

# 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)

BY  
ROFFS

MAJORITY

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

L.D. 1666

Date: 4-18-18

(Filing No. H-777)

MAJORITY

**EDUCATION AND CULTURAL AFFAIRS**

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

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1666, Bill, "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

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

**'An Act To Ensure the Successful Implementation of Proficiency-based Diplomas'**

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

**Sec. 1. 20-A MRSA §253, sub-§9**, as enacted by PL 2011, c. 669, §1, is repealed.

**Sec. 2. 20-A MRSA §2412, sub-§5, ¶J**, as enacted by PL 2015, c. 40, §1, is amended to read:

J. Public charter schools are subject to the same ~~proficiency-based~~ diploma standards set forth in section 4722-A and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4 4722.

**Sec. 3. 20-A MRSA §2651, sub-§3, ¶B-1**, as enacted by PL 2015, c. 251, §5, is amended to read:

B-1. Facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of ~~proficiency~~ achievement in meeting educational standards;

**Sec. 4. 20-A MRSA §2902, sub-§3**, as amended by PL 2015, c. 40, §3, is further amended to read:

**3. Courses required by law.** Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, ~~4722-A~~, 4723 and 4724.

**COMMITTEE AMENDMENT**

ROFS

1           **Sec. 5. 20-A MRSA §4502, sub-§1**, as amended by PL 2011, c. 669, §3, is  
2 further amended to read:

3           **1. General requirements.** Elementary and secondary schools and school  
4 administrative units, including an educational program or school located in or operated by  
5 a juvenile correctional facility, shall meet all requirements of the system of learning  
6 results as established in section 6209 as well as other requirements of this Title and other  
7 statutory requirements applicable to the public schools and basic school approval  
8 standards. Each school administrative unit shall prepare and implement a comprehensive  
9 education plan that is aligned with the system of learning results, focused on the learning  
10 of all students and oriented to continuous improvement. The comprehensive education  
11 plan must include a plan for ~~transitioning to proficiency-based~~ the graduation in  
12 ~~accordance with requirements of~~ section 4722-A 4722. This plan must also address all  
13 other plans required by the department.

14           **Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C**, as enacted by PL 2011, c. 669,  
15 §5, are repealed.

16           **Sec. 7. 20-A MRSA §4511, sub-§3, ¶J**, as enacted by PL 2015, c. 489, §1, is  
17 repealed.

18           **Sec. 8. 20-A MRSA §4722, sub-§7**, as enacted by PL 2011, c. 669, §6, is  
19 amended to read:

20           **7. Applicability of requirements.** ~~Except as provided in section 4722-A, this~~ This  
21 section applies to the granting of diplomas to secondary school students ~~before beginning~~  
22 January 1, ~~2017~~ 2019.

23           **Sec. 9. 20-A MRSA §4722, sub-§8**, as enacted by PL 2011, c. 669, §6, is  
24 repealed.

25           **Sec. 10. 20-A MRSA §4722-A**, as amended by PL 2017, c. 284, Pt. C, §7, is  
26 further amended to read:

27 **§4722-A. Proficiency-based diploma standards and transcripts**

28 ~~Beginning January 1, 2017, a~~ A diploma indicating graduation from a secondary  
29 school ~~must~~ may be based on student demonstration of proficiency as described in this  
30 section. ~~The commissioner may permit a school administrative unit to award diplomas~~  
31 ~~under this section prior to January 1, 2017 if the commissioner finds that the unit's plan~~  
32 ~~for awarding diplomas meets the criteria for proficiency based graduation under this~~  
33 ~~section.~~

34           **1. Requirements for award of diploma.** ~~In order~~ If a school subject to the system  
35 of learning results established under section 6209 chooses to award to a student a diploma  
36 indicating graduation from secondary school, a school subject to the system of learning  
37 results established under section 6209 must based on demonstration of proficiency as  
38 described in this section, the school shall:

39           A-1. Certify that the student has met all requirements specified by the governing  
40 body of the school administrative unit attended by the student;

