

THE IMPLEMENTATION OF PROFICIENCY BASED STANDARDS IN MAINE SCHOOLS

by
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To: Secretary of the Maine Department of Education
From: Megan Garratt-Reed
Re: Implementation of Proficiency Based Standards

Action Forcing Event

In 2012, the state of Maine passed a law requiring that public school students must demonstrate proficiency in the eight subject areas outlined in the state's academic standards in order to graduate from high school.¹ The law requires schools to implement these standards for student in the class of 2018, who are entering high school this fall.²

Statement of Problem

The adoption of proficiency-based standards presents a dramatic shift in elementary and secondary education in Maine. Students will suddenly be required to demonstrate necessary knowledge and skills, rather than being able to advance through curriculum and grade levels by merely attaining a passing grade of 60% or above.³ This change will require that students, teachers, and parents radically realign their understanding of academic success, and schools adjust their practices accordingly.

¹ Maine Public Law, Chapter 669, "An Act to Prepare Maine People for the Future Economy," accessed June 28, 2014,

http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC669.asp

² Maine Revised Statutes, Title 20-A: Education, Part 3: Elementary and Secondary Education, Chapter 207-A: Instruction, Chapter 3: Secondary Schools, accessed June 28, 2014, <http://www.mainelegislature.org/legis/statutes/20-a/title20-asec4722-a.html>

³ "What is Proficiency-Based Education?," Maine Department of Education, accessed June 12, 2014, <http://www.maine.gov/doe/proficiency/about/proficiency-based.html>

As with many attempts at education reform, Maine's law requiring proficiency-based education sets broad requirements, but does little to define or specify how schools are expected to comply.⁴ Although it mandates that students reach proficiency across a set of topic areas, it leaves individual districts and schools with the ability to define what proficiency means for their students and how they will be expected to demonstrate it. The lack of clarity and standardization has the potential to lead to widely varying expectations of students and teachers across the state, and presents a significant challenge for district administrators.⁵

The implementation of proficiency-based learning has already been more difficult than policy makers originally expected, and a vast majority of schools have asked for more time to transition, leading the Department of Education to create an extension program granting schools an additional two years to come into compliance.⁶

As the on-the-ground practitioners of proficiency based education, teachers must be better prepared to align their teaching practices with the new system. A seminal tenet of the practice is that students move at their own pace as they master

⁴ David Silvernail, Erika Stump, Angela Atkinson Duina, and Lori Moran Gunn, "Implementation of a Proficiency Based Diploma System in Maine: Phase II – District Analysis," (Report prepared by the Maine Education Policy Research Institute for the Joint Standing Committee on Education and Culture of the Maine Legislature, 2014) p.13 <https://usm.maine.edu/sites/default/files/cepare/PBDSMEPRIJan14Web.pdf>

⁵ David Silvernail, Erika Stump, Angela Atkinson Duina, and Lori Moran Gunn, "Preliminary Implementation of Maine's Proficiency Based Diploma Program," (Report prepared by the Maine Education Policy Research Institute for the Joint Standing Committee on Education and Culture of the Maine Legislature, 2013) p. 21 <http://usm.maine.edu/cepare/preliminary-implementation-maines-proficiency-based-diploma-program>

⁶ "Maine DOE provides flexibility to SAUs to ensure implementation of proficiency-based diploma," Maine Department of Education, last modified May 28, 2014, <http://mainedoenews.net/2014/05/28/maine-doe-provides-flexibility-to-saus-to-ensure-implementation-of-proficiency-based-diploma/>

new skills, but the traditional set-up of age-based classrooms and lesson planning does not support the model. A 2013 study by the Maine Educational Policy Research Institute found that even amongst teachers who felt they had adapted their methods to support proficiency based learning a majority were still adhering to traditional classroom groupings and means of advancement.⁷ Better training and professional opportunities are necessary to transform proficiency-based standards from a theoretical shift to a methodological one.

These changes in teaching and expectations for student performance also necessitate other administrative changes, namely in how students are assessed. Current grading and reporting software is not compatible with the new rubrics and cross-disciplinary skill sets that form the core of proficiency-based education. Districts are therefore responsible for seeking out and evaluating new vendors and software systems that meet their needs.⁸ The added burden of such a significant change is downplayed by Department of Education, which maintains that there are no new costs associated with the transition.⁹

Shifting means of evaluation impact not only students and teachers, but also parents and the wider community. Concerns about parents' inability to understand new grading systems weigh heavily on the minds of administrators and teachers.¹⁰ Additionally, the heightened standards mean that many students who may once have been nearly guaranteed to graduate find themselves struggling, or even unable,

⁷ Silvernail et al. "Preliminary Implementation." p. 22

⁸ "Grading + Reporting," Great Schools Partnership, accessed June 12, 2014, <http://www.greatschoolspartnership.org/proficiency/grading-reporting/>

⁹ "Proficiency-Based Learning Frequently Asked Questions," Maine Department of Education, accessed <http://maine.gov/doe/cbp/faq.html>

¹⁰ Silvernail et al. "Implementation: Phase II," p.14

to attain a diploma.¹¹ In order to be successful, the initiative will require communities to reevaluate what a high school diploma represents in terms of college admissions, employment requirements, and even social norms.

The law establishing proficiency-based standards requires the Department of Education to provide schools with grants of just 1/10th of 1 percent of the district's annual budget.¹² With such significant demands and limited resources, school districts and administrators in Maine face a daunting challenge in the implementation of proficiency-based standards.

History

Proficiency-based standards are a development of a much broader and fully instituted educational movement called standards-based accountability (SBA), generally defined as comprising “standards that indicate what students are expected to know and be able to do, measures of student attainment of the standards, targets for performance on those measures, and a set of consequences for schools or educations based on performance.”¹³

Maine first instituted statewide k-12 educational standards with the adoption the Maine Learning Results (MLR) in 1996.¹⁴ The standards were

¹¹ Jay Field, “Maine Schools Get More Time to Comply with ‘Proficiency-Based’ Standards,” Maine Public Broadcasting Network, May 29, 2014
<http://www.mpbn.net/Home/tabid/36/ctl/ViewItem/mid/5347/ItemId/33967/Default.aspx>

¹² “Using Your Transition Funds,” Maine Department of Education, accessed June 15, 2014,
<http://www.maine.gov/doe/proficiency/support/transition-funds.html>

¹³ Hamilton, Stecher, Yuan, p.149

¹⁴ Maine Department of Education, “Maine Learning Results,” Accessed June 28, 2014,
<http://www.maine.gov/education/standards.htm>

established with the goal of giving high school diplomas a common meaning across the state, and to ensure that all students be held to a high standard regardless of their individual challenges or the district they reside in.¹⁵

The MLR begins by naming six “guiding principles” which describe the knowledge and skills all Maine students should graduate with. These principles state that a graduate of Maine schools should be a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen, and an integrative and informed thinker.¹⁶ In order to bring some structure to these rather broad and ambiguous goals, the standards are further divided into eight content areas: Career & Education Development, English Language Arts, Health Education & Physical Education, Mathematics, Science & Technology, Social Studies, Visual & Performing Arts, and World Languages.¹⁷ Within each content standard are performance indicators, which describe the knowledge or skills a child should be able to demonstrate during a given grade span.¹⁸ Those expectations were to be assessed using a standard statewide exam called the Maine Education Assessment in grades 4, 8, and 11; as well as through a locally determined “Comprehensive Assessment System.”¹⁹

¹⁵ Maine Department of Education, “Introduction to the Maine Learning Results: Parameters for Essential Instruction,” June 2, 2008, <http://www.maine.gov/education/lres/pei/MLRIntro.html>

¹⁶ Maine Department of Education, “Chapter 132 – Learning Results: Parameters for Essential Instruction,” 2-3, <http://www.maine.gov/education/lres/pei/ch132-2007.pdf>

¹⁷ Maine Department of Education, “Maine Learning Results,” Accessed June 28, 2014, <http://www.maine.gov/education/standards.htm>

¹⁸ “Chapter 132 – Learning Results: Parameters for Essential Instruction”

¹⁹ Anne Lieberman and Lynn Miller, editors, *Teachers Caught in the Action: Professional Development that Matters*, (New York: Teacher’s College Press, 2011) 104.

