

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 the title and substituting the following:

'An Act To Improve the Evaluation of Elementary and Secondary Schools'

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

'Sec. 1. 20-A MRS §6214 is enacted to read:

§ 6214. School accountability system; annual reports

Beginning with the 2018-2019 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the commissioner 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 section 6209, subsection 2 and that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations.

1. Performance and proficiency measures. The measures of school performance and student proficiency for the school accountability system implemented under this section must include multiple measures of student achievement and:

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations;

B. Use measures of student proficiency in all content areas of the learning results and the guiding principles using data gathered under section 4722-A, subsection 5;

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

D. As available, use measures of postsecondary readiness, persistence and completion;

E. Establish a school administrative unit's eligibility and priority for targeted state funding for school improvement and support under section 15688-A, subsection 5 and other applicable targeted funds authorized under section 15688-A; and

F. May include, but are 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 section 6209, subsection 2;

(2) Interim assessments that measure student growth over time; and

(3) Information from 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.

2. Annual reports. As provided in the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h), the commissioner shall annually report the statewide and school-level results of the school accountability system implemented under this section 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 school with a profile of school performance and student proficiency based upon data from the school accountability 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 accountability system until the final adoption of rules in accordance with subsection 3.

3. Rules. The department shall adopt rules to implement the school accountability 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 comply with the federal statutes and regulations pertaining to student assessment.

Sec. 2. Developing state plan for school accountability system. The Department of Education is designated as the state educational agency responsible for carrying out the State's obligations under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(a), including consulting with a state committee of practitioners established in accordance with 20 United States Code, Section 6573(b) to develop and monitor the implementation of the state plans to be filed with the United States Secretary of Education for compliance with federal law and regulations related to the eligibility of state educational agencies to be awarded federal grants pursuant to 20 United States Code, Section 6311(a). In order to facilitate the development of a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under 20 United States Code, Section 6311, the Department of Education shall consult with the representatives of the entities and stakeholders in the school accountability work group in subsection 1 who must be included

among the interested parties described in 20 United States Code, Section 6311(a)(1)(A) and shall serve as members of the committee of practitioners established in accordance with 20 United States Code, Section 6573(b).

1. The Department of Education shall appoint a school accountability work group to develop a school accountability system in accordance with this section, which must include, but is not limited to, representatives of the following entities and stakeholders:

- A. Department of Education;
- B. State Board of Education;
- C. Teachers;
- D. Principals;
- E. Parents;
- F. Education Research Institute, established under Title 20-A, section 10;
- G. Students;
- H. School boards;
- I. Superintendents;
- J. Special education administrators; and
- K. Curriculum leaders.

2. The school accountability system considered by the work group 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. 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 accountability 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 work group shall provide opportunities for the public and interested parties to provide input regarding the development of the school accountability system and shall give notice to the public and interested parties of the work group's meetings during which the public may provide information or feedback on the proposed models under consideration by the work group.

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

6. The Commissioner of Education shall submit an interim report on the review required by subsection 5 and a final report on the review required by subsection 5 to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017. The report must include the work group's findings and recommendations and any necessary legislation regarding the implementation of a school accountability system. The committee is authorized to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.

Nothing in this section may be construed to prevent or inhibit the Department of Education from developing a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h).

Sec. 3. Rules. In adopting the rules required under the Maine Revised Statutes, Title 20-A, section 6214 related to implementing a school accountability 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 work group convened under section 2 submitted as part of the report required under section 2, subsection 6. The department shall file provisionally adopted major substantive rules with the Legislature by the January 5, 2018 statutory deadline for the submission of major substantive rules to be reviewed by the Legislature.'

SUMMARY

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. 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 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

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 accountability 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 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;

3. 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;

4. 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 joint standing committee to report out a bill to the First Regular Session of the 128th 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 5, 2018 to 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.

FISCAL NOTE REQUIRED
(See attached)