



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1578

H.P. 1085

House of Representatives, May 4, 2017

An Act Regarding Educational Standards for Maine Students

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 TUELL of East Machias.

Cosponsored by Representatives: GERRISH of Lebanon, KINNEY of Knox, SAMPSON of Alfred, STEWART of Presque Isle, Senator: WOODSOME of York.

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

2 **Sec. 1. 20-A MRSA §6202, sub-§3** is enacted to read:

3 **3. College and career readiness.** The commissioner shall adopt a system of college
4 and career readiness assessments, referred to in this section as "the assessments," to
5 assess whether students upon graduating from high school are ready to enter college or a
6 career. The commissioner shall convene a commission that includes teachers, college or
7 university professors, parents, school board members, national experts, state experts and
8 education consultants to provide advice, guidance and recommendations for the
9 alignment of content standards to the assessments and the design of the examinations
10 included in the assessments. The assessments must be approved by the state board and
11 the Public Higher Education Systems Coordinating Committee established under section
12 9.

13 A. The commission convened by the commissioner must include college or
14 university professors specializing in specific content areas to develop standards for
15 secondary school students.

16 B. For students who enter grade 9 on or after July 1, 2017, the assessments must be
17 aligned with the standards for awarding high school diplomas prescribed in chapter
18 207-A, subchapter 3, provide a measure of student performance and be one
19 determinant of student eligibility for a high school diploma.

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

22 Nothing in this section requires any school administrative unit to use all or any part of
23 the standards adopted under this section. Notwithstanding any other provision of law, no
24 state funds may be withheld from a school administrative unit or school for refusal to
25 adopt or use the standards established under this section. The department in consultation
26 with the state board shall by rule establish and implement a comprehensive, statewide
27 system of learning results, which ~~may~~ **must** include a ~~core~~ of standards in English
28 language arts and mathematics for kindergarten to grade 12 ~~established in common with~~
29 ~~the other states~~, as set forth in this section and in department rules implementing this
30 section and other curricular requirements. The department ~~must~~ **shall** establish
31 accountability standards at all grade levels in the areas of mathematics; and reading; and
32 ~~science and technology~~ writing. The department shall establish parameters for essential
33 instruction in English language arts; and mathematics; ~~science and technology~~; ~~social~~
34 ~~studies~~; ~~career and education development~~; ~~visual and performing arts~~; ~~health, physical~~
35 ~~education and wellness~~; and ~~world languages~~. Only a public school, a public charter
36 school as defined in section 2401, subsection 9 or a private school approved for tuition
37 purposes that enrolls at least 60% publicly funded students, as determined by the previous
38 school year's October and April average enrollment, is required to participate in the
39 system of learning results set forth in this section and in department rules implementing
40 this section and other curricular requirements. The commissioner shall develop
41 accommodation provisions for instances where course content conflicts with sincerely
42 held religious beliefs and practices of a student's parent or guardian. The system must be
43 adapted to accommodate children with disabilities as defined in section 7001, subsection

1 1-B. The commissioner may not adopt any model curricula that are aligned with the
2 content standards adopted under this section.

3 **Sec. 3. 20-A MRSA §6209, sub-§1-A**, as enacted by PL 2007, c. 259, §5, is
4 amended to read:

5 **1-A. Accountability standards.** ~~Each student must be assessed~~ Assessment of
6 students by means of a statewide assessment must be in the following areas:

7 A. Reading and writing; and

8 B. Mathematics; ~~and~~.

9 ~~C. Science, in those content areas concerning cells and continuity and change.~~

10 **Sec. 4. 20-A MRSA §6209, sub-§4**, as amended by PL 2015, c. 489, §6, is
11 repealed.

12 **Sec. 5. Revocation and replacement of the common core state standards**
13 **and assessments.** For the 2017-2018 school year, the Department of Education shall
14 furnish and school administrative units and schools shall administer the assessments for
15 elementary and secondary schools implemented during the 2013-2014 school year
16 pursuant to the statewide assessment in place during the 2013-2014 school year.

17 **1. Revocation.** The content standards of the system of learning results for English
18 language arts and mathematics that were formulated to align with the common core state
19 standards pursuant to Public Law 2009, chapter 647, section 1 are void at the end of the
20 2017-2018 school year.

21 **2. Replacement of current content standards and assessments.** The Department
22 of Education:

23 A. Notwithstanding the Maine Revised Statutes, Title 20-A, section 6211, shall by
24 routine technical rule replace the current content standards in English language arts
25 and mathematics adopted under Title 20-A, section 6209 with new standards that are
26 consistent with the standards in effect in the Commonwealth of Massachusetts in
27 2009. The standards adopted under this section must be, as much as possible,
28 identical to those adopted by Massachusetts, except when a Maine context requires
29 otherwise. The content standards apply to the 2018-2019, 2019-2020 and 2020-2021
30 school years;

31 B. Notwithstanding Title 20-A, section 6211, shall by routine technical rule amend
32 rule Chapter 131: The Maine Federal, State, and Local Accountability Standards and
33 rule Chapter 132: Learning Results: Parameters for Essential Instruction to include in
34 the statewide system of learning results and assessments a core of English language
35 arts and mathematics standards for kindergarten to grade 12 students aligned with the
36 content standards in effect in the Commonwealth of Massachusetts in 2009. The
37 content standards for kindergarten to grade 12 included in these amended rules must
38 clarify for students the relevance of English language arts and mathematics to
39 everyday life and help students become successful analytical thinkers prepared for

1 postsecondary education, careers and civic life. The core applies to the 2018-2019,
2 2019-2020 and 2020-2021 school years;

3 C. Notwithstanding Title 20-A, section 6211, shall by routine technical rule adopt,
4 not later than 90 days after the effective date of the bill, assessments for elementary
5 and secondary schools in English language arts and mathematics that are aligned with
6 the content standards adopted under paragraph A. The assessments apply to the
7 2018-2019, 2019-2020 and 2020-2021 school years; and

8 D. Shall adopt the new content standards and assessments in accordance with
9 subsection 3 so that they are in place beginning with the 2021-2022 school year.

10 **3. Independent statewide content standards; assessments.** By June 30, 2019,
11 subject to the approval required under section 6, the department shall provisionally adopt
12 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A establishing
13 new statewide content standards for kindergarten and for each grade from grade 1 to
14 grade 12 in English language arts and mathematics, for use beginning with the 2021-2022
15 school year, that are distinct and independent from the standards previously adopted by
16 the department pursuant to Public Law 2009, chapter 647, section 1. The department
17 shall also develop and adopt by June 30, 2021 assessments for elementary and secondary
18 schools in English language arts and mathematics that are aligned with the new content
19 standards for use beginning with the 2021-2022 school year. The statewide content
20 standards must:

21 A. Be limited to English language arts and mathematics;

22 B. Emphasize coherence, focus and essential knowledge and must be more
23 challenging and demanding when compared to international standards;

24 C. Include the essential academic content and skills that students are expected to
25 know and to have at each grade level;

26 D. Promote lifelong learning by providing essential knowledge and skills based in
27 the liberal arts tradition; and

28 E. Be clearly written, transparent and understandable by parents, educators and the
29 general public.

30 **4. Restrictions.** In developing the statewide content standards under this section:

31 A. An official, employee or agent of the State whether appointed or elected may not:

32 (1) Enter into any agreement or memorandum of understanding with any Federal
33 Government agency or private entity that would require the State to abdicate any
34 measure of control over the development, adoption or revision of the content
35 standards in the system of learning results; or

36 (2) Join on behalf of the State or a state agency any consortium, association or
37 other entity when such membership would require the State or a school board to
38 concede any measure of control over education, including academic content
39 standards and assessments of such standards; and

1 B. The department may not adopt or implement the content standards for English
2 language arts and mathematics developed by the common core state standards
3 initiative or any similar initiative process or program.

