



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1276

H.P. 872

House of Representatives, April 9, 2015

An Act To Improve Educational Assessments of Maine Students

(EMERGENCY)

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

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

ROBERT B. HUNT
Clerk

Presented by Representative McCLELLAN of Raymond.

Cosponsored by Representatives: CRAFTS of Lisbon, HANINGTON of Lincoln, HANLEY of Pittston, HILLIARD of Belgrade, TIMMONS of Cumberland, TUELL of East Machias, WALLACE of Dexter.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** school administrative units administer the Maine Educational
4 Assessment, a statewide assessment, as produced by the Smarter Balanced Assessment
5 Consortium, of which Maine is a member; and

6 **Whereas,** serious questions about the Maine Educational Assessment, as produced
7 by the Smarter Balanced Assessment Consortium, have been raised by education experts,
8 and other member states are withdrawing from the consortium, raising serious questions
9 about the viability of the consortium; and

10 **Whereas,** this Act requires the Department of Education to terminate membership in
11 the Smarter Balanced Assessment Consortium on July 1, 2015 and to adopt an alternative
12 method of assessment; and

13 **Whereas,** it is unlikely that the 90-day period will end before that date; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

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

19 **Sec. 1. 20-A MRSA §6205,** as enacted by PL 1983, c. 859, Pt. D, §§3 and 4, is
20 amended to read:

21 **§6205. Assessment data**

22 The department shall provide each school with assessment data on individual
23 students. Such assessment data ~~shall become~~ becomes part of the student's educational
24 record and ~~shall must~~ be made available to the parents of each student or student of
25 majority age in accordance with local school policies. ~~It shall~~ Assessment data must be
26 held confidential from unauthorized persons in accordance with the confidentiality
27 provisions of this Title and federal law, and personally identifying information of a
28 student may only be disseminated by the express written permission from each parent of
29 the student or, if of majority age, the student.

30 **Sec. 2. 20-A MRSA §6211,** as enacted by PL 2001, c. 454, §33, is amended to
31 read:

32 **§6211. Rulemaking**

33 The commissioner shall develop rules to accomplish the purposes of this chapter.
34 Rules adopted pursuant to this chapter, including the participation in or entering into any
35 agreement with an organization, consortium or association to accomplish the purposes of
36 this chapter, are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-~~
37 A 2-A.

