

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1396

H.P. 946

House of Representatives, May 7, 2015

An Act Regarding Educational Standards for Maine Students

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GERRISH of Lebanon.
Cosponsored by Senator EDGECOMB of Aroostook and
Representatives: ESPLING of New Gloucester, FOLEY of Wells, HIGGINS of Dover-
Foxcroft, HOBART of Bowdoinham, McCABE of Skowhegan, McCLELLAN of Raymond,
TUELL of East Machias, Senator: MASON of Androscoggin.

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

2 **Sec. 1. 20-A MRSA §4706, sub-§2**, as repealed and replaced by PL 2003, c. 510,
3 Pt. B, §5, is amended to read:

4 **2. Maine studies.** Maine history, including the Constitution of Maine, Maine
5 geography and environment and the natural, industrial and economic resources of Maine
6 and Maine's cultural and ethnic heritage, must be taught. A required component of Maine
7 studies is Maine Native American studies, ~~which must be included in the review of~~
8 ~~content standards and performance indicators of the learning results conducted in~~
9 ~~accordance with section 6209, subsection 4.~~ The Maine Native American studies must
10 address the following topics:

- 11 A. Maine tribal governments and political systems and their relationship with local,
12 state, national and international governments;
- 13 B. Maine Native American cultural systems and the experience of Maine tribal
14 people throughout history;
- 15 C. Maine Native American territories; and
- 16 D. Maine Native American economic systems.

17 **Sec. 2. 20-A MRSA §6202, sub-§3** is enacted to read:

18 **3. College and career readiness.** The commissioner shall adopt a system of college
19 and career readiness assessments, referred to in this section as "the assessments," to
20 assess whether students upon graduating from high school are ready to enter college or a
21 career. The commissioner shall convene a commission that includes teachers, college or
22 university professors, parents, school board members, national experts, state experts and
23 education consultants to provide advice, guidance and recommendations for the
24 alignment of content standards to the assessments and the design of the examinations
25 included in the assessments. The assessments must be approved by the state board and
26 the Education Coordinating Committee established under section 9.

27 A. The commission convened by the commissioner must include college or
28 university professors specializing in specific content areas to develop standards for
29 secondary school students.

30 B. For students who enter grade 9 on or after July 1, 2015, the assessments must be
31 aligned with the standards for awarding high school diplomas prescribed in chapter
32 207-A, subchapter 3, provide a measure of student performance and be one
33 determinant of student eligibility for a high school diploma.

34 **Sec. 3. 20-A MRSA §6209, first ¶**, as amended by PL 2009, c. 647, §1, is further
35 amended to read:

36 Nothing in this section requires any school administrative unit to use all or any part of
37 standards adopted under this section. Notwithstanding any other provision of law, no
38 state funds may be withheld from a school administrative unit or school for refusal to
39 adopt or use the standards established under this section. The department in consultation

1 with the state board shall by rule establish and implement a comprehensive, statewide
2 system of learning results, which ~~may~~ must include ~~a core of~~ standards in English
3 language arts ~~and~~, mathematics, science and social studies for kindergarten to grade 12
4 ~~established in common with the other states~~, as set forth in this section and in department
5 rules implementing this section and other curricular requirements. The department ~~must~~
6 shall establish accountability standards at all grade levels in the areas of mathematics;
7 reading and writing; social studies; and science ~~and technology~~. The department shall
8 establish parameters for essential instruction and graduation requirements in English
9 language arts; mathematics; science ~~and technology~~; social studies; career and education
10 development; visual and performing arts; health, physical education and wellness; and
11 world languages. Only students in a public school or a private school approved for
12 tuition that enrolls at least 60% publicly funded students, as determined by the previous
13 school year's October and April average enrollment, are required to participate in the
14 system of learning results set forth in this section and in department rules implementing
15 this section and other curricular requirements. The commissioner shall develop
16 accommodation provisions for instances where course content conflicts with sincerely
17 held religious beliefs and practices of a student's parent or guardian. The system must be
18 adapted to accommodate children with disabilities as defined in section 7001, subsection
19 1-A. The commissioner may not adopt any model curricula that are aligned with the
20 content standards adopted under this section.

