



# HOUSE OF REPRESENTATIVES

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Senator Langley, Representative Kornfield, esteemed colleagues on the Education Committee:

I am Brian Hubbell, representing House District 135, Bar Harbor, Mount Desert, and Lamoine. I am before you this afternoon to present LD 38: An Act To Allow Sufficient Time for Implementation of the Performance Evaluation and Professional Growth System for Educators

This bill simply corrects what I believe was a statutory oversight when we finally adopted the Chapter 180 evaluation rules last spring in the 126th.

As many members of this committee will remember, the statutory provisions for evaluations -- including the timetable for implementation -- were enacted in the 125th in April 2012 via LD 1858.<sup>i</sup>

As enacted, LD 1858 also charged the Department with assembling a stakeholders' group, *The Maine Educator Effectiveness Council*, to make recommendations about the implementation and establish the standards, weighted rating scales, methods, evidence, and other measures which would then comprise the Department's major substantive rules for legislative review in the 126th.

Unfortunately, although they worked diligently through the summer and fall of 2012, the M.E.E.C. stakeholders' group was unable to reach consensus<sup>ii</sup> around critical components of the measures of student learning which would constitute a teacher's effectiveness rating.

Facing the statutory deadline of November 2012 with a deadlocked advisory group, the Department went ahead and promulgated substantive rules. A hearing was scheduled on these rules in December 2012. But this hearing got canceled by a snowstorm, further delaying the Department's finalization of the provisionally adopted rules until late March 2013.

As the essential disagreement about the measures of student learning remained unresolved, when this committee finally acted on the rules near the end of session in 2013, the committee fractured into three divided reports<sup>iii</sup>. The majority report ultimately failed to gain the votes for emergency enactment in June 2013.

Gamely, this committee revisited the rules in the second session via LD 1747<sup>iv</sup>, worked hard, and was able to reach a compromise which, at last, got the current Chapter 180 rules across the finish line and finally into the hands of Maine's school districts this past fall of 2014.

It was good work and I remain proud of our final product. But, in that two year interval, we never went back to look at the statutory deadlines<sup>v</sup> which appeared so generous and reasonable back in the spring of 2012.

In the 2013-2014 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the 2014-2015 school year, each unit shall operate as a pilot project the system developed in the prior year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. Nothing in this section prohibits a unit from fully implementing the system earlier than the 2015-2016 school year.

This bill simply adjusts the statute to acknowledge that, not having had the rules provided by the state until the fall of 2014, districts were prevented from developing their evaluation systems until the current school year and that they properly need the 2015-16 school year in order to pilot their system in good faith.

So far, I have heard only two concerns related to this bill:

One is that easing deadlines might somehow signal less urgency about the implementation of evaluations and allow those who might wish to obstruct implementation more time to drag their heels.

But I want to make it clear that the deadline for negotiations on these evaluation systems remains unchanged. All local negotiations and subsequent local board approval still must be completed this school year. To meet the proposed timelines both districts and teachers remain under urgent deadline pressure to reach consensus on any thoughtfully designed local system.

The second concern is that any statutory adjustment might jeopardize the state's negotiated waiver from the federal requirements of ESEA.

I'll let the Department have the last word on that. But, as far as I know, at this time neither the Department nor the Feds have any objections and recognize the need for adequate time to pilot effective evaluation systems.

Thank you for your consideration. I'm happy to answer any questions.

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<sup>i</sup>LD 1858: An Act To Ensure Effective Teaching and School Leadership, 125th Legislature, [http://www.mainelegislature.org/legis/bills/bills\\_125th/chapters/PUBLIC635.asp](http://www.mainelegislature.org/legis/bills/bills_125th/chapters/PUBLIC635.asp)

<sup>ii</sup>Recommendations of the Maine Educator Effectiveness Council, November 2012 <http://maine.gov/doe/accountability/documents/meec-report-complete-11-29-12.pdf>

<sup>iii</sup>LD 1542: "Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education <http://legislature.maine.gov/LawMakerWeb/summary.asp?paper=HP1109&SessionID=10>

<sup>iv</sup>LD 1747: Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education", 126th Legislature <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280051185>

<sup>v</sup>20-A MRSA § 13705. Phase-in of requirements <http://legislature.maine.gov/statutes/20-A/title20-Asec13705.html>