ROFS

1 B. Certify that the student has demonstrated proficiency in meeting state standards  
2 in all content areas of the system of learning results established under section 6209;

3 B-1. Phase in the following diploma requirements from the 2020-2021 school year to  
4 the 2024-2025 school year:

5 (1) For a student graduating in the graduating class of 2020-2021, certify that the  
6 student has demonstrated proficiency in meeting the state standards in the content  
7 areas of English language arts, mathematics, science and technology and social  
8 studies;

9 (2) For a student graduating in the graduating class of 2021-2022, certify that the  
10 student has demonstrated proficiency in meeting the state standards in the content  
11 areas of English language arts, mathematics, science and technology, social  
12 studies and at least one additional content area of the student's choice;

13 (3) For a student graduating in the graduating class of 2022-2023, certify that the  
14 student has demonstrated proficiency in meeting the state standards in the content  
15 areas of English language arts, mathematics, science and technology, social  
16 studies and at least 2 additional content areas of the student's choice;

17 (4) For a student graduating in the graduating class of 2023-2024, certify that the  
18 student has demonstrated proficiency in meeting the state standards in the content  
19 areas of English language arts, mathematics, science and technology, social  
20 studies and at least 3 additional content areas of the student's choice; and

21 (5) For a student graduating in the graduating class of 2024-2025 and for each  
22 subsequent graduating class, certify that the student has demonstrated proficiency  
23 in meeting the state standards in all content areas.

24 For the purposes of this paragraph, "content areas" refers to the content areas of the  
25 system of learning results established under section 6209;

26 C. Certify that the student has demonstrated proficiency in each of the guiding  
27 principles set forth in department rules governing implementation of the system of  
28 learning results established pursuant to section 6209; and

29 E. Certify that the student has engaged in educational experiences relating to English  
30 language arts, mathematics and science and technology in each year of the student's  
31 secondary schooling.

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

37 **3. Exceptions.** Notwithstanding subsection 1, if a school subject to the system of  
38 learning results established under section 6209 chooses to award student diplomas  
39 indicating graduation from secondary school based on demonstration of proficiency as  
40 described in this section, a student may be awarded a diploma indicating graduation from  
41 a secondary that school in the following circumstances.

BOFS

1 A. A student who is a child with a disability, as defined in section 7001, subsection  
2 1-B, may meet the requirements of subsection 1 and become eligible for a diploma by  
3 demonstrating proficiency in state standards established in the system of learning  
4 results through performance tasks and accommodations that maintain the integrity of  
5 the standards as specified in the student's individualized education program by the  
6 student's individualized education program team pursuant to the requirements of  
7 chapter 301.

8 B. A student who has satisfactorily completed the freshman year in an accredited  
9 degree-granting institution of higher education is eligible to receive a high school  
10 diploma from the secondary school the student last attended.

11 B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a  
12 student who has satisfactorily completed a state-approved career and technical  
13 education program of study and either met 3rd-party-verified national or state  
14 industry standards set forth in department rules established pursuant to section  
15 8306-B or earned 6 credits in a dual enrollment career and technical education  
16 program formed pursuant to chapter 229 from a regionally accredited institution of  
17 higher education and who has successfully demonstrated proficiency in meeting state  
18 standards in the content areas and the guiding principles set forth in department rules  
19 governing implementation of the system of learning results established pursuant to  
20 section 6209, is eligible to receive a high school diploma from the secondary school  
21 the student last attended. A student may be awarded a high school diploma from the  
22 secondary school the student last attended in accordance with the phase-in of the  
23 following diploma requirements for the graduating class of 2020-2021 to the  
24 graduating class of 2023-2024:

25 (1) For a student graduating in the graduating class of 2020-2021, the student has  
26 demonstrated proficiency in meeting the state standards in the content areas of  
27 English language arts, mathematics and social studies;

28 (2) For a student graduating in the graduating class of 2021-2022, the student has  
29 demonstrated proficiency in meeting the state standards in the content areas of  
30 English language arts, mathematics, social studies and at least one additional  
31 content area of the student's choosing;