21 **Sec. 4. 20-A MRSA §6209, sub-§1-A**, as enacted by PL 2007, c. 259, §5, is
22 amended to read:

23 **1-A. Accountability standards.** ~~Each student must be assessed~~ Assessment of
24 students by means of a statewide assessment must be in the following areas:

- 25 A. Reading and writing;
- 26 B. Mathematics; ~~and~~
- 27 C. Science, ~~in those content areas concerning cells and continuity and change;~~ and
- 28 D. Social studies.

29 **Sec. 5. 20-A MRSA §6209, sub-§4**, as amended by PL 2013, c. 244, §2, is
30 repealed.

31 **Sec. 6. 20-A MRSA §6209, sub-§§5 and 6** are enacted to read:

32 **5. Limitation on release of certain information.** If the Federal Government
33 requires as a condition of a federal education grant relating to the development or
34 implementation of content standards that the grant recipient provide personally
35 identifiable information of students or teachers, the grant recipient shall provide
36 aggregate data only, unless the grant recipient receives informed written consent to
37 release the personally identifiable information of a student from the student's parent or
38 guardian or informed written consent to release personally identifiable information of a
39 teacher from the teacher.

40 **6. Parental right to opt out.** A student's parent or guardian may submit a written
41 request to a school administrative unit to excuse the student from any standardized

1 examination that is part of the system of learning results established in this section. The
2 school administrative unit shall comply with the request and excuse the student in
3 conformance with the request.

4 A. A school administrative unit:

5 (1) May not penalize a student who is excused from an examination pursuant to
6 this subsection;

7 (2) Shall inform parents and guardians of students of the option to excuse a
8 student from an examination pursuant to this subsection;

9 (3) Shall provide a student excused from an examination with an educational
10 activity while the examination is being administered; and

11 (4) Shall post the form created by the department under paragraph B,
12 subparagraph (2) on the school administrative unit's publicly accessible website.

13 B. The department:

14 (1) May not penalize a school for excusing a student from an examination
15 pursuant to this subsection;

16 (2) Shall create a form a parent or guardian can use to request that a student be
17 excused from an examination under this subsection and shall post the form on the
18 department's publicly accessible website; and

19 (3) Shall notify parents and guardians of students of the option to excuse a
20 student from an examination under this subsection by posting notice on the
21 department's publicly accessible website.

22 C. A teacher may inform a parent or guardian of the option to excuse a student from
23 an examination pursuant to this subsection without penalty.

24 **Sec. 7. Revocation and replacement of the common core state standards**
25 **and assessments.** For the 2015-2016 school year, the Department of Education shall
26 furnish and school administrative units and schools shall administer the assessments for
27 elementary and secondary schools implemented during the 2013-2014 school year
28 pursuant to the statewide assessment in place during the 2013-2014 school year.

29 **1. Revocation.** The content standards of the system of learning results for English
30 language arts and mathematics that were formulated to align with the common core state
31 standards pursuant to Public Law 2009, chapter 647, section 1 are void at the end of the
32 2015-2016 school year.

33 **2. Replacement of current content standards and assessments.** The Department
34 of Education:

35 A. Notwithstanding the Maine Revised Statutes, Title 20-A, section 6211, shall by
36 routine technical rule replace the current content standards in English language arts
37 and mathematics adopted under Title 20-A, section 6209 with new standards that are
38 consistent with the standards in effect in the Commonwealth of Massachusetts in
39 2009. The standards adopted under this section must be, as much as possible,
40 identical to those adopted by Massachusetts, except when a Maine context requires

1 otherwise. The content standards apply to the 2016-2017, 2017-2018 and 2018-2019
2 school years;

3 B. Notwithstanding Title 20-A, section 6211, shall by routine technical rule amend
4 Rule Chapter 131, The Maine Federal, State, and Local Accountability Standards,
5 and Rule Chapter 132, Learning Results: Parameters for Essential Instruction, to
6 include in the statewide system of learning results and assessments a core of English
7 language arts, mathematics, science and social studies standards for kindergarten to
8 grade 12 students aligned with the content standards in effect in the Commonwealth
9 of Massachusetts in 2009. The content standards for kindergarten to grade 12
10 included in these amended rules must clarify for students the relevance of English
11 language arts, mathematics, science and social studies to everyday life and help
12 students become successful analytical thinkers prepared for postsecondary education,
13 careers and civic life. The core applies to the 2016-2017, 2017-2018 and 2018-2019
14 school years;

