

## An Act To Prepare Maine People for the Future Economy

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

### PART A

**Sec. A-1. 5 MRSA §1664, sub-§1, ¶G**, as amended by PL 2007, c. 613, §2, is further amended to read:

G. Contain any statements relative to the financial plan that the Governor-elect or the Governor considers desirable or that may be required by the Legislature; ~~and~~

**Sec. A-2. 5 MRSA §1664, sub-§1, ¶H**, as enacted by PL 2007, c. 613, §3, is amended to read:

H. Include a long-range plan for State Government. The long-range plan must describe the vision of the Governor-elect or the Governor for State Government for the upcoming biennium and the 2 succeeding biennia and how the proposed biennial budget fits into and moves State Government toward this long-range vision; and

**Sec. A-3. 5 MRSA §1664, sub-§1, ¶I** is enacted to read:

I. Present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the policy framework established in Title 20-A, section 501, advances the goals established in Title 20-A, section 502 and implements the strategic plan developed pursuant to Title 20-A, section 505.

**Sec. A-4. 20-A MRSA c. 6** is enacted to read:

### CHAPTER 6

### EDUCATION POLICY

#### § 501. Education policy

**1. Policy.** It is the policy of the State that the education system must prepare all of the people of the State for success in college, career, citizenship and life. The State recognizes that it needs an education system, spanning from early childhood development through college and workforce training, in which:

- A. All young children have access to high-quality programs that advance their development;
- B. All students graduate from high school prepared for college, career, citizenship and life; and
- C. The highest possible number of people in this State complete a 2-year or 4-year college degree or other postsecondary national industry certificate.

**2. Core priorities.** In order to develop an education system that prepares all people for future success, the State has identified the following as its core priorities:

- A. High-quality early care and learning experiences that give all children an equal opportunity for healthy growth and development;
- B. High standards and personalized learning opportunities that maximize success for all;
- C. Effective, knowledgeable and well-trained teachers in every classroom to prepare all children for success;
- D. Strong and focused school, community and state leadership to support effective teaching;
- E. Engaged parents, families and communities that set high expectations for academic achievement and work together to build a high-quality education system;
- F. Expanded access to and support for college and workforce training to increase the number of individuals earning college degrees and postsecondary national industry certificates or occupational certificates and the high-paying jobs to which they lead;
- G. Collection and analysis of reliable data to identify what is working well in the education system and to address shortcomings; and
- H. Efficient and equitable investment of education resources to maximize opportunity, equity and accountability.

## **§ 502. Education system goals**

**1. Preparation for kindergarten.** It is a goal of this State that children enter kindergarten prepared for the learning experiences that primary school provides. The chief indicator of progress toward the goal set forth in this subsection is the percentage of children that enter kindergarten and are determined by a common measuring tool and process to be prepared for learning experiences in the kindergarten curriculum.

**2. Preparation to read and calculate.** It is a goal of this State that children have a foundation in reading and mathematics skills that is strong enough to allow them to learn through application of those skills. The most effective strategy for reaching the goal set forth in this subsection is to ensure that all children in this State are proficient in mathematics and reading by the end of grade 3. The chief indicator of progress toward the goal set forth in this subsection is the percentage of children enrolled in grade 4 who are proficient in reading and mathematics.

**3. Preparation for college and workforce training.** It is a goal of this State that children graduate from high school with mastery of the basic subjects and skills that college and workforce training require. The most effective strategy for reaching the goal set forth in this subsection is to ensure that all children in this State achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209 before earning a diploma, and providing multiple pathways to that achievement as set out under section 4703. The chief indicator

of progress toward the goal set forth in this subsection is the percentage of students graduating from high school with a standards-based diploma, whether that completion is achieved in 4, 5 or 6 years. The specific goals of the State regarding preparation for college and workforce training include the following:

- A. Achieving a graduation rate of 90% by the end of the 2015-2016 school year for each publicly supported secondary school;
- B. Increasing the percentage of high school graduates enrolling in associate or bachelor's degree programs to at least 80% by 2016. It is the policy of this State to raise the percentage of working-age adults who have earned associate, bachelor's and postbaccalaureate degrees to 56% by 2019; and
- C. Reducing the percentage of students required to take remedial courses in their first year of college to 5% by 2016.

