

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.

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and post those minutes on a publicly accessible portion of the public charter school's website within 48 hours after adjournment of the meeting; and

2. The provision that prohibits a public charter school from accepting a gift or grant that is conditional upon the removal of a staff member or teacher of the public charter school.

LD 1251 An Act To Safeguard Students' Personal and Private Information ONTP

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

This bill establishes data privacy practices for the Department of Education and school administrative units. It prohibits the department and school administrative units from disclosing personally identifiable information about students without the written consent of the parents of children under 18 years of age and the written consent of the students themselves when the students are at least 18 years of age. There are specific exceptions to the prohibitions. The bill also prohibits the collection, entry and maintenance of certain information about students and their families. A contractor, consultant or other party that has entered into a contract or other agreement with the department or a school administrative unit who violates the restrictions is subject to a \$5,000 civil penalty per violation and disqualification from future access to education records.

LD 1252 An Act To Protect Student Data ONTP

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

This bill establishes restrictions and protocols on the access and use of personally identifying student data by public and private elementary and secondary schools in software applications used to input, store and manage student data and on school-authorized electronic devices provided to students for overnight or at-home use. This bill also establishes restrictions and protocols for public and private elementary and secondary schools regarding allowable limitations on students' possession and use of and the schools' authority to access data on students' personal electronic devices.

LD 1253 An Act To Improve the Evaluation of Elementary and Secondary Schools CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES	OTP-AM	H-467

This bill is a concept draft pursuant to Joint Rule 208. The bill would require that, beginning with the 2016-2017 school year and only after the adoption of major substantive rules by the Department of Education, the Commissioner of Education implement a school assessment system to measure school performance and student proficiency. The system implemented must include multiple measures of student achievement and may include, but is not limited to, the use of:

1. Summative assessments aligned with the grade level expectations of the parameters for essential instruction and graduation requirements established under the Maine Revised Statutes, Title 20-A, section 6209, subsection 2 and Department of Education Rule Chapter 132: Learning Results: Parameters for Essential Instruction;

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2. Formative assessments that measure student growth over time; and
3. Information of the state assessment program under Title 20-A, section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

The bill would require the commissioner to annually report the statewide and school level results of the school assessment system with regard to the performance of schools and the proficiency of students in each of the State's elementary and secondary schools and to provide each participating school with a profile of school performance and student proficiency based upon data from the school assessment system. The reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

The bill would also require the Commissioner of Education to convene a task force to develop a system to evaluate or rate the performance of public schools in the State and to incorporate the recommendations of the task force in the adoption of major substantive rules under this bill. The task force must include, but is not limited to, representatives of the following entities and stakeholder groups:

1. The Department of Education;
2. The State Board of Education;
3. Teachers;
4. Principals;
5. Parents;
6. The Education Research Institute under Title 20-A, section 10; and
7. Students.

The school assessment system developed by the task force must include, but is not limited to, the following elements:

1. Accurate measures of student progress over at least three years;
2. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least three years;
3. A peer group comparison that takes into account, but is not limited to, use of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income;
4. School attendance rates;
5. Graduation rates;
6. Procedures to address specific challenges unique to a municipality, county or school administrative unit; and
7. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

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The bill would require the task force to review the requirements of Title 20-A, chapter 222 and the school assessment systems that have been implemented in other states and jurisdictions and develop a school assessment system that will best serve the academic and developmental needs of students in this State. The school assessment system may not use a bell curve, and a school may not be penalized because of the failure of students to take certain standardized tests. The task force would be required to provide opportunities for the public and interested parties to provide input regarding the development of the school assessment system and give notice to the public and interested parties of the task force's meetings during which the public may provide testimony or feedback on the proposed models under consideration by the task force.

Committee Amendment "A" (H-467)

This amendment replaces the concept draft with a bill that does the following:

1. It provides that, beginning with the 2017-2018 school year and only after the adoption of major substantive rules by the Department of Education, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60 percent publicly funded students, the Commissioner of Education shall implement a school assessment 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 the Maine Revised Statutes, Title 20-A, section 6209, subsection 2 and the Department of Education's rule Chapter 132: Learning Results: Parameters for Essential Instruction;
2. It provides that, notwithstanding any other provisions of Title 20-A, chapter 222, the commissioner may not provide a report of the statewide or school-level results of the school assessment system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3. It provides that the rules must be consistent with the recommendations reported by the task force established in this amendment. It also provides that this law may not be construed to prevent or inhibit the department from providing reports to comply with the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001;
3. It directs the commissioner to convene a task force to review school assessment systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State;
4. It provides that the commissioner must report the task force's findings, recommendations and any necessary legislation with respect to the implementation of a school assessment system to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2016 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report; and
5. It provides that the department must file provisionally adopted major substantive rules by January 6, 2017 to implement the school assessment system and that the rules 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 beginning with the 2017-2018 school year.

This amendment also adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special or regular session of the 127th Legislature by joint order, S.P. 555.