

## CHAPTER 222

### STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE

#### §6201. Legislative intent

The Legislature finds that all students graduating from high school must be prepared for success in postsecondary education, careers and citizenship and that a statewide educational assessment program must be implemented. [PL 2009, c. 313, §19 (AMD).]

There is a need for assessment information at both state and local levels to measure progress and ensure accountability regarding the implementation of the parameters for essential instruction and graduation requirements under section 6209 and in the department rules implementing that section and other curricular requirements. This must be accomplished through assessments to determine what each student knows and is able to demonstrate regarding the parameters for essential instruction and graduation requirements. [PL 2009, c. 313, §19 (AMD).]

The assessment system must have the following objectives: [PL 2009, c. 313, §19 (AMD).]

**1. Statewide assessment.** To provide information on the academic achievement and progress of Maine students;  
[PL 1983, c. 859, Pt. D, §§3, 4 (NEW).]

**2. State goals.** To establish a process for a continuing evaluation of the system of learning results established in section 6209 and to aid in the development of educational policies, standards and programs;  
[PL 2001, c. 454, §28 (AMD).]

**3. Local programs.** To provide school officials with information to assess the quality, effectiveness and appropriateness of educational materials and methods and curriculum needs, including remediation, interventions and enrichment in their schools;  
[PL 2009, c. 313, §19 (AMD).]

**4. Individual students.** To provide school staffs with information about the individual students that may be used, with other information, to meet individual and education needs of the student. The statewide assessment program may not be the only criteria for judging student performance;  
[PL 2009, c. 313, §19 (AMD).]

**5. Trends.** To identify year-to-year trends in student achievement; and  
[PL 1983, c. 859, Pt. D, §§3, 4 (NEW).]

**6. Parents.** To provide parents with information about the achievements of their children.  
[PL 2009, c. 313, §19 (AMD).]

#### SECTION HISTORY

PL 1983, c. 859, §§D3,D4 (NEW). PL 2001, c. 454, §§27,28 (AMD). PL 2009, c. 313, §19 (AMD).

#### §6202. State assessment program established; content

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students in grades 3 to 12 on the accountability standards set forth in section 6209 and in department rules implementing that section and other curricular requirements. The commissioner may elect to provide for the use of alternative measures of student achievement in grades 9 to 12. This assessment applies to students in the public elementary and secondary schools, in public charter schools, as that term is defined in section 2401, subsection 9,

and in all private schools approved for tuition whose school enrollments include at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment. The assessment program must be adapted to meet the needs of children with disabilities as defined in section 7001, subsection 1-A or other students as defined under rules by the commissioner. [PL 2015, c. 40, §4 (AMD).]

**1. Assessment in basic subjects.**

[PL 2001, c. 454, §29 (RP).]

**1-A. Interpretation.** The statewide assessment program results may be interpreted in a manner that takes into account the particular role within a school administrative unit of regional special education or regional alternative education programs or schools approved by the commissioner in accordance with section 7253. For these programs or schools, the results may be interpreted by assigning the student and the scores of the student to the school in the community where the student resides. The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 284, Pt. VVVVV, §8 (AMD); PL 2017, c. 284, Pt. VVVVV, §14 (AFF).]

**2. Additional subjects.**

[PL 2001, c. 454, §29 (RP).]

**SECTION HISTORY**

PL 1983, c. 859, §§D3,D4 (NEW). PL 1985, c. 797, §37 (AMD). PL 2001, c. 454, §29 (AMD). PL 2005, c. 118, §1 (AMD). PL 2005, c. 446, §3 (AMD). PL 2005, c. 662, §A13 (AMD). PL 2009, c. 154, §3 (AMD). PL 2009, c. 313, §20 (AMD). PL 2015, c. 40, §4 (AMD). PL 2017, c. 284, Pt. VVVVV, §8 (AMD). PL 2017, c. 284, Pt. VVVVV, §14 (AFF).

