

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



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 Second 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.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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 1033 Resolve, To Assist the University of Maine System and the Maine
Community College System To Reduce the Need for Remedial
Education**

ONTP

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

This resolve was carried over from the First Regular Session of the 127th Legislature.

The resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to require the Department of Education to analyze the data for the last three academic years from public and private secondary schools regarding the number of students needing remedial education at the postsecondary level and the graduation rates of those students from postsecondary programs. The department is required to determine what methods are used by those schools with high graduation rates among students requiring remedial education and determine how to use those methods in other schools that do not have graduation rates as high. This resolve provides \$1,000,000, disbursed by the department, to assist schools with low rates of graduation among its remedial education students to adopt methods of increasing the graduation rates of those students.

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

PUBLIC 500

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATES D	OTP-AM	H-658 S-530 LANGLEY B

This bill was reported out of committee in the prior session and then carried over on the Special Appropriations Table. At the request of the Joint Standing Committee on Education and Cultural Affairs, the Joint Standing Committee on Appropriations and Financial Affairs removed the bill from the Special Appropriations Table and this bill was re-referred to the Joint Standing Committee on Education and Cultural Affairs.

The bill is a concept draft pursuant to Joint Rule 208 and 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;
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

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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: the Department of Education; the State Board of Education; teachers; principals; parents; the Education Research Institute under Title 20-A, section 10; and students.

The school assessment system developed by the task force must include, but is not limited to, the following elements: Accurate measures of student progress over at least three years; rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least three years; 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; school attendance rates; graduation rates; procedures to address specific challenges unique to a municipality, county or school administrative unit; and interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

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% 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

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out a bill to the Second Regular Session of the 127th Legislature related to the recommendations included in this report.

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 amendment was not adopted.

Committee Amendment "B" (H-658)

This amendment replaces the bill, which is a concept draft, with language that does the following.

1. It provides that, beginning with the 2018-2019 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% publicly funded students, the Commissioner of Education 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 the Maine Revised Statutes, Title 20-A, section 6209, subsection 2.

2. The measures of school performance and student proficiency for the school accountability system must also:

A. Align with components of the state accountability system required to ensure equity in educational opportunity;

B. Use data gathered related to measures of student proficiency in all content areas of the learning results and the guiding principles; and

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

3. 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 accountability system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3.

4. It provides that the rules must be consistent with the recommendations reported by the work group 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 Every Student Succeeds Act of 2015 and related regulations.

5. It directs the commissioner to convene a work group to review school accountability systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State.

6. It provides that the commissioner must report the work group's findings, recommendations and any necessary legislation with respect to the implementation of a school accountability system to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017 and authorizes the committee to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.

7. It provides that the department must file provisionally adopted major substantive rules by January 5, 2018 to

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implement the school accountability 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 2018-2019 school year.

Senate Amendment "A" To Committee Amendment "B" (S-530)

This amendment requires the school accountability work group to consider at least certain specified elements in developing the school accountability system. It also removes the provision that prohibits the school accountability system from using a bell curve and prohibits a school from being penalized because of the failure of students to take certain standardized tests.

Enacted Law Summary

Public Law 2015, chapter 500 directs the Commissioner of Education to reform public education laws to improve school performance and student proficiency. The law accomplishes the following.

1. It provides that, beginning with the 2018-2019 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% publicly funded students, the Commissioner of Education 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 the Maine Revised Statutes, Title 20-A, section 6209, subsection 2.
2. It provides that the measures of school performance and student proficiency for the school accountability system must also:
 - A. Align with components of the state accountability system required to ensure equity in educational opportunity;
 - B. Use data gathered related to measures of student proficiency in all content areas of the learning results and the guiding principles; and
 - C. Use a six-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates.
3. 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 accountability system until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3.
4. It provides that the rules must be consistent with the recommendations reported by the work group 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 Every Student Succeeds Act of 2015 and related regulations.
5. It directs the commissioner to convene a work group to review school accountability systems that have been implemented in other states and to develop a system to evaluate and rate the performance of schools in this State.
6. It provides that the commissioner must report the work group's findings, recommendations and any necessary legislation with respect to the implementation of a school accountability system to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017 and authorizes the committee to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.
7. It provides that the department must file provisionally adopted major substantive rules by January 5, 2018 to

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implement the school accountability 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 2018-2019 school year.

LD 1370 An Act To Improve the Quality of Teachers

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R HUBBELL B	OTP-AM ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

The bill proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification, teacher salaries and college loans for students enrolled in a program of study leading to certification as a teacher. The bill includes the following provisions.

1. It expands the student teaching experience and specifies an academic achievement level necessary for applicants to qualify for a provisional teaching certificate.
2. It strengthens the support systems required to provide assistance for provisional teachers during each year of their probationary period.
3. It directs the Commissioner of Education to pay salary supplements to classroom teachers who are involved in the operation of a school administrative unit's support system approved in accordance with the provisions of the Maine Revised Statutes, Title 20-A, section 13015.
4. It provides that an individual who has not completed a master's degree program and who is issued a teacher certificate in accordance with Title 20-A, chapter 502 on or after July 1, 2015 may not receive a renewed certificate or a new teaching certificate unless the individual completes a master's degree program within five years of being employed as a teacher in the State.
5. It increases the minimum salaries for certified teachers to \$40,000 beginning in the 2016-2017 school year and includes state funding for the incremental costs of meeting this minimum as part of the school funding formula.
6. It requires the Department of Education to increase the qualifying scores for the standardized qualifying examinations for applicants for initial teacher certification in its Rule Chapter 13: Qualifying Examinations for Teachers, Educational Specialists and Administrators no later than July 1, 2016.
7. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

Committee Amendment "A" (S-432)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs and, like the bill, proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for provisional teachers, teacher certification, teacher salaries and college loans for students enrolled in a program of study leading to certification as a teacher. The amendment includes the following provisions.

1. It amends the provisions of the bill that expand the student teaching experience and academic achievement