15 C. Notwithstanding Title 20-A, section 6211, shall by routine technical rule adopt,
16 not later than 90 days after the effective date of the bill, assessments for elementary
17 and secondary schools in English language arts and mathematics that are aligned with
18 the content standards adopted under paragraph A. The assessments apply to the
19 2016-2017, 2017-2018 and 2018-2019 school years; and

20 D. Shall adopt the new content standards and assessments in accordance with
21 subsection 3 so that they are in place beginning with the 2019-2020 school year.

22 **3. Independent statewide content standards; assessments.** By June 30, 2017,
23 subject to the approval required under section 8, the department shall provisionally adopt
24 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A establishing
25 new statewide content standards for kindergarten and for each grade from grade 1 to
26 grade 12 in English language arts, mathematics, science and social studies, for use
27 beginning with the 2019-2020 school year, that are distinct and independent from the
28 standards previously adopted by the department pursuant to Public Law 2009, chapter
29 647, section 1. The department shall also develop and adopt by June 30, 2019
30 assessments for elementary and secondary schools in English language arts and
31 mathematics that are aligned with the new content standards for use beginning with the
32 2019-2020 school year. The statewide content standards must:

33 A. Be limited to English language arts, mathematics, science and social studies;

34 B. Emphasize coherence, focus and essential knowledge and must be more
35 challenging and demanding when compared to international standards;

36 C. Include the essential academic content and skills that students are expected to
37 know and to have at each grade level;

38 D. Promote lifelong learning by providing essential knowledge and skills based in
39 the liberal arts tradition as well as science, technology, engineering, mathematics and
40 career and technical education; and

41 E. Be clearly written, transparent and understandable by parents, educators and the
42 general public.

- 1 **4. Restrictions.** In developing the statewide content standards under this section:
- 2 A. An official, employee or agent of the State whether appointed or elected may not:
- 3 (1) Enter into any agreement or memorandum of understanding with any Federal
- 4 Government agency or private entity that would require the State to abdicate any
- 5 measure of control over the development, adoption or revision of the content
- 6 standards in the system of learning results; or
- 7 (2) Join on behalf of the State or a state agency any consortium, association or
- 8 other entity when such membership would require the State or a school board to
- 9 concede any measure of control over education, including academic content
- 10 standards and assessments of such standards; and
- 11 B. The department may not:
- 12 (1) Adopt or implement the content standards for English language arts and
- 13 mathematics developed by the common core state standards initiative or any
- 14 similar initiative process or program; or
- 15 (2) Use the assessments developed by the Smarter Balanced Assessment
- 16 Consortium or the Partnership for Assessment of Readiness for College and
- 17 Careers or any other assessments related to or based on the common core state
- 18 standards.

19 **Sec. 8. Committees.** The following committees are established to review and

20 approve statewide content standards developed by the department pursuant to section 7.

21 **1. Membership.** Members of committees must be appointed in accordance with this

22 subsection. Appointed members of each committee serve at the pleasure of the

23 appointing authority.

24 A. The English language arts academic standards review committee is established to

25 review and approve content standards in the subject of English language arts. The

26 committee consists of the following members:

- 27 (1) Three experts who have no vested interest with a special interest group or a
- 28 nonprofit group who are residents of this State and who primarily conduct
- 29 research, provide instruction, currently work or possess an advanced degree in
- 30 the subject area. One expert is appointed by the President of the Senate, one by
- 31 the Speaker of the House of Representatives and one by the Governor;
- 32 (2) One parent or guardian of a student, appointed by the President of the Senate;
- 33 (3) Four educators who are currently teaching in classrooms, including one
- 34 college or university professor, one secondary school teacher, one middle school
- 35 teacher and one elementary school teacher, appointed by the Speaker of the
- 36 House of Representatives;
- 37 (4) The Chancellor of the University of Maine System or the chancellor's
- 38 designee; and

1 (5) A member of the State Board of Education who is selected by a majority of
2 the members of the State Board of Education, who shall serve as the chair of the
3 committee.