**§6202-A. Local assessment system established; content**

**(REPEALED)**

**SECTION HISTORY**

PL 2001, c. 454, §30 (NEW). PL 2003, c. 712, §2 (AMD). PL 2005, c. 446, §4 (AMD). PL 2005, c. 593, §§1,2 (AMD). PL 2007, c. 259, §2 (RP).

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

Each school administrative unit shall use multiple assessment methods to measure student achievement of the learning results set forth in section 6209 and in department rules implementing that section and other curricular requirements established in section 6209 to inform instruction and ensure students are making progress toward achieving the learning results set forth in section 6209 and in department rules implementing that section, other curricular requirements and the requirements of a common core course of study. [PL 2007, c. 259, §3 (NEW).]

**SECTION HISTORY**

PL 2007, c. 259, §3 (NEW).

**§6203. Implementation**

**(REPEALED)**

**SECTION HISTORY**

PL 1983, c. 859, §§D3,D4 (NEW). PL 1985, c. 295, §29 (AMD). PL 1993, c. 252, §D2 (RP).

**§6204. Reports**

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

A. When a report is made under this subsection for purposes of comparative analysis, the reporting mechanisms and the categories reported shall be uniform for each school. [PL 1987, c. 662, §1 (NEW).]  
[PL 1987, c. 662, §1 (AMD).]

**2. School profile reports.** The commissioner shall also provide each participating school with a profile of student achievement based upon data from the assessment program.

A. Every profile provided under this subsection shall use reporting mechanisms and categories which are uniform for each school. [PL 1987, c. 662, §2 (NEW).]  
[PL 1987, c. 662, §2 (AMD).]

**3. Teacher evaluation.**  
[PL 2009, c. 646, §1 (RP).]

#### SECTION HISTORY

PL 1983, c. 859, Pt. D, §§3, 4 (NEW). PL 1987, c. 662, §§1, 2 (AMD). PL 2009, c. 646, §1 (AMD).

#### §6205. Assessment data

The department shall provide each school with assessment data on individual students. Such assessment data shall become part of the student's educational record and shall be made available to the parents of each student or student of majority age in accordance with local school policies. It shall be held confidential from unauthorized persons in accordance with the confidentiality provisions of this Title and federal law. [PL 1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

#### SECTION HISTORY

PL 1983, c. 859, §§D3,D4 (NEW).

#### §6206. Educational costs

Costs relating to the development of the state assessment program, printing, distribution, analysis and dissemination of results for each school administrative unit shall be paid by the department. [PL 1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

#### SECTION HISTORY

PL 1983, c. 859, §§D3,D4 (NEW).

#### §6207. Optional participation

Private schools approved for attendance purposes may participate in the assessment program, with the approval of the commissioner and upon payment of a fee established by the commissioner. The fee shall reflect the actual cost of the assessment. [PL 1983, c. 859, Pt. D, §§ 3, 4 (NEW).]

#### SECTION HISTORY

PL 1983, c. 859, §§D3,D4 (NEW).

#### §6208. Legislative intent

The Legislature finds that because all children can learn at significantly higher levels, it is essential that the Legislature, the State Board of Education, the Department of Education, school administrative units, educators and parents provide children with schools that reflect high expectations and create conditions where these expectations can be met. Through a shared sense of accountability and a cooperative spirit among State Government, school administrative units, educators, parents, business

persons, and the community, school administrative units and educators can develop and teach to high standards that will enable students to become productive and fulfilled members of society. The Legislature further finds that the system of learning results set forth in section 6209 and in department rules implementing that section and other curricular requirements will serve as a foundation for education reform, will promote assessment of student learning, will reinforce accountability and will encourage equity. The Legislature, therefore, encourages the State Board of Education, the Department of Education and school administrative units to employ a high degree of creativity in developing content standards and performance indicators and to explore a wide range of programs and options so that the standards adopted will reflect the highest possible expectations and assessments will be of the highest possible quality. The ultimate goal and intent of the Legislature is to ensure that the State's schools will enable today's students to gain the knowledge and skills necessary for postsecondary education, career and citizenship. [PL 2007, c. 259, §4 (AMD).]

