



129th MAINE LEGISLATURE

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Legislative Document

No. 1152

H.P. 841

House of Representatives, March 7, 2019

**An Act To Make the Maine Educational Assessment Optional for
Kindergarten to Grade 8**

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.
Cosponsored by Representatives: COLLINGS of Portland, SAMPSON of Alfred.

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

2 **Sec. 1. 20-A MRSA §6202, first ¶**, as amended by PL 2015, c. 40, §4, is further
3 amended to read:

4 The commissioner shall establish a statewide assessment program to measure and
5 evaluate on a continuing basis the academic achievements of students in grades 3 to 12 on
6 the accountability standards set forth in section 6209 and in department rules
7 implementing that section and other curricular requirements. The commissioner may
8 elect to provide for the use of alternative measures of student achievement in grades 9 to
9 12. This assessment applies to students in ~~the~~ participating public elementary and
10 secondary schools, ~~in~~ public charter schools, as that term is defined in section 2401,
11 subsection 9, and ~~in all~~ private schools approved for tuition whose school enrollments
12 include at least 60% publicly funded students, as determined by the previous school year's
13 October and April average enrollment. The assessment program must be adapted to meet
14 the needs of children with disabilities as defined in section 7001, subsection 1-A or other
15 students as defined under rules by the commissioner. The participation of a public
16 elementary or secondary school, public charter school or private school under this
17 paragraph or a school administrative unit for grades 3 to 8 is optional. A public
18 elementary or secondary school, public charter school or private school under this
19 paragraph or a school administrative unit may conduct a locally developed assessment to
20 track that school's or unit's student performance for grades 3 to 8.

21 **Sec. 2. 20-A MRSA §6202-B**, as enacted by PL 2007, c. 259, §3, is amended to
22 read:

23 **§6202-B. Multiple measures of student achievement**

24 Each participating school administrative unit shall use multiple assessment methods
25 to measure student achievement of the learning results set forth in section 6209 and in
26 department rules implementing that section and other curricular requirements established
27 in section 6209 to inform instruction and ensure students are making progress toward
28 achieving the learning results set forth in section 6209 and in department rules
29 implementing that section, other curricular requirements and the requirements of a
30 common core course of study.

31 **Sec. 3. 20-A MRSA §6204, sub-§1**, as amended by PL 1987, c. 662, §1, is
32 further amended to read:

33 **1. State profile report.** The commissioner shall annually report the results of the
34 state assessment program with regard to the general performance profile of the students
35 of the ~~state's~~ State's participating elementary and secondary schools.

36 A. When a report is made under this subsection for purposes of comparative
37 analysis, the reporting mechanisms and the categories reported ~~shall~~ must be uniform
38 for each school.

39 **Sec. 4. 20-A MRSA §§6205 and 6206**, as enacted by PL 1983, c. 859, Pt. D, §§3
40 and 4, are amended to read:

1 **§6205. Assessment data**

2 The department shall provide each participating school with assessment data on
3 individual students. Such assessment data ~~shall~~ must become part of the student's
4 educational record and ~~shall~~ must be made available to the parents of each student or
5 student of majority age in accordance with local school policies. ~~It shall~~ The data must
6 be held confidential from unauthorized persons in accordance with the confidentiality
7 provisions of this Title and federal law.

8 **§6206. Educational costs**

9 Costs relating to the development of the state assessment program, printing,
10 distribution, analysis and dissemination of results for each participating school
11 administrative unit ~~shall~~ must be paid by the department.

12 **Sec. 5. 20-A MRSA §6209, first ¶**, as amended by PL 2015, c. 489, §3, is further
13 amended to read:

14 The department in consultation with the state board shall establish and implement a
15 comprehensive, statewide system of learning results, which may include a core of
16 standards in English language arts and mathematics for kindergarten to grade 12
17 established in common with the other states, as set forth in this section and in department
18 rules implementing this section and other curricular requirements. The statewide system
19 of learning results is optional for kindergarten to grade 8. The department must establish
20 accountability standards at all grade levels in the areas of mathematics; reading; and
21 science and technology. The department shall establish parameters for essential
22 instruction in English language arts; mathematics; science and technology; social studies;
23 career and education development; visual and performing arts; health, physical education
24 and wellness; and world languages. ~~Only a~~ A public school, a public charter school as
25 defined in section 2401, subsection 9 or a private school approved for tuition purposes
26 that enrolls at least 60% publicly funded students, as determined by the previous school
27 year's October and April average enrollment, ~~is required to~~ may participate in the system
28 of learning results set forth in this section and in department rules implementing this
29 section and other curricular requirements. The commissioner shall develop
30 accommodation provisions for instances where course content conflicts with sincerely
31 held religious beliefs and practices of a student's parent or guardian. The system must be
32 adapted to accommodate children with disabilities as defined in section 7001, subsection
33 1-B.

34 **Sec. 6. 20-A MRSA §6209, sub-§2**, as amended by PL 2017, c. 466, §11, is
35 further amended to read:

36 **2. Parameters for essential instruction and graduation requirements.** Each
37 participating school ~~subject to the provisions of this section~~ shall ensure sufficient
38 opportunity and capacity through multiple pathways for all students to study in the areas
39 of:

- 40 A. Career and education development;
- 41 B. English language arts;

- 1 C. World languages;
- 2 D. Health, physical education and wellness;
- 3 E. Mathematics;
- 4 F. Science and technology;
- 5 G. Social studies; and
- 6 H. Visual and performing arts.

7 **Sec. 7. 20-A MRSA §6209, sub-§3**, as amended by PL 2007, c. 259, §5, is
8 further amended to read:

9 **3. Career and education development; world languages; visual and performing**
10 **arts.** By the end of the 2007-2008 school year, each participating local school
11 administrative unit shall implement standards in the areas of career and education
12 development, world languages and visual and performing arts. Notwithstanding any
13 other provision of this chapter, the commissioner is authorized to establish rules for
14 inclusion of some portion of the standards in visual and performing arts for the graduating
15 class of 2011-2012.

16 **Sec. 8. 20-A MRSA §6209, sub-§3-A**, as amended by PL 2017, c. 466, §12, is
17 further amended to read:

18 **3-A. Transcripts.** A participating school ~~subject to this section~~ shall:

- 19 B. Certify on the basis of objective measures in the transcript a student's
20 postsecondary readiness; and
- 21 C. Establish a transcript that meets the requirements of paragraph B as an officially
22 sanctioned credential of student learning for admission to a postsecondary education
23 institution and employment in a business, trade or industry.

24 **Sec. 9. 20-A MRSA §6213, sub-§10, ¶C**, as enacted by PL 2011, c. 446, §2, is
25 repealed.

26 **SUMMARY**

27 This bill makes the currently mandatory state assessment program for schools
28 optional for kindergarten to grade 8.