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On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "D" (S-530) to Committee Amendment "A" (H-765) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. This is purely a technical amendment designed to fix some conflicts in language between this legislation and another bill that we passed earlier and enacted earlier today. So nothing of substance - nothing of substantive policy in this amendment. Just a purely technical change. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, what kind of substance are you talking about? I didn't quite understand. Could you give the question of what substance he's talking about?

THE PRESIDENT: The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair to anybody who cares to respond. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** I don't have the language of the amendment right in front of me, but this is something that was specifically drafted and brought to me by the analysts' staff, just fixing some conflicts in language between this legislation and L.D., I believe it was 238, which we passed and enacted earlier today. No policy changes. So if we put this into place it's not changing anything of substantive policy in the bill, it's just language that is being made to be in alignment with other legislation so that there aren't conflicts in the law.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "D" (S-530) to Committee Amendment "A" (H-765) **ADOPTED**.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (H-765) AS AMENDED BY SENATE AMENDMENTS "G" (S-539) AND "D" (S-530)** thereto, in **NON-CONCURRENCE**.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Simplify Nonresident Hunting and Fishing Licenses
H.P. 548 L.D. 768

Placed on Special Appropriations Table - June 26, 2018 by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

PASSED TO BE ENACTED and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

H.P. 1152 L.D. 1666
(H "A" H-797 to C "A" H-777)

Placed on Special Appropriations Table - June 26, 2018 by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

On motion by Senator **LANGLEY** of Hancock, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, you know, I think I owe an explanation, probably, to this Body for why I fought so hard against the passage of this bill. But it really stems from the fact that, you know, in all reality I probably shouldn't be here and probably shouldn't be in this Body because, you know, I was the, you know, the son of the town drunk in my town and when you grow up on the kind of the wrong side of the tracks school is a different place and you might not think, you know, that there's bias in schools against kids who may be a little less advantaged but it does exist in there. I remember that bias in my high school. In your junior year you would take American Literature and U.S. History. Those were junior level classes, and I wrote the same paper about Benjamin Franklin. He was kind of somebody I looked up to. English I got an A on that paper. In History I got a B-. It was a good, solid paper.

English teacher wouldn't give me that kind of a grade. Then I, in that same year, I went into CTE. I went into the culinary program where I found a different place and that is where you got judged on your work. You weren't judged on your family, your upbringing. You got judged on whether or not you could make a good blueberry pie. I made a few since those days and I've lived the rest of my adult life being judged on my work. This performance-based bill, diploma bill, and performance-based education judges kids on their work, the evidence of their work. Did they meet the standard or did they not? How I know that that bias still exists, I was talking this year with a 43-year veteran of education, a teacher, who said to me: 'You know, a teacher has to think twice before they flunk a kid who comes from a well to do family and whose parents are actively involved and who show up to everything. You don't have to think twice when you flunk a poor kid whose parents never come to anything, never go to the student - never come to parent teacher conferences.' I spent my career working with those kids and telling them that if you work - you are judged on your work and it will speak for itself. I had a lot of kids that were castaway kids that came into my school and my program who had had the similar kind of experiences in school where they were judged on other things, like if they had a brother, older brother or sister, who acted out and when the next one came along the teacher would ask: 'Are you like your brother? Are you like your sister?' and prejudged. Kids came to our school because they got a clean slate and they'd be judged on their work. For a lot of kids, you know, the game is kind of rigged. We sort and we rank kids, and it's done in ways that are not always that fair. This bill, I feel, that's in front of us uses a machete to make the changes where a scalpel really is needed. We return to the practice of credit-based diplomas, where students can graduate, for example, with Ds all the way through and still get a diploma. When I would get kids who - when their work was judged and their work was of extreme quality, and people enjoyed what they had made and you see the look in their eyes of knowing that they could stand on their work and go out into the workforce, give them a level of confidence and ability to go out into the world and make their own way. So I would ask that you vote against this, even though the overwhelming emotional side of this is to pass this. The ramifications that are in this bill will unfold in a really bad way I feel. But I thank you for listening and I wanted to share why I, you know, feel like I have to fight for those kids to be judged on their work. Thank you very much.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I again rise, regretfully, in disagreement with the good Senator from Hancock. I understand that our own personal experiences have a great influence in how we view the world and certainly how we view public education. I did not come from a wealthy family. I did not have a great teacher in every single grade or for every single subject. I

experienced my own personal frustration and certainly it's always good to remind myself, as I'm reviewing matters of policy in our Education Committee and here in the Senate Chamber, how that could be impacting my vote and whether it's truly in the best interest of the children in the State of Maine. I have a lot of confidence in the teachers of Maine. Maybe there are a few bad teachers, just like there are some bad doctors - I'm sorry Doctor Gratwick - Senator Gratwick - just as there are probably some bad attorneys, bad in any profession. You don't get 100% good or 100% bad. It's a mixed bag. But I do believe that the supermajority of our teachers is giving their best effort. They care about these kids. They will give them the attention and effort that they would no matter their background. The question really is: is that enough? Is the teacher's best effort enough to guarantee success for every student, no matter their background? I think the good Senator from Hancock and the other members of the Education Committee understand that no, that where they come from and what they go home to and who their peers are have a substantial impact on their ability to be successful and I think, as you all know, I mention it probably too frequently for everybody, but I'm a big believer in early childhood education and what they experience. If we're looking for innovation, if we're looking to move the dial, I believe that is a very powerful way to address the question of success. Are we going to have a magic answer in proficiency-based diplomas, proficiency-based education curriculum standards? I don't think so, and we spend a lot of time talking about that but perhaps not enough about where we really have the most leverage, in the earlier years.

Having said that, the report that is before you today was the best answer the majority of the Education Committee to get to on a bi-partisan basis, to thread the needle of the emotional arguments on both sides of the issue; those fiercely advocating for an outright repeal and those advocating for keeping it in place. So I would disagree that this is a sledge hammer. This is a very fine thread that we are trying to weave here to respect those who see a potential and have buy-in within its community to move forward and those that do not. We're allowing them to choose. We are not getting rid of proficiency-based education. That has been in existence for a significant amount of time nationally and here in the State of Maine. That remains. All that we are removing is the mandated diploma, which I believe I spoke earlier about the significant negative consequences that will happen, that have not been addressed, should this stay in place. There are serious consequences for each child that does not receive a diploma and if this stands that will be a reality for every district, every school. So I hope that you will join me in supporting the passage of L.D. 1666. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Dill.

Senator **DILL:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, where I come from in Penobscot County even the town that I'm in, Old Town, we have a huge percentage of our students that receive free or reduced lunch and, as you look around some of the other counties surrounding my area, you will find that there's a direct correlation between the student's achievements and the impoverished aspects of the county. I believe that as we move forward, especially in some of those counties, if we stay with this aspect of proficiency-based standards alone we're going to have a huge number of students, when they become seniors, all of a sudden not going to be

handed a diploma. As already stated, what are those students to do? In my thoughts, this is all about choice. Give the schools the choice of proficiency-based standards and diplomas or actually going the other way, the way it has been. I've had some discussions with my good colleague from Hancock County about this and I think there will be a way forward, as we move on, to actually combine these two. I don't think it has to be as many standards as we have. I think you can combine the issues that we're dealing with. So, to me, it's all about choice. We need to have choice in how we move forward with our education system. I know many people in here have been in education for several years and they say over those years they've seen lots of different ways of trying to get to end point of diplomas. I also have been in education almost my entire life. I guess I probably have been in my entire life in one form or another, either school board or being in education, meaning being trained or actually doing the training. So, again, simply put, I believe this is choice, and local choice, and I think we should follow local choice on this issue. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I represent five communities here in the State of Maine; the communities of Auburn, New Gloucester, Poland, Minot, Mechanic Falls, and three of those communities, Poland, Minot, and Mechanic Falls, are all in one regional school district, the Poland Regional School District. That school district was actually the very first school district, as I understand it, the very first in the state to have proficiency-based learning, proficiency-based standards. They were kind of the role model for this. It's worked - from what I can tell it's working incredibly well in that school district. I see - it sounds like, as I hear from people who have been through there, that there've been some very good results. But they chose that path. They entered into that voluntarily with full commitment from people, from a lot of folks in the community, but also the school system itself chose to embark on that. I think that's a big part of why it's been successful. You know, personally, myself I see a lot of benefits with proficiency-based standards. I remember when I was younger and in school, I remember it was those classes where I wasn't thinking about the grade, where I was simply pursuing the knowledge and the education for its own sake. That's where I learned the most and I like how proficiency-based standards try to align with that. I think there's a lot of value in that. So I don't see this bill as a question of whether or not we should say proficiency-based standards is a good thing or not a good thing. I see this bill as a question of: how do we make these decisions as a State? Do we make these decisions with a top-down model with centralized decision making or do we make these decisions in more of a decentralized way where we let there be experimentation and choice on the local level, where those communities that experiment and try one model, if those models work other communities can look on and say, 'Hey, that's working over there, let's try it here.' I guess, ultimately, I'm pretty skeptical that if we have to drag communities along, to force communities to adopt something that they haven't chosen for themselves, I have skepticism that that will ultimately be successful. I think we kind of have some past examples of this with forced choice on things like school consolidation. I think school consolidation has worked in some places but not in others. I think a big factor of that is whether or not it was voluntarily and willingly entered into

or whether or not it was something that was forced and forced from the top down. I'm a big skeptic of making decisions from the top down when we can make them from the bottom up. So I thought long and hard about this with absolute the highest respect for my colleague from Hancock County, who I know has done a tremendous deal of work on this policy over the last eight years, and I commend him for that and I thank him for all his service. I just think that if this is going to be a policy that works for Maine people, for Maine communities, it should be something that should be able to be sold on a community by community level. It shouldn't be something that we have to force on communities from the top down. So I will be supporting - in support of the motion in front of us and, if my arguments make sense, I would encourage others to do so as well. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment of L.D. 1666. A roll call has been ordered. If you are in favor of final enactment you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#704)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DILL, GRATWICK, JACKSON, LIBBY, MILLETT, VITELLI, VOLK, WOODSOME

NAYS: Senators: CUSHING, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, LANGLEY, MAKER, MASON, ROSEN, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CARSON, DIAMOND, DION, KEIM, MIRAMANT, SAVIELLO

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 6 Senators being excused, was **PASSED TO BE ENACTED** and signed by the President.

(See action later today.)

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned matter: