

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and inserting the following:

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the school grades reported on May 1, 2013 by the Commissioner of Education as part of the school performance grading system designed by the Department of Education have resulted in significant controversy over the methodology developed to assess public schools in the State; and

**Whereas,** this controversy demonstrates the need for a thorough review of state policy to ensure that the assessment of public schools by the Department of Education proceeds in a manner that preserves public confidence that the interests of students, educators and school administrative units across the State have been given due consideration; and

**Whereas,** the protection of the interests of students, educators and school administrative units requires that the process for assessing the performance of public schools be temporarily interrupted pending the necessary review of the school laws; and

**Whereas,** in order for the task force to be convened under this legislation to review systems for assessing the performance of public schools and prepare a report in time for submission to the 126th Legislature, the review needs to be initiated as soon as possible; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §6214** is enacted to read:

**§ 6214. School assessment system; annual reports**

Beginning with the 2014-2015 school year, the commissioner 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 section 6209, subsection 2 and department rules established pursuant to this chapter.

**1. Performance and proficiency measures.** The measures of school performance and student proficiency implemented under this section must include multiple measures of student achievement and may include, but are not limited to, the use of:

A. Summative assessments aligned with the grade level expectations of the parameters for essential instruction and graduation requirements established under section 6209, subsection 2;

B. Formative assessments that measure student growth over time; and

C. Information of the state assessment program under 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.

**2. Annual reports.** The commissioner shall 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.

A. The commissioner shall provide each participating school with a profile of school performance and student proficiency based upon data from the school assessment system.

B. When a report is made under this subsection for purposes of comparative analysis of elementary and secondary schools, the reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

C. Notwithstanding any other provision of this section, the commissioner may not provide a report of the statewide or school level results of the school assessment system until the final adoption of rules in accordance with subsection 3.

**3. Rules.** The department shall adopt rules to implement the school assessment system established pursuant to this section. The rules adopted by the department 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. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Nothing in this section may be construed to prevent or inhibit the department from providing annual reports of the results of the state assessment program required by section 6204 to meet the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

**Sec. 2. Legislative finding.** The Legislature finds that there is a need to design and implement an effective school assessment system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 that:

1. Engages teachers, administrators, school officials, parents, students and state officials in the design of a constructive school assessment system;

2. Is more comprehensive and better encourages improvement in school performance and student achievement; and

3. Supersedes the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

**Sec. 3. Temporary interruption of school performance grading system.** Notwithstanding the Maine Revised Statutes, Title 20-A, section 6214 or any other provision of law and regardless of the school grades reported on May 1, 2013 by the Commissioner of Education as part of

a school performance grading system, neither the Department of Education nor any other state agency may report or publish grades for schools in the State as part of a school performance grading system after the effective date of this section until the Legislature enacts legislation that expressly authorizes the Department of Education or another state agency to finally adopt rules to implement a school assessment system as set forth in Title 20-A, section 6214, subsection 3.

Nothing in this section may be construed to prevent or inhibit the Department of Education from providing annual reports of the results of the state assessment program required by the Maine Revised Statutes, Title 20-A, section 6204 to meet the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

**Sec. 4. Task force to design a school assessment system.** The Commissioner of Education shall convene a task force to develop a system to evaluate or rate the performance of public schools in the State.

1. The task force must include, but is not limited to, representatives of the following entities and stakeholder groups:

- A. Department of Education;
- B. State Board of Education;
- C. Teachers;
- D. School boards;
- E. Superintendents;
- F. Principals;
- G. Parents;
- H. Maine Education Policy Research Institute; and
- I. Students.

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

- A. Accurate measures of student progress over at least 3 years;
- B. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least 3 years;
- C. A peer group comparison that takes into account, but is not limited to, utilization of special education services, the number of students eligible for free or reduced-price meals, local and county unemployment data and median household income;
- D. School attendance rates;
- E. Graduation rates; and

F. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

3. 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.

4. The task force shall provide opportunities for the public and interested parties to provide input regarding the development of the school assessment system and shall 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.

5. The task force shall review the requirements of the Maine Revised Statutes, Title 20-A, chapter 222 and the school assessment systems that have been implemented in other states and jurisdictions and shall develop a school assessment system that will best serve the academic and developmental needs of students in this State.

6. The Commissioner of Education shall submit a report on the review required by subsection 5 to the Joint Standing Committee on Education and Cultural Affairs no later than November 1, 2013. The report must include the task force's findings and recommendations and any necessary legislation regarding the implementation of a school assessment system. The committee is authorized to report out a bill to the Second Regular Session of the 126th Legislature related to the recommendations included in this report.

**Sec. 5. Rules.** In adopting the rules required under the Maine Revised Statutes, Title 20-A, section 6214 related to implementing a school assessment system consistent with the requirements of Title 20-A, chapter 222, the Department of Education shall adopt rules that are consistent with the recommendations of the task force submitted as part of the report required under section 4, subsection 6. The department shall file provisionally adopted major substantive rules with the Legislature by the January 10, 2014 statutory deadline for the submission of major substantive rules to be reviewed by the Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

## SUMMARY

This amendment, which is the majority report for the Joint Standing Committee on Education and Cultural Affairs, strikes and replaces the concept draft with an emergency bill that proposes to accomplish the following initiatives:

1. It provides that, beginning with the 2014-2015 school year and only after the adoption of major substantive rules by the Department of Education, 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 Department of Education Rule Chapter 132: Learning Results: Parameters for Essential Instruction;

2. It provides that, until those rules are adopted, notwithstanding Title 20-A, section 6214 or any other provision of law, neither the department nor any other state agency may take any action based

on the school grades reported on May 1, 2013 by the Commissioner of Education as part of a school performance grading system;

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 assessment program until the final adoption of department rules adopted in accordance with Title 20-A, section 6214, subsection 3. It also provides that this provision 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. It also provides that the rules must be consistent with the recommendations reported by the task force to develop a system to evaluate or rate the performance of public schools in the State;

4. 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 or rate the performance of public schools in this State;

5. 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 November 1, 2013 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 126th Legislature related to the recommendations included in this report; and

6. It provides that the department must file provisionally adopted major substantive rules by January 10, 2014 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 2014-2015 school year.