Under Maine law, there were no consequences for failing to meet the expectations set in the MLR – they acted more as a guide than as a mandated regulation.²⁰ That changed, however, with the Federal reauthorization of the Elementary and Secondary Education Act (ESEA) as No Child Left Behind (NCLB) in 2002. NCLB increased the stakes associated with the MLR by holding schools accountable for demonstrating that their students were meeting expected state standards, or face penalties and corrective actions.²¹

In response to the changing role of standards and assessment in k-12 education, the Maine Learning Results underwent their first major revision in 2007.²² These updated standards were released as a technical rule of the Department of Education and titled “Parameters for Essential Instruction.”²³ The declared goal of the changes was to clarify the standards and make them more coherent, while also ensuring that they corresponded to contemporary expectations of college and career readiness.²⁴ Among the most significant modifications is an increased focus on “cross content connections” which recognize that the development of specific skills and knowledge can take place across subject areas.²⁵

Maine’s adoption of the Common Core State Standards (CCSS) added yet another level of complexity to the MLR. CCSS is an initiative begun in 2009 by the

²⁰ *Teachers Caught in the Action: Professional Development that Matters*, 104.

²¹ Editorial Projects in Education Research Center, “Issues A-Z: No Child Left Behind,” *Education Week*, September 19, 2011 <http://www.edweek.org/ew/issues/no-child-left-behind/>

²² “Introduction to the Maine Learning Results: Parameters for Essential Instruction”

²³ “Introduction to the Maine Learning Results: Parameters for Essential Instruction”

²⁴ “Introduction to the Maine Learning Results: Parameters for Essential Instruction”

²⁵ Maine Department of Education, “Cross Content Connections,” September, 2007, <http://www.maine.gov/education/lres/pei/crosscontent.pdf>

Council of Chief State School Officers and the National Governors Association to standardize learning standards across the states.²⁶ Although NCLB had mandated that states establish a standards and assessment system, it did not regulate what those standards should look like.²⁷ The result was a nationwide patchwork of expectations and graduation requirements, which make it challenging to compare student performance nation wide and create difficulties for students moving between states.²⁸ The CCSS were presented as a collaborative and voluntary initiative to increase performance and assimilate standards in the core subject areas: Math and English Language Arts. Maine adopted the CCSS in 2011, and updated the MLR again that year to resolve contradictions between the two sets of standards.²⁹

Although the national movement toward SBA is arguably the root of proficiency-based standards, there is an important distinction between more common practices of assessing standards, such as high stakes standardized testing, and the philosophy of proficiency-based education. Most importantly, rather than having just a few formal opportunities to prove they have achieved a necessary baseline of learning, students can take advantage of “multiple pathways” to

²⁶ Common Core State Standards Initiative, “Development Process,” Accessed June 28, 2014, <http://www.corestandards.org/about-the-standards/development-process/>

²⁷ “Issues A-Z: No Child Left Behind”

²⁸ Common Core State Standards, “Development Process”

²⁹ Maine Department of Education, “Maine Learning Results: Updated to Reflect the Common Core State Standards,” Accessed June 30, 2014, <http://www.maine.gov/doe/commoncore/>

demonstrate their knowledge, including portfolios, internships, and online educational tools.³⁰

The practice of instituting proficiency-based standards in the United States can be traced back to the Oregon State Board of Education's 1972 adoption of a new system of competency based education.³¹ Although much more limited in scope than Maine's current standards, the reasoning behind the transition was the same: policy-makers felt that students were leaving high school without the skills necessary to enter the workforce or college.³² Maine boasts one of the highest graduation rates in the country, but in 2013, about 37% of graduating students failed to meet the state's proficiency standards, and 52% of students enrolling in Maine's community colleges needed to take a remedial math or English classes to catch up.³³

Background

Maine's transition to proficiency-based standards comes at a time when public attention is already focused on standards and assessment because of the national controversy over both NCLB and the Common Core. Test-based accountability systems have been controversial for as long as they have existed, and objections to

³⁰ Maine Department of Education, "Personalized Pathways," accessed August 11, 2014, <http://www.maine.gov/doe/proficiency/design/pathways.html>

³¹ William Spady, "Competency based education: A bandwagon in search of a definition," *Educational Researcher*, vol. 6, no. 1, 1977, pp. 9-14. (p. 9)

³² Spady, "Competency based education," p. 10

³³ Nell Gluckman, "Report: Maine's high school graduation rate ranks among top 15," *The Bangor Daily News*, April 28, 2014. <http://bangordailynews.com/2014/04/28/news/state/report-maines-high-school-graduation-rate-ranks-among-top-15/?ref=relatedBox>

them have increased as tests become higher-stakes for both students and teachers.³⁴ Although initially intended to ensure that all students, particularly subgroups which are traditionally underserved, are making adequate progress as they advance through grades, standardized assessments have proven problematic as a measure of teacher effectiveness³⁵ and may even lead to a decrease in teacher quality.³⁶ Evidence about the relationship between test scores and student progress is inconclusive, and factors that are shown to impact results, such as race and poverty, are inadequately controlled for when assessing schools and teachers.³⁷ Additionally, the involvement of for-profit companies in the development of tests and technology solutions for schools has raised concern about the influence of private corporations of public education.³⁸ Although proficiency-based education actually presents a solution to many of these concerns, the movement is nonetheless associated with them due to the culture of fatigue and distrust of major education reform efforts since NCLB and CCSS. In fact, the anti-CCSS group “No Common Core Maine” references LD 1422 in its manifesto.³⁹

³⁴ John Merrow, *Choosing Excellence: “Good Enough” Schools Are Not Good Enough*, Scarecrow Press, 2001, retrieved from:

<http://www.pbs.org/wgbh/pages/frontline/shows/schools/testing/merrow.html>

³⁵ Walter Way, “Precision and Volatility in School Accountability Systems,” *Educational Testing Service Research Report*, September 2006.

³⁶ Derek Neal and Dian Whitmore Schanzenbach, “Left Behind By Design: Proficiency Counts and Test-Based Accountability,” *The Review of Economics and Statistics*, vol. 92, no. 2, May 2010, pp. 263-283.

³⁷ Linda Darling Hammond, “Race, inequality and educational accountability: the irony of ‘No Child Left Behind,’” *Race Ethnicity and Education*, vol. 10, no. 3, September 2007, pp. 245-260.

³⁸ Diana Henriques and Jacques Steinberg, “Right Answer, Wrong Score: Test Flaws Take Toll,” *The New York Times*, May 20, 2001.

³⁹ No Common Core Maine, “Common Core: Not What You May Have Heard,” Accessed August 8, 2014, <http://www.commoncoremaine.com/ccss.html>

Adding to that challenge is the fact that Maine is traditionally a local-control state, meaning that local education agencies have a great deal of jurisdiction over their schools, and the state is not able to prescribe specific curricula or practices.⁴⁰ That environment tends to foster distrust of both national and state level attempts to standardize curriculum and practices across districts.

The overall status of education funding in Maine also shapes the dialogue surrounding the proficiency-based standards initiative. While states across the country have struggled financially since the economic downturn, Maine has had a particularly difficult time maintaining its level of education funding – the state reduced its funding effort (the percentage of GDP allocated to education spending) by more than 20% between 2007 and 2009.⁴¹ That reduction came on top of an already inadequate budget situation. The state’s funding formula, called “Essential Programs and Services” (EPS) was conceived of as a way for the state to support the bare-bones necessities of public education, as defined in the MLR.⁴² In addition, in 2005 the Legislature passed a bill setting a state funding target of 55% of costs,

⁴⁰ Catherine Gewertz, “Maine Governor Signs Order Proclaiming Local Control Over Standards,” *State Ed Watch*, September 5, 2013, http://blogs.edweek.org/edweek/state_edwatch/2013/09/maine_gov_signs_order_proclaiming_local_control_over_standards.html

⁴¹ Clare McCann, “School Funding Report Finds Inequities In State Allocation Formulas,” *Ed Money Watch*, August 16, 2012, http://edmoney.newamerica.net/blogposts/2012/school_funding_report_finds_inequities_in_state_allocation_formulas-70470.

