

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)

SMC
R045

L.D. 185

Date: 5-15-19

(Filing No. H-268)

MINORITY
EDUCATION AND CULTURAL AFFAIRS

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 148, L.D. 185, Bill, "An Act To
Provide a Method for a Student To Be Excused from Standardized Testing"

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

'Sec. 1. 20-A MRSA §6215 is enacted to read:

§6215. Opt-out

1. Parent's or guardian's right to opt out. As long as excusing the student from
the statewide standardized assessment would not make the school administrative unit out
of compliance with the federal Every Student Succeeds Act, if a student's parent or
guardian submits a written request to a school administrative unit to excuse the student
from a statewide standardized assessment established pursuant to section 6202 and
administered pursuant to this chapter, the school administrative unit shall comply with the
request and excuse the student in conformance with the request.

2. School administrative unit. A school administrative unit may not penalize a
student for being excused from an assessment pursuant to subsection 1 and shall inform
parents and guardians of the option to excuse a student from an assessment.

3. Educators. An educator may inform a parent or guardian of the option to excuse
a student from an assessment pursuant to subsection 1.

4. Report. If the provision of the federal Every Student Succeeds Act regarding
required notification of the parental right to opt a child out of a statewide standardized
assessment is repealed or substantially amended by federal legislation, the department
shall submit a report to the joint standing committee of the Legislature having jurisdiction
over education and cultural affairs informing the committee of the repeal or amendment.
The committee may report out a bill to the Legislature related to the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or
section number to read consecutively.

Page 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

SUMMARY

This amendment, which is the minority report of the committee, clarifies that a school administrative unit is required to excuse a student from standardized testing only if doing so would not make the school administrative unit out of compliance with the federal Every Student Succeeds Act and requires the Department of Education to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs if the opt-out provision of the federal Every Student Succeeds Act is repealed or substantially amended by federal law.

This amendment also removes from the bill the requirement that school administrative units provide students excused from the assessment with an educational activity and the requirement that the Department of Education develop a form and that the department and school administrative units post the form on their publicly accessible websites and clarifies that educators may inform students and parents of the right to opt out.

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/06/19 *MCC*

129th MAINE LEGISLATURE

LD 185

LR 832(02)

An Act To Provide a Method for a Student To Be Excused from Standardized Testing

Fiscal Note for Bill as Amended by Committee Amendment *ACH-268*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Contingent language avoids potential loss of Title I funding
Minor cost increase - General Fund

Fiscal Detail and Notes

The federal Every Student Succeeds Act (ESSA) of 2015 requires a standardized assessment each year of "not less than 95 percent of all students, and 95 percent of all students in each sub-group of students, who are enrolled in public schools". Because this legislation provides that a student shall be excused from standardized testing only if doing so would not result in a school administrative unit being out of compliance with the ESSA, there is no potential loss of federal Title I funds.

Additional costs to the Department of Education to submit the required report can be absorbed within existing budgeted resources.