**4. Preparation for career.** It is a goal of this State to dramatically increase the education and skills of its workforce, to ensure that the State can grow and attract a sustainable mix of high-wage, high-growth businesses and create high-paying jobs in every community. The chief indicators of progress toward the goal set forth in this subsection are:

- A. The percentage of working-age adults earning national industry certificates and associate, bachelor's and postbaccalaureate degrees;
- B. The percentage of students who enroll within one year of graduating from high school in national industry certificate and associate, bachelor's and postbaccalaureate degree programs;
- C. The percentage of students enrolled in a bachelor's degree program who earn a bachelor's degree within 6 years;
- D. The percentage of students enrolled in an associate degree program who earn an associate degree within 3 years; and
- E. The percentage of students enrolled in a national industry certificate program who earn a national industry certificate within 2 years.

### **§ 503. Benchmarks**

The commissioner shall implement necessary strategies and tactics to achieve the following benchmarks for the education goals set forth in section 502.

**1. Preparation for kindergarten; benchmarks.** By 2016, 80% of children that enter kindergarten will be prepared for the learning experiences in the kindergarten curriculum as evidenced by measures adopted by the State. By 2020, 90% of children that enter kindergarten will be prepared for the learning experiences in the kindergarten curriculum as evidenced by measures adopted by the State.

**2. Preparation to read and calculate for learning; benchmarks.** By 2016, 80% of students in grade 4 will be proficient in reading and mathematics. By 2020, 90% of students in grade 4

will be proficient in reading and mathematics.

**3. Preparation for college and workforce training; benchmark.** By 2016, 90% of students will graduate from high school with a standards-based diploma within 6 years of entering high school.

**4. Preparation for career; benchmarks.** By 2016, the percentage of working-age adults who earn national industry certificates or associate, bachelor's or postbaccalaureate degrees will be 52%. By 2020, the State will exceed the New England average for the number of working-age adults that have earned a national industry certificate or an associate, bachelor's or postbaccalaureate degree.

### **§ 504. Intervention**

**1. Intervention strategies.** The commissioner shall examine progress toward the benchmarks set forth in section 503 and shall employ intervention strategies to ensure achievement of those benchmarks. These strategies may include, but are not limited to, termination of ineffective programs and redirection of budgeted resources.

**2. Intervention by entities other than the department.** The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs regarding instances when entities other than the department are required to employ intervention strategies in order to ensure attainment of the benchmarks set forth in section 503 and shall include any recommendations to increase progress toward achievement of the benchmarks set forth in section 503.

### **§ 505. Strategic plan; reporting**

**1. Strategic plan.** The commissioner, in consultation with the Commissioner of Health and Human Services, the Commissioner of Labor, the Chancellor of the University of Maine System, the President of the Maine Community College System and local and state stakeholders, shall develop a strategic plan in accordance with this subsection for achieving the goals established in section 502, within the policy framework established in section 501. The strategic plan must:

- A. Address strategies for the implementation of statewide, comprehensive early college or dual enrollment experiences, with current numbers of participants and recommended annual benchmarks;**
- B. Require public higher education institutions to develop and implement plans that improve efficiency, productivity, student progression, and degree completion rates;**
- C. Address the need to increase the number of graduates in programs related to the current and projected needs of employers and entrepreneurs in the State;**
- D. Address the implementation by the Governor of a budget covering all education sectors, including explicit student-centered outcomes at all levels of the education system from early childhood through workforce training, and a blueprint for independence that sets forth a strategy for helping young people at risk gain the tools necessary to succeed in life;**

E. Require personal learning plans for each student, beginning in grade 7;

F. Include recommendations for ensuring that a hospital, pediatrician, primary care physician and other providers of preventive health services to a child under 5 years of age screen that child for cognitive developmental delays and behavioral problems at annual checkups when the child is approximately one year of age and when the child is approximately 2 years of age and make appropriate referrals for services; and

G. Take into consideration applicable reports, findings, recommendations and studies that have been completed and have relevance to the strategic plan.

**2. Comprehensive scope.** The strategic plan developed pursuant to subsection 1 must encompass the entire system of public education from early childhood through postsecondary education workforce training and adult education.

**3. Reports on progress.** Beginning in 2013, the commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs regarding the implementation of the strategic plan developed pursuant to subsection 1 and the State's progress on indicators of progress toward the goals identified in section 502 and the benchmarks identified in section 503. Beginning in 2013, the Chancellor of the University of Maine System and the President of the Maine Community College System shall report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the implementation of those parts of the strategic plan that involve their respective systems and on progress in reaching the indicators of progress toward the goals identified in section 502, subsection 4 and the benchmarks identified in section 503, subsection 4.

**4. Priority initiatives.** The strategic plan developed pursuant to subsection 1 and the reports delivered in accordance with subsection 3 must specifically describe the department's progress in implementing the system of interventions for kindergarten to grade 12 required under section 4710 and in providing students with opportunities for learning in multiple pathways in accordance with section 4703.

**5. Legislative reports.** In the reports under subsection 3, the commissioner, the Chancellor of the University of Maine System and the President of the Maine Community College System shall indicate to the committee the manner in which the matter in question relates to the policy framework articulated in section 501, to the goals articulated in section 502 and to the strategic plan developed pursuant to subsection 1.

## **PART B**

**Sec. B-1. 20-A MRSA §7204, sub-§5,** as amended by PL 2005, c. 662, Pt. A, §25, is further amended to read:

**5. Due process.** Shall:

A. Adopt or amend rules to assure and protect the rights of due process for children with disabilities; and

B. Inform and train each school administrative unit on the rights of children with disabilities to due process under state laws and rules and federal law and regulations; ~~and~~

**Sec. B-2. 20-A MRSA §7204, sub-§6**, as amended by PL 2005, c. 662, Pt. A, §25, is further amended to read:

**6. Technical assistance.** May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report; and

**Sec. B-3. 20-A MRSA §7204, sub-§7** is enacted to read:

**7. Kindergarten screening.** Shall prescribe by rule a uniform process for kindergarten screening that facilitates reliable and consistent measurement of statewide kindergarten readiness. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## PART C

**Sec. C-1. 20-A MRSA §4722, sub-§7** is enacted to read:

**7. Proficiency in standards.** Students graduating from high school:

A. Beginning with the class that graduates in 2015, must demonstrate proficiency in the content areas of:

- (1) English language arts;
- (2) Mathematics;
- (3) Science and technology;
- (4) Social studies; and
- (5) Health, physical education and wellness; and

B. Beginning with the class that graduates in 2018, must demonstrate proficiency in the content areas of:

- (1) Career and education development;
- (2) English language arts;
- (3) World languages;

(4) Health, physical education and wellness;

(5) Mathematics;

(6) Science and technology;

(7) Social studies; and

(8) Visual and performing arts.

Students must be engaged in learning mathematics, science and technology and English language arts during each of their years of high school study.

**Sec. C-2. Requirements for awarding high school diplomas.** By December 15, 2011, the Commissioner of Education shall adopt rules that require school administrative units to award high school diplomas based on standards established by rule. These standards must take into account, in addition to any local course work and accumulation of credits, a broad spectrum of learning experiences that may include internships, portfolios, long-term capstone projects, early college, standardized tests and other appropriate learning experiences that provide opportunities to demonstrate proficiency in the learning results set forth in the Maine Revised Statutes, Title 20-A, section 6209.

**Sec. C-3. Preparation of strategic plan.** The Commissioner of Education shall develop a proposed strategic plan in accordance with the Maine Revised Statutes, Title 20-A, section 505 and shall present the plan, including any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by February 1, 2012. The draft plan must, at a minimum, recommend and prioritize tactics for implementing the strategies identified to achieve the goals set forth in Title 20-A, section 502, describe timelines for implementing those tactics and recommend benchmarks for each of the indicators of progress toward the goals identified in Title 20-A, section 502 and must establish annual targets extending to 2021. After receipt and review of the commissioner's plan, the joint standing committee may submit a bill regarding the plan to the Second Regular Session of the 125th Legislature.

