# MAINE STATE LEGISLATURE

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## 127th MAINE LEGISLATURE

### FIRST REGULAR SESSION-2015

**Legislative Document** 

No. 1276

H.P. 872

House of Representatives, April 9, 2015

An Act To Improve Educational Assessments of Maine Students

(EMERGENCY)

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

ROBERT B. HUNT
Clerk

Presented by Representative McCLELLAN of Raymond.

Cosponsored by Representatives: CRAFTS of Lisbon, HANINGTON of Lincoln, HANLEY of Pittston, HILLIARD of Belgrade, TIMMONS of Cumberland, TUELL of East Machias, WALLACE of Dexter.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** school administrative units administer the Maine Educational Assessment, a statewide assessment, as produced by the Smarter Balanced Assessment Consortium, of which Maine is a member; and

**Whereas,** serious questions about the Maine Educational Assessment, as produced by the Smarter Balanced Assessment Consortium, have been raised by education experts, and other member states are withdrawing from the consortium, raising serious questions about the viability of the consortium; and

**Whereas,** this Act requires the Department of Education to terminate membership in the Smarter Balanced Assessment Consortium on July 1, 2015 and to adopt an alternative method of assessment; and

Whereas, it is unlikely that the 90-day period will end before that date; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §6205,** as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, is amended to read:

#### §6205. Assessment data

The department shall provide each school with assessment data on individual students. Such assessment data shall become becomes part of the student's educational record and shall must be made available to the parents of each student or student of majority age in accordance with local school policies. It shall Assessment data must be held confidential from unauthorized persons in accordance with the confidentiality provisions of this Title and federal law, and personally identifying information of a student may only be disseminated by the express written permission from each parent of the student or, if of majority age, the student.

**Sec. 2. 20-A MRSA §6211,** as enacted by PL 2001, c. 454, §33, is amended to read:

#### §6211. Rulemaking

The commissioner shall develop rules to accomplish the purposes of this chapter. Rules adopted pursuant to this chapter, including the participation in or entering into any agreement with an organization, consortium or association to accomplish the purposes of this chapter, are major substantive rules as defined in Title 5, chapter 375, subchapter H-A 2-A.

Sec. 3. Department of Education to adopt education assessment that does **not collect personal student data.** On July 1, 2015, the Department of Education shall terminate the State's membership in the Smarter Balanced Assessment Consortium and the use of the Maine Educational Assessment used to assess student achievement in The department shall adopt a method of education the 2014-2015 school year. assessment pursuant to the Maine Revised Statutes, Title 20-A, section 6202 for the 2015-2016 school year and each school year thereafter that complies with federal law but does not collect or disseminate personal data and attributes of students, such as attitudes, values, motivations, stereotypes and feelings. The method of assessment must be developed with direct input from teachers, parents and school boards and specifically address the needs of students and citizens of the State. State resources may not be used to support or advance an assessment that is aligned with the so-called common core state standards initiated and adopted by several states. If the method of education assessment required to be adopted under section 6202 is under development and not available for use in the 2015-2016 school year, the school board of each school administrative unit shall determine the English language arts and mathematics content standards that will be used in the schools within its respective school administrative unit and shall determine the manner in which the unit's students will be assessed until the new method of education assessment has been formally adopted.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

22 SUMMARY

This bill:

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- 1. Directs the Department of Education to terminate the State's membership in the Smarter Balanced Assessment Consortium and adopt a method of education assessment that complies with federal law but does not collect or disseminate personal data and attributes of students, such as attitudes, values, motivations, stereotypes or feelings;
- 2. Requires that a state assessment of student achievement be developed with direct input from teachers, parents and school boards and specifically address the needs of students and citizens of the State;
- 3. Requires that personally identifying data of a student derived from a state assessment of student achievement be disseminated only with the express written permission of each of the student's parents or guardians;
- 4. Requires that the State's participation in or entrance into an agreement with an organization, consortium or association in establishing or implementing standards and a state assessment of student performance be done through major substantive rules; and
- 5. Prohibits a state assessment of student achievement from being aligned with the so-called common core state standards initiated and adopted by several states.