, whether that completion is
40 achieved in 4, 5 or 6 years. The specific goals of the State regarding preparation for
41 college and workforce training include the following:

1 A. Achieving a graduation rate of 90% by the end of the 2015-2016 school year for
2 each publicly supported secondary school;

3 B. Increasing the percentage of high school graduates enrolling in associate or
4 bachelor's degree programs to at least 80% by 2016. It is the policy of this State to
5 raise the percentage of working-age adults who have earned associate, bachelor's and
6 postbaccalaureate degrees to 56% by 2019; and

7 C. Reducing the percentage of students required to take remedial courses in their first
8 year of college to 5% by 2016.

9 **4. Preparation for career.** It is a goal of this State to dramatically increase the
10 education and skills of its workforce, to ensure that the State can grow and attract a
11 sustainable mix of high-wage, high-growth businesses and create high-paying jobs in
12 every community. The chief indicators of progress toward the goal set forth in this
13 subsection are:

14 A. The percentage of working-age adults earning national industry certificates and
15 associate, bachelor's and postbaccalaureate degrees;

16 B. The percentage of students who enroll within one year of graduating from high
17 school in national industry certificate and associate, bachelor's and postbaccalaureate
18 degree programs;

19 C. The percentage of students enrolled in a bachelor's degree program who earn a
20 bachelor's degree within 6 years;

21 D. The percentage of students enrolled in an associate degree program who earn an
22 associate degree within 3 years; and

23 E. The percentage of students enrolled in a national industry certificate program who
24 earn a national industry certificate within 2 years.

25 **§503. Benchmarks**

26 The commissioner shall implement necessary strategies and tactics to achieve the
27 following benchmarks for the education goals set forth in section 502.

28 **1. Preparation for kindergarten; benchmarks.** By 2016, 80% of children that
29 enter kindergarten will be prepared for the learning experiences in the kindergarten
30 curriculum as evidenced by measures adopted by the State. By 2020, 90% of children
31 that enter kindergarten will be prepared for the learning experiences in the kindergarten
32 curriculum as evidenced by measures adopted by the State.

33 **2. Preparation to read and calculate for learning; benchmarks.** By 2016, 80% of
34 students in grade 4 will be proficient in reading and mathematics. By 2020, 90% of
35 students in grade 4 will be proficient in reading and mathematics.

36 **3. Preparation for college and workforce training; benchmark.** By 2016, 90% of
37 students will graduate from high school with a standards-based diploma within 6 years of
38 entering high school.

1 **4. Preparation for career; benchmarks.** By 2016, the percentage of working-age
2 adults who earn national industry certificates or associate, bachelor's or postbaccalaureate
3 degrees will be 52%. By 2020, the State will exceed the New England average for the
4 number of working-age adults that have earned a national industry certificate or an
5 associate, bachelor's or postbaccalaureate degree.

6 **§504. Intervention**

7 **1. Intervention strategies.** The commissioner shall examine progress toward the
8 benchmarks set forth in section 503 and shall employ intervention strategies to ensure
9 achievement of those benchmarks. These strategies may include, but are not limited to,
10 termination of ineffective programs and redirection of budgeted resources.

11 **2. Intervention by entities other than the department.** The commissioner shall
12 report to the joint standing committee of the Legislature having jurisdiction over
13 education and cultural affairs regarding instances when entities other than the department
14 are required to employ intervention strategies in order to ensure attainment of the
15 benchmarks set forth in section 503 and shall include any recommendations to increase
16 progress toward achievement of the benchmarks set forth in section 503.

17 **§505. Strategic plan; reporting**

18 **1. Strategic plan.** The commissioner, in consultation with the Commissioner of
19 Health and Human Services, the Commissioner of Labor, the Chancellor of the
20 University of Maine System, the President of the Maine Community College System and
21 local and state stakeholders, shall develop a strategic plan in accordance with this
22 subsection for achieving the goals established in section 502, within the policy
23 framework established in section 501. The strategic plan must:

24 A. Address strategies for the implementation of statewide, comprehensive early
25 college or dual enrollment experiences, with current numbers of participants and
26 recommended annual benchmarks;

27 B. Require public higher education institutions to develop and implement plans that
28 improve efficiency, productivity, student progression, and degree completion rates;

29 C. Address the need to increase the number of graduates in programs related to the
30 current and projected needs of employers and entrepreneurs in the State;

31 D. Address the implementation by the Governor of a budget covering all education
32 sectors, including explicit student-centered outcomes at all levels of the education
33 system from early childhood through workforce training, and a blueprint for
34 independence that sets forth a strategy for helping young people at risk gain the tools
35 necessary to succeed in life;

36 E. Require personal learning plans for each student, beginning in grade 7;

37 F. Include recommendations for ensuring that a hospital, pediatrician, primary care
38 physician and other providers of preventive health services to a child under 5 years of
39 age screen that child for cognitive developmental delays and behavioral problems at
40 annual checkups when the child is approximately one year of age and when the child
41 is approximately 2 years of age and make appropriate referrals for services; and

1 G. Take into consideration applicable reports, findings, recommendations and studies
2 that have been completed and have relevance to the strategic plan.

3 **2. Comprehensive scope.** The strategic plan developed pursuant to subsection 1
4 must encompass the entire system of public education from early childhood through
5 postsecondary education workforce training and adult education.

6 **3. Reports on progress.** Beginning in 2013, the commissioner shall report annually
7 to the joint standing committee of the Legislature having jurisdiction over education and
8 cultural affairs regarding the implementation of the strategic plan developed pursuant to
9 subsection 1 and the State's progress on indicators of progress toward the goals identified
10 in section 502 and the benchmarks identified in section 503. Beginning in 2013, the
11 Chancellor of the University of Maine System and the President of the Maine Community
12 College System shall report to the joint standing committee of the Legislature having
13 jurisdiction over education and cultural affairs on the implementation of those parts of the
14 strategic plan that involve their respective systems and on progress in reaching the
15 indicators of progress toward the goals identified in section 502, subsection 4 and the
16 benchmarks identified in section 503, subsection 4.

17 **4. Priority initiatives.** The strategic plan developed pursuant to subsection 1 and
18 the reports delivered in accordance with subsection 3 must specifically describe the
19 department's progress in implementing the system of interventions for kindergarten to
20 grade 12 required under section 4710 and in providing students with opportunities for
21 learning in multiple pathways in accordance with section 4703.

22 **5. Legislative reports.** In the reports under subsection 3, the commissioner, the
23 Chancellor of the University of Maine System and the President of the Maine Community
24 College System shall indicate to the committee the manner in which the matter in
25 question relates to the policy framework articulated in section 501, to the goals articulated
26 in section 502 and to the strategic plan developed pursuant to subsection 1.

27 **PART B**

28 **Sec. B-1. 20-A MRS §7204, sub-§5,** as amended by PL 2005, c. 662, Pt. A,
29 §25, is further amended to read:

30 **5. Due process.** Shall:

31 A. Adopt or amend rules to assure and protect the rights of due process for children
32 with disabilities; and

33 B. Inform and train each school administrative unit on the rights of children with
34 disabilities to due process under state laws and rules and federal law and regulations;
35 ~~and~~

36 **Sec. B-2. 20-A MRS §7204, sub-§6,** as amended by PL 2005, c. 662, Pt. A,
37 §25, is further amended to read:

38 **6. Technical assistance.** May, on the request of a school administrative unit,
39 provide technical assistance in the formulation of a plan or subsequent report required of

1 all administrative units. Assistance may not be designed to transfer the responsibility for
2 or actual development of the plan or report-; and

3 **Sec. B-3. 20-A MRSA §7204, sub-§7** is enacted to read:

4 **7. Kindergarten screening.** Shall prescribe by rule a uniform process for
5 kindergarten screening that facilitates reliable and consistent measurement of statewide
6 kindergarten readiness. Rules adopted pursuant to this subsection are routine technical
7 rules as defined in Title 5, chapter 375, subchapter 2-A.

8 **PART C**

9 **Sec. C-1. 20-A MRSA §4722, sub-§7** is enacted to read:

10 **7. Proficiency in standards.** Students graduating from high school:

11 A. Beginning with the class that graduates in 2015, must demonstrate proficiency in
12 the content areas of:

- 13 (1) English language arts;
- 14 (2) Mathematics;
- 15 (3) Science and technology;
- 16 (4) Social studies; and
- 17 (5) Health, physical education and wellness; and

18 B. Beginning with the class that graduates in 2018, must demonstrate proficiency in
19 the content areas of:

- 20 (1) Career and education development;
- 21 (2) English language arts;
- 22 (3) World languages;
- 23 (4) Health, physical education and wellness;
- 24 (5) Mathematics;
- 25 (6) Science and technology;
- 26 (7) Social studies; and
- 27 (8) Visual and performing arts.

28 Students must be engaged in learning mathematics, science and technology and English
29 language arts during each of their years of high school study.

30 **Sec. C-2. Requirements for awarding high school diplomas.** By December
31 15, 2011, the Commissioner of Education shall adopt rules that require school
32 administrative units to award high school diplomas based on standards established by
33 rule. These standards must take into account, in addition to any local course work and
34 accumulation of credits, a broad spectrum of learning experiences that may include
35 internships, portfolios, long-term capstone projects, early college, standardized tests and

1 other appropriate learning experiences that provide opportunities to demonstrate
2 proficiency in the learning results set forth in the Maine Revised Statutes, Title 20-A,
3 section 6209.

4 **Sec. C-3. Preparation of strategic plan.** The Commissioner of Education shall
5 develop a proposed strategic plan in accordance with the Maine Revised Statutes, Title
6 20-A, section 505 and shall present the plan, including any necessary implementing
7 legislation, to the Joint Standing Committee on Education and Cultural Affairs by
8 February 1, 2012. The draft plan must, at a minimum, recommend and prioritize tactics
9 for implementing the strategies identified to achieve the goals set forth in Title 20-A,
10 section 502, describe timelines for implementing those tactics and recommend
11 benchmarks for each of the indicators of progress toward the goals identified in Title
12 20-A, section 502 and must establish annual targets extending to 2021. After receipt and
13 review of the commissioner's plan, the joint standing committee may submit a bill
14 regarding the plan to the Second Regular Session of the 125th Legislature.

15 **Sec. C-4. Kindergarten screening.** In adopting rules prescribing a uniform
16 process for kindergarten screening pursuant to the Maine Revised Statutes, Title 20-A,
17 section 7204, subsection 7, the Commissioner of Education shall work with the Maine
18 School Superintendents Association and the Children's Cabinet to develop, adopt and
19 implement a uniform process and tool for prekindergarten screening in a manner that
20 facilitates reliable and consistent measurement of statewide kindergarten readiness.
21 Rules must be adopted pursuant to this section prior to March 1, 2012.

22 **Sec. C-5. Early childhood programs.** By March 1, 2012, the Commissioner of
23 Education, in consultation with state and local stakeholders, shall develop a plan, which
24 may be a component of the strategic plan adopted pursuant to the Maine Revised Statutes,
25 Title 20-A, section 505, to achieve universal high-quality early learning opportunities.
26 This plan must address universal early learning opportunities as a strategy toward
27 achieving the goal established under Title 20-A, section 502, subsection 1. The
28 Department of Education shall seek to maintain an annual 10% growth of early childhood
29 programs in Maine, with the ultimate goal of achieving universal prekindergarten. The
30 commissioner shall present a draft of the plan to the Joint Standing Committee on
31 Education and Cultural Affairs no later than March 15, 2012.

32 SUMMARY

33 This bill:

34 1. Establishes an education policy, core priorities for the State's education system,
35 education system goals, benchmarks and intervention strategies;

36 2. Requires the development of a strategic plan to achieve the goals within the policy
37 framework;

38 3. Requires that the state budget document present proposed expenditures on early
39 childhood development, public education, adult education, higher education and
40 workforce development in a manner that facilitates evaluation by the Legislature of

1 whether funds are being appropriated and allocated in a manner that best accords with the
2 established policy framework, advances the established goals and implements the
3 strategic plan;

4 4. Requires that the Commissioner of Education adopt rules prescribing a uniform
5 process for kindergarten screening in a manner that facilitates reliable and consistent
6 measurement of statewide kindergarten readiness;

7 5. Requires school administrative units to award high school diplomas based on
8 standards established by rule; and

9 6. Requires that, beginning with the class of 2015, students graduating from high
10 schools demonstrate proficiency in the content areas of English language arts,
11 mathematics, science and technology, social studies and health, physical education and
12 wellness. Beginning with the class of 2018, students graduating from high schools must
13 demonstrate proficiency in the content areas of career and education development;
14 English language arts; world languages; health, physical education and wellness;
15 mathematics; science and technology; social studies; and visual and performing arts.