⁴² David Silvernail, James Sloan, and Amanda Bailey, “The 2011-2012 Review of Selected Components in the Essential Programs and Services Funding Formula,” (Report Prepared for Commissioner Stephen Bowen, Maine Department of Education, and the Joint Standing Committee on Education and Cultural Affairs, Maine State Legislature,) January, 2012.

however, that percentage of funding has never been achieved.⁴³ The perennial under-funding of education has created a tense environment between local governments and the state, which is only exacerbated by new mandates, particularly when they are left unfunded.

Politically, the issue does not clearly divide among party lines. LD 1422 had bipartisan sponsorship and was supported by both Democrats and Republicans in both the House and Senate.⁴⁴ The bill was cosponsored by the state's progressive Senate President, Justin Alford, and supported by conservative Maine Governor Paul LePage.⁴⁵ Opposition also crossed political lines, with 6 Republicans and 1 Democrat voting against the bill in the Senate, while 29 Republicans, 26 Democrats, and 1 unenrolled Representative voted "no" in the House.⁴⁶

It is difficult to generalize the opinions of blocs of interest holders, since teachers, parents, and administrators have varying opinions on the transition to proficiency-based standards depending on the particular circumstances of their district. In general, consensus exists about the need for high standards for students, but controversy over the standards stems from the same two concerns voiced about Common Core: namely, government interference in local control and overly hasty implementation. The Maine Education Association (MEA), the union representing

⁴³ Lawrence O. Picus & Associates, "An Independent Review of Maine's Essential Programs and Services Funding Act: Part I," (Presented to the Maine State Legislature's Joint Standing Committee on Education and Cultural Affairs) April, 2013.

⁴⁴ Cover, Susan, "Maine switch: High School Diploma Based on Proficiency," *The Portland Press Herald*, April 10, 2012, http://www.pressherald.com/2012/04/10/maine-switchdiploma-based-on-proficiency_2012-04-10/

⁴⁵ "Maine switch"

⁴⁶ State of Maine Legislature, "Roll-calls for LD 1422," <http://www.mainelegislature.org/LawMakerWeb/rollcalls.asp?ID=280041117>

Maine teachers, has been supportive of proficiency based standards, but has expressed concern about the implementation being rushed.⁴⁷

The Maine Department of Education recently released the results of a voluntary survey of school districts regarding their readiness to implement the proficiency-based standards. Only 73 of the state's 242 responded to the survey, but their answers do shed some light on how implementation is progressing. 75% of responding schools will be applying for an extension, and although a majority felt confident about their ability to measure standards for the subject areas considered to be "core" subjects, like science, English, and math; only 18 felt prepared to evaluate students in the other content areas.⁴⁸ Even more interesting, 90% didn't have any plan to undertake parent and community outreach regarding the transition.⁴⁹

A lack of guidance from the Maine Department of Education has led many districts and administrators to turn to third parties for assistance in their transition to proficiency-based diplomas.⁵⁰ One non-profit organization, in particular, is emerging as the leading consultant: the Great Schools Partnership is "coaching" more than 30 schools through the process of establishing and executing their new

⁴⁷ Noel Gallagher, "School Districts Can Delay Implementing New Graduation Requirements," *The Portland Press Herald*, May 28, 2014, <http://www.pressherald.com/2014/05/28/school-districts-can-delay-implementing-new-graduation-requirements/>

⁴⁸ Nell Gluckman, "Survey says many Maine school districts not ready to implement proficiency-based diploma law," *The Bangor Daily News*, June 26, 2014, <http://bangordailynews.com/2014/06/26/news/state/survey-says-many-maine-school-districts-not-ready-to-implement-proficiency-based-diploma-law/>

⁴⁹ "Maine school districts not ready to implement"

⁵⁰ Steven Abbott, interviewed by Megan Garratt-Reed via phone, August 5, 2014.

standards.⁵¹ For a fee, the organization provides customized guidance to schools; walking them through the process of defining standards, establishing assessments, and liaising with stakeholders.⁵²

Policy Proposal

The local-control nature of Maine’s education system makes any legislative approach mandating action at the local level highly unlikely because of the potential for public opposition and even legal challenges. However, there is more the Department of Education could be doing to ensure increased standardization statewide. First, the clarity of guidance made available to districts through the “Center for Best Practice” should be improved, in order to better facilitate their transition. Second, the department should request increased authority from the legislature to incentivize compliance.

Part I: Policy Authorization

The first change requires no formal change in state policy, but is dependent on administrative restructuring within the Department of Education, which is well within the authority already granted to the department under the broad directions to the department in the existing law.⁵³ Currently, there is no employee or office dedicated to coordinating local efforts to transition to proficiency-based standards. Instead, one member of the Learning Systems Team has taken responsibility for

⁵¹ “More Time to Comply”

⁵² Steven Abbott interview

⁵³ Maine Public Law, Chapter 669, §9, “Development of standards-based system tools,” http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC669.asp

overseeing the transition in addition to her previous responsibilities⁵⁴. The “Center for Best Practice,” which the department created to fulfill its statutory duty to “coordinate the development of standards, assessments and assessment criteria needed to enable school administrative units to implement a standards-based system of education,”⁵⁵ is an amalgamation of contributors and ideas, and although it presents a great deal of information to districts, it offers very little guidance or evaluation about which approaches are most effective. Under this proposal, the website would be streamlined and redesigned to be easier to navigate and provide more direction to school districts as they undergo their own planning and implementation processes, as well as solidifying the Department’s definition of a successful proficiency-based system.

The second change would require an act of the legislature to accomplish. The Essential Programs and Services formula would be re-written to provide additional funding to for schools as they transition to proficiency-based standards. After 2018, schools meeting the standards would receive the funding as general teacher-training funds, adjusted annually to reflect school size. Schools which failed to meet the standard would either lose funding or agree to use their funds to allow either the Department of Education or a non-profit organization to intervene and “coach” them through their transition. To offset this cost, the legislature could reduce

⁵⁴ Diana Doiron, Interviewed by Megan Garratt-Reed, August 14, 2014

⁵⁵ Maine Public Law, Chapter 669, §9

Maine's income tax interest deduction for recreational and second homes and those worth over \$1 million to 75% of the federal allowance.⁵⁶

Part II: Policy Implementation

A redesign of the Department of Education's website would increase the efficacy of the resource in providing materials that will aid districts in making the most informed decisions about implementation possible. By influencing the progress of implementation solely through the dissemination of information via the "Best Practices" website, this element of the policy will act as a "sermon" – guiding the public to the desired policy outcome. Merely educating involved parties is likely not enough to incentivize more reluctant districts to conform, however. The increased authority for the Department would allow it to use a combination of both "carrots" and "sticks" to induce administrators to make a significant effort to comply. The opportunity to obtain additional teacher training funds through their annual state budget allocations would be a positive motivator for involved administrators and faculty to invest in the transition, while the threat of lost or redirected funding might help to provoke less enthusiastic districts to undertake their own implementation. Although the Legislature and Department of Education will need to work collaboratively to establish the levels at which the program could be funded, the mechanism for delivering funds already exists in the EPS structure, which can be reconfigured through formula adjustments.

⁵⁶ Orlando Delogu, "Policy Wonk: Revenue sharing in Maine needs a permanent fix," *The Forecaster*, February 17, 2014, <http://www.theforecaster.net/news/print/2014/02/17/policy-wonk-revenue-sharing-maine-needs-permanent/188784>

Policy Analysis

Part I: Policy Cons

The most significant challenge to address in this recommendation is cost. First, the additional personnel time and technical support necessary to improve the Department's web resource for school will a greater commitment of resources than the current arrangement. Further, because the state government operates under balanced budget requirement, it is necessary to raise revenue to offset the cost of grants to schools for implementation. Although the reduction in tax expenditures in this proposal are targeted to primarily impact higher-income residents, they are sure to inspire some discontent, particularly amongst conservatives.

The amount of time required is also problematic, at least for the policy component. The legislative process tends to move slowly, particularly when divisive issues are concerned, and unless legislation can be enacted during first session of the 127th Legislature (2015) it may be too late to meaningfully address the challenges schools are facing before the 2018 deadline.

Administrative and technological capacity at the Department of Education is also limited, and in a time of fiscal austerity it is highly unlikely that funding for additional staff or projects will be available.⁵⁷ Considering the Department's limited resources, it will be a challenge to divert time and attention toward improving the resources available for schools transitioning to proficiency based systems.