**Sec. C-4. Kindergarten screening.** In adopting rules prescribing a uniform process for kindergarten screening pursuant to the Maine Revised Statutes, Title 20-A, section 7204, subsection 7, the Commissioner of Education shall work with the Maine School Superintendents Association and the Children's Cabinet to develop, adopt and implement a uniform process and tool for prekindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness. Rules must be adopted pursuant to this section prior to March 1, 2012.

**Sec. C-5. Early childhood programs.** By March 1, 2012, the Commissioner of Education, in consultation with state and local stakeholders, shall develop a plan, which may be a component of the strategic plan adopted pursuant to the Maine Revised Statutes, Title 20-A, section 505, to achieve universal high-quality early learning opportunities. This plan must address universal early learning opportunities as a strategy toward achieving the goal established under Title 20-A, section 502, subsection 1. The Department of Education shall seek to maintain an annual 10% growth of early

childhood programs in Maine, with the ultimate goal of achieving universal prekindergarten. The commissioner shall present a draft of the plan to the Joint Standing Committee on Education and Cultural Affairs no later than March 15, 2012.

## **SUMMARY**

This bill:

1. Establishes an education policy, core priorities for the State's education system, education system goals, benchmarks and intervention strategies;
2. Requires the development of a strategic plan to achieve the goals within the policy framework;
3. Requires that the state budget document present proposed expenditures on early childhood development, public education, adult education, higher education and workforce development in a manner that facilitates evaluation by the Legislature of whether funds are being appropriated and allocated in a manner that best accords with the established policy framework, advances the established goals and implements the strategic plan;
4. Requires that the Commissioner of Education adopt rules prescribing a uniform process for kindergarten screening in a manner that facilitates reliable and consistent measurement of statewide kindergarten readiness;
5. Requires school administrative units to award high school diplomas based on standards established by rule; and
6. Requires that, beginning with the class of 2015, students graduating from high schools demonstrate proficiency in the content areas of English language arts, mathematics, science and technology, social studies and health, physical education and wellness. Beginning with the class of 2018, students graduating from high schools must demonstrate proficiency in the content areas of career and education development; English language arts; world languages; health, physical education and wellness; mathematics; science and technology; social studies; and visual and performing arts.

## LD 1422 Amendments

Amend the bill by inserting after the title and before the enacting clause the following:

‘ **Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

‘**Sec. 1. 20-A MRSA §253, sub-§9** is enacted to read:

**9. Transition to standards-based educational system.** In order to facilitate the transformation of the public education system to one in which standards are used to guide curriculum and instruction and in which student advancement and graduation are based on student demonstration of proficiency in meeting educational standards, the commissioner may waive or alter any provision of this Title as specified in an approved plan for transitioning to proficiency-based graduation in accordance with section 4722-A as the provision pertains to requiring or prohibiting an action based on the age or grade level of a student. This authority applies to all age-based or grade-based requirements, except that the commissioner may not waive or alter:

- A. Requirements imposed by federal law, or imposed by state law in order to comply with federal law, including but not limited to requirements relating to assessment and special education;
- B. Compulsory attendance and eligibility to enroll standards;
- C. Provisions relating to public funding, including tuition rates;
- D. Health-related provisions, if advised by health professionals not to alter the requirements; and
- E. Provisions of this Title that are not administered by the commissioner, including but not limited to certain provisions relating to institutions of higher education.

The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection before July 1, 2013 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2013, rules adopted by the commissioner pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 20-A MRSA §2902, sub-§3**, as repealed and replaced by PL 1985, c. 797, §22, is amended to read:

**3. Courses required by law.** Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as specified in sections 4701, 4704, 4706, 4722, 4723 and 4724.

**Sec. 3. 20-A MRSA §4502, sub-§1**, as amended by PL 2001, c. 454, §12, is further

amended to read:

**1. General requirements.** Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of the system of learning results as established in section 6209 as well as other requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards. Each school administrative unit shall prepare and implement a comprehensive education plan that is aligned with the system of learning results, focused on the learning of all students and oriented to continuous improvement. The comprehensive education plan must include a plan for transitioning to proficiency-based graduation in accordance with section 4722-A. This plan must also address all other plans required by the department.