4 B. The mathematics academic standards review committee is established to review
5 and approve academic content standards in the subject of mathematics. The
6 committee consists of the following members:

7 (1) Three experts who have no vested interest with a special interest group or a
8 nonprofit group who are residents of this State and who primarily conduct
9 research, provide instruction, currently work or possess an advanced degree in
10 the subject area. One expert is appointed by the President of the Senate, one by
11 the Speaker of the House of Representatives and one by the Governor;

12 (2) One parent or guardian of a student, appointed by the Speaker of the House
13 of Representatives;

14 (3) Four educators who are currently teaching in classrooms, including one
15 college or university professor, one secondary school teacher, one middle school
16 teacher and one elementary school teacher, appointed by the President of the
17 Senate;

18 (4) The Chancellor of the University of Maine System or the chancellor's
19 designee; and

20 (5) A member of the State Board of Education who is selected by a majority of
21 the members of the State Board of Education, who shall serve as the chair of the
22 committee.

23 C. The science academic standards review committee is established to review and
24 approve academic content standards in the subject of science. The committee
25 consists of the following members:

26 (1) Three experts who have no vested interest with a special interest group or a
27 nonprofit group who are residents of this State and who primarily conduct
28 research, provide instruction, currently work or possess an advanced degree in
29 the subject area. One expert is appointed by the President of the Senate, one by
30 the Speaker of the House of Representatives and one by the Governor;

31 (2) One parent or guardian of a student, appointed by the Speaker of the House
32 of Representatives;

33 (3) Four educators who are currently teaching in classrooms, including one
34 college or university professor, one secondary school teacher, one middle school
35 teacher and one elementary school teacher, appointed by the President of the
36 Senate;

37 (4) The Chancellor of the University of Maine System or the chancellor's
38 designee; and

39 (5) A member of the State Board of Education who is selected by a majority of
40 the members of the State Board of Education, who shall serve as the chair of the
41 committee.

1 D. The social studies academic standards review committee is established to review
2 and approve academic content standards in the subject of social studies. The
3 committee consists of the following members:

4 (1) Three experts who have no vested interest with a special interest group or a
5 nonprofit group who are residents of this State and who primarily conduct
6 research, provide instruction, currently work or possess an advanced degree in
7 the subject area. One expert is appointed by the President of the Senate, one by
8 the Speaker of the House of Representatives and one by the Governor;

9 (2) One parent or guardian of a student, appointed by the Speaker of the House
10 of Representatives;

11 (3) Four educators who are currently teaching in classrooms, including one
12 college or university professor, one secondary school teacher, one middle school
13 teacher and one elementary school teacher, appointed by the President of the
14 Senate;

15 (4) The Chancellor of the University of Maine System or the chancellor's
16 designee; and

17 (5) A member of the State Board of Education who is selected by a majority of
18 the members of the State Board of Education, who shall serve as the chair of the
19 committee.

20 **2. Review and approval.** Each committee created under this section shall review
21 and approve the academic content standards for its respective subject area to ensure that
22 such standards are clear, concise and appropriate for each grade level and promote higher
23 student performance, learning, subject matter comprehension and improved student
24 achievement. Each committee also shall review whether the standards for its respective
25 subject area promote essential knowledge in the subject, lifelong learning, the liberal arts
26 tradition and college and career readiness and whether the standards reduce remediation.
27 Each committee shall determine whether the assessments submitted to that committee are
28 appropriate for the committee's respective subject area and meet the academic content
29 standards in the Maine Revised Statutes, Title 20-A, section 6209 and community
30 expectations.

31 **3. Comparison of content standards.** In addition to its duties under subsection 2,
32 each committee shall compare the content standards in English language arts,
33 mathematics, science or social studies adopted under section 7, subsection 2 with the
34 content standards in English language arts, mathematics, science or social studies that
35 were previously adopted by the Department of Education pursuant to Public Law 2009,
36 chapter 313, section 19 and Public Law 2009, chapter 647, section 1. Each committee
37 shall compile a report detailing substantial similarities between these sets of content
38 standards and recommend that the department include those similar items in the new
39 content standards. The committees shall submit the reports required under this section to
40 the department no later than December 31, 2016.

41 **4. Department support.** The Department of Education shall provide administrative
42 support for each committee created under this section.

