

# 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)

8/18/14

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: 4/8/14

L.D. 1253  
(Filing No. H-658)

**EDUCATION AND CULTURAL AFFAIRS**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "B" 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 accountability system; annual reports**

Beginning with the 2018-2019 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 accountability 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 that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations.

**1. Performance and proficiency measures.** The measures of school performance and student proficiency for the school accountability system implemented under this section must include multiple measures of student achievement and:

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations;

B. Use measures of student proficiency in all content areas of the learning results and the guiding principles using data gathered under section 4722-A, subsection 5;

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

**COMMITTEE AMENDMENT**

2015

1 D. As available, use measures of postsecondary readiness, persistence and  
2 completion;

3 E. Establish a school administrative unit's eligibility and priority for targeted state  
4 funding for school improvement and support under section 15688-A, subsection 5  
5 and other applicable targeted funds authorized under section 15688-A; and

6 F. May include, but are not limited to, the use of:

7 (1) Summative assessments aligned with the grade-level expectations of the  
8 parameters for essential instruction and graduation requirements established  
9 under section 6209, subsection 2;

10 (2) Interim assessments that measure student growth over time; and

11 (3) Information from the state assessment program under section 6204 on student  
12 achievement reported by the department in compliance with applicable federal  
13 statutes and regulations regarding student assessment.

14 **2. Annual reports.** As provided in the federal Every Student Succeeds Act of 2015,  
15 20 United States Code, Section 6311(h), the commissioner shall annually report the  
16 statewide and school-level results of the school accountability system implemented under  
17 this section with regard to the performance of schools and the proficiency of students in  
18 each of the State's elementary and secondary schools.

19 A. The commissioner shall provide each school with a profile of school performance  
20 and student proficiency based upon data from the school accountability system.

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

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

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

34 Nothing in this section may be construed to prevent or inhibit the department from  
35 providing annual reports of the results of the state assessment program required by  
36 section 6204 to comply with the federal statutes and regulations pertaining to student  
37 assessment.

38 **Sec. 2. Developing state plan for school accountability system.** The  
39 Department of Education is designated as the state educational agency responsible for  
40 carrying out the State's obligations under the federal Every Student Succeeds Act of 2015,  
41 20 United States Code, Section 6311(a), including consulting with a state committee of

# COMMITTEE AMENDMENT

1 practitioners established in accordance with 20 United States Code, Section 6573(b) to  
2 develop and monitor the implementation of the state plans to be filed with the United  
3 States Secretary of Education for compliance with federal law and regulations related to  
4 the eligibility of state educational agencies to be awarded federal grants pursuant to 20  
5 United States Code, Section 6311(a). In order to facilitate the development of a school  
6 accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to  
7 evaluate and rate the performance of schools in the State in accordance with the  
8 applicable federal statutes and regulations pertaining to the development of a state plan  
9 that describes a statewide accountability system that includes school-level results under  
10 20 United States Code, Section 6311, the Department of Education shall consult with the  
11 representatives of the entities and stakeholders in the school accountability work group in  
12 subsection 1 who must be included among the interested parties described in 20 United  
13 States Code, Section 6311(a)(1)(A) and shall serve as members of the committee of  
14 practitioners established in accordance with 20 United States Code, Section 6573(b).

15 1. The Department of Education shall appoint a school accountability work group to  
16 develop a school accountability system in accordance with this section, which must  
17 include, but is not limited to, representatives of the following entities and stakeholders:

- 18 A. Department of Education;
- 19 B. State Board of Education;
- 20 C. Teachers;
- 21 D. Principals;
- 22 E. Parents;
- 23 F. Education Research Institute, established under Title 20-A, section 10;
- 24 G. Students;
- 25 H. School boards;
- 26 I. Superintendents;
- 27 J. Special education administrators; and
- 28 K. Curriculum leaders.

29 2. The school accountability system considered by the work group must include, but  
30 is not limited to, the following elements:

- 31 A. Accurate measures of student progress over at least 3 years;
- 32 B. Rates of postsecondary school attendance and enlistment in the United States  
33 Armed Forces over at least 3 years;
- 34 C. A peer group comparison that takes into account, but is not limited to, utilization  
35 of special education services, the number of students eligible for free or reduced-price  
36 meals, local and county unemployment data and median household income;
- 37 D. Attendance rates;
- 38 E. Graduation rates; and

1 F. Interviews with parents of students, members of governing boards of school  
2 administrative units, teachers and other education leaders about the overall school  
3 environment.

4 3. The school accountability system may not use a bell curve, and a school may not  
5 be penalized because of the failure of students to take certain standardized tests.

6 4. The work group shall provide opportunities for the public and interested  
7 parties to provide input regarding the development of the school accountability system  
8 and shall give notice to the public and interested parties of the work group's meetings  
9 during which the public may provide information or feedback on the proposed models  
10 under consideration by the work group.

