

MAINE STATE LEGISLATURE

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ONE
R. of S.

L.D. 1253

Date: 6/17/15

(Filing No. H-467)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 853, L.D. 1253, Bill, "An Act To Improve the Evaluation of Public Schools"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve the Evaluation of Elementary and Secondary Schools'

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

'Sec. 1. 20-A MRSA §6214 is enacted to read:

§6214. School assessment system; annual reports

Beginning with the 2017-2018 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the commissioner shall implement a school assessment system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under section 6209, subsection 2 and department rules established pursuant to this chapter.

1. Performance and proficiency measures. The measures of school performance and student proficiency for the school assessment system implemented under this section must include multiple measures of student achievement and may include, but are not limited to, the use of:

A. Summative assessments aligned with the grade-level expectations of the parameters for essential instruction and graduation requirements established under section 6209, subsection 2;

B. Formative assessments that measure student growth over time; and

C. Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal

COMMITTEE AMENDMENT

1 statutes and regulations regarding student assessment as required by the federal No
2 Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

3 **2. Annual reports.** The commissioner shall annually report the statewide and
4 school-level results of the school assessment system implemented under this section with
5 regard to the performance of schools and the proficiency of students in each of the State's
6 elementary and secondary schools.

7 A. The commissioner shall provide each school with a profile of school performance
8 and student proficiency based upon data from the school assessment system.

9 B. When a report is made under this subsection for purposes of comparative analysis
10 of elementary and secondary schools, the reporting mechanisms and the categories
11 reported must be uniform for each school compared at the elementary level or the
12 secondary level.

13 C. Notwithstanding any other provision of this section, the commissioner may not
14 provide a report of the statewide or school-level results of the school assessment
15 system until the final adoption of rules in accordance with subsection 3.

16 **3. Rules.** The department shall adopt rules to implement the school assessment
17 system established pursuant to this section. The rules adopted by the department must
18 specify the methods to be used as part of the annual assessment of the performance of
19 elementary and secondary schools and the proficiency of elementary and secondary
20 school students. Rules adopted pursuant to this subsection are major substantive rules as
21 defined in Title 5, chapter 375, subchapter 2-A.

22 Nothing in this section may be construed to prevent or inhibit the department from
23 providing annual reports of the results of the state assessment program required by
24 section 6204 to meet the federal statutes and regulations pertaining to student assessment
25 as required by the federal No Child Left Behind Act of 2001, 20 United States Code,
26 Chapter 70.

27 **Sec. 2. Task force to design a school assessment system.** The Commissioner
28 of Education shall convene a task force to develop a school assessment system pursuant
29 to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the
30 performance of schools in the State.

31 1. The task force must include, but is not limited to, representatives of the following
32 entities and stakeholder groups:

33 A. Department of Education;

34 B. State Board of Education;

35 C. Teachers;

36 D. Principals;

37 E. Parents;

38 F. Education Research Institute, established under Title 20-A, section 10;

39 G. Students;

40 H. School boards;

12. 12. 12.

COMMITTEE AMENDMENT "A" to H.P. 853, L.D. 1253

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- I. Superintendents; and
 - J. Special education administrators.
2. The school assessment system developed by the task force must include, but is not limited to, the following elements:
- A. Accurate measures of student progress over at least 3 years;
 - B. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least 3 years;
 - C. A peer group comparison that takes into account, but is not limited to, utilization of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income;
 - D. Attendance rates;
 - E. Graduation rates; and
 - F. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.
3. The school assessment system may not use a bell curve, and a school may not be penalized because of the failure of students to take certain standardized tests.
4. The task force shall provide opportunities for the public and interested parties to provide input regarding the development of the school assessment system and shall give notice to the public and interested parties of the task force's meetings during which the public may provide testimony or feedback on the proposed models under consideration by the task force.
5. The task force shall review the requirements of the Maine Revised Statutes, Title 20-A, chapter 222 and the school assessment systems that have been implemented in other states and jurisdictions and shall develop a school assessment system that will best serve the academic and developmental needs of students in this State.
6. The Commissioner of Education shall submit a report on the review required by subsection 5 to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016. The report must include the task force's findings and recommendations and any necessary legislation regarding the implementation of a school assessment system. The committee is authorized to report out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report.
- Sec. 3. Rules.** In adopting the rules required under the Maine Revised Statutes, Title 20-A, section 6214 related to implementing a school assessment system consistent with the requirements of Title 20-A, chapter 222, the Department of Education shall adopt rules that are consistent with the recommendations of the task force convened under section 2 submitted as part of the report required under section 2, subsection 6. The department shall file provisionally adopted major substantive rules with the Legislature by the January 6, 2017 statutory deadline for the submission of major substantive rules to be reviewed by the Legislature.

