

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

June 2012

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STATE OF MAINE

125TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Education and Cultural Affairs

LD 1422

An Act To Prepare Maine People for the Future Economy

PUBLIC 669

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-477 S-529 LANGLEY

This bill was carried over to from the First Regular Session of the 125th Legislature. The bill:

1. Establishes an education policy, core priorities for the State's education system, education system goals, benchmarks and intervention strategies;
2. Requires the development of a strategic plan to achieve the goals within the policy framework;
3. Requires that the state budget document present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the established policy framework, advances the established goals and implements the strategic plan;
4. Requires that the Commissioner of Education adopt rules prescribing a uniform process for kindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness;
5. Requires school administrative units to award high school diplomas based on standards established by rule; and
6. Requires that, beginning with the class of 2015, students graduating from high schools demonstrate proficiency in the content areas of English language arts, mathematics, science and technology, social studies and health, and physical education and wellness. Beginning with the class of 2018, students graduating from high schools must demonstrate proficiency in the content areas of career and education development; English language arts; world languages; health, physical education and wellness; mathematics; science and technology; social studies; and visual and performing arts.

Committee Amendment "A" (S-477)

This amendment strikes and replaces the bill to establish statutory standards and to direct the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The amendment adds a mandate preamble and makes the following changes to the bill.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.
2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

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3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.
4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.
5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.
6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.
7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.
8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.
9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.
10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

Senate Amendment "C" To Committee Amendment "A" (S-529)

This amendment removes the mandate preamble and requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The amendment also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.

Enacted Law Summary

Public Law 2011, chapter 669 establishes statutory standards and directs the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The law does the following.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning

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January 1, 2017, and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.

2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017, and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

3. It repeals the existing high school diploma standards effective July 1, 2020, in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017, deadline for transitioning to proficiency-based standards for awarding a high school diploma.

4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.

5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.

6. It requires the commissioner to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.

7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.

8. It directs the Department of Education to coordinate the development of tools needed to enable school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.

9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.

10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

11. It requires the Department of Education, if funds are available, to make annual grants to school administrative units to fund the costs of transitioning to proficiency-based graduation standards for awarding high school diplomas. The grants are equal to 1/10 of 1% of a school administrative unit's total cost of education. The law also extends the date for implementation of the new system by one year for each year in which transition grants are not made or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels.