

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1627

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S.P. 660

In Senate, March 1, 2016

### **An Act To Implement Certain Recommendations of the Maine Proficiency Education Council**

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Reported by Senator LANGLEY of Hancock for the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Rule 353.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

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

2 **Sec. 1. 20-A MRSA §4511, sub-§3, ¶J** is enacted to read:

3 J. The school demonstrates evidence of sufficient capacity through multiple  
4 pathways as set out in section 4703 for students to reach proficiency in each of the  
5 content areas of the system of learning results established under section 6209 and in  
6 each of the guiding principles set forth in department rules governing implementation  
7 of the system of learning results established pursuant to section 6209.

8 **Sec. 2. 20-A MRSA §4722-A**, as amended by PL 2015, c. 267, Pt. C, §3; c. 342,  
9 §1; and c. 367, §1; and corrected by RR 2015, c. 1, §14, is further amended to read:

10 **§4722-A. Proficiency-based diploma standards and transcripts**

11 Beginning January 1, 2017, a diploma indicating graduation from a secondary school  
12 must be based on student demonstration of proficiency as described in this section. The  
13 commissioner may permit a school administrative unit to award diplomas under this  
14 section prior to January 1, 2017 if the commissioner finds that the unit's plan for  
15 awarding diplomas meets the criteria for proficiency-based graduation under this section.

16 **1. Requirements for award of diploma.** In order to ~~receive~~ award to a student a  
17 diploma indicating graduation from secondary school, a ~~student~~ school subject to the  
18 system of learning results established under section 6209 must:

19 A. Demonstrate that the student engaged in educational experiences relating to  
20 English language arts, mathematics and science and technology in each year of the  
21 student's secondary schooling;

22 B. ~~Demonstrate~~ Certify that the student has demonstrated proficiency in meeting  
23 state graduation standards established by rule in all the content areas of English  
24 language arts and mathematics in the system of learning results established under  
25 section 6209;

26 B-1. Certify that the student has demonstrated proficiency in meeting state  
27 graduation standards in at least 2 content areas in addition to English language arts  
28 and mathematics in the system of learning results established under section 6209;

29 C. ~~Demonstrate~~ Certify that the student has demonstrated proficiency in each of the  
30 guiding principles set forth in department rules governing implementation of the  
31 system of learning results established pursuant to section 6209; ~~and~~

32 C-1. Certify the highest standard of proficiency achieved by the student in each  
33 content area of the system of learning results established under section 6209;

34 C-2. Certify that the student has demonstrated by objective measures college and  
35 career readiness as evidenced by skills in problem-solving, collaboration, critical  
36 thinking and communication. These objective measures must be established through  
37 major substantive rules adopted pursuant to this chapter and may include measures of  
38 advanced placement exams, advanced placement courses, dual enrollment credits in  
39 college English and mathematics courses, international baccalaureate exams or  
40 college readiness placement assessments, attendance rates, community service,

1 cocurricular activities, workplace learning experience, industry credentials or dual  
2 enrollment credits in career and technical education courses; and

3 D. ~~Meet~~ Certify that the student has met any ~~other~~ requirements specified by the  
4 governing body of the school administrative unit attended by the student.

5 **2. Method of gaining and demonstrating proficiency.** Students must be allowed  
6 to gain proficiency through multiple pathways, as described in section 4703, and must be  
7 allowed to demonstrate proficiency by presenting multiple types of evidence, including  
8 but not limited to teacher-designed or student-designed assessments, portfolios,  
9 performance, exhibitions, projects and community service.

10 **3. Exceptions.** Notwithstanding subsection 1, a student may be awarded a diploma  
11 indicating graduation from a secondary school in the following circumstances.

12 A. A student who is a child with a disability, as defined in section 7001, subsection  
13 1-B, and who achieves proficiency as required in subsection 1, as specified by the  
14 goals and objectives of the child's individualized education plan, ~~may be awarded~~ is  
15 eligible to receive a high school diploma.

16 B. A student who has satisfactorily completed the freshman year in an accredited  
17 degree-granting institution of higher education ~~may be~~ is eligible to receive a high  
18 school diploma from the secondary school the student last attended.

19 B-1. A student who has satisfactorily completed the junior and senior years in a dual  
20 enrollment career and technical education program formed pursuant to chapter 229  
21 and who successfully demonstrates proficiency ~~as required in subsection 1~~ may be in  
22 meeting state graduation standards in the content areas of English language arts and  
23 mathematics as well as the guiding principles in the system of learning results  
24 established under section 6209 or by an articulation agreement established under  
25 section 8306-B, subsection 4 is eligible to receive a high school diploma from the  
26 secondary school the student last attended.

27 B-2. A student who has satisfactorily completed a state-approved career and  
28 technical education program and met 3rd-party-verified national or state standards as  
29 required by rule pursuant to section 8306-B and who successfully demonstrates  
30 proficiency in meeting state graduation standards in the content areas of English  
31 language arts, mathematics and one other content area as well as the guiding  
32 principles in the system of learning results established under section 6209 is eligible  
33 to receive a high school diploma from the secondary school the student last attended.

34 D. A school administrative unit may award a high school diploma to a student who  
35 has met the standards set forth in a waiver request that was approved by the  
36 commissioner pursuant to section 4502, subsection 8.

37 E. A person may be awarded a high school diploma, including a posthumous award,  
38 if the person or a family member of the person applies to a secondary school and:

39 (1) The person:

40 (a) Attended a secondary school in the geographic area now served by the  
41 secondary school from which a diploma is requested; or

- 1 (b) Resides at the time of application for a diploma in the geographic area  
2 served by the secondary school from which a diploma is requested;
- 3 (2) The person did not graduate or receive a diploma from a secondary school  
4 because the person left secondary school to serve in the Armed Forces and served  
5 during the following periods:
- 6 (a) World War II, from December 7, 1941 to August 16, 1945;  
7 (b) The Korean Conflict;  
8 (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or  
9 (d) The period of wartime or peacetime after a period of wartime described in  
10 division (a), (b) or (c); and
- 11 (3) The person received an honorable discharge or a certificate of honorable  
12 service from the Armed Forces.

13 For the purposes of this paragraph, "Armed Forces" means the United States Army,  
14 Navy, Air Force, Marine Corps; and Coast Guard and the ~~Merchant Marines~~  
15 merchant marine.

16 **4. Grants; contingent extension of full implementation.** During the period of  
17 transition to proficiency-based graduation in accordance with this section, the department,  
18 if funds are available, shall make annual transition grants to each school administrative  
19 unit equal to 1/10 of 1% of the school administrative unit's total cost of education  
20 calculated under section 15688, subsection 1 to be used in the manner determined by the  
21 school administrative unit to fund the costs of the transition not otherwise subsidized by  
22 the State through the 2014-2015 school year. The date for implementation of the  
23 awarding of diplomas based on student demonstration of proficiency as described in this  
24 section is extended one year for each year for which transition grants are not made  
25 available to a school administrative unit or for which levels of general purpose aid for  
26 local schools fall below school year 2012-2013 levels. Beginning in the 2015-2016  
27 school year through the 2020-2021 school year, the department, if funds are available,  
28 shall make annual transition grants to each school administrative unit that operates  
29 schools equal to 1/9 of 1% of the school administrative unit's total cost of education  
30 calculated under section 15688, subsection 1 to be used in the manner determined by the  
31 school administrative unit to fund the costs of the transition not otherwise subsidized by  
32 the State.

33 **5. Transcripts and certification of content area proficiency.** A school  
34 administrative unit ~~may~~ shall certify a student's content area proficiency and may award a  
35 certificate of content area proficiency as a part of the high school transcript to a student  
36 for each content area in the system of learning results established under section 6209 in  
37 which the student has demonstrated proficiency. ~~A certificate~~ Certification of content  
38 area proficiency ~~may~~ must be included in the student's permanent academic transcript,  
39 and a student may use ~~a certificate~~ certification of content area proficiency as an official  
40 credential of academic achievement for the purposes of employment and postsecondary  
41 education. ~~If~~ When a school administrative unit ~~awards certificates of~~ certifies content  
42 area proficiency, it shall report ~~its issuance of certificates~~ these certifications of content  
43 area proficiency to the department, and the department may collect and aggregate these

1 data as evidence of intermediate progress towards high school graduation goals of  
2 readiness for college and careers. Schools may supplement reports on college and career  
3 readiness with other evidence of postsecondary student success.

4 **6. Implementation of proficiency-based diplomas and transcripts.** Beginning in  
5 the ~~2015-2016~~ 2016-2017 school year, the department shall annually collect and report  
6 data on the progress of public schools and public charter schools towards the  
7 implementation of proficiency-based diplomas and transcripts in relation to the ongoing  
8 transition plan required pursuant to section 4502, subsection 1, including the number of  
9 students graduating with proficiency-based diplomas ~~and~~ the number of students  
10 ~~awarded proficiency~~ concluding their high school careers proficient in each of the content  
11 areas of the system of learning results established under section 6209 and in each of the  
12 guiding principles set forth in department rules governing implementation of the system  
13 of learning results established pursuant to section 6209 and the number of students  
14 certified as ready for college and careers. By January 15, 2017, and annually thereafter,  
15 the department shall provide an annual report of the data collected for the prior school  
16 year to the joint standing committee of the Legislature having jurisdiction over education  
17 matters, and the department shall post the annual report on its publicly accessible website.