⁵⁷ Alanna Durkin, "Governor LePage proposes \$35M in cuts to state budget," *centralmaine.com*, October 2, 2013, <http://www.centralmaine.com/2013/10/02/gov-lepage-proposes-35m-in-cuts-to-state-budget/>

The financial incentive structure of the proposal is also not without its flaws. As in any reward system, the highest performing schools, which may be least in need of additional assistance from the state, are likely to be the first to profit. Considering the significant disparities in funding between Maine schools, the possibility of rewarding already “privileged” schools is less than ideal.

Finally, the reality is that this proposal certainly does not have the regulatory strength to create truly consistent implementation state-wide. Although the financial incentive should motivate some reluctant districts to implement proficiency-based standards more fully, the reality is that many administrators and teachers will remain resistant to the changes. Without any enforcement mechanisms or penalties, the quality of the practice will continue to vary between schools, and many will continue to do the bare minimum necessary to comply with the legislative mandate.

Part II: Policy Pros

This proposal’s greatest weakness is also its greatest strength, since its simplicity and the flexibility it provides to school districts is essential to its successful enactment. In a state with such a long history of local control, policy which oversteps into the jurisdiction of municipalities is almost certain to result in opposition from local governments.⁵⁸ The incentive approach, therefore, is the only realistic means of encouraging compliance, since sanctions would likely cause schools to resist the overreach of the Department.

⁵⁸ Michael Moore, “The Cost of Local Control: School Capital Investment and the Need for Regional Approaches,” (A background paper prepared for the Brookings Institution Metropolitan Policy Program in support of its larger project, “Charting Maine’s Future: An Action Plan For Promoting Sustainable Prosperity and Quality Places,” October, 2006) p.2

Additionally, although the proposal is not without cost, the proposed offset aligns with the goal of equalizing opportunities for robust implementation across the state. Maine has significant disparities in education funding between high and low income districts,⁵⁹ which is caused, in part, by demographic differences in the tax bases of diverse areas.⁶⁰ Paying for additional implementation funds through increased taxation on high-value and second homes is an opportunity to move toward fairer funding for struggling districts.

Political Analysis

Predicting the political outcomes of the proposal is challenging because of the lack of unified blocs of support and opposition. Of course, the fact that the proposal will increase spending could prompt resistance from establishment Republicans as well as Maine's considerable Libertarian community, which has galvanized over recent years, culminating in the 2013 defection of several Republican Party leaders.⁶¹

Although there is a pay-for included in the plan, it is one that may further antagonize those political groups, which are likely to perceive a decreased deduction for second and high-value homes to be an attack on wealthy residents and the summer visitors who contribute to local economies during their annual trips to Maine.

⁵⁹ "Finance: How Do We Fund Our Schools?," Public Broadcasting Service, September 5, 2008, <http://www.pbs.org/wnet/wherewestand/reports/finance/how-do-we-fund-our-schools/197/>

⁶⁰ Patrick Dow and Ralph Townsend, "Reforming Maine's Education Funding Process," *Maine Policy Review*, vol. 7, no.1, 1998, pp. 10-21

⁶¹ Kevin Miller, "Seven members of Maine Republicans State Committee leave party," *The Portland Press Herald*, August 19, 2013, <http://www.pressherald.com/2013/08/19/six-top-maine-republicans-quit-party/>

Libertarians and advocates of local control are also likely to have concerns about the Department of Education overstepping into local jurisdiction by formalizing the mandate and requiring measurable evidence of compliance. The involvement of the Department in clarifying expectations and intervening when schools fail to meet them could be used to accuse the Department and supporters of the legislation of being complicit in a government takeover of education.

The context of the proposal is also shaped by the existing tension between Governor LePage and proponents of public education. The Governor has repeatedly criticized public schools and denigrated them as “failing, dismal, and stagnant.”⁶² Those characterizations, combined with his strong advocacy of school choice and cuts to general purpose aid, have elicited intense opposition from the Maine Education Association, the state’s teachers’ union.⁶³ He has been particularly critical of low proficiency rates, and proposed legislation that would require school districts to cover the costs of remedial classes taken by graduates.⁶⁴ Although that bill never passed the legislature, the lingering distrust between the Governor and school leaders may complicate messaging of any reform efforts related to proficiency standards.