32 (3) For a student graduating in the graduating class of 2022-2023, the student has  
33 demonstrated proficiency in meeting the state standards in the content areas of  
34 English language arts, mathematics, social studies and at least 2 additional  
35 content areas of the student's choosing; and

36 (4) For a student graduating in the graduating class of 2023-2024 and in each  
37 subsequent graduating class, the student has demonstrated proficiency in meeting  
38 the state standards in the content areas of English language arts, mathematics,  
39 social studies and at least 3 additional content areas of the student's choosing.

40 For the purposes of this paragraph, "content areas" refers to the content areas of the  
41 system of learning results established under section 6209.

# COMMITTEE AMENDMENT

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

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

6 (1) The person:

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

9 (b) Resides at the time of application for a diploma in the geographic area  
 10 served by the secondary school from which a diploma is requested;

11 (2) The person did not graduate or receive a diploma from a secondary school  
 12 because the person left secondary school to serve in the Armed Forces and served  
 13 during the following periods:

14 (a) World War II, from December 7, 1941 to August 16, 1945;

15 (b) The Korean Conflict;

16 (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or

17 (d) The period of wartime or peacetime after a period of wartime described in  
 18 division (a), (b) or (c); and

19 (3) The person received an honorable discharge or a certificate of honorable  
 20 service from the Armed Forces.

21 For the purposes of this paragraph, "Armed Forces" means the United States Army,  
 22 Navy, Air Force, Marine Corps and Coast Guard and the merchant marine.

23 **5. Transcripts and certification of content area proficiency.** ~~If a school~~ If a school  
 24 subject to the system of learning results established under section 6209 chooses to award  
 25 student diplomas indicating graduation from secondary school based on demonstration of  
 26 proficiency as described in this section, the school shall, in addition to maintaining a high  
 27 school transcript for each student, a school administrative unit shall certify each student's  
 28 content area proficiency and may award a certificate of content area proficiency to a  
 29 student for each content area in the system of learning results established under section  
 30 6209 in which the student has demonstrated proficiency. Certification of content area  
 31 proficiency must be included with the student's permanent academic transcript, and a  
 32 student may use certification of content area proficiency as an official credential of  
 33 academic achievement for the purposes of employment and postsecondary education.  
 34 When a school administrative unit certifies content area proficiency, it shall report these  
 35 certifications of content area proficiency to the department, and the department shall  
 36 collect and aggregate these data as evidence of progress towards high school graduation  
 37 goals.

38 **6. Implementation of proficiency-based diplomas and transcripts.** ~~Beginning in~~  
 39 ~~the 2016-2017 school year, the~~ The department shall may annually collect and report data  
 40 ~~on the progress of public schools and public charter schools towards the implementation~~

ROFS

1 of that have chosen to implement proficiency-based diplomas and transcripts in relation  
2 to the ongoing transition plan required pursuant to section 4502, subsection 1, including  
3 the number of students graduating with proficiency-based diplomas, the number of  
4 students concluding their high school careers proficient in each of the content areas of the  
5 system of learning results established under section 6209 and in each of the guiding  
6 principles set forth in department rules governing implementation of the system of  
7 learning results established pursuant to section 6209 and the number of students certified  
8 as ready for college and careers. By January 15, 2017, and annually thereafter, the The  
9 department shall may provide an annual report of ~~the~~ any data collected for the prior  
10 school year to the joint standing committee of the Legislature having jurisdiction over  
11 education matters, and the department shall post the annual report on its publicly  
12 accessible website.