## SECTION HISTORY

PL 1995, c. 649, §1 (NEW). PL 2007, c. 259, §4 (AMD).

### §6209. System of learning results established

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, which may include a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, as set forth in this section and in department rules implementing this section and other curricular requirements. The department must establish accountability standards at all grade levels in the areas of mathematics; reading; and science and technology. The department shall establish parameters for essential instruction in English language arts; mathematics; science and technology; social studies; career and education development; visual and performing arts; health, physical education and wellness; and world languages. Only a public school, a public charter school as defined in section 2401, subsection 9 or a private school approved for tuition purposes that enrolls at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, is required to participate in the system of learning results set forth in this section and in department rules implementing this section and other curricular requirements. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system must be adapted to accommodate children with disabilities as defined in section 7001, subsection 1-B. [PL 2015, c. 489, §3 (AMD).]

#### 1. Guiding principles.

[PL 2007, c. 259, §5 (RP).]

**1-A. Accountability standards.** Each student must be assessed by means of a statewide assessment in the following areas:

A. Reading; [PL 2007, c. 259, §5 (NEW).]

B. Mathematics; and [PL 2007, c. 259, §5 (NEW).]

C. Science, in those content areas concerning cells and continuity and change. [PL 2007, c. 259, §5 (NEW).]

[PL 2007, c. 259, §5 (NEW).]

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

A. Career and education development; [PL 2007, c. 259, §5 (AMD).]

B. English language arts; [PL 1995, c. 649, §1 (NEW).]

C. World languages; [PL 2007, c. 259, §5 (AMD).]

- D. Health, physical education and wellness; [PL 2007, c. 259, §5 (AMD).]
- E. Mathematics; [PL 1995, c. 649, §1 (NEW).]
- F. Science and technology; [PL 1995, c. 649, §1 (NEW).]
- G. Social studies; and [PL 1995, c. 649, §1 (NEW).]
- H. Visual and performing arts. [PL 1995, c. 649, §1 (NEW).]  
[PL 2017, c. 466, §11 (AMD).]

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

[PL 2007, c. 259, §5 (AMD).]

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

A. [PL 2017, c. 466, §12 (RP).]

B. Certify on the basis of objective measures in the transcript a student's postsecondary readiness; and [PL 2015, c. 489, §5 (NEW).]

C. Establish a transcript that meets the requirements of paragraph B as an officially sanctioned credential of student learning for admission to a postsecondary education institution and employment in a business, trade or industry. [PL 2017, c. 466, §12 (AMD).]

[PL 2017, c. 466, §12 (AMD).]

**4. Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to substantiate school certifications of postsecondary readiness. The review of the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, must be included in the commissioner's review beginning in the 2019-2020 school year.

[PL 2019, c. 196, §2 (AMD).]

#### SECTION HISTORY

PL 1995, c. 649, §1 (NEW). PL 1999, c. 75, §5 (AMD). PL 2001, c. 454, §§31,32 (AMD). PL 2003, c. 712, §3 (AMD). PL 2005, c. 662, §A14 (AMD). RR 2007, c. 1, §8 (COR). PL 2007, c. 259, §5 (AMD). PL 2009, c. 647, §1 (AMD). PL 2013, c. 244, §2 (AMD). PL 2015, c. 40, §5 (AMD). PL 2015, c. 489, §§3-6 (AMD). PL 2017, c. 466, §§11, 12 (AMD). PL 2019, c. 196, §2 (AMD).

#### §6209-A. State validation

**(REPEALED)**

#### SECTION HISTORY

PL 2005, c. 446, §5 (NEW). PL 2007, c. 259, §6 (AMD). PL 2013, c. 506, §14 (RP).

