

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2016

5. Changes in the numbers of patients taking more than 100 morphine milligram equivalents of opioid medication per day;
6. Data regarding the total number of opioid medication pills prescribed;
7. Progress on electronic prescribing of opioid medication; and
8. Improvements to the Controlled Substances Prescription Monitoring Program through the request for proposals process including feedback from prescribers and dispensers on those improvements.

See title page for effective date.

CHAPTER 489

S.P. 660 - L.D. 1627

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

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

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

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

Sec. 2. 20-A MRSA §4722-A, as amended by PL 2015, c. 267, Pt. C, §3; c. 342, §1; and c. 362, §1; and corrected by RR 2015, c. 1, §14, is further amended to read:

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

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

1. Requirements for award of diploma. In order to receive award to a student a diploma indicating graduation from secondary school, a student school

subject to the system of learning results established under section 6209 must:

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

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

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

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

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

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

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

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

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

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

~~C. Demonstrate~~ Certify that the student has demonstrated proficiency in each of the guiding principles set forth in department rules governing im-

plementation of the system of learning results established pursuant to section 6209; and

~~D. Meet any other requirements specified by the governing body of the school administrative unit attended by the student.~~

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

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

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

~~A. A student who is a child with a disability, as defined in section 7001, subsection 1-B, who achieves proficiency as required in may meet the requirements of subsection 1, as specified by the goals and objectives of the child's individualized education plan, may be awarded a high school diploma and become eligible for a diploma by demonstrating proficiency in state standards established in the system of learning results through performance tasks and accommodations that maintain the integrity of the standards as specified in the student's individualized education program by the student's individualized education program team pursuant to the requirements of chapter 301.~~

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

~~B-1. A student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 and who successfully demonstrates proficiency as required in subsection 1 may be eligible to receive a high school diploma from the secondary school the student last attended.~~

B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a student who has satisfactorily completed a state-approved career and technical education program of study and either met 3rd-party-verified national or state industry standards set forth in department rules established pursuant to section 8306-B or earned 6

credits in a dual enrollment career and technical education program formed pursuant to chapter 229 from a regionally accredited institution of higher education and who has successfully demonstrated proficiency in meeting state standards in the content areas and the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209, is eligible to receive a high school diploma from the secondary school the student last attended. A student may be awarded a high school diploma from the secondary school the student last attended in accordance with the phase-in of the following diploma requirements for the graduating class of 2020-2021 to the graduating class of 2023-2024:

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

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

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

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

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

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

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

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

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

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

the costs of the transition not otherwise subsidized by the State, including the transition to proficiency-based graduation in accordance with this section and the proficiency-based reporting and credentials requirements in accordance with section 6209, subsection 3-A.

5. Transcripts and certification of content area proficiency. A In addition to maintaining a high school transcript for each student, a school administrative unit shall certify each student's content area proficiency and may award a certificate of content area proficiency to a student for each content area in the system of learning results established under section 6209 in which the student has demonstrated proficiency. A certificate Certification of content area proficiency may must be included in with the student's permanent academic transcript, and a student may use a certificate certification of content area proficiency as an official credential of academic achievement for the purposes of employment and postsecondary education. If When a school administrative unit awards certifies content area proficiency, it shall report its issuance of certificates these certifications of content area proficiency to the department, and the department may shall collect and aggregate these data as evidence of intermediate progress towards high school graduation goals.

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

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

- A. Allow local flexibility and innovation in developing consistent graduation standards, enable school administrative units to continue current

progress aligned with the phase-in of the standards and proficiency requirements in subsection 1, paragraph B-1 and subsection 3, paragraph B-2 and describe standard criteria for ensuring equal educational opportunities for students;

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

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

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

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

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

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

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

- A. Career and education development;
- B. English language arts;
- C. World languages;
- D. Health, physical education and wellness;
- E. Mathematics;
- F. Science and technology;
- G. Social studies; and
- H. Visual and performing arts.

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

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

A. Maintain student transcripts containing certification of proficiency for each content area and guiding principle in the system of learning results pursuant to this section in which the student has demonstrated proficiency;

B. Certify on the basis of objective measures in the transcript a student's postsecondary readiness; and

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

Sec. 6. 20-A MRSA §6209, sub-§4, as amended by PL 2013, c. 244, §2, is further amended to read:

4. Review cycle. The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to sub-

stantiate school certifications of postsecondary readiness.

Sec. 7. 20-A MRSA §6211, as enacted by PL 2001, c. 454, §33, is amended to read:

§6211. Rulemaking

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

Sec. 8. 20-A MRSA §15686-A, sub-§4 is enacted to read:

4. Components to be reviewed beginning in fiscal year 2017-18. Beginning in fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services components under this chapter related to implementation of proficiency-based reporting and graduation requirements and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended legislative changes.

Sec. 9. 20-A MRSA §15688-A, sub-§3, as enacted by PL 2013, c. 368, Pt. C, §12, is amended to read:

3. Transition to proficiency-based diplomas. The commissioner may expend and disburse funds to support the transition to proficiency-based diplomas pursuant to section 4722-A, subsection 4, including the proficiency-based reporting and credentials requirements of section 6209, subsection 3-A.

Sec. 10. 20-A MRSA §15689-C, sub-§1, as amended by PL 2015, c. 389, Pt. C, §8, is further amended to read:

1. Annual recommendations. Prior to January 20th of each fiscal year, the commissioner, with the approval of the state board, shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding levels that the commissioner recommends for the purposes of this chapter on the basis of section 15671. Beginning with the recommendations due in 2009, the commissioner's annual recommendations must be in the form and manner described in subsection 4.

Sec. 11. 20-A MRSA §15689-D, sub-§1, as amended by PL 2015, c. 54, §9, is further amended to read:

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15671, 15671-A, 15683, 15683-A, 15683-B, 15688-A, 15689 and 15689-A and the amount for any other components of the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2 and these recommendations must be posted on the department's publicly accessible website. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

Sec. 12. Department of Education; rules.

The Department of Education shall provide guidance and, as necessary, amend rules in accordance with the rulemaking provisions established under the Maine Revised Statutes, Title 20-A, section 7005, subsection 1 in order to establish strategies by which special education students with individual education plans may demonstrate proficiency in meeting the state standards in and guiding principles established pursuant to the system of learning results established under Title 20-A, section 6209.

Sec. 13. Commissioner of Education; rulemaking.

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

See title page for effective date.

CHAPTER 490

H.P. 1051 - L.D. 1542

An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace

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

Sec. 1. 24-A MRSA §2804-B is enacted to read: