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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1152, L.D. 1666, Bill, “An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation”

Amend the bill by striking out the title and substituting the following:

'An Act To Ensure the Successful Implementation of Proficiency-based Diplomas'

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'Sec. 1. 20-A MRSA §253, sub-§9, as enacted by PL 2011, c. 669, §1, is repealed.

Sec. 2. 20-A MRSA §2412, sub-§5, ¶J, as enacted by PL 2015, c. 40, §1, is amended to read:

J. Public charter schools are subject to the same ~~proficiency-based~~ diploma standards set forth in section ~~4722-A~~ and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section ~~4722-A~~, subsection 4 4722.

Sec. 3. 20-A MRSA §2651, sub-§3, ¶B-1, as enacted by PL 2015, c. 251, §5, is amended to read:

B-1. 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~~ achievement in meeting educational standards;

Sec. 4. 20-A MRSA §2902, sub-§3, as amended by PL 2015, c. 40, §3, is further 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, ~~4722-A~~, 4723 and 4724.

COMMITTEE AMENDMENT

1 **Sec. 5. 20-A MRSA §4502, sub-§1**, as amended by PL 2011, c. 669, §3, is
2 further amended to read:

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

14 **Sec. 6. 20-A MRSA §4502, sub-§8, ¶¶B and C**, as enacted by PL 2011, c. 669,
15 §5, are repealed.

16 **Sec. 7. 20-A MRSA §4511, sub-§3, ¶J**, as enacted by PL 2015, c. 489, §1, is
17 repealed.

18 **Sec. 8. 20-A MRSA §4722, sub-§7**, as enacted by PL 2011, c. 669, §6, is
19 amended to read:

20 **7. Applicability of requirements.** ~~Except as provided in section 4722-A, this~~ This
21 section applies to the granting of diplomas to secondary school students ~~before~~ beginning
22 January 1, ~~2017~~ 2019.

23 **Sec. 9. 20-A MRSA §4722, sub-§8**, as enacted by PL 2011, c. 669, §6, is
24 repealed.

25 **Sec. 10. 20-A MRSA §4722-A**, as amended by PL 2017, c. 284, Pt. C, §7, is
26 further amended to read:

27 **§4722-A. Proficiency-based diploma standards and transcripts**

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

34 **1. Requirements for award of diploma.** ~~In order~~ If a school subject to the system
35 of learning results established under section 6209 chooses to award to a student a diploma
36 indicating graduation from secondary school, ~~a school subject to the system of learning~~
37 ~~results established under section 6209 must~~ based on demonstration of proficiency as
38 described in this section, the school shall:

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

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

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

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

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

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

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

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

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

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

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

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

37 **3. Exceptions.** Notwithstanding subsection 1, if a school subject to the system of
38 learning results established under section 6209 chooses to award student diplomas
39 indicating graduation from secondary school based on demonstration of proficiency as
40 described in this section, a student may be awarded a diploma indicating graduation from
41 a secondary that 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, may meet the requirements of subsection 1 and become eligible for a diploma by
3 demonstrating proficiency in state standards established in the system of learning
4 results through performance tasks and accommodations that maintain the integrity of
5 the standards as specified in the student’s individualized education program by the
6 student’s individualized education program team pursuant to the requirements of
7 chapter 301.

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

11 B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a
12 student who has satisfactorily completed a state-approved career and technical
13 education program of study and either met 3rd-party-verified national or state
14 industry standards set forth in department rules established pursuant to section
15 8306-B or earned 6 credits in a dual enrollment career and technical education
16 program formed pursuant to chapter 229 from a regionally accredited institution of
17 higher education and who has successfully demonstrated proficiency in meeting state
18 standards in the content areas and the guiding principles set forth in department rules
19 governing implementation of the system of learning results established pursuant to
20 section 6209, is eligible to receive a high school diploma from the secondary school
21 the student last attended. A student may be awarded a high school diploma from the
22 secondary school the student last attended in accordance with the phase-in of the
23 following diploma requirements for the graduating class of 2020-2021 to the
24 graduating class of 2023-2024:

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

28 (2) For a student graduating in the graduating class of 2021-2022, the student has
29 demonstrated proficiency in meeting the state standards in the content areas of
30 English language arts, mathematics, social studies and at least one additional
31 content area of the student’s choosing;

32 (3) For a student graduating in the graduating class of 2022-2023, the student has
33 demonstrated proficiency in meeting the state standards in the content areas of
34 English language arts, mathematics, social studies and at least 2 additional
35 content areas of the student’s choosing; and

36 (4) For a student graduating in the graduating class of 2023-2024 and in each
37 subsequent graduating class, the student has demonstrated proficiency in meeting
38 the state standards in the content areas of English language arts, mathematics,
39 social studies and at least 3 additional content areas of the student’s choosing.

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

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

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

6 (1) The person:

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

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

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

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

15 (b) The Korean Conflict;

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

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

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

21 For the purposes of this paragraph, "Armed Forces" means the United States Army,
22 Navy, Air Force, Marine Corps and Coast Guard and the merchant marine.

23 **5. Transcripts and certification of content area proficiency.** ~~If a school~~
24 subject to the system of learning results established under section 6209 chooses to award
25 student diplomas indicating graduation from secondary school based on demonstration of
26 proficiency as described in this section, the school shall, in addition to maintaining a high
27 school transcript for each student, ~~a school administrative unit shall~~ certify each student's
28 content area proficiency and may award a certificate of content area proficiency to a
29 student for each content area in the system of learning results established under section
30 6209 in which the student has demonstrated proficiency. Certification of content area
31 proficiency must be included with the student's permanent academic transcript, and a
32 student may use certification of content area proficiency as an official credential of
33 academic achievement for the purposes of employment and postsecondary education.
34 When a school administrative unit certifies content area proficiency, it shall report these
35 certifications of content area proficiency to the department, and the department shall
36 collect and aggregate these data as evidence of progress towards high school graduation
37 goals.

38 **6. Implementation of proficiency-based diplomas and transcripts.** ~~Beginning in~~
39 ~~the 2016-2017 school year, the~~ The department shall ~~may~~ annually collect and report data
40 ~~on the progress of public schools and public charter schools towards the implementation~~

1 of that have chosen to implement proficiency-based diplomas and transcripts in relation
2 to the ongoing transition plan required pursuant to section 4502, subsection 1, including
3 the number of students graduating with proficiency-based diplomas, the number of
4 students concluding their high school careers proficient in each of the content areas of the
5 system of learning results established under section 6209 and in each of the guiding
6 principles set forth in department rules governing implementation of the system of
7 learning results established pursuant to section 6209 and the number of students certified
8 as ready for college and careers. ~~By January 15, 2017, and annually thereafter, the~~ The
9 department shall may provide an annual report of the any data collected for the prior
10 school year to the joint standing committee of the Legislature having jurisdiction over
11 education matters, and the department shall post the annual report on its publicly
12 accessible website.

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

15 A. Allow local flexibility and innovation in developing consistent graduation
16 standards, enable school administrative units that choose to award student diplomas
17 indicating graduation from secondary school based on demonstration of proficiency
18 as described in this section to continue current progress aligned with the phase-in of
19 the standards and proficiency requirements in subsection 1, paragraph B-1 and
20 subsection 3, paragraph B-2 and describe standard criteria for ensuring equal
21 educational opportunities for students;

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

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

30 Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as
31 defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 11. 20-A MRSA §6209, sub-§2,** as amended by PL 2015, c. 489, §4, is
33 further amended to read:

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

- 38 A. Career and education development;
- 39 B. English language arts;
- 40 C. World languages;
- 41 D. Health, physical education and wellness;
- 42 E. Mathematics;

- 1 F. Science and technology;
- 2 G. Social studies; and
- 3 H. Visual and performing arts.

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

6 **3-A. Transcripts.** A school subject to this section shall:

- 7 ~~A. Maintain student transcripts containing certification of proficiency for each~~
8 ~~content area and guiding principle in the system of learning results pursuant to this~~
9 ~~section in which the student has demonstrated proficiency;~~
- 10 B. Certify on the basis of objective measures in the transcript a student's
11 postsecondary readiness; and
- 12 C. Establish a transcript that meets the requirements of ~~paragraphs A and~~ paragraph
13 B as an officially sanctioned credential of student learning for admission to a
14 postsecondary education institution and employment in a business, trade or industry.

15 **Sec. 13. 20-A MRSA §6214**, as enacted by PL 2015, c. 500, §1, is amended to
16 read:

17 **§6214. School accountability system; annual reports**

18 Beginning with the 2018-2019 school year, for public schools, public charter schools
19 and private schools approved for tuition purposes that enroll at least 60% publicly funded
20 students, the commissioner shall implement a school accountability system to measure
21 school performance ~~and student proficiency~~ in facilitating students' achieving the
22 knowledge and skills described in the parameters for essential instruction and graduation
23 requirements established under section 6209, subsection 2 and that meets the reporting
24 requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code,
25 Section 6311(h) and related regulations.

26 **1. Performance measures.** The measures of school performance ~~and student~~
27 ~~proficiency~~ for the school accountability system implemented under this section must
28 include multiple measures of student achievement and:

- 29 A. Align with the components of the state accountability system required to ensure
30 equity in educational opportunity by the federal Every Student Succeeds Act of 2015,
31 20 United States Code, Section 6311(c) and related regulations;
- 32 ~~B. Use measures of student proficiency in all content areas of the learning results and~~
33 ~~the guiding principles using data gathered under section 4722-A, subsection 5;~~
- 34 C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame
35 for high school graduation rates;
- 36 D. As available, use measures of postsecondary readiness, persistence and
37 completion;

1 E. Establish a school administrative unit's eligibility and priority for targeted state
2 funding for school improvement and support under section 15688-A, subsection 5
3 and other applicable targeted funds authorized under section 15688-A; and

4 F. May include, but are not limited to, the use of:

5 (1) Summative assessments aligned with the grade-level expectations of the
6 parameters for essential instruction and graduation requirements established
7 under section 6209, subsection 2;

8 (2) Interim assessments that measure student growth over time; and

9 (3) Information from the state assessment program under section 6204 on student
10 achievement reported by the department in compliance with applicable federal
11 statutes and regulations regarding student assessment.

12 **2. Annual reports.** As provided in the federal Every Student Succeeds Act of 2015,
13 20 United States Code, Section 6311(h), the commissioner shall annually report the
14 statewide and school-level results of the school accountability system implemented under
15 this section with regard to the performance of schools ~~and the proficiency of students~~ in
16 each of the State's elementary and secondary schools.

17 ~~A. The commissioner shall provide each school with a profile of school performance~~
18 ~~and student proficiency based upon data from the school accountability system.~~

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

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

26 **3. Rules.** The department shall adopt rules to implement the school accountability
27 system established pursuant to this section. The rules adopted by the department must
28 specify the methods to be used as part of the annual assessment of the performance of
29 elementary and secondary schools ~~and the proficiency of elementary and secondary~~
30 ~~school students~~. Rules adopted pursuant to this subsection are major substantive rules as
31 defined in Title 5, chapter 375, subchapter 2-A.

32 Nothing in this section may be construed to prevent or inhibit the department from
33 providing annual reports of the results of the state assessment program required by
34 section 6204 to comply with the federal statutes and regulations pertaining to student
35 assessment.

36 **Sec. 14. 20-A MRSA §15686-A, sub-§1**, as amended by PL 2017, c. 284, Pt. C,
37 §44, is further amended to read:

38 **1. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in
39 fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using
40 information provided by a statewide education policy research institute, shall review the
41 essential programs and services student-to-staff ratios, salary and benefits matrices, small

1 schools adjustments, labor markets and gifted and talented components and components
 2 related to implementation of ~~proficiency-based~~ reporting and graduation requirements
 3 under this chapter and shall submit to the joint standing committee of the Legislature
 4 having jurisdiction over education matters any recommended changes for legislative
 5 action.

6 **Sec. 15. 20-A MRSA §19301, sub-§2**, as enacted by PL 2015, c. 372, §1, is
 7 amended to read:

8 **2. Content.** Content included in the digital content library established pursuant to
 9 subsection 1 must further the State's educational initiatives, including learning through
 10 technology, ~~proficiency-based~~ diploma standards based on achievement, college and
 11 career readiness and student achievement in the system of standards and assessment
 12 established under chapter 222.

13 **Sec. 16. Appropriations and allocations.** The following appropriations and
 14 allocations are made.

15 **EDUCATION, DEPARTMENT OF**

16 **Learning Systems Team Z081**

17 Initiative: Provides funds for 2 Regional Education Representative positions and 2
 18 Management Analyst I positions and related All Other costs necessary to provide
 19 technical assistance to schools for 2 different systems of awarding diplomas.

20	GENERAL FUND	2017-18	2018-19
21	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
22	Personal Services	\$0	\$361,005
23	All Other	\$0	\$26,124
24		<hr/>	<hr/>
25	GENERAL FUND TOTAL	\$0	\$387,129

26 **School Finance and Operations Z078**

27 Initiative: Provides funds for 2 Public Service Coordinator I positions and related All
 28 Other costs for the additional monitoring, data tracking, school approval requirements
 29 and other reporting requirements for 2 different systems of awarding diplomas.

30	GENERAL FUND	2017-18	2018-19
31	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
32	Personal Services	\$0	\$193,162
33	All Other	\$0	\$13,062
34		<hr/>	<hr/>
35	GENERAL FUND TOTAL	\$0	\$206,224

1	EDUCATION, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2017-18	2018-19
3			
4	GENERAL FUND	\$0	\$593,353
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$593,353
7			

8 **SUMMARY**

9 This amendment is the majority report of the Joint Standing Committee on Education
10 and Cultural Affairs. The amendment replaces the bill to provide that the statutes related
11 to the proficiency-based diploma standard and transcript provisions in the Maine Revised
12 Statutes, Title 20-A, section 4722-A may be implemented by schools. The amendment
13 also provides that the proficiency-based diploma standard and transcript rules adopted by
14 the Commissioner of Education pursuant to Title 20-A, section 4722-A are changed from
15 routine technical rules to major substantive rules. This amendment also adds an
16 appropriations and allocations section.

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