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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 853, L.D. 1253, Bill, "An Act To Improve the Evaluation of Public Schools"

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 MRSA §6214 is enacted to read:

§6214. School assessment system; annual reports

Beginning with the 2017-2018 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 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 for the school assessment system 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 from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal

COMMITTEE AMENDMENT

1 statutes and regulations regarding student assessment as required by the federal No  
2 Child Left Behind Act of 2001, 20 United States Code, Chapter 70.

3 **2. Annual reports.** The commissioner shall annually report the statewide and  
4 school-level results of the school assessment system implemented under this section with  
5 regard to the performance of schools and the proficiency of students in each of the State's  
6 elementary and secondary schools.

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

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

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

16 **3. Rules.** The department shall adopt rules to implement the school assessment  
17 system established pursuant to this section. The rules adopted by the department must  
18 specify the methods to be used as part of the annual assessment of the performance of  
19 elementary and secondary schools and the proficiency of elementary and secondary  
20 school students. Rules adopted pursuant to this subsection are major substantive rules as  
21 defined in Title 5, chapter 375, subchapter 2-A.

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

27 **Sec. 2. Task force to design a school assessment system.** The Commissioner  
28 of Education shall convene a task force to develop a school assessment system pursuant  
29 to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the  
30 performance of schools in the State.

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

33 A. Department of Education;

34 B. State Board of Education;

35 C. Teachers;

36 D. Principals;

37 E. Parents;

38 F. Education Research Institute, established under Title 20-A, section 10;

39 G. Students;

40 H. School boards;

1 I. Superintendents; and

2 J. Special education administrators.

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

5 A. Accurate measures of student progress over at least 3 years;

6 B. Rates of postsecondary school attendance and enlistment in the United States  
7 Armed Forces over at least 3 years;

8 C. A peer group comparison that takes into account, but is not limited to, utilization  
9 of special education services, the number of students eligible for free or reduced-price  
10 meals, local and county unemployment data and median household income;

11 D. Attendance rates;

12 E. Graduation rates; and

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

16 3. The school assessment system may not use a bell curve, and a school may not be  
17 penalized because of the failure of students to take certain standardized tests.

18 4. The task force shall provide opportunities for the public and interested parties to  
19 provide input regarding the development of the school assessment system and shall give  
20 notice to the public and interested parties of the task force's meetings during which the  
21 public may provide testimony or feedback on the proposed models under consideration  
22 by the task force.

23 5. The task force shall review the requirements of the Maine Revised Statutes, Title  
24 20-A, chapter 222 and the school assessment systems that have been implemented in  
25 other states and jurisdictions and shall develop a school assessment system that will best  
26 serve the academic and developmental needs of students in this State.

27 6. The Commissioner of Education shall submit a report on the review required by  
28 subsection 5 to the Joint Standing Committee on Education and Cultural Affairs no later  
29 than January 15, 2016. The report must include the task force's findings and  
30 recommendations and any necessary legislation regarding the implementation of a school  
31 assessment system. The committee is authorized to report out a bill to the Second Regular  
32 Session of the 127th Legislature related to the recommendations included in this report.

33 **Sec. 3. Rules.** In adopting the rules required under the Maine Revised Statutes,  
34 Title 20-A, section 6214 related to implementing a school assessment system consistent  
35 with the requirements of Title 20-A, chapter 222, the Department of Education shall  
36 adopt rules that are consistent with the recommendations of the task force convened  
37 under section 2 submitted as part of the report required under section 2, subsection 6.  
38 The department shall file provisionally adopted major substantive rules with the  
39 Legislature by the January 6, 2017 statutory deadline for the submission of major  
40 substantive rules to be reviewed by the Legislature.



1 Affairs no later than January 15, 2016 and authorizes the joint standing committee to  
2 report out a bill to the Second Regular Session of the 127th Legislature related to the  
3 recommendations included in this report; and

4 5. It provides that the department must file provisionally adopted major substantive  
5 rules by January 6, 2017 to implement the school assessment system and that the rules  
6 must specify the methods to be used as part of the annual assessment of the performance  
7 of elementary and secondary schools and the proficiency of elementary and secondary  
8 school students beginning with the 2017-2018 school year.

9 This amendment also adds an appropriations and allocations section.

10 **FISCAL NOTE REQUIRED**

11 **(See attached)**