



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 679

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H.P. 470

House of Representatives, February 28, 2017

### An Act To Reform School Testing Procedures

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FULLER of Lewiston.

Cosponsored by Representatives: ACKLEY of Monmouth, BROOKS of Lewiston,  
FARNSWORTH of Portland, MADIGAN of Rumford, ZEIGLER of Montville.

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

2 **Sec. 1. 20-A MRSA §6202, first ¶**, as amended by PL 2015, c. 40, §4, is further  
3 amended to read:

4 The commissioner shall establish a statewide assessment program to measure and  
5 evaluate on a continuing basis the academic achievements of students in grades 3 ~~to 12~~, 5,  
6 7, 9 and 11 on the accountability standards set forth in section 6209 and in department  
7 rules implementing that section and other curricular requirements. The commissioner  
8 may elect to provide for the use of alternative measures of student achievement in grades  
9 ~~9 to 12~~ and 11. This assessment applies to students in the public elementary and  
10 secondary schools, in public charter schools, as that term is defined in section 2401,  
11 subsection 9, and in all private schools approved for tuition whose school enrollments  
12 include at least 60% publicly funded students, as determined by the previous school year's  
13 October and April average enrollment. The assessment program must be adapted to meet  
14 the needs of children with disabilities as defined in section 7001, subsection 1-A or other  
15 students as defined under rules by the commissioner.

16 **Sec. 2. 20-A MRSA §6209, first ¶**, as amended by PL 2015, c. 489, §3, is further  
17 amended to read:

18 The department in consultation with the state board shall establish and implement a  
19 comprehensive, statewide system of learning results, which may include a core of  
20 standards in English language arts and mathematics for ~~kindergarten to grade 12~~ grades 3,  
21 5, 7, 9 and 11 established in common with the other states, as set forth in this section and  
22 in department rules implementing this section and other curricular requirements. The  
23 department must establish accountability standards at all grade levels in the areas of  
24 mathematics; reading; and science and technology. The department shall establish  
25 parameters for essential instruction in English language arts; mathematics; science and  
26 technology; social studies; career and education development; visual and performing arts;  
27 health, physical education and wellness; and world languages. Only a public school, a  
28 public charter school as defined in section 2401, subsection 9 or a private school  
29 approved for tuition purposes that enrolls at least 60% publicly funded students, as  
30 determined by the previous school year's October and April average enrollment, is  
31 required to participate in the system of learning results set forth in this section and in  
32 department rules implementing this section and other curricular requirements. The  
33 commissioner shall develop accommodation provisions for instances where course  
34 content conflicts with sincerely held religious beliefs and practices of a student's parent or  
35 guardian. The system must be adapted to accommodate children with disabilities as  
36 defined in section 7001, subsection 1-B.

37 **Sec. 3. Rulemaking.** The Commissioner of Education shall adopt rules to update  
38 the statewide assessment program pursuant to the Maine Revised Statutes, Title 20-A,  
39 section 6202 to limit the testing requirement to grades 3, 5, 7, 9 and 11 and to limit the  
40 use of alternative measures of student achievement to grades 9 and 11. The commissioner  
41 shall consult with the State Board of Education and adopt rules to update the statewide  
42 system of learning results pursuant to Title 20-A, section 6209 to limit testing

1 requirements to students in grades 3, 5, 7, 9 and 11. Rules adopted pursuant to this  
2 section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

3 **SUMMARY**

4 This bill limits statewide assessment program testing requirements to grades 3, 5, 7, 9  
5 and 11 and limits any use of alternative measures of student achievement to grades 9 and  
6 11. It also limits the statewide system of learning results testing requirements to students  
7 in grades 3, 5, 7, 9 and 11. The bill authorizes the Commissioner of Education to adopt  
8 rules to implement the provisions of the bill.