

# 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 electronic originals  
(may include minor formatting differences from printed original)

**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**

F. Twenty percent of the net commission must be distributed to the track where the race upon which the wager was placed was conducted.

G. Fifteen percent of the net commission must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 15% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial tracks are required to conduct in order to retain their commercial track licenses.

**2. Distribution of net commission from wagers placed on races conducted outside State.** An advance deposit wagering licensee shall collect the net commission from wagers placed on races conducted at tracks outside the State and distribute it to the board for distribution as follows.

A. Ten percent of the net commission must be deposited directly to the General Fund.

B. Thirty-six percent of the net commission must be distributed to all off-track betting facilities licensed under section 275-D so that each off-track betting facility receives the same amount.

C. One percent of the net commission must be distributed to the Sire Stakes Fund established under section 281.

D. Ten percent of the net commission must be distributed to the Agricultural Fair Support Fund established under Title 7, section 91 except that, notwithstanding Title 7, section 91, subsection 2, paragraph A, no portion of the distribution required by this paragraph may be distributed to a commercial track.

E. Seven percent of the net commission must be distributed to the fund established under section 298 to supplement harness racing purses.

F. Thirty-six percent of the net commission must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 36% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial tracks are required to conduct in order to retain their commercial track licenses.

See title page for effective date.

**CHAPTER 500  
H.P. 853 - L.D. 1253**

**An Act To Improve the  
Evaluation of Elementary and  
Secondary Schools**

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

**Sec. 1. 20-A MRSA §6214** is enacted to read:

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

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

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

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations;

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

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

D. As available, use measures of postsecondary readiness, persistence and completion;

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

F. May include, but are not limited to, the use of:

(1) Summative assessments aligned with the grade-level expectations of the parameters for essential instruction and graduation require-

ments established under section 6209, subsection 2;

(2) Interim assessments that measure student growth over time; and

(3) Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment.

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

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

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

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

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

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

**Sec. 2. Developing state plan for school accountability system.** The Department of Education is designated as the state educational agency responsible for carrying out the State's obligations under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(a), including consulting with a state committee of practitioners estab-

lished in accordance with 20 United States Code, Section 6573(b) to develop and monitor the implementation of the state plans to be filed with the United States Secretary of Education for compliance with federal law and regulations related to the eligibility of state educational agencies to be awarded federal grants pursuant to 20 United States Code, Section 6311(a). In order to facilitate the development of a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under 20 United States Code, Section 6311, the Department of Education shall consult with the representatives of the entities and stakeholders in the school accountability work group in subsection 1 who must be included among the interested parties described in 20 United States Code, Section 6311(a)(1)(A) and shall serve as members of the committee of practitioners established in accordance with 20 United States Code, Section 6573(b).

1. The Department of Education shall appoint a school accountability work group to develop a school accountability system in accordance with this section, which must include, but is not limited to, representatives of the following entities and stakeholders:

- A. Department of Education;
- B. State Board of Education;
- C. Teachers;
- D. Principals;
- E. Parents;
- F. Education Research Institute, established under Title 20-A, section 10;
- G. Students;
- H. School boards;
- I. Superintendents;
- J. Special education administrators; and
- K. Curriculum leaders.

2. The work group shall consider at least the following elements in developing the school accountability system:

- A. Accurate measures of student progress over at least 3 years;
- B. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least 3 years;
- C. A peer group comparison that takes into account, but is not limited to, utilization of special education services, the number of students eligible

for free or reduced-price meals, local and county unemployment data and median household income;

D. Attendance rates;

E. Graduation rates; and

F. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

3. The work group shall provide opportunities for the public and interested parties to provide input regarding the development of the school accountability system and shall give notice to the public and interested parties of the work group's meetings during which the public may provide information or feedback on the proposed models under consideration by the work group.

4. The work group shall review the requirements of the Maine Revised Statutes, Title 20-A, chapter 222 and the school accountability systems that have been implemented in other states and jurisdictions and shall develop a school accountability system that will best serve the academic and developmental needs of students in this State.

5. The Commissioner of Education shall submit an interim report on the review required by subsection 5 and a final report on the review required by subsection 5 to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017. The report must include the work group's findings and recommendations and any necessary legislation regarding the implementation of a school accountability system. The committee is authorized to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.

Nothing in this section may be construed to prevent or inhibit the Department of Education from developing a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h).

**Sec. 3. Rules.** In adopting the rules required under the Maine Revised Statutes, Title 20-A, section 6214 related to implementing a school accountability system consistent with the requirements of Title 20-A, chapter 222, the Department of Education shall adopt rules that are consistent with the recommendations of the work group convened under section 2 submitted as part of the report required under section 2, subsection

6. The department shall file provisionally adopted major substantive rules with the Legislature by the January 5, 2018 statutory deadline for the submission of major substantive rules to be reviewed by the Legislature.

See title page for effective date.

**CHAPTER 501**

**H.P. 842 - L.D. 1224**

**An Act To Amend the Child Protective Services Laws**

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

**Sec. 1. 22 MRSA §4008, sub-§5**, as amended by PL 1989, c. 857, §58, is further amended to read:

**5. Retention of unsubstantiated child protection services records.** Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than 18 months following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the 18-month retention period. An expunged record or unsubstantiated record that should have been expunged under this subsection may not be used for any purpose, including admission into evidence in any administrative or judicial proceeding. Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.

**Sec. 2. 22 MRSA §4008, sub-§7** is enacted to read:

**7. Appeal of denial of disclosure of records.** A parent, legal guardian, custodian or caretaker of a child who requests disclosure of information in records under subsection 2 and whose request is denied may request an administrative hearing to contest the denial of disclosure. The request for hearing must be made in writing to the department. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter 4. The issues that may be determined at hearing are limited to whether the nondisclosure of some or all of the information requested is necessary to protect the child or any other person. The department shall render after hearing without undue delay a decision as to whether