

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1898

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H.P. 1336

House of Representatives, April 5, 2018

### **An Act To Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation**

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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 GINZLER of Bridgton. (GOVERNOR'S BILL)

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

2 **Sec. 1. 20-A MRSA §253, sub-§9**, as enacted by PL 2011, c. 669, §1, is amended  
3 to read:

4 **9. Transition to standards-based educational system.** In order to facilitate the  
5 transformation of the public education system to one in which standards are used to guide  
6 curriculum and instruction and in which student advancement and graduation are based  
7 on student demonstration of proficiency achievement in meeting educational standards,  
8 the commissioner may waive or alter any provision of this Title as specified in an  
9 approved plan for transitioning to ~~proficiency-based~~ graduation in accordance with  
10 section ~~4722-A~~ 4722-B as the provision pertains to requiring or prohibiting an action  
11 based on the age or grade level of a student. This authority applies to all age-based or  
12 grade-based requirements, except that the commissioner may not waive or alter:

13 A. Requirements imposed by federal law, or imposed by state law in order to comply  
14 with federal law, including but not limited to requirements relating to assessment and  
15 special education;

16 B. Compulsory attendance and eligibility to enroll standards;

17 C. Provisions relating to public funding, including tuition rates;

18 D. Health-related provisions, if advised by health professionals not to alter the  
19 requirements; and

20 E. Provisions of this Title that are not administered by the commissioner, including  
21 but not limited to certain provisions relating to institutions of higher education.

22 The commissioner shall adopt rules to implement this subsection. Rules adopted  
23 pursuant to this subsection before July 1, 2013 are routine technical rules pursuant to  
24 Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted by the  
25 commissioner pursuant to this subsection are major substantive rules pursuant to Title 5,  
26 chapter 375, subchapter 2-A.

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

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

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

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

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

3           **3. Courses required by law.** Provide instruction in elementary schools as specified  
4 in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections  
5 4701, 4704, 4706, 4722, ~~4722-A~~ 4722-B, 4723 and 4724.

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

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

19           **Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C**, as enacted by PL 2011, c. 669,  
20 §5, are amended to read:

21           B. A request to waive the requirement for a transition plan to ~~proficiency-based~~  
22 graduation in accordance with section ~~4722-A~~ 4722-B by January 1, 2017 must  
23 include specific information about the reason for the waiver request and a date by  
24 which the ~~proficiency-based~~ graduation requirement will be met. Any waiver granted  
25 by the commissioner under this paragraph must require an annual report to the  
26 commissioner on the school administrative unit's progress toward meeting the  
27 requirements of section ~~4722-A~~ 4722-B. This paragraph is repealed July 1, ~~2020~~  
28 2021.

29           C. The commissioner shall provide a report to the joint standing committee of the  
30 Legislature having jurisdiction over education matters by February 1st annually on  
31 the number of waivers provided pursuant to paragraph B, including the reasons for  
32 the waivers granted. The commissioner shall promptly post the annual report  
33 submitted pursuant to this paragraph on the department's publicly accessible website.

34           This paragraph is repealed July 1, ~~2020~~ 2021.

35           **Sec. 7. 20-A MRSA §4722, sub-§§7 and 8**, as enacted by PL 2011, c. 669, §6,  
36 are amended to read:

37           **7. Applicability of requirements.** ~~Except as provided in section 4722-A, this~~ This  
38 section applies to the granting of diplomas to secondary school students before January 1,  
39 ~~2017~~ 2021.

40           **8. Repeal.** This section is repealed ~~July 1, 2020~~ January 1, 2021.

1           **Sec. 8. 20-A MRSA §4722-A**, as amended by PL 2017, c. 284, Pt. C, §7, is  
2 repealed.

3           **Sec. 9. 20-A MRSA §4722-B** is enacted to read:

4           **§4722-B. High school diploma standards and transcripts**

5           A secondary school shall provide a comprehensive program of instruction leading to  
6 a high school diploma as set out in section 4721.

7           **1. Minimum instructional requirements.** A comprehensive program of instruction  
8 must include a minimum 4-year program that meets the curriculum requirements  
9 established by this chapter and any other instructional requirements established by the  
10 commissioner and the school board.

11           **2. Requirements for award of diploma.** In order to award to a student a diploma  
12 indicating graduation from secondary school, a school subject to the system of learning  
13 results established under section 6209 must:

14           A. Certify that the student has met all requirements specified by the school board of  
15 the school administrative unit attended by the student;

16           B. Certify that the student has received education in all content areas under section  
17 6209 during high school.

18                   (1) Education in the content areas may include separate, integrated and  
19 independent courses of study.

20                   (2) Students may demonstrate achievement in the standards through multiple  
21 pathways as set out under section 4703 and multiple opportunities. Achievement  
22 may be demonstrated by evidence documented by course and learning  
23 experiences using multiple measures, such as, but not limited to, examinations,  
24 portfolios, performances, exhibitions, projects and community service;

25           C. Certify that the student has met the English language arts standards of the system  
26 of learning results at the grade 11 to grade 12 grade span, pursuant to rules adopted  
27 by the department setting grade-level expectations pursuant to section 6202, except  
28 that with respect to a student with a disability that directly affects the student's ability  
29 to meet the English language arts standards of the grade 11 to grade 12 grade span:

30                   (1) The school must certify that the student has met the standards at the grade  
31 span specified in the student's individualized education program developed in the  
32 2nd year of high school. The grade span must be set at the grade span the student  
33 is expected to be able to meet the standards of by the end of the student's access  
34 to a free, appropriate public education. If the grade span that the student is  
35 expected to meet the standards of is lower than grade 11 to grade 12, the annual  
36 individualized education program must articulate appropriate goals based on the  
37 content area standards that expect a progression of learning until the grade 11 to  
38 grade 12 standards are met or the student reaches the end of access to a free,  
39 appropriate public education; and

1                   (2) If the student transfers into a high school from another high school after the  
2                   2nd year of high school, the process and requirements established in  
3                   subparagraph (1) commence at the transfer to the new high school;

4                   D. Certify that the student has met the mathematics standards of the system of  
5                   learning results at the high school level grade span, pursuant to rules adopted by the  
6                   department setting grade-level expectations pursuant to section 6202, except that with  
7                   respect to a student with a disability that directly affects the student's ability to meet  
8                   the mathematics standards of the high school level grade span:

9                   (1) The school must certify that the student has met the standards at the grade  
10                  span specified in the student's individualized education program developed in the  
11                  2nd year of high school. The grade span must be set at the grade span the student  
12                  is expected to be able to meet the standards of by the end of the student's access  
13                  to a free, appropriate public education. If the grade span that the student is  
14                  expected to meet the standards of is lower than the high school level grade span,  
15                  the annual individualized education program must articulate appropriate goals  
16                  based on the content area standards that expect a progression of learning until the  
17                  high school level grade span standards are met or the student reaches the end of  
18                  access to a free, appropriate public education; and

19                  (2) If the student transfers into a high school from another high school after the  
20                  2nd year of high school, the process and requirements established in  
21                  subparagraph (1) commence at the transfer to the new high school; and

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

25                  Career and technical education students may satisfy the requirements of this subsection  
26                  through separate or integrated study within the career and technical school curriculum,  
27                  including through courses provided pursuant to section 8402 or 8451-A.

28                  **3. Advanced study.** Nothing in this chapter may prevent the award of a diploma to  
29                  a student who has completed all diploma requirements in less than 4 years of study.

30                  **4. Exception.** A secondary school student who has satisfactorily completed the  
31                  freshman year in an accredited degree-granting institution of higher education or a  
32                  secondary school student who has satisfactorily completed the junior and senior years in a  
33                  dual enrollment career and technical education program formed pursuant to chapter 229  
34                  may be eligible to receive a high school diploma from a secondary school the student last  
35                  attended, even if the student does not meet the graduation requirements of this Title.

36                  **5. Exception for certain veterans.** A secondary school may award a high school  
37                  diploma, including a posthumous award, to a person who meets all of the following  
38                  requirements:

39                  A. The person or the person's family applies to the secondary school for the diploma;

40                  B. The person either:

1                   (1) Attended the secondary school or attended a secondary school in the  
2                   geographic area now served by the secondary school; or

3                   (2) Currently resides in the geographic area served by the secondary school;

4                   C. The person left secondary school:

5                   (1) Before or during World War II to serve in the Armed Forces during World  
6                   War II;

7                   (2) Before or during the Korean Conflict to serve in the Armed Forces in the  
8                   Korean Conflict;

9                   (3) Before or during the Vietnam War to serve in the Armed Forces during the  
10                  Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means  
11                  the period beginning February 28, 1961 and ending May 7, 1975; or

12                  (4) To serve in the Armed Forces during the period of wartime or peacetime  
13                  after a period of wartime described in subparagraph (1), (2) or (3);

14                  D. The person did not graduate or receive a high school diploma because of service  
15                  in the Armed Forces; and

16                  E. The person received an honorable discharge or a certificate of honorable service  
17                  from the Armed Forces.

18                  For purposes of this subsection, "Armed Forces" means the United States Army, Navy,  
19                  Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period  
20                  of December 7, 1941 to August 16, 1945.

21                  **6. Transcripts.** A school subject to this section shall maintain student transcripts  
22                  containing certification for each content area in the system of learning results for which  
23                  the student has met the highest grade level standards and, as applicable, certification of  
24                  career and technical education program completion and industry standards met.

25                  **7. Implementation of diplomas and transcripts.** Beginning in the 2020-2021  
26                  school year, the department shall annually collect and report data on the number of  
27                  students graduating with diplomas under this section and the number of students  
28                  concluding their high school careers having met standards at the highest grade span in  
29                  each of the content areas of the system of learning results established under section 6209.  
30                  By January 15, 2024, and annually thereafter, the department shall provide a report of the  
31                  data collected for the prior school year to the joint standing committee of the Legislature  
32                  having jurisdiction over education matters, and the department shall post the annual  
33                  report on its publicly accessible website.

34                  **8. Rulemaking.** The commissioner shall develop rules to accomplish the purposes  
35                  of this section. Rules adopted pursuant to this subsection are major substantive rules as  
36                  defined in Title 5, chapter 375, subchapter 2-A.

37                  **9. Applicability.** This section applies to the granting of diplomas to secondary  
38                  school students on or after January 1, 2021.

1           **Sec. 10. 20-A MRSA §6209, sub-§2**, as amended by PL 2015, c. 489, §4, is  
2 further amended to read:

3           **2. Parameters for essential instruction and graduation requirements.** Each  
4 elementary, middle and secondary school subject to the provisions of this section shall  
5 ensure sufficient opportunity and capacity through multiple pathways for all students to  
6 study and achieve proficiency in the areas of practice the guiding principles set forth in  
7 rules governing implementation of the system of learning results pursuant to this section  
8 and meet the standards of the following content areas of the system of learning results:

- 9           A. Career and education development;
- 10           B. English language arts;
- 11           C. World languages;
- 12           D. Health, physical education and wellness;
- 13           E. Mathematics;
- 14           F. Science and technology;
- 15           G. Social studies; and
- 16           H. Visual and performing arts.

17           **Sec. 11. 20-A MRSA §6209, sub-§2-A** is enacted to read:

18           **2-A. World language waiver.** A school administrative unit without the capacity to  
19 offer a program of study in world languages may request a waiver from the commissioner  
20 pursuant to section 4502, subsection 8.

21           **Sec. 12. 20-A MRSA §6209, sub-§3**, as amended by PL 2007, c. 259, §5, is  
22 repealed.

23           **Sec. 13. 20-A MRSA §6209, sub-§4**, as amended by PL 2015, c. 489, §6, is  
24 further amended to read:

25           **4. Review cycle.** The commissioner shall conduct a review of the content standards  
26 and performance indicators by content area on a 5-year cycle beginning in the 2015-2016  
27 school year. The review of the content standards and performance indicators for the  
28 content area of social studies, including student achievement of proficiency in personal  
29 finance, must be included in the commissioner's review during the 2015-2016 school  
30 year. Any changes that are recommended must be approved through the same process  
31 used for establishment of the system of learning results. ~~Beginning in the 2016-2017~~  
32 ~~school year, the commissioner shall review and make recommendations for objective~~  
33 ~~measures that may be used to substantiate school certifications of postsecondary~~  
34 ~~readiness.~~

35           **Sec. 14. 20-A MRSA §6214, first ¶**, as enacted by PL 2015, c. 500, §1, is  
36 amended to read:



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

9 **Sec. 15. 20-A MRSA §6214, sub-§1, ¶B,** as enacted by PL 2015, c. 500, §1, is  
10 amended to read:

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

14 **Sec. 16. 20-A MRSA §15686-A, sub-§1,** as amended by PL 2017, c. 284, Pt. C,  
15 §44, is further amended to read:

16 **1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in  
17 fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using  
18 information provided by a statewide education policy research institute, shall review the  
19 essential programs and services student-to-staff ratios, salary and benefits matrices, small  
20 schools adjustments, labor markets and gifted and talented components and components  
21 related to implementation of ~~proficiency-based~~ reporting and graduation requirements  
22 under this chapter and shall submit to the joint standing committee of the Legislature  
23 having jurisdiction over education matters any recommended changes for legislative  
24 action.

25 **Sec. 17. 20-A MRSA §19301, sub-§2,** as enacted by PL 2015, c. 372, §1, is  
26 amended to read:

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

## 32 SUMMARY

33 This bill repeals the provisions of law relating to proficiency-based high school  
34 diploma standards and replaces those provisions with a requirement that the issuance of a  
35 high school diploma be based on a student's meeting state standards.