4 **Sec. 6. Committees.** The following committees are established to review and
5 approve statewide content standards developed by the department pursuant to section 5.

6 **1. Membership.** Members of committees must be appointed in accordance with this
7 subsection. Appointed members of each committee serve at the pleasure of the
8 appointing authority.

9 A. The English language arts academic standards review committee is established to
10 review and approve content standards in the subject of English language arts. The
11 committee consists of the following members:

12 (1) Three experts who have no vested interest with a special interest group or a
13 nonprofit group who are residents of this State and who primarily conduct
14 research, provide instruction, currently work or possess an advanced degree in
15 the subject area. One expert is appointed by the President of the Senate, one by
16 the Speaker of the House of Representatives and one by the Governor;

17 (2) One parent or guardian of a student, appointed by the President of the Senate;

18 (3) Four educators who are currently teaching in classrooms, including one
19 college or university professor, one secondary school teacher, one middle school
20 teacher and one elementary school teacher, appointed by the Speaker of the
21 House of Representatives;

22 (4) The Chancellor of the University of Maine System or the chancellor's
23 designee; and

24 (5) A member of the State Board of Education who is selected by a majority of
25 the members of the State Board of Education, who serves as the chair of the
26 committee.

27 B. The mathematics academic standards review committee is established to review
28 and approve academic content standards in the subject of mathematics. The
29 committee consists of the following members:

30 (1) Three experts who have no vested interest with a special interest group or a
31 nonprofit group who are residents of this State and who primarily conduct
32 research, provide instruction, currently work or possess an advanced degree in
33 the subject area. One expert is appointed by the President of the Senate, one by
34 the Speaker of the House of Representatives and one by the Governor;

35 (2) One parent or guardian of a student, appointed by the Speaker of the House
36 of Representatives;

37 (3) Four educators who are currently teaching in classrooms, including one
38 college or university professor, one secondary school teacher, one middle school
39 teacher and one elementary school teacher, appointed by the President of the
40 Senate;

1 (4) The Chancellor of the University of Maine System or the chancellor's
2 designee; and

3 (5) A member of the State Board of Education who is selected by a majority of
4 the members of the State Board of Education, who serves as the chair of the
5 committee.

6 **2. Review and approval.** Each committee created under this section shall review
7 and approve the academic content standards for its respective subject area to ensure that
8 the standards are clear, concise and appropriate for each grade level and promote higher
9 student performance, learning and subject matter comprehension and improved student
10 achievement. Each committee also shall review whether the standards for its respective
11 subject area promote essential knowledge in the subject, lifelong learning, the liberal arts
12 tradition and college and career readiness and whether the standards reduce remediation.
13 Each committee shall determine whether the assessments submitted to that committee are
14 appropriate for the committee's respective subject area and meet the academic content
15 standards in the Maine Revised Statutes, Title 20-A, section 6209 and community
16 expectations.

17 **3. Comparison of content standards.** In addition to its duties under subsection 2,
18 each committee shall compare the content standards in English language arts and
19 mathematics adopted under section 5, subsection 2 with the content standards in English
20 language arts and mathematics that were previously adopted by the Department of
21 Education pursuant to Public Law 2009, chapter 313, section 19 and Public Law 2009,
22 chapter 647, section 1. Each committee shall compile a report detailing substantial
23 similarities between these sets of content standards and recommend that the department
24 include those similar items in the new content standards. The committees shall submit
25 the reports required under this section to the department no later than December 31, 2018.

26 **4. Department support.** The Department of Education shall provide administrative
27 support for each committee created under this section.

28 **Sec. 7. Comparison of new content standards.** Upon the adoption of the new
29 content standards under section 5, the Department of Education shall compare the new
30 content standards in English language arts and mathematics with the content standards
31 that were previously adopted pursuant to Public Law 2009, chapter 313 and Public Law
32 2009, chapter 647. The department shall consider public comments and the use of best
33 practices, evidence and research in the evaluation and comparison of the content
34 standards. The department shall submit a report no later than September 12, 2018
35 summarizing the results of the comparison of the content standards to the Governor and
36 to the joint standing committee of the Legislature having jurisdiction over education
37 matters.