1 Maine's standards are, as much as possible, identical to those adopted by Massachusetts,
2 except when a Maine context requires otherwise;

3 3. Specifies that the content standards that are based on the Massachusetts standards
4 are effective for the 2016-2017, 2017-2018 and 2018-2019 school years only;

5 4. Requires the Department of Education, by June 30, 2017, to adopt new content
6 standards for kindergarten and for each of grades 1 to 12 in English language arts,
7 mathematics, science and social studies that are distinct and independent from the
8 standards previously adopted by the Department of Education so that they are in place
9 beginning with the 2019-2020 school year;

10 5. States that a school administrative unit is not required to use all or any part of the
11 content standards adopted by the Department of Education;

12 6. Prohibits the Commissioner of Education from adopting any model curricula that
13 are aligned with the content standards; and

14 7. Prohibits the Department of Education, the State Board of Education and any
15 other state official, board or agency from adopting or revising any content standards in
16 English language arts, mathematics, science or social studies until the new or revised
17 standards are approved in accordance with the bill.

18 With regard to assessments, the bill:

19 1. Prohibits the Department of Education from using the assessments developed by
20 the Smarter Balanced Assessment Consortium or the Partnership for Assessment of
21 Readiness for College and Careers during the 2015-2016 school year or any school year
22 thereafter; and also prohibits the department beginning with the 2015-2016 school year
23 from using the assessments related to or based on the common core state standards by the
24 Smarter Balanced Assessment Consortium, the Partnership for Assessment of Readiness
25 for College and Careers or any other consortium of states working together to develop a
26 set of assessments that measure whether students are on track to be successful in college
27 and their careers;

28 2. For the 2015-2016 school year, requires the Department of Education to furnish
29 and school administrative units and schools to administer the assessments for elementary
30 and secondary schools that were administered during the 2013-2014 school year,
31 including the New England Common Assessment Program for grades 3 to 8 and the
32 Maine High School Assessment testing program for grade 11 that includes the SATs in
33 reading, mathematics and writing, as well as the Maine High School Assessment science
34 test that was developed in collaboration with Measured Progress;

35 3. Requires the Department of Education to adopt or develop, not later than 90 days
36 after the effective date of the bill, assessments for elementary and secondary schools in
37 English language arts and mathematics that are aligned with the State's version of
38 Massachusetts content standards for use only during the 2016-2017, 2017-2018 and 2018-
39 2019 school years;

1 4. Requires the Department of Education to adopt or develop by June 30, 2019
2 assessments for elementary and secondary schools in English language arts and
3 mathematics that are aligned with the new standards for use during the 2019-2020 school
4 year and each school year thereafter;

5 5. Specifies that the nationally standardized assessment that is required as part of the
6 statewide educational assessment program must be a nationally recognized, norm-
7 referenced assessment, instead of a nationally standardized assessment as under current
8 law and adds the requirement that it measure college and career readiness; and

9 6. Requires that a school administrative unit excuse a student from standardized
10 assessments at the written request of the student's parent or guardian and establishes
11 requirements for school administrative units and the Department of Education related to
12 excusing a student.

13 With regard to the comparison of standards and assessments, the bill:

14 1. Requires the Department of Education to compare and publish on its website a
15 comparison of the new content standards in English language arts, mathematics, science
16 and social studies that will be effective in the 2019-2020 school year with Maine's state
17 standards and the parameters for essential instruction and graduation requirements and to
18 submit a report to the Legislature and Governor outlining the results of the comparison of
19 the standards; and

20 2. Requires the subcommittees in the content areas of English language arts,
21 mathematics, science and social studies to compare the content standards in English
22 language arts, mathematics, science and social studies with the content standards that
23 were previously adopted by the Department of Education pursuant to Public Law 2009,
24 chapter 313, section 19 and Public Law 2009, chapter 647, section 1.

25 With regard to the release of personally identifiable data, the bill:

26 1. Specifies that, if the Federal Government requires a grant recipient to provide
27 personally identifiable information of students or teachers as a condition of a federal
28 education grant relating to content standards, only aggregate data may be provided for
29 that purpose; and

30 2. Prohibits a federal grant recipient from releasing personally identifiable
31 information without informed written consent of the student's parent or guardian for a
32 student's information or of the teacher for a teacher's information.