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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

127TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 660, L.D. 1627, Bill, “An Act To Implement Certain Recommendations of the Maine Proficiency Education Council”

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

Sec. 1. 20-A MRSA §4511, sub-§3, ¶J is enacted to read:

J. The school demonstrates evidence of sufficient capacity through multiple pathways as set out in section 4703 for students to reach proficiency in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209.

Sec. 2. 20-A MRSA §4722-A, as amended by PL 2015, c. 267, Pt. C, §3; c. 342, §1; and c. 362, §1; and corrected by RR 2015, c. 1, §14, is further amended to read:

§4722-A. Proficiency-based diploma standards and transcripts

Beginning January 1, 2017, a diploma indicating graduation from a secondary school must be based on student demonstration of proficiency as described in this section. The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit's plan for awarding diplomas meets the criteria for proficiency-based graduation under this section.

1. Requirements for award of diploma. In order to receive award to a student a diploma indicating graduation from secondary school, a student school subject to the system of learning results established under section 6209 must:

A. Demonstrate that the student engaged in educational experiences relating to English language arts, mathematics and science and technology in each year of the student's secondary schooling;

A-1. Certify that the student has met all requirements specified by the governing body of the school administrative unit attended by the student;

COMMITTEE AMENDMENT

1 B. ~~Demonstrate~~ Certify that the student has demonstrated proficiency in meeting
2 state standards in all content areas of the system of learning results established under
3 section 6209;

4 B-1. Phase in the following diploma requirements from the 2020-2021 school year to
5 the 2024-2025 school year:

6 (1) For a student graduating in the graduating class of 2020-2021, certify that the
7 student has demonstrated proficiency in meeting the state standards in the content
8 areas of English language arts, mathematics, science and technology and social
9 studies;

10 (2) For a student graduating in the graduating class of 2021-2022, certify that the
11 student has demonstrated proficiency in meeting the state standards in the content
12 areas of English language arts, mathematics, science and technology, social
13 studies and at least one additional content area of the student’s choice;

14 (3) For a student graduating in the graduating class of 2022-2023, certify that the
15 student has demonstrated proficiency in meeting the state standards in the content
16 areas of English language arts, mathematics, science and technology, social
17 studies and at least 2 additional content areas of the student’s choice;

18 (4) For a student graduating in the graduating class of 2023-2024, certify that the
19 student has demonstrated proficiency in meeting the state standards in the content
20 areas of English language arts, mathematics, science and technology, social
21 studies and at least 3 additional content areas of the student’s choice; and

22 (5) For a student graduating in the graduating class of 2024-2025 and for each
23 subsequent graduating class, certify that the student has demonstrated proficiency
24 in meeting the state standards in all content areas.

25 For the purposes of this paragraph, "content areas" refers to the content areas of the
26 system of learning results established under section 6209.

27 C. ~~Demonstrate~~ Certify that the student has demonstrated proficiency in each of the
28 guiding principles set forth in department rules governing implementation of the
29 system of learning results established pursuant to section 6209; and

30 ~~D. Meet any other requirements specified by the governing body of the school~~
31 ~~administrative unit attended by the student.~~

32 E. Certify that the student has engaged in educational experiences relating to English
33 language arts, mathematics and science and technology in each year of the student's
34 secondary schooling.

35 **2. Method of gaining and demonstrating proficiency.** Students must be allowed
36 to gain proficiency through multiple pathways, as described in section 4703, and must be
37 allowed to demonstrate proficiency by presenting multiple types of evidence, including
38 but not limited to teacher-designed or student-designed assessments, portfolios,
39 performance, exhibitions, projects and community service.

40 **3. Exceptions.** Notwithstanding subsection 1, a student may be awarded a diploma
41 indicating graduation from a secondary school in the following circumstances.

1 A. A student who is a child with a disability, as defined in section 7001, subsection
2 1-B, who achieves proficiency as required in may meet the requirements of
3 subsection 1, as specified by the goals and objectives of the child's individualized
4 education plan, may be awarded a high school diploma and become eligible for a
5 diploma by demonstrating proficiency in state standards established in the system of
6 learning results through performance tasks and accommodations that maintain the
7 integrity of the standards as specified in the student's individualized education
8 program by the student's individualized education program team pursuant to the
9 requirements of chapter 301.

10 B. A student who has satisfactorily completed the freshman year in an accredited
11 degree-granting institution of higher education ~~may be~~ is eligible to receive a high
12 school diploma from the secondary school the student last attended.

13 ~~B-1. A student who has satisfactorily completed the junior and senior years in a dual~~
14 ~~enrollment career and technical education program formed pursuant to chapter 229~~
15 ~~and who successfully demonstrates proficiency as required in subsection 1 may be~~
16 ~~eligible to receive a high school diploma from the secondary school the student last~~
17 ~~attended.~~

18 B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a
19 student who has satisfactorily completed a state-approved career and technical
20 education program of study and either met 3rd-party-verified national or state
21 industry standards set forth in department rules established pursuant to section
22 8306-B or earned 6 credits in a dual enrollment career and technical education
23 program formed pursuant to chapter 229 from a regionally accredited institution of
24 higher education and who has successfully demonstrated proficiency in meeting state
25 standards in the content areas and the guiding principles set forth in department rules
26 governing implementation of the system of learning results established pursuant to
27 section 6209, is eligible to receive a high school diploma from the secondary school
28 the student last attended. A student may be awarded a high school diploma from the
29 secondary school the student last attended in accordance with the phase-in of the
30 following diploma requirements for the graduating class of 2020-2021 to the
31 graduating class of 2023-2024:

32 (1) For a student graduating in the graduating class of 2020-2021, the student has
33 demonstrated proficiency in meeting the state standards in the content areas of
34 English language arts, mathematics and social studies;

35 (2) For a student graduating in the graduating class of 2021-2022, the student has
36 demonstrated proficiency in meeting the state standards in the content areas of
37 English language arts, mathematics, social studies and at least one additional
38 content area of the student's choosing;

39 (3) For a student graduating in the graduating class of 2022-2023, the student has
40 demonstrated proficiency in meeting the state standards in the content areas of
41 English language arts, mathematics, social studies and at least 2 additional
42 content areas of the student's choosing; and

43 (4) For a student graduating in the graduating class of 2023-2024 and in each
44 subsequent graduating class, the student has demonstrated proficiency in meeting

1 the state standards in the content areas of English language arts, mathematics,
2 social studies and at least 3 additional content areas of the student’s choosing.

3 For the purposes of this paragraph, "content areas" refers to the content areas of the
4 system of learning results established under section 6209.

5 D. A school administrative unit may award a high school diploma to a student who
6 has met the standards set forth in a waiver request that was approved by the
7 commissioner pursuant to section 4502, subsection 8.

8 E. A person may be awarded a high school diploma, including a posthumous award,
9 if the person or a family member of the person applies to a secondary school and:

10 (1) The person:

11 (a) Attended a secondary school in the geographic area now served by the
12 secondary school from which a diploma is requested; or

13 (b) Resides at the time of application for a diploma in the geographic area
14 served by the secondary school from which a diploma is requested;

15 (2) The person did not graduate or receive a diploma from a secondary school
16 because the person left secondary school to serve in the Armed Forces and served
17 during the following periods:

18 (a) World War II, from December 7, 1941 to August 16, 1945;

19 (b) The Korean Conflict;

20 (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or

21 (d) The period of wartime or peacetime after a period of wartime described in
22 division (a), (b) or (c); and

23 (3) The person received an honorable discharge or a certificate of honorable
24 service from the Armed Forces.

25 For the purposes of this paragraph, "Armed Forces" means the United States Army,
26 Navy, Air Force, Marine Corps; and Coast Guard and the ~~Merchant Marines~~
27 merchant marine.

28 **4. Grants; contingent extension of full implementation.** During the period of
29 transition to proficiency-based graduation in accordance with this section, the department,
30 if funds are available, shall make annual transition grants to each school administrative
31 unit equal to 1/10 of 1% of the school administrative unit's total cost of education
32 calculated under section 15688, subsection 1 to be used in the manner determined by the
33 school administrative unit to fund the costs of the transition not otherwise subsidized by
34 the State through the 2014-2015 school year. The date for implementation of the
35 awarding of diplomas based on student demonstration of proficiency as described in this
36 section is extended one year for each year for which transition grants are not made
37 available to a school administrative unit or for which levels of general purpose aid for
38 local schools fall below school year 2012-2013 levels. Beginning in the 2015-2016
39 school year to the 2020-2021 school year, the department, if funds are available, shall

1 make annual transition grants to each school administrative unit that operates schools
2 equal to 1/9 of 1% of the school administrative unit's total cost of education calculated
3 under section 15688, subsection 1 to be used in the manner determined by the school
4 administrative unit to fund the costs of the transition not otherwise subsidized by the
5 State, including the transition to proficiency-based graduation in accordance with this
6 section and the proficiency-based reporting and credentials requirements in accordance
7 with section 6209, subsection 3-A.

8 **5. Transcripts and certification of content area proficiency.** A In addition to
9 maintaining a high school transcript for each student, a school administrative unit shall
10 certify each student's content area proficiency and may award a certificate of content area
11 proficiency to a student for each content area in the system of learning results established
12 under section 6209 in which the student has demonstrated proficiency. ~~A certificate~~
13 Certification of content area proficiency ~~may~~ must be included ~~in~~ with the student's
14 permanent academic transcript, and a student may use ~~a certificate~~ certification of content
15 area proficiency as an official credential of academic achievement for the purposes of
16 employment and postsecondary education. ~~If~~ When a school administrative unit ~~awards~~
17 ~~certificates of~~ certifies content area proficiency, it shall report ~~its issuance of certificates~~
18 these certifications of content area proficiency to the department, and the department ~~may~~
19 shall collect and aggregate these data as evidence of ~~intermediate~~ progress towards high
20 school graduation goals.

21 **6. Implementation of proficiency-based diplomas and transcripts.** Beginning in
22 the ~~2015-2016~~ 2016-2017 school year, the department shall annually collect and report
23 data on the progress of public schools and public charter schools towards the
24 implementation of proficiency-based diplomas and transcripts in relation to the ongoing
25 transition plan required pursuant to section 4502, subsection 1, including the number of
26 students graduating with proficiency-based diplomas ~~and~~ the number of students
27 ~~awarded proficiency~~ concluding their high school careers proficient in each of the content
28 areas of the system of learning results established under section 6209 and in each of the
29 guiding principles set forth in department rules governing implementation of the system
30 of learning results established pursuant to section 6209 and the number of students
31 certified as ready for college and careers. By January 15, 2017, and annually thereafter,
32 the department shall provide an annual report of the data collected for the prior school
33 year to the joint standing committee of the Legislature having jurisdiction over education
34 matters, and the department shall post the annual report on its publicly accessible website.

35 **7. Rulemaking.** The commissioner shall develop rules to accomplish the purposes
36 of this section. Rules adopted by the commissioner under this section must:

37 A. Allow local flexibility and innovation in developing consistent graduation
38 standards, enable school administrative units to continue current progress aligned
39 with the phase-in of the standards and proficiency requirements in subsection 1,
40 paragraph B-1 and subsection 3, paragraph B-2 and describe standard criteria for
41 ensuring equal educational opportunities for students;

42 B. Allow the commissioner to identify the manner in which the opportunities for
43 learning in multiple pathways of career and technical education programs may be
44 used to satisfy certain components of the system of learning results established under
45 section 6209; and

1 C. Address the appropriate placement of students in career and technical education
2 programs while ensuring that all students be exposed to all the content areas of the
3 system of learning results established under section 6209 through the 10th year of
4 their studies.

5 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
6 chapter 375, subchapter 2-A.

7 **Sec. 3. 20-A MRSA §6209, first ¶**, as amended by PL 2015, c. 40, §5, is further
8 amended to read:

9 The department in consultation with the state board shall establish and implement a
10 comprehensive, statewide system of learning results, which may include a core of
11 standards in English language arts and mathematics for kindergarten to grade 12
12 established in common with the other states, as set forth in this section and in department
13 rules implementing this section and other curricular requirements. The department must
14 establish accountability standards at all grade levels in the areas of mathematics; reading;
15 and science and technology. The department shall establish parameters for essential
16 instruction ~~and graduation requirements~~ in English language arts; mathematics; science
17 and technology; social studies; career and education development; visual and performing
18 arts; health, physical education and wellness; and world languages. Only ~~students in~~
19 a public school, a public charter school as defined in section 2401, subsection 9 or a private
20 school approved for tuition purposes that enrolls at least 60% publicly funded students, as
21 determined by the previous school year's October and April average enrollment, ~~are~~ is
22 required to participate in the system of learning results set forth in this section and in
23 department rules implementing this section and other curricular requirements. The
24 commissioner shall develop accommodation provisions for instances where course
25 content conflicts with sincerely held religious beliefs and practices of a student's parent or
26 guardian. The system must be adapted to accommodate children with disabilities as
27 defined in section 7001, subsection 1-B.

28 **Sec. 4. 20-A MRSA §6209, sub-§2**, as amended by PL 2007, c. 259, §5, is
29 further amended to read:

30 **2. Parameters for essential instruction and graduation requirements.** Each
31 ~~student shall study and~~ school subject to the provisions of this section shall ensure
32 sufficient opportunity and capacity through multiple pathways for all students to study
33 and achieve proficiency in the areas of:

- 34 A. Career and education development;
- 35 B. English language arts;
- 36 C. World languages;
- 37 D. Health, physical education and wellness;
- 38 E. Mathematics;
- 39 F. Science and technology;
- 40 G. Social studies; and
- 41 H. Visual and performing arts.

1 **Sec. 5. 20-A MRSA §6209, sub-§3-A** is enacted to read:

2 **3-A. Transcripts.** A school subject to this section shall:

3 A. Maintain student transcripts containing certification of proficiency for each
4 content area and guiding principle in the system of learning results pursuant to this
5 section in which the student has demonstrated proficiency;

6 B. Certify on the basis of objective measures in the transcript a student's
7 postsecondary readiness; and

8 C. Establish a transcript that meets the requirements of paragraphs A and B as an
9 officially sanctioned credential of student learning for admission to a postsecondary
10 education institution and employment in a business, trade or industry.

11 **Sec. 6. 20-A MRSA §6209, sub-§4**, as amended by PL 2013, c. 244, §2, is
12 further amended to read:

13 **4. Review cycle.** The commissioner shall conduct a review of the content standards
14 and performance indicators by content area on a 5-year cycle beginning in the 2015-2016
15 school year. The review of the content standards and performance indicators for the
16 content area of social studies, including student achievement of proficiency in personal
17 finance, must be included in the commissioner's review during the 2015-2016 school
18 year. Any changes that are recommended must be approved through the same process
19 used for establishment of the system of learning results. Beginning in the 2016-2017
20 school year, the commissioner shall review and make recommendations for objective
21 measures that may be used to substantiate school certifications of postsecondary
22 readiness.

23 **Sec. 7. 20-A MRSA §6211**, as enacted by PL 2001, c. 454, §33, is amended to
24 read:

25 **§6211. Rulemaking**

26 The commissioner shall develop rules to accomplish the purposes of this chapter.
27 Rules adopted by the commissioner under this chapter must include guidelines and
28 protocols to strengthen the capacity of school administrative units to ensure sufficient
29 opportunity through multiple pathways for all students to achieve proficiency in meeting
30 the state standards and guiding principles under the system of learning results established
31 pursuant to section 6209. Rules adopted pursuant to this chapter are major substantive
32 rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

33 **Sec. 8. 20-A MRSA §15686-A, sub-§4** is enacted to read:

34 **4. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in
35 fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using
36 information provided by a statewide education policy research institute, shall review the
37 essential programs and services components under this chapter related to implementation
38 of proficiency-based reporting and graduation requirements and shall submit to the joint
39 standing committee of the Legislature having jurisdiction over education matters any
40 recommended legislative changes.

1 **Sec. 9. 20-A MRSA §15688-A, sub-§3**, as enacted by PL 2013, c. 368, Pt. C,
2 §12, is amended to read:

3 **3. Transition to proficiency-based diplomas.** The commissioner may expend and
4 disburse funds to support the transition to proficiency-based diplomas pursuant to section
5 4722-A, subsection 4, including the proficiency-based reporting and credentials
6 requirements of section 6209, subsection 3-A.

7 **Sec. 10. 20-A MRSA §15689-C, sub-§1**, as amended by PL 2015, c. 389, Pt. C,
8 §8, is further amended to read:

9 **1. Annual recommendations.** Prior to January 20th of each fiscal year, the
10 commissioner, with the approval of the state board, shall recommend to the Governor and
11 the Department of Administrative and Financial Services, Bureau of the Budget the
12 funding levels that the commissioner recommends for the purposes of this chapter on the
13 basis of section 15671. Beginning with the recommendations due in 2009, the
14 commissioner’s annual recommendations must be in the form and manner described in
15 subsection 4.

16 **Sec. 11. 20-A MRSA §15689-D, sub-§1**, as amended by PL 2015, c. 54, §9, is
17 further amended to read:

18 **1. Annual recommendations.** The Department of Administrative and Financial
19 Services, Bureau of the Budget shall annually certify to the Legislature the funding levels
20 that the Governor recommends under sections 15671, 15671-A, 15683, 15683-A,
21 15683-B, 15688-A, 15689 and 15689-A and the amount for any other components of the
22 total cost of funding public education from kindergarten to grade 12 pursuant to this
23 chapter. The Governor's recommendations must be transmitted to the Legislature within
24 the time schedules set forth in Title 5, section 1666 and in the form and manner described
25 in subsection 2 and these recommendations must be posted on the department's publicly
26 accessible website. The commissioner may adjust, consistent with the Governor's
27 recommendation for funding levels, per-pupil amounts not related to staffing pursuant to
28 section 15680 and targeted funds pursuant to section 15681.

29 **Sec. 12. Department of Education; rules.** The Department of Education shall
30 provide guidance and, as necessary, amend rules in accordance with the rulemaking
31 provisions established under the Maine Revised Statutes, Title 20-A, section 7005,
32 subsection 1 in order to establish strategies by which special education students with
33 individual education plans may demonstrate proficiency in meeting the state standards in
34 and guiding principles established pursuant to the system of learning results established
35 under Title 20-A, section 6209.

36 **Sec. 13. Commissioner of Education; rulemaking.** By January 2, 2017, the
37 Commissioner of Education shall provisionally adopt or amend rules in accordance with
38 the rulemaking provisions established under the Maine Revised Statutes, Title 20-A,
39 section 253, subsection 9 and Title 20-A, section 6211 in order to ensure compliance with
40 the amendments to the standards-based education system and the proficiency-based
41 graduation provisions under Title 20-A, section 4511, subsection 3, paragraph J; section
42 4722-A; section 6209; and section 7005, subsection 1 pursuant to this Act.'

SUMMARY

1
2 This amendment strikes and replaces the bill, which was reported out by the Joint
3 Standing Committee on Education and Cultural Affairs for consideration by the
4 committee and which includes certain recommendations proposed in the report submitted
5 by the Maine Proficiency Education Council established pursuant to Resolve 2015,
6 chapter 41, section 3. The amendment proposes the following initiatives related to
7 certain recommendations included in the report submitted by the Maine Proficiency
8 Education Council.

9 1. Like the bill, it adds a provision to the laws governing accreditation standards that
10 requires schools to demonstrate evidence of sufficient capacity through multiple
11 pathways for students to reach proficiency in each of the content areas and the guiding
12 principles of the system of learning results established under the Maine Revised Statutes,
13 Title 20-A, section 6209.

14 2. It refines a school's requirements regarding a student's demonstration of
15 proficiency in order to be awarded a proficiency-based diploma that indicates the student
16 has graduated from a secondary school that is subject to the system of learning results.

17 3. It specifies a phase-in period for the implementation of the secondary school
18 diploma requirements for students from the 2020-2021 school year to the 2024-2025
19 school year.

20 4. It strikes the proposal in the bill related to certifying a student's highest standard of
21 proficiency in each content area of the system of learning results.

22 5. It strikes the proposal in the bill related to certifying a student's demonstration of
23 measures of college and career readiness.

24 6. It amends the exception provision related to awarding a diploma to a secondary
25 school student who is a child with a disability.

26 7. It amends the exception provision related to awarding a diploma to a secondary
27 school student who is enrolled in a career and technical education program by specifying
28 a phase-in period for implementation of the exception provision for students enrolled in
29 career and technical education programs from the 2020-2021 school year to the 2023-
30 2024 school year.

31 8. Like the bill, it extends the provision of annual transition grants from the
32 Department of Education through the 2020-2021 school year to provide funding to school
33 administrative units to implement the proficiency-based graduation requirements and it
34 allows the Commissioner of Education to include annual transition grant funding for
35 school administrative units to meet the proficiency-based reporting and credentials
36 requirements pursuant to Title 20-A, section 6209, subsection 3-A.

37 9. It simplifies the language in the bill regarding certification of college and career
38 readiness by removing the criteria of problem-solving, collaboration, critical thinking and
39 communication.

40 10. It directs the Commissioner of Education to develop rules for proficiency-based
41 diploma standards under Title 20-A, section 4722-A to:

1 A. Allow local flexibility and innovation in developing consistent graduation
2 standards;

3 B. Allow the Commissioner of Education to identify the opportunities for learning in
4 multiple pathways of career and technical education programs that satisfy certain
5 components of the system of learning results; and

6 C. Address the placement of students in career and technical education programs
7 while ensuring the students will be provided exposure to all of the content areas of
8 the system of learning results through the 10th year of their studies;

9 11. Like the bill, it extends, from the 2015-2016 school year to the 2016-2017 school
10 year, the collection and reporting of data by the Department of Education on the progress
11 of schools’ implementation of proficiency-based diplomas and transcripts, and it includes
12 in the collection and reporting data on the number of students concluding their high
13 school careers proficient in each content area of the system of learning results and the
14 number of students certified as ready for college and careers.

15 12. Like the bill, it removes the requirement that the Department of Education
16 establish graduation requirements for each of the content areas of the system of learning
17 results.

18 13. Like the bill, it clarifies that schools subject to implementing the system of
19 learning results must provide opportunities for students to study and achieve proficiency
20 through multiple pathways.

21 14. It requires the Commissioner of Education to recommend objective measures to
22 substantiate school certifications of readiness for postsecondary education.

23 15. Like the bill, it requires the Commissioner of Education to provisionally adopt
24 rules by January 2, 2017 to ensure compliance with the amendments to the standards-
25 based education system but further requires that the rules allow for local flexibility and
26 innovation in developing consistent graduation standards and criteria for providing
27 educational opportunity for students.

28 16. It adds a 3-year review cycle of the essential programs and services cost
29 components related to the implementation of the proficiency-based reporting and
30 graduation requirements beginning in fiscal year 2017-18.

31 17. It authorizes the Commissioner of Education to expend and disburse funds to
32 schools to support their transition to proficiency-based diplomas. These funds may also
33 support the proficiency-based reporting and credentials requirements pursuant to Title 20-
34 A, section 6209, section 3-A.

35 18. It requires that the Commissioner of Education and the Governor transmit annual
36 school funding level recommendations to the Legislature that include recommendations
37 related to state funding for public education and property tax contributions to public
38 education pursuant to Title 20-A, chapter 606-B, sections 15671 and 15671-A in the
39 Essential Programs and Services Funding Act.

40 **FISCAL NOTE REQUIRED**

41 **(See attached)**