11 5. The work group shall review the requirements of the Maine Revised Statutes, Title  
12 20-A, chapter 222 and the school accountability systems that have been implemented in  
13 other states and jurisdictions and shall develop a school accountability system that will  
14 best serve the academic and developmental needs of students in this State.

15 6. The Commissioner of Education shall submit an interim report on the review  
16 required by subsection 5 and a final report on the review required by subsection 5 to the  
17 joint standing committee of the Legislature having jurisdiction over education matters no  
18 later than January 15, 2017. The report must include the work group's findings and  
19 recommendations and any necessary legislation regarding the implementation of a school  
20 accountability system. The committee is authorized to report out a bill to the First  
21 Regular Session of the 128th Legislature related to the recommendations included in this  
22 report.

23 Nothing in this section may be construed to prevent or inhibit the Department of  
24 Education from developing a school accountability system pursuant to the Maine Revised  
25 Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the  
26 State in accordance with the applicable federal statutes and regulations pertaining to the  
27 development of a state plan that describes a statewide accountability system that includes  
28 school-level results under the federal Every Student Succeeds Act of 2015, 20 United  
29 States Code, Section 6311(h).

30 **Sec. 3. Rules.** In adopting the rules required under the Maine Revised Statutes,  
31 Title 20-A, section 6214 related to implementing a school accountability system  
32 consistent with the requirements of Title 20-A, chapter 222, the Department of Education  
33 shall adopt rules that are consistent with the recommendations of the work group  
34 convened under section 2 submitted as part of the report required under section 2,  
35 subsection 6. The department shall file provisionally adopted major substantive rules  
36 with the Legislature by the January 5, 2018 statutory deadline for the submission of major  
37 substantive rules to be reviewed by the Legislature.'

38 **SUMMARY**

39 This amendment replaces the bill, which is a concept draft, with language that does  
40 the following:

41 1. It provides that, beginning with the 2018-2019 school year and only after the  
42 adoption of major substantive rules by the Department of Education, for public schools,

1 public charter schools and private schools approved for tuition purposes that enroll at  
2 least 60% publicly funded students, the Commissioner of Education shall implement a  
3 school accountability system to measure school performance and student proficiency in  
4 achieving the knowledge and skills described in the parameters for essential instruction  
5 and graduation requirements established under the Maine Revised Statutes, Title 20-A,  
6 section 6209, subsection 2. The measures of school performance and student proficiency  
7 for the school accountability system must also:

8 A. Align with components of the state accountability system required to ensure  
9 equity in educational opportunity;

10 B. Use data gathered related to measures of student proficiency in all content areas  
11 of the learning results and the guiding principles; and

12 C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame  
13 for high school graduation rates;

14 2. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222,  
15 the commissioner may not provide a report of the statewide or school-level results of the  
16 school accountability system until the final adoption of department rules adopted in  
17 accordance with Title 20-A, section 6214, subsection 3. It provides that the rules must be  
18 consistent with the recommendations reported by the work group established in this  
19 amendment. It also provides that this law may not be construed to prevent or inhibit the  
20 department from providing reports to comply with the federal statutes and regulations  
21 pertaining to student assessment, as required by the federal Every Student Succeeds Act  
22 of 2015 and related regulations;

23 3. It directs the commissioner to convene a work group to review school  
24 accountability systems that have been implemented in other states and to develop a  
25 system to evaluate and rate the performance of schools in this State;

26 4. It provides that the commissioner must report the work group's findings,  
27 recommendations and any necessary legislation with respect to the implementation of a  
28 school accountability system to the joint standing committee of the Legislature having  
29 jurisdiction over education matters no later than January 15, 2017 and authorizes the joint  
30 standing committee to report out a bill to the First Regular Session of the 128th  
31 Legislature related to the recommendations included in this report; and

32 5. It provides that the department must file provisionally adopted major substantive  
33 rules by January 5, 2018 to implement the school accountability system and that the rules  
34 must specify the methods to be used as part of the annual assessment of the performance  
35 of elementary and secondary schools and the proficiency of elementary and secondary  
36 school students beginning with the 2018-2019 school year.

37 **FISCAL NOTE REQUIRED**

38 **(See attached)**



# 127th MAINE LEGISLATURE

LD 1253

LR 1798(05)

An Act To Improve the Evaluation of Elementary and Secondary Schools

Fiscal Note for Bill as Amended by Committee Amendment 'B' (H-658)  
Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

---

## Fiscal Note

Potential future biennium cost increase - General Fund

### Fiscal Detail and Notes

The legislation requires the Department of Education to develop and implement a school accountability system to measure school performance and student proficiency beginning with the 2018-2019 school year and to provide an annual report of the statewide and school-level results of the performance of schools and proficiency of students in each of the State's elementary and secondary schools that meet the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Chapter 70 and related regulations. According to the Department, accountability reporting requirements for the Every Student Succeeds Act (ESSA) have not yet been established so the department does not know if the requirements in this legislation exceed what will be required on the federal level. Any requirements that go beyond what is required under ESSA can not be funded with federal dollars and will require General Fund support in order to be completed.