13 **7. Rulemaking.** The commissioner shall develop rules to accomplish the purposes  
14 of this section. Rules adopted by the commissioner under this section must:

15 A. Allow local flexibility and innovation in developing consistent graduation  
16 standards, enable school administrative units that choose to award student diplomas  
17 indicating graduation from secondary school based on demonstration of proficiency  
18 as described in this section to continue current progress aligned with the phase-in of  
19 the standards and proficiency requirements in subsection 1, paragraph B-1 and  
20 subsection 3, paragraph B-2 and describe standard criteria for ensuring equal  
21 educational opportunities for students;

22 B. Allow the commissioner to identify the manner in which the opportunities for  
23 learning in multiple pathways of career and technical education programs may be  
24 used to satisfy certain components of the system of learning results established under  
25 section 6209; and

26 C. Address the appropriate placement of students in career and technical education  
27 programs while ensuring that all students be exposed to all the content areas of the  
28 system of learning results established under section 6209 through the 10th year of  
29 their studies.

30 Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as  
31 defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 11. 20-A MRSA §6209, sub-§2**, as amended by PL 2015, c. 489, §4, is  
33 further amended to read:

34 **2. Parameters for essential instruction and graduation requirements.** Each  
35 school subject to the provisions of this section shall ensure sufficient opportunity and  
36 capacity through multiple pathways for all students to study ~~and achieve proficiency~~  
37 in the areas of:

- 38 A. Career and education development;
- 39 B. English language arts;
- 40 C. World languages;
- 41 D. Health, physical education and wellness;
- 42 E. Mathematics;

R O F S

COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1666

- 1 F. Science and technology;
- 2 G. Social studies; and
- 3 H. Visual and performing arts.

4 **Sec. 12. 20-A MRSA §6209, sub-§3-A**, as enacted by PL 2015, c. 489, §5, is  
5 further amended to read:

6 **3-A. Transcripts.** A school subject to this section shall:

- 7 ~~A. Maintain student transcripts containing certification of proficiency for each~~  
8 ~~content area and guiding principle in the system of learning results pursuant to this~~  
9 ~~section in which the student has demonstrated proficiency;~~
- 10 B. Certify on the basis of objective measures in the transcript a student's  
11 postsecondary readiness; and
- 12 C. Establish a transcript that meets the requirements of ~~paragraphs A and paragraph~~  
13 B as an officially sanctioned credential of student learning for admission to a  
14 postsecondary education institution and employment in a business, trade or industry.

15 **Sec. 13. 20-A MRSA §6214**, as enacted by PL 2015, c. 500, §1, is amended to  
16 read:

17 **§6214. School accountability system; annual reports**

18 Beginning with the 2018-2019 school year, for public schools, public charter schools  
19 and private schools approved for tuition purposes that enroll at least 60% publicly funded  
20 students, the commissioner shall implement a school accountability system to measure  
21 school performance ~~and student proficiency in facilitating students' achieving the~~  
22 knowledge and skills described in the parameters for essential instruction and graduation  
23 requirements established under section 6209, subsection 2 and that meets the reporting  
24 requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code,  
25 Section 6311(h) and related regulations.

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

- 29 A. Align with the components of the state accountability system required to ensure  
30 equity in educational opportunity by the federal Every Student Succeeds Act of 2015,  
31 20 United States Code, Section 6311(c) and related regulations;
- 32 ~~B. Use measures of student proficiency in all content areas of the learning results and~~  
33 ~~the guiding principles using data gathered under section 4722-A, subsection 5;~~
- 34 C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame  
35 for high school graduation rates;
- 36 D. As available, use measures of postsecondary readiness, persistence and  
37 completion;



R.D.F.'S

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

4 F. May include, but are not limited to, the use of:  
5 (1) Summative assessments aligned with the grade-level expectations of the  
6 parameters for essential instruction and graduation requirements established  
7 under section 6209, subsection 2;  
8 (2) Interim assessments that measure student growth over time; and  
9 (3) Information from the state assessment program under section 6204 on student  
10 achievement reported by the department in compliance with applicable federal  
11 statutes and regulations regarding student assessment.

12 **2. Annual reports.** As provided in the federal Every Student Succeeds Act of 2015,  
13 20 United States Code, Section 6311(h), the commissioner shall annually report the  
14 statewide and school-level results of the school accountability system implemented under  
15 this section with regard to the performance of schools ~~and the proficiency of students~~ in  
16 each of the State's elementary and secondary schools.