**Sec. 4. 20-A MRSA §4502, sub-§6,** as repealed and replaced by PL 2001, c. 454, §15, is amended to read:

**6. Annual report on comprehensive education plan.** The superintendent shall make an annual report of progress on the comprehensive education plan, developed pursuant to subsection 1, to the citizens of the school administrative unit. The school board shall annually review and approve the plan. The superintendent shall certify progress on the plan to the commissioner on an annual basis and shall submit to the commissioner a copy of the minutes of the school board meeting at which the school board reviewed and approved the plan.

**Sec. 5. 20-A MRSA §4502, sub-§8,** as enacted by PL 2001, c. 454, §16, is amended to read:

**8. Waivers.** The commissioner may grant a school administrative unit a waiver of one or more school approval requirements upon receipt of an application from the school administrative unit that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years. ~~Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver.~~

A. Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver.

B. A request to waive the requirement for a transition plan to proficiency-based graduation in accordance with section 4722-A by January 1, 2017 must include specific information about the reason for the waiver request and a date by which the proficiency-based graduation requirement will be met. Any waiver granted by the commissioner under this paragraph must require an annual report to the commissioner on the school administrative unit's progress toward meeting the requirements of section 4722-A. This paragraph is repealed July 1, 2020.

C. The commissioner shall provide a report to the joint standing committee of the Legislature having jurisdiction over education matters by February 1st annually on the number of waivers provided pursuant to paragraph B, including the reasons for the waivers granted. The commissioner shall promptly post the annual report submitted pursuant to this paragraph on the department's publicly accessible website.

This paragraph is repealed July 1, 2020.

**Sec. 6. 20-A MRSA §4722, sub-§§7 and 8** are enacted to read:

**7. Applicability of requirements; transition to proficiency-based diploma.**

Except as provided in section 4722-A, this section applies to the granting of diplomas to secondary school students before January 1, 2017.

**8. Repeal.** This section is repealed July 1, 2020.

**Sec. 7. 20-A MRSA §4722-A** is enacted to read:

**§ 4722-A. Proficiency-based diploma standards**

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 a diploma indicating graduation from secondary school, a student 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;

B. Demonstrate proficiency in meeting state standards in all content areas of the system of learning results established under section 6209;

C. Demonstrate proficiency in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209; and

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

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

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

A. A child with a disability, as defined in section 7001, subsection 1-B, who achieves proficiency as required in subsection 1, as specified by the goals and objectives of the child's individualized education plan, may be awarded a high school diploma.

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

C. A student who experiences education disruption, as described in section 5001-A, subsection 4, paragraph F, who successfully demonstrates proficiency as required in subsection 1 as set forth in the student's school work recognition plan as defined in section 5161 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161.

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

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

(1) The person:

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

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

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

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

(b) The Korean Conflict; or

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

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

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard and the Merchant Marines.

**Sec. 8. 20-A MRSA §13016, sub-§2**, as amended by PL 1991, c. 622, Pt. X, §8, is further amended to read:

**2. Professional teacher certificates.** A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher complete at least 6 hours of professional or academic study, or in-service training designed to improve

the performance of the teacher in the field for which the teacher holds an endorsement, or in a related subject area, or to improve the teacher's knowledge of, and skill in, standards-based education. Teachers who desire to qualify for a master teacher certificate must coordinate their continuing professional education with the requirements of an applicable teacher action plan.

**Sec. 9. Development of standards-based system tools.** The Department of Education shall coordinate the development of standards, assessments and assessment criteria needed to enable school administrative units to implement a standards-based system of education.

1. The Department of Education shall convene a working group to develop standards, assessments and assessment criteria for determining student proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation beginning January 1, 2017. The working group must include representatives from school administrative units currently developing those standards, assessments and assessment criteria. The working group shall develop draft standards, assessments and assessment criteria for review not later than July 1, 2013.