38 Upon the development and adoption of the new assessments required under section 5,
39 the Department of Education shall compare those assessments with the assessments for
40 elementary and secondary schools that were administered during the 2013-2014 school
41 year, including the New England Common Assessment Program for grades 3 to 8 and the
42 Maine High School Assessment testing program for grade 11 that included the SATs in
43 reading, mathematics and writing, and with the Massachusetts Comprehensive

1 Assessment System assessments that were administered during the 2018-2019 school
2 year.

3 The Department of Education shall publish the comparison on its publicly accessible
4 website.

5 **SUMMARY**

6 This bill accomplishes the following with regard to the statewide content standards,
7 statewide assessment programs and the comparison of recent and proposed content
8 standards and statewide assessment programs.

9 With regard to content standards, the bill:

10 1. Prohibits the Department of Education from adopting and implementing the
11 common core state standards, or any standards developed by any similar initiative process
12 or program, as the State's content standards for English language arts and mathematics
13 and voids any prior actions taken to adopt or implement the common core state standards;

14 2. Requires the Department of Education, within 90 days after the bill's effective
15 date, to replace the content standards in English language arts and mathematics with new
16 standards that are consistent with the standards adopted by Massachusetts prior to that
17 state's adoption of the common core state standards so that Maine's standards are, as
18 much as possible, identical to those adopted by Massachusetts, except when a Maine
19 context requires otherwise;

20 3. Specifies that the content standards that are based on the Massachusetts standards
21 are effective for the 2018-2019, 2019-2020 and 2020-2021 school years only;

22 4. Requires the Department of Education, by June 30, 2019, to adopt new content
23 standards for kindergarten and for each of grades 1 to 12 in English language arts and
24 mathematics that are distinct and independent from the standards previously adopted by
25 the Department of Education so that they are in place beginning with the 2021-2022
26 school year;

27 5. States that a school administrative unit is not required to use all or any part of the
28 content standards adopted by the Department of Education;

29 6. Prohibits the Commissioner of Education from adopting any model curricula that
30 are aligned with the content standards; and

31 7. Prohibits the Department of Education, the State Board of Education and any
32 other state official, board or agency from adopting or revising any content standards in
33 English language arts or mathematics until the new or revised standards are approved in
34 accordance with the bill.

35 With regard to assessments, the bill:

36 1. For the 2017-2018 school year, requires the Department of Education to furnish
37 and school administrative units and schools to administer the assessments for elementary

1 and secondary schools that were administered during the 2013-2014 school year,
2 including the New England Common Assessment Program for grades 3 to 8 and the
3 Maine High School Assessment testing program for grade 11 that includes the SATs in
4 reading, mathematics and writing;

5 2. Requires the Department of Education to adopt or develop, not later than 90 days
6 after the effective date of the bill, assessments for elementary and secondary schools in
7 English language arts and mathematics that are aligned with the State's version of
8 Massachusetts content standards for use only during the 2018-2019, 2019-2020 and 2020-
9 2021 school years; and

10 3. Requires the Department of Education to adopt or develop by June 30, 2021
11 assessments for elementary and secondary schools in English language arts and
12 mathematics that are aligned with the new content standards for use during the 2021-2022
13 school year and each school year thereafter.

14 With regard to the comparison of standards and assessments, the bill:

15 1. Requires the Department of Education to compare and publish on its website a
16 comparison of the new content standards in English language arts and mathematics that
17 will be effective in the 2021-2022 school year with Maine's state standards and the
18 parameters for essential instruction and graduation requirements and to submit a report to
19 the Legislature and Governor outlining the results of the comparison of the standards; and

20 2. Requires the committees in the content areas of English language arts and
21 mathematics to compare the content standards in English language arts and mathematics
22 with the content standards that were previously adopted by the Department of Education
23 pursuant to Public Law 2009, chapter 313, section 19 and Public Law 2009, chapter 647,
24 section 1.