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

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

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

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

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

36 **Sec. 14. 20-A MRSA §15686-A, sub-§1,** as amended by PL 2017, c. 284, Pt. C,  
37 §44, is further amended to read:

38 **1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in  
39 fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using  
40 information provided by a statewide education policy research institute, shall review the  
41 essential programs and services student-to-staff ratios, salary and benefits matrices, small

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1152, L.D. 1666

1 schools adjustments, labor markets and gifted and talented components and components  
2 related to implementation of ~~proficiency-based~~ reporting and graduation requirements  
3 under this chapter and shall submit to the joint standing committee of the Legislature  
4 having jurisdiction over education matters any recommended changes for legislative  
5 action.

6 **Sec. 15. 20-A MRSA §19301, sub-§2,** as enacted by PL 2015, c. 372, §1, is  
7 amended to read:

8 **2. Content.** Content included in the digital content library established pursuant to  
9 subsection 1 must further the State's educational initiatives, including learning through  
10 technology, ~~proficiency-based~~ diploma standards based on achievement, college and  
11 career readiness and student achievement in the system of standards and assessment  
12 established under chapter 222.

13 **Sec. 16. Appropriations and allocations.** The following appropriations and  
14 allocations are made.

15 **EDUCATION, DEPARTMENT OF**

16 **Learning Systems Team Z081**

17 Initiative: Provides funds for 2 Regional Education Representative positions and 2  
18 Management Analyst I positions and related All Other costs necessary to provide  
19 technical assistance to schools for 2 different systems of awarding diplomas.

20	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
21	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
22	Personal Services	\$0	\$361,005
23	All Other	\$0	\$26,124
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$387,129</u>

26 **School Finance and Operations Z078**

27 Initiative: Provides funds for 2 Public Service Coordinator I positions and related All  
28 Other costs for the additional monitoring, data tracking, school approval requirements  
29 and other reporting requirements for 2 different systems of awarding diplomas.

30	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
31	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
32	Personal Services	\$0	\$193,162
33	All Other	\$0	\$13,062
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$206,224</u>

**COMMITTEE AMENDMENT**

<b>EDUCATION, DEPARTMENT OF</b>		<b>2017-18</b>	<b>2018-19</b>
<b>DEPARTMENT TOTALS</b>			
<b>GENERAL FUND</b>		<b>\$0</b>	<b>\$593,353</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>		<b>\$0</b>	<b>\$593,353</b>

**SUMMARY**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill to provide that the statutes related to the proficiency-based diploma standard and transcript provisions in the Maine Revised Statutes, Title 20-A, section 4722-A may be implemented by schools. The amendment also provides that the proficiency-based diploma standard and transcript rules adopted by the Commissioner of Education pursuant to Title 20-A, section 4722-A are changed from routine technical rules to major substantive rules. This amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)



# 128th MAINE LEGISLATURE

LD 1666

LR 2591(02)

## An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation

Fiscal Note for Bill as Amended by Committee Amendment *A. (H-777)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$593,353	\$673,959	\$705,698
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$593,353	\$673,959	\$705,698

#### Fiscal Detail and Notes

This legislation removes the requirement that local school administrative units (SAU's) award proficiency-based diplomas and instead allows SAU's to choose between awarding diplomas based on either proficiency-based standards or high school diploma standards.

This bill includes General Fund appropriations totaling \$593,353 in fiscal year 2018-19 to the Department of Education for the costs of supporting 2 different systems of awarding high school diplomas. Of this total, \$387,129 is provided to the Learning Systems Team program for 2 Regional Education Representative positions and 2 Management Analyst I positions and related All Other costs to provide the necessary technical assistance to schools and \$206,224 is provided to the School Finance and Operations Team for 2 Public Service Coordinator positions and related All Other costs to support the additional monitoring, data tracking, school approval requirements and other reporting requirements.