2. The Department of Education shall maintain a publicly accessible website to serve as a resource for schools implementing standards-based education systems. The website must:

A. Include information about the experience of school administrative units that are engaged in transforming their schools to standards-based systems, including schools involved in the Maine Cohort for Customized Learning and the League of Innovative Schools of the New England Secondary School Consortium;

B. Include a repository of model materials, including but not limited to report cards and transcripts, assessment methodologies and assessment criteria for all content areas of the system of learning results;

C. Be designed to facilitate communication among educators and administrators on the transformation of schools to standards-based education systems; and

D. Provide information for school administrative units seeking to create regional capacity to implement standards-based education systems, including information about applying for a grant from the Fund for the Efficient Delivery of Educational Services established pursuant to the Maine Revised Statutes, Title 20-A, section 2651 and information about school administrative units that are currently engaging in regional cooperation in delivering education.

**Sec. 10. Development of technical assistance plan.** The Department of Education shall develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based education system. The technical assistance plan must include but is not limited to the standards-based system tools described in section 9, other resources related to model policies and best practices, professional development and training and other initiatives that the department determines will be necessary for school administrative units to transform their schools to a standards-based education system. The technical assistance plan must be presented to the joint standing committee of the Legislature having jurisdiction over education matters for review by March 1, 2013. The joint standing committee may introduce a bill to the First Regular Session of the 126th Legislature related to the department's activities described in this section and section 9.

**Sec. 11. Amendment of age-based and grade-based statutory provisions.** The Department of Education shall submit a bill to the First Regular Session of the 126th Legislature to amend provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards. The bill may include an amendment to the rule-making provisions under Title 20-A, section 253, subsection 9.'

## SUMMARY

This amendment strikes and replaces the bill to establish statutory standards and to direct the Department of Education to develop standards and procedures that enable school administrative units to transition to a standards-based system of education that awards a high school diploma based on a student's demonstrated proficiency in the areas of assessment under state learning standards. The amendment adds a mandate preamble and makes the following changes to the bill.

1. It provides that new high school diploma standards and requirements are applicable to graduations beginning January 1, 2017 and reaffirms that students must have the opportunity to gain proficiency through multiple pathways and to demonstrate their proficiency by presenting multiple types of evidence. It also provides exceptions to the proficiency-based high school diploma requirements for students in certain circumstances, including carrying forward current exceptions to the standards for awarding a high school diploma.

2. It amends the current high school diploma standards to provide that existing requirements are applicable to high school diplomas awarded before January 1, 2017 and that, if a school administrative unit wants to move to awarding a high school diploma using proficiency-based standards before that date, the school unit may apply to the Commissioner of Education to request the authority to do so.

3. It repeals the existing high school diploma standards effective July 1, 2020 in order to authorize the Commissioner of Education to provide a waiver to a school administrative unit that requests an extension of the January 1, 2017 deadline for transitioning to proficiency-based standards for awarding a high school diploma.

4. It permits the Commissioner of Education to waive or alter the application of age-based and grade-based requirements in law, if the alteration is needed to facilitate standards-based education and the commissioner approves a plan to transition to proficiency-based graduation. The commissioner must adopt rules to implement this authority.

5. It provides that a school administrative unit's comprehensive education plan must include a plan for transitioning to proficiency-based standards for awarding a high school diploma by January 1, 2017.

6. The commissioner is required to provide an annual report by February 1st in 2017, 2018, 2019 and 2020 to the joint standing committee of the Legislature having jurisdiction over education matters on the number of transition plan waivers provided to school units and to post the annual report on the Department of Education's website.

7. It provides that a certified teacher may include training on standards-based education toward the 6-hour recertification requirement.

8. It directs the Department of Education to coordinate the development of tools needed to enable

school administrative units to implement a standards-based system of education. It also directs the department to convene a working group to develop standards, assessments and assessment criteria for determining proficiency in the guiding principles as outlined in department rule that are required for secondary school graduation and to provide resources and communication opportunities for educators.

9. It directs the Department of Education to develop a technical assistance plan that includes a timeline with implementation dates for the resources and initiatives the department will provide to enable school administrative units to transition to a standards-based system of education. It requires the department to present the technical assistance plan to the joint standing committee of the Legislature having jurisdiction over education matters for review not later than March 1, 2013, and it authorizes the joint standing committee to introduce a bill to the First Regular Session of the 126th Legislature.

10. It directs the Department of Education to submit a bill to the First Regular Session of the 126th Legislature to address provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards.

**FISCAL NOTE REQUIRED**  
**(See attached)**