### **§6210. School assistance**

The commissioner shall provide assistance to a school administrative unit when student performance in a school in the school administrative unit, or when a review of the comprehensive education plan conducted under section 4504, subsection 2, indicates that assistance is needed. This assistance must be based on a thorough review of the comprehensive education plan, as required in section 4502, subsection 1, and the evidence of student performance provided by the school administrative unit's local assessment system. This may include assignment of an assistance team by the commissioner to work with the school administrative unit over a period of not less than one year. [PL 2007, c. 259, §7 (AMD).]

#### SECTION HISTORY

PL 2001, c. 454, §33 (NEW). PL 2005, c. 446, §6 (AMD). PL 2007, c. 259, §7 (AMD).

### **§6211. Rulemaking**

The commissioner shall develop rules to accomplish the purposes of this chapter. Rules adopted by the commissioner under this chapter must include guidelines and protocols to strengthen the capacity of school administrative units to ensure sufficient opportunity through multiple pathways for all students to achieve proficiency in meeting the state standards and guiding principles under the system of learning results established pursuant to section 6209. Rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 489, §7 (AMD).]

#### SECTION HISTORY

PL 2001, c. 454, §33 (NEW). PL 2015, c. 489, §7 (AMD).

### **§6212. Innovative, autonomous public schools**

A school administrative unit may establish and operate an innovative, autonomous public school. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school that exceed or differ from, but do not conflict with, applicable statutory and regulatory requirements. The school board shall propose, receive and allocate funding for an innovative, autonomous public school as part of the budget process for that school administrative unit in accordance with this Title. A school board may request waivers as necessary to implement an instructional model and associated curriculum that meet the standards of this section for innovation and autonomy. [PL 2009, c. 616, §1 (NEW).]

**1. Open enrollment.** Any resident student in a school administrative unit is eligible to request enrollment in an innovative, autonomous public school. Enrollment may not be limited to a target population of students. A school board shall establish a method for selecting students when requests for enrollment exceed capacity. A school board may establish a process for determining the maximum enrollment from each municipality in the school administrative unit. [PL 2009, c. 616, §1 (NEW).]

**2. More accountability for student achievement.** An innovative, autonomous public school must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system. [PL 2009, c. 616, §1 (NEW).]

#### SECTION HISTORY

PL 2009, c. 616, §1 (NEW).

### **§6213. Innovative public school zones and innovative public school districts**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Innovative, autonomous public school" means an innovative, autonomous public school established pursuant to section 6212. [PL 2013, c. 303, §2 (AMD).]

B. "Innovation plan" means a plan for the creation and operation of an innovative, autonomous public school, a teacher-led school or innovative zone or district as described in subsections 2, 3 and 4. [PL 2013, c. 303, §2 (AMD).]

C. "Innovative public school district" or "district" means a school administrative unit in which all schools operated by the school administrative unit are innovative, autonomous public schools or teacher-led schools included in an innovation plan approved pursuant to this section and implemented by the school board. [PL 2013, c. 303, §2 (AMD).]

D. "Innovative public school zone" or "zone" means 2 or more innovative, autonomous public schools or teacher-led schools operated by a school administrative unit that share common interests, such as their geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a school board implements an innovation plan approved pursuant to this section. [PL 2013, c. 303, §2 (AMD).]

E. "Public school" has the same meaning as in section 1, subsection 24. [PL 2011, c. 446, §2 (NEW).]

F. "Teacher-led school" means a public school in which teachers employed at the school are responsible for the decision making and governance of the school. [PL 2013, c. 303, §2 (NEW).]  
[PL 2013, c. 303, §2 (AMD).]

**2. School-initiated innovation plan.** A public school or a group of 2 or more public schools in a school administrative unit may submit to its school board an innovation plan. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school or teacher-led school that is not in conflict with applicable statutory and regulatory requirements.

A. A school board shall receive and review each innovation plan submitted pursuant to this subsection. The school board shall either approve or disapprove the innovation plan within 60 days after receiving the plan. [PL 2011, c. 446, §2 (NEW).]

B. If the school board rejects the innovation plan, it shall provide to the public school or public schools that submitted the plan a written explanation of the basis for its decision. A public school or public schools may submit an amended innovation plan at any time. [PL 2011, c. 446, §2 (NEW).]

C. If the school board approves the plan, it shall proceed to seek the commissioner's approval of the public school or public schools as an innovative, autonomous public school, a teacher-led school, an innovative public school zone or an innovative public school district pursuant to subsection 9. [PL 2013, c. 303, §2 (AMD).]  
[PL 2013, c. 303, §2 (AMD).]

**3. Board-initiated innovation plan.** A school board may initiate and collaborate with one or more public schools within the school administrative unit to create one or more innovation plans. In creating an innovation plan, the school board shall ensure that each public school that would be affected by the plan has the opportunity to participate collaboratively in the creation and implementation of the plan.  
[PL 2011, c. 446, §2 (NEW).]

**4. Innovation plan.** An innovation plan must include the following information:

- A. A statement of the mission of the school, zone or district and why designation as a school, zone or district would enhance the ability of the school, zone or district to achieve its mission; [PL 2011, c. 446, §2 (NEW).]
- B. A description of the innovations the school, zone or district would implement, which may include, but are not limited to, innovations in school staffing, curriculum and assessment; school calendar; use of financial and other resources; and the recruitment, employment, evaluation and compensation of teachers, administrators and other staff employed by the school; [PL 2011, c. 446, §2 (NEW).]
- C. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations; [PL 2011, c. 446, §2 (NEW).]
- D. A listing of the programs, policies and practices within the school, zone or district that would be affected by the innovations identified by the school, zone or district and the manner in which they would alter current programs, policies and practices. The programs, policies or practices may include, but are not limited to:
- (1) A description of any research-based educational program to be implemented;
  - (2) The length of the school day and the school year;
  - (3) The student promotion and graduation policies;
  - (4) The assessment plan;
  - (5) The budget; and
  - (6) The staffing plan. [PL 2011, c. 446, §2 (NEW).]
- E. A description of any statutory requirements applicable to public schools or school administrative unit policy requirements that would need to be waived for the school, zone or district to implement the identified innovations; [PL 2011, c. 446, §2 (NEW).]
- F. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations; [PL 2011, c. 446, §2 (NEW).]
- G. An identification of the strategic partnerships, including partnerships with business, industry, postsecondary education institutions, nonprofit educational organizations and other educational entities, that the school, zone or district expects to develop in implementing its identified innovation; [PL 2011, c. 446, §2 (NEW).]
- H. An estimate of the cost savings and increased efficiencies, if any, the school, zone or district expects to achieve in implementing the identified innovations; [PL 2011, c. 446, §2 (NEW).]
- I. A description of the strategies that the school, zone or district expects to implement in the future to secure and maintain the resources necessary to sustain the identified innovations; [PL 2011, c. 446, §2 (NEW).]
- J. A provision for the continuation and assignment of collective bargaining agreements as they apply to the school, zone or district for the duration of those agreements and the continuation of representational rights; [PL 2011, c. 446, §2 (NEW).]
- K. A provision for the continuation of continuing contract rights under section 13201; and [PL 2011, c. 446, §2 (NEW).]
- L. Any additional information required by the school board. [PL 2011, c. 446, §2 (NEW).]  
[PL 2011, c. 446, §2 (NEW).]

**5. Additional information.** An innovation plan, whether submitted by one or more public schools or created by a school board through collaboration with one or more public schools, must include the following information:



A. A description of how innovations in the schools in the zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and [PL 2011, c. 446, §2 (NEW).]

B. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the zone or district. [PL 2011, c. 446, §2 (NEW).]  
[PL 2011, c. 446, §2 (NEW).]

**6. Prohibited acts.** An employee of a public school or school administrative unit may not be discriminated against by the school board, the superintendent or any other administrator of the school administrative unit or by any employee organization, officer of the organization or member of the organization for exercising or not exercising the rights provided for under this section. An employee of a school administrative unit or an officer or member of an employee organization may not impede, restrain or coerce an employee of a public school or school administrative unit to keep that employee from exercising the rights provided for under this section or cause an employer to impede, restrain or coerce an employee to keep that employee from exercising the rights provided for under this section.

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a public employee or a group of public employees in the free exercise of their rights pursuant to Title 26, chapter 9-A to voluntarily join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under Title 26.

[PL 2011, c. 446, §2 (NEW).]

**7. Innovations.** In considering or creating an innovation plan, each school board may consider innovations in the following areas:

A. Curriculum and academic standards and assessments; [PL 2011, c. 446, §2 (NEW).]

B. Accountability measures, including, but not limited to, expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but are not limited to:

(1) Use of graduation or exit examinations;

(2) Use of end-of-course examinations;

(3) Use of formative assessments that measure student growth over time;

(4) Use of multiple measures of student achievement;

(5) Measuring the percentage of students continuing on to postsecondary education; and

(6) Measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate from a postsecondary educational institution; [PL 2011, c. 446, §2 (NEW).]

C. Provision of services, including, but not limited to, special education services; services for gifted and talented students; services for English learners as defined in section 15672, subsection 7-B; educational services for students at risk of academic failure, expulsion or dropping out; and support services provided by the Department of Health and Human Services or the Department of Corrections to a state ward or to a state agency client; [PL 2019, c. 398, §22 (AMD).]

D. Teacher recruitment, training, preparation and professional development; [PL 2011, c. 446, §2 (NEW).]

E. Teacher employment; [PL 2011, c. 446, §2 (NEW).]

F. Performance expectations and evaluation procedures for teachers and principals; [PL 2011, c. 446, §2 (NEW).]

G. Compensation for teachers, principals and other school personnel, including, but not limited to, performance pay plans, total compensation plans and innovations with regard to retirement and other benefits; [PL 2011, c. 446, §2 (NEW).]

H. School governance and the roles, responsibilities and expectations of principals; and [PL 2011, c. 446, §2 (NEW).]

I. Preparation and counseling of students for transition to postsecondary education or the workforce. [PL 2011, c. 446, §2 (NEW).]

[PL 2019, c. 398, §22 (AMD).]

**8. Gifts, grants and donations.** A school, zone or district may seek and accept public and private gifts, grants and donations to offset the costs of developing and implementing an innovation plan. Any gift, grant or donation received pursuant to this subsection must be approved by the school board prior to the receipt of the gift, grant or donation.

[PL 2011, c. 446, §2 (NEW).]

**9. Commissioner's approval.** A school board shall submit school, zone or district innovation plans approved pursuant to subsection 4, paragraph J to the commissioner.

A. Within 60 days after receiving an innovation plan for a school, zone or district, the commissioner shall approve the innovation plan unless the commissioner concludes that the plan:

- (1) Is likely to result in a decrease in academic achievement in the innovative school, zone or district; or
- (2) Is not fiscally feasible. [PL 2011, c. 446, §2 (NEW).]

B. If the commissioner does not approve the innovation plan, the commissioner shall provide to the school board a written explanation of the basis for the decision. The school board may submit an amended innovation plan for the commissioner's approval at any time. [PL 2011, c. 446, §2 (NEW).]

Nothing in this subsection may prevent or may be construed to prevent the commissioner from approving an innovation plan to create an innovative public school district when the innovation plan is created by a school board for a school administrative unit that operates only one innovative, autonomous public school or teacher-led school.

[PL 2013, c. 303, §3 (AMD).]

**10. Commissioner's waiver.** Upon approval of an innovation plan for a school, zone or district, the commissioner shall waive requirements of any statutes or rules specified in the approved innovation plan as they pertain to the innovative school, zone or district, except that the commissioner may not waive requirements pertaining to:

A. School administrative unit employee participation in the Maine Public Employees Retirement System; [PL 2011, c. 446, §2 (NEW).]

B. The standards established by the school board for awarding a high school diploma as set forth in chapter 207-A, subchapter 3; [PL 2011, c. 446, §2 (NEW).]

C. The statewide assessment program established under this chapter to measure student achievement of the content standards in the system of learning results set forth in this chapter and in department rules implementing this chapter and other curricular requirements established by the school board; [PL 2011, c. 446, §2 (NEW).]

D. The applicable federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70; and [PL 2011, c. 446, §2 (NEW).]

E. The legal obligations and duties that a school administrative unit implementing an innovation plan owes to its employees prior to the formation of a district or zone, including but not limited to those obligations and duties arising under federal or state law, collective bargaining agreements and individual employment contracts, including but not limited to:

- (1) Continued recognition of all bargaining agents that represent any bargaining units of employees who are employed by a school administrative unit implementing an innovation plan; and
- (2) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a school administrative unit implementing an innovation plan. [PL 2011, c. 446, §2 (NEW).]

Except as otherwise provided in this subsection, the commissioner may not waive any requirements of any law or rule specified in the approved innovation plan for an innovative school, zone or district if the law or rule relates to the implementation of or requirements for any program or grant for which the school administrative unit is receiving funds appropriated or allocated for the support of public school activities. The commissioner may waive any requirements of any law or rule that relates to the implementation of or requirements for any program or grant only if the funding for the program or grant is no longer allocated to the school administrative unit.

[PL 2011, c. 446, §2 (NEW).]

**11. State subsidy.** Designation as a school, zone or district may not affect the allocation of state subsidy for the school administrative unit as calculated pursuant to chapter 606-B.

[PL 2011, c. 446, §2 (NEW).]

**12. Revisions to innovation plan; changes to waivers.** If the school board, in collaboration with one or more public schools pursuant to subsection 3, revises an innovation plan as provided in subsection 9, paragraph B, the school board may request additional waivers or changes to existing waivers of the requirements of laws and rules as necessary to accommodate the revisions to the innovation plan, and the commissioner shall grant the request unless the commissioner concludes that the waivers or changes to existing waivers would be likely to result in a decrease in academic achievement in the school, zone or district, or would not be fiscally feasible.

A. In requesting a new waiver or a change to an existing waiver, the school board must demonstrate the consent of a majority of the teachers and a majority of the administrators employed at each school that is affected by the new or changed waiver. [PL 2011, c. 446, §2 (NEW).]

B. Except as otherwise provided in this section, a waiver from the requirements of a law or rule that is granted pursuant to this section continues to apply to a school, zone or district as long as the school, zone or district continues to be designated as a school, zone or district. [PL 2011, c. 446, §2 (NEW).]

[PL 2011, c. 446, §2 (NEW).]

**13. Exemption from school district reorganization requirements.** Notwithstanding chapter 103-A, a school administrative unit that has been approved by the commissioner as an innovative public school district is exempt from the requirements to reorganize as a regional school unit or as a member entity of an alternative organizational structure and may not be assessed a penalty as a nonconforming school administrative unit pursuant to section 15696.

[PL 2011, c. 446, §2 (NEW).]

**14. Performance review.** Three years after the commissioner approves an innovation plan for a school, zone or district, and every 3 years thereafter, the school board shall review the level of performance of the school, zone or district and determine whether the school, zone or district is achieving or making adequate progress toward achieving the academic performance results identified in the innovation plan of the school, zone or district. The school board, in collaboration with the school,

zone or district, may revise the innovation plan as necessary to improve or continue to improve academic performance at the school, zone or district. Any revisions to the innovation plan require the consent of a majority of the teachers and a majority of the administrators employed at each affected school.

A. Following review of a school's performance, if the school board finds that the academic performance of students enrolled in the school is not improving at a sufficient rate, the school board may revoke the designation of the school as an innovative, autonomous public school or teacher-led school. [PL 2013, c. 303, §4 (AMD).]

B. Following review of the performance of a zone or district, if a school board finds that the academic performance of students enrolled in one or more of the schools included in the zone or district is not improving at a sufficient rate, the school board may remove the underperforming school or schools from the zone or district or may revoke the designation of the zone or district as an innovative public school zone or innovative public school district. [PL 2011, c. 446, §2 (NEW).]

[PL 2013, c. 303, §4 (AMD).]

**15. Annual report.** By March 1, 2012, and each year thereafter, the commissioner shall submit to the Governor and to the joint standing committee of the Legislature having jurisdiction over education matters a report concerning the schools, zones and districts. At a minimum, the report must include:

A. The number of school administrative units designated as innovative districts in the preceding academic year and the total number of innovative districts in the State; [PL 2011, c. 446, §2 (NEW).]

B. The number of innovative, autonomous public schools, the number of teacher-led schools and the number of innovative public school zones and innovative public school districts, including the number of schools in each zone and district and the number of students served in the schools and zones, expressed as a total number and as a percentage of the students enrolled in the district; [PL 2013, c. 303, §5 (AMD).]

C. An overview of the innovations implemented in each school, zone and district; [PL 2011, c. 446, §2 (NEW).]

D. An overview of the academic performance of the students served in schools, zones and districts, including a comparison between the academic performance of the students before and after implementation of the innovations; [PL 2011, c. 446, §2 (NEW).]

E. Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of school administrative units and school boards to implement innovations; and [PL 2011, c. 446, §2 (NEW).]

F. Any information requested by the Governor or a member of the joint standing committee of the Legislature having jurisdiction over education matters. [PL 2011, c. 446, §2 (NEW).]

The commissioner shall promptly post the annual report submitted pursuant to this section on the department's publicly accessible website.

[PL 2013, c. 303, §5 (AMD).]

## SECTION HISTORY

PL 2011, c. 446, §2 (NEW). PL 2013, c. 303, §§2-5 (AMD). PL 2019, c. 398, §22 (AMD).

### §6214. School accountability system; annual reports

Beginning with the 2018-2019 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the

commissioner shall implement a school accountability system to measure school performance in facilitating students' achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under section 6209, subsection 2 and that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations. [PL 2017, c. 466, §13 (AMD).]

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

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations; [PL 2015, c. 500, §1 (NEW).]

B. [PL 2017, c. 466, §13 (RP).]

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates; [PL 2015, c. 500, §1 (NEW).]

D. As available, use measures of postsecondary readiness, persistence and completion; [PL 2015, c. 500, §1 (NEW).]

E. Establish a school administrative unit's eligibility and priority for targeted state funding for school improvement and support under section 15688-A, subsection 5 and other applicable targeted funds authorized under section 15688-A; and [PL 2015, c. 500, §1 (NEW).]

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

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

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

(3) Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment. [PL 2015, c. 500, §1 (NEW).]

[PL 2017, c. 466, §13 (AMD).]

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

A. [PL 2017, c. 466, §13 (RP).]

B. When a report is made under this subsection for purposes of comparative analysis of elementary and secondary schools, the reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level. [PL 2015, c. 500, §1 (NEW).]

C. Notwithstanding any other provision of this section, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of rules in accordance with subsection 3. [PL 2015, c. 500, §1 (NEW).]

[PL 2017, c. 466, §13 (AMD).]

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

[PL 2017, c. 466, §13 (AMD).]

Nothing in this section may be construed to prevent or inhibit the department from providing annual reports of the results of the state assessment program required by section 6204 to comply with the federal statutes and regulations pertaining to student assessment. [PL 2015, c. 500, §1 (NEW).]

#### SECTION HISTORY

PL 2015, c. 500, §1 (NEW). PL 2017, c. 466, §13 (AMD).

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