⁶² Christopher Cousins, “LePage says Maine students looked down upon, unveils new education initiatives,” *The Bangor Daily News*, July 25, 2012, <http://bangordailynews.com/2012/07/25/politics/lepage-blasts-education-system-unveils-new-initiatives/?ref=relatedBox>

⁶³ Christopher Cousins, “LePage criticized again for comments critical of Maine’s Public Schools,” *The Bangor Daily News*, November 9, 2012, <http://bangordailynews.com/2012/11/09/politics/lepage-attacked-again-for-comments-critical-of-maines-public-schools/>

⁶⁴ Susan McMillan, “LePage looking to require schools to pay for students’ remedial college courses,” *CentralMaine.com*, February 6, 2013, http://www.centralmaine.com/2013/02/06/demand-for-schools-to-cover-remedial-costs-could-run-to-_700k_2013-02-06/

The Maine Education Association itself has remained neutral on the policy of proficiency based standards.⁶⁵ The organization's President, however, has expressed concern about funding what she calls "pet projects," including implementation of the standards, before the state meets its commitment to funding 55% of general education costs.⁶⁶

Despite the vocal advocacy of hardline spending hawks and limited government proponents, a majority of Mainers (or, more specifically, Maine residents who vote) would like to see the state do more to support k-12 schools, as evidenced by strong support for 55% funding referendums.⁶⁷ The expense, for them, will be less of an ideological concern and more of a practical one. Although raising revenue is never an easy process, by targeting higher income individuals and summer residents, the pay-for in this proposal can be messaged as an opportunity for wealthy and summer residents to do more to support education, rather than allow the burden to fall solely on local property taxes, which often weigh heavily on lower-income residents.

In addition, while the proposal increases the state's role in the implementation of proficiency-based standards, it does so in a way that is collaborative with local school districts. By allowing them the freedom to undertake the planning process alone, and intervening only if they fail to meet goals, the

⁶⁵ Cover, "The Maine Switch"

⁶⁶ Jay Field, "Battle Brewing Over Use of Maine Casino Profits for Education Initiatives," *Maine Public Broadcasting Network*, April 5, 2013, <http://www.mpbnet.net/News/MPBNNews/tabid/1159/ctl/ViewItem/mid/3762/ItemId/27259/Default.aspx>

⁶⁷ Kate Dickerson, "More state education funding long overdue," *The Bangor Daily News*, June 6, 2011, <http://bangordailynews.com/2011/06/06/opinion/more-state-education-funding-long-overdue/>

Department exhibits a preference for local efforts, rather than a top-down approach. Further, by incentivizing robust implementation, instead of simply penalizing poor performance, the proposal avoids one of the most common complaints about education policy: that it rewards schools that are already high-performing and denies resources to the ones that need them most. Instead, the proposal would create a significant push for all districts to complete their transitions in time, but step in after the deadline to offer additional assistance to the schools unable to meet the goal alone.

Recommendation

A failure to successfully implement proficiency-based standards would have significant consequences for the Department of Education, the Governor, legislative leaders, and Maine's students. There is accordingly a powerful motivation to ensure a timely and effective transition to the new requirement. The proposed administrative and policy changes are not without complications, but ultimately, they strike the right balance between maintaining local control of education and incentivizing compliance.

In the wake of controversies over NCLB and CCSS, education reform efforts are in great need of a success story, and the political cost of a failed implementation far outweighs the possible challenges. A comprehensive and well-executed realization of proficiency based standards has the opportunity to demonstrate that not all changes in k-12 education are bad, and that when a wide range of stakeholders work together to ensure they get the policy right, it can create

meaningful changes for students and communities. Therefore, the policy proposal outlined above should be adopted by the Maine Department of Education.

Curriculum Vitae

Megan E. Garratt-Reed was born October 17th, 1987 in Boston Massachusetts and was raised in St. George, Maine. After graduating from Wellesley College in 2011 with a Bachelor's degree in Art History and a minor in English, she moved to Washington, DC and began working for Congresswoman Chellie Pingree, representing Maine's First District in the U.S. House of Representatives. Megan has been a candidate for a Masters Degree in Public Management from Johns Hopkins University since January, 2013. She continues to work for Rep. Pingree, currently as Director of Operations and Legislative Assistant.