18 **Sec. 3. 20-A MRS §6209, first ¶**, as amended by PL 2015, c. 40, §5, is further  
19 amended to read:

20 The department in consultation with the state board shall establish and implement a  
21 comprehensive, statewide system of learning results, which may include a core of  
22 standards in English language arts and mathematics for kindergarten to grade 12  
23 established in common with the other states, as set forth in this section and in department  
24 rules implementing this section and other curricular requirements. The department must  
25 establish accountability standards at all grade levels in the areas of mathematics; reading;  
26 and science and technology. The department shall establish parameters for essential  
27 instruction ~~and graduation requirements~~ in English language arts; mathematics; science  
28 and technology; social studies; career and education development; visual and performing  
29 arts; health, physical education and wellness; and world languages. Only ~~students in~~ a  
30 public school, a public charter school as defined in section 2401, subsection 9 or a private  
31 school approved for tuition that enrolls at least 60% publicly funded students, as  
32 determined by the previous school year's October and April average enrollment, ~~are~~ is  
33 required to participate in the system of learning results set forth in this section and in  
34 department rules implementing this section and other curricular requirements. The  
35 commissioner shall develop accommodation provisions for instances where course  
36 content conflicts with sincerely held religious beliefs and practices of a student's parent or  
37 guardian. The system must be adapted to accommodate children with disabilities as  
38 defined in section 7001, subsection 1-B.

39 **Sec. 4. 20-A MRS §6209, sub-§2**, as amended by PL 2007, c. 259, §5, is  
40 further amended to read:

41 **2. Parameters for essential instruction.** Each ~~student shall study and school~~  
42 subject to the provisions of this section shall ensure sufficient opportunity and capacity

1 through multiple pathways for all students to study and achieve proficiency in the areas  
2 of:

- 3 A. Career and education development;
- 4 B. English language arts;
- 5 C. World languages;
- 6 D. Health, physical education and wellness;
- 7 E. Mathematics;
- 8 F. Science and technology;
- 9 G. Social studies; and
- 10 H. Visual and performing arts.

11 **Sec. 5. 20-A MRSA §6209, sub-§3-A** is enacted to read:

12 **3-A. Transcripts.** A school subject to this section shall:

13 A. Maintain student transcripts containing certification of content area proficiency  
14 for a student who has successfully demonstrated achievement of proficiency in the  
15 content standards in the system of learning results pursuant to this section;

16 B. Certify on the basis of objective measures in the transcript a student's college and  
17 career readiness as evidenced by skills in problem-solving, collaboration, critical  
18 thinking and communication; and

19 C. Establish a transcript that meets the requirements of paragraphs A and B as an  
20 officially sanctioned credential of student learning for admission to a postsecondary  
21 education institution and employment in a business, trade or industry.

22 **Sec. 6. 20-A MRSA §6211**, as enacted by PL 2001, c. 454, §33, is amended to  
23 read:

24 **§6211. Rulemaking**

25 The commissioner shall develop rules to accomplish the purposes of this chapter.  
26 Rules adopted by the commissioner under this chapter must include guidelines and  
27 protocols to strengthen the capacity of school administrative units to ensure sufficient  
28 opportunity through multiple pathways for all students to achieve proficiency in meeting  
29 the state standards and guiding principles established pursuant to the system of learning  
30 results pursuant to section 6209. Rules adopted pursuant to this chapter are major  
31 substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

32 **Sec. 7. Department of Education; rules.** The Department of Education shall  
33 amend rules in accordance with the rulemaking provisions established under the Maine  
34 Revised Statutes, Title 20-A, section 7005, subsection 1 in order to establish strategies by  
35 which special education students with an individual education plan may demonstrate  
36 proficiency in meeting the state standards and guiding principles established pursuant to  
37 the system of learning results established under Title 20-A, section 6209.

1           **Sec. 8. Commissioner of Education; rulemaking.** By January 2, 2017, the  
2 Commissioner of Education shall provisionally adopt or amend rules in accordance with  
3 the rulemaking provisions established under the Maine Revised Statutes, Title 20-A,  
4 section 253, subsection 9 and Title 20-A, section 6211 in order to ensure compliance with  
5 the amendments to the standards-based education system and the proficiency-based  
6 graduation provisions under Title 20-A, section 4511, subsection 3, paragraph J; section  
7 4722-A; section 6209; and section 7005, subsection 1 pursuant to this Act.

8   **SUMMARY**

9           This bill is reported out by the Joint Standing Committee on Education and Cultural  
10 Affairs pursuant to Joint Rule 353. The bill includes certain recommendations proposed  
11 in the report submitted by the Maine Proficiency Education Council established pursuant  
12 to Resolve 2015, chapter 41, section 3 for consideration by the joint standing committee.

13          The joint standing committee has not taken a position on the substance of the report  
14 or this bill and by submitting this bill the committee is not suggesting and does not intend  
15 to suggest that it agrees or disagrees with any aspect of the recommendations and the  
16 necessary changes to the Maine Revised Statutes, Title 20-A included in the report or this  
17 bill. The joint standing committee is submitting the bill for the sole purpose of turning  
18 certain proposals in the report into a printed bill that can be referred to the committee for  
19 an appropriate public hearing and subsequent processing in the normal course of  
20 business. The joint standing committee is taking this action to ensure clarity and  
21 transparency in the legislative review of the proposals included in the report submitted by  
22 the Maine Proficiency Education Council.