COMMITTEE AMENDMENT

W. S.

1 **Sec. 4. Appropriations and allocations.** The following appropriations and
2 allocations are made.

3 **EDUCATION, DEPARTMENT OF**

4 **PK-20, Adult Education and Federal Programs Team Z081**

5 Initiative: Provides one-time funds for 2 limited-period Education Specialist III positions
6 and related All Other costs to support the task force created to develop a school
7 assessment system to evaluate the performance of public schools, public charter schools
8 and private schools approved for tuition purposes that enroll at least 60% publicly funded
9 students in the State.

10	GENERAL FUND	2015-16	2016-17
11	Personal Services	\$70,402	\$0
12	All Other	\$38,176	\$0
13			
14	GENERAL FUND TOTAL	\$108,578	\$0
15			

16 **SUMMARY**

17 This amendment replaces the concept draft with a bill that does the following:

18 1. It provides that, beginning with the 2017-2018 school year and only after the
19 adoption of major substantive rules by the Department of Education, for public schools,
20 public charter schools and private schools approved for tuition purposes that enroll at
21 least 60% publicly funded students, the Commissioner of Education shall implement a
22 school assessment system to measure school performance and student proficiency in
23 achieving the knowledge and skills described in the parameters for essential instruction
24 and graduation requirements established under the Maine Revised Statutes, Title 20-A,
25 section 6209, subsection 2 and the Department of Education's rule Chapter 132: Learning
26 Results: Parameters for Essential Instruction;

27 2. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222,
28 the commissioner may not provide a report of the statewide or school-level results of the
29 school assessment system until the final adoption of department rules adopted in
30 accordance with Title 20-A, section 6214, subsection 3. It provides that the rules must be
31 consistent with the recommendations reported by the task force established in this
32 amendment. It also provides that this law may not be construed to prevent or inhibit the
33 department from providing reports to comply with the federal statutes and regulations
34 pertaining to student assessment as required by the federal No Child Left Behind Act of
35 2001;

36 3. It directs the commissioner to convene a task force to review school assessment
37 systems that have been implemented in other states and to develop a system to evaluate
38 and rate the performance of schools in this State;

39 4. It provides that the commissioner must report the task force's findings,
40 recommendations and any necessary legislation with respect to the implementation of a
41 school assessment system to the Joint Standing Committee on Education and Cultural

COMMITTEE AMENDMENT

11. 3.

COMMITTEE AMENDMENT "A" to H.P. 853, L.D. 1253

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Affairs no later than January 15, 2016 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report; and

5. It provides that the department must file provisionally adopted major substantive rules by January 6, 2017 to implement the school assessment system and that the rules must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students beginning with the 2017-2018 school year.

This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1253

LR 1798(02)

An Act To Improve the Evaluation of Public Schools

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

A. (H-467)

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$108,578	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$108,578	\$0	\$0	\$0

Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$108,578 in fiscal year 2015-16 to the PK-20, Adult Education and Federal Programs Team within the Department of Education for 2 limited-period Education Specialist III positions and related all other costs to support the task force created to design a school assessment system to evaluate the performance of public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students in the State. The appropriation is to support the costs of the positions and the task force from October 1, 2015 through January 31, 2016.

The Department of Education indicates that it may require additional positions to support the increased workload associated with implementing a school assessment system to measure school performance and student proficiency that includes multiple measures of student achievement for the 2017-2018 school year. The department also indicates that the costs of implementing additional assessments beyond the summative assessments currently implemented by the State could be approximately \$7.0 million per year. This estimate is based on the assumption that, for any additional assessment required from the State for use in school evaluations, an alternate assessment for severely cognitively delayed students must also be developed. This fiscal note does not include General Fund appropriations to fund the positions or the additional assessments. However, depending on the recommendations of the task force and legislation reported out of the Education and Cultural Affairs Committee during the second regular session of the 127th Legislature to implement the recommendations, additional General Fund appropriations may be required.