

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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STATE OF MAINE

127TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127th 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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 127th Legislature is October 15, 2015. 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 685 **Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This resolve provides for legislative review of portions of Chapter 61: Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education, State Board of Education that was filed outside the legislative rule acceptance period.

LD 692 **An Act Regarding Educator Effectiveness** **PUBLIC 3 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB P MAKER	OTP-AM	S-3

This bill directs school administrative units to use state assessment data for English language arts and math as a measure of performance for teachers and as a measure of performance for principals. It clarifies the law regarding the usage of summative effectiveness ratings for certain categories of performance rating. It adds an additional component to the rules regarding monitoring of the performance evaluation and professional growth systems. The bill also directs the Department of Education to amend its rules regarding performance evaluation and professional growth systems.

Committee Amendment "A" (S-3)

This committee amendment makes the following changes to the components proposed in the bill to amend the Department of Education rules regarding the design and implementation of the performance evaluation and professional growth systems.

1. It strikes the proposed change to section 7, subsection 1 of the rules that would require school administrative units to develop a defensible approach to using student learning and growth as a significant factor in the summative effectiveness rating of an educator.
2. It strikes the individual education plan "IEP" language included in section 7, subsection 4 of the rule concerning Student Learning Objectives and IEP goals and adds a provision in section 7, subsection 3, paragraph F of the rule concerning Permissible Measures, to specify that an IEP may not be used as a measure of student learning and growth in the evaluation of an educator.
3. It amends the expedited amendment process provision in the bill to clarify that the Department of Education shall adopt the amendments to the department's Chapter 180 Rule as provided in this Act within seven business days of the effective date of this Act.
4. It changes the deadline date established for stakeholder groups to reach consensus on the performance evaluation and professional growth system in section 12, subsection 1, paragraphs D and E of the rules, from June 1, 2015 to July 15, 2015.
5. It adds a provision to require that each school administrative unit shall submit to the Department of Education by

Joint Standing Committee on Education and Cultural Affairs

July 15, 2015 a plan describing the intentions of its pilot project.

Enacted Law Summary

Public Law 2015, chapter 3 clarifies the law regarding the usage of summative effectiveness ratings for certain categories of performance rating for teachers and principals. The law directs school administrative units to use state assessment data for English language arts and math as a measure of performance for teachers and as a measure of performance for principals. It also adds an additional component to the Department of Education's Chapter 180 rules regarding monitoring of the performance evaluation and professional growth systems and directs the department to amend its rules regarding performance evaluation and professional growth systems.

Public Law 2015, chapter 3 was enacted as an emergency measure effective March 17, 2015.

LD 695 An Act To Clarify Statewide Assessment Program Options Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON LIBBY	ONTP OTP-AM	H-295

This bill requires a school administrative unit to excuse a student from standardized assessments at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

Committee Amendment "A" (H-295)

This amendment, which is the minority report of the committee, strikes and replaces the bill to require the Department of Education, beginning in the 2015-2016 school year, to create an annual report that outlines the federal and state laws and judicial decisions relating to the right or option of a student's parent or guardian to excuse the student from a statewide assessment program administered as part of the system of learning results. This amendment allows an educator to discuss the information published in the department's report with a student's parent or guardian and also allows the educator to refer the parent or guardian to the school's principal or another administrator employed by the school administrative unit.

LD 696 An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN	OTP-AM ONTP	

This bill provides that the Maine Charter School Commission may not authorize the operation of any virtual public charter school until the Legislature enacts legislation that expressly authorizes the operation of virtual public charter schools in the State. The moratorium applies to the operations of any virtual public charter school that has not commenced operations as of the effective date of this legislation, regardless of whether the commission has approved, authorized or executed a contract for the virtual public charter school.

The bill amends the definition of "virtual public charter school" to specify that virtual public charter schools provide education services through an online learning program that enrolls students on a part-time basis in grades nine to 12. The bill also requires the Maine Charter School Commission to review the law and the virtual public charter school models that have been implemented in other states and develop a virtual public charter school model that will best serve the learning needs of students. The virtual public charter school model developed must apply only to