



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1459

H.P. 1000

House of Representatives, November 30, 2015

An Act To Delay Any New Statewide Assessment Test

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on November 23, 2015. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: FREDETTE of Newport, GIDEON of Freeport, HANLEY of Pittston,
MAKER of Calais, McCABE of Skowhegan, O'CONNOR of Berwick, TUELL of East
Machias.

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

3 **Whereas,** Private and Special Law 2015, chapter 10, section 1 required the
4 Department of Education to adopt a new method of educational assessment for the 2015-
5 2016 school year; and

6 **Whereas,** there is insufficient time for all school administrative units to implement a
7 new method of educational assessment for the 2015-2016 school year; and

8 **Whereas,** the 2015-2016 school year will end prior to the expiration of the 90-day
9 period; and

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

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

15 **Sec. 1. P&SL 2015, c. 10, §1** is amended to read:

16 **Sec. 1. Department of Education to adopt educational assessment that**
17 **does not collect personal student data.** On the effective date of this section, the
18 Department of Education shall terminate the State's membership in the Smarter Balanced
19 Assessment Consortium and the use of the Smarter Balanced Assessment used to assess
20 student achievement in the 2014-2015 school year. The department shall adopt a method
21 of educational assessment pursuant to the Maine Revised Statutes, Title 20-A, section
22 6202 for the 2015-2016 school year and each school year thereafter that complies with
23 federal law but does not collect or disseminate personal data and attributes of students,
24 such as attitudes, values, motivations, stereotypes and feelings. The method of assessment
25 must be selected with direct input from education stakeholders and must specifically
26 address the needs of students and citizens of the State. Prior to the 2016-2017 school
27 year, the department may not require a school administrative unit to implement the
28 method of educational assessment adopted by the department pursuant to this section.
29 For the 2015-2016 school year, a school administrative unit may implement the method
30 of educational assessment adopted by the department pursuant to this section.

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

33 **SUMMARY**

34 This bill delays by one year the implementation of any assessment test chosen by the
35 Department of Education to replace the Smarter Balanced Assessment but allows schools
36 to voluntarily implement the new test for the 2015-2016 school year.