

## STATE OF MAINE

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 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

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 H.P. 78 - L.D. 92
**An Act To Amend Educator Evaluation Requirements****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §13704, sub-§1, ¶A**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

A. The department shall provide, by rule, a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for teachers and a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for principals;

**Sec. 2. 20-A MRSA §13704, sub-§1, ¶B** is enacted to read:

B. The rules adopted pursuant to paragraph A may include, but may not require, the use of student learning and growth measures or state assessment results as a measure of educator effectiveness;

**Sec. 3. 20-A MRSA §13704, sub-§2**, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

**2. Multiple measures of effectiveness.** Multiple measures of educator effectiveness, ~~other than standards of including but not limited to professional practice, including but not limited to student learning and growth standards;~~

**Sec. 4. 20-A MRSA §13704, sub-§3, ¶A**, as amended by PL 2015, c. 3, §1, is further amended to read:

A. The rating must be based on standards of professional practice and may include other measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision, ~~but measurements of student learning and growth must be a significant factor in the determination of the rating of an educator. School administrative units shall use state assessment growth data for English language arts, literacy and mathematics as at least one measure of the performance of English language arts and mathematics teachers in tested grades and as a measure for the performance of principals.~~

An educator whose summative effectiveness rating indicates ineffectiveness must receive an annual summative effectiveness evaluation and rating until the rating improves.

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence from which learning objectives and learning targets may be developed.

**Sec. 5. 20-A MRSA §13704, sub-§5, ¶D,** as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

D. Formation of a steering committee composed of teachers, administrators and other school administrative unit staff that regularly reviews and refines the performance evaluation and professional growth system ~~to ensure that it is aligned with school administrative unit goals and priorities.~~ A majority of the steering committee members must be teachers and must be chosen by the local representative of the applicable collective bargaining unit if the teachers in the school administrative unit are covered by a collective bargaining agreement. Any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus; and

**Sec. 6. 20-A MRSA §13706,** as amended by PL 2015, c. 3, §2, is further amended to read:

#### **§13706. Rules**

The department shall adopt rules to implement this chapter, ~~including but not limited to a rule relating to the method of identifying the educator or educators whose effectiveness ratings are affected by the measurement of learning or growth of a particular student.~~ The department shall also adopt rules pertaining to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 7. Rulemaking.** In accordance with the Maine Revised Statutes, Title 20-A, sections 13704 and 13706, the Department of Education shall amend the department's rule Chapter 180: Performance Evaluation and Professional Growth Systems to implement the provisions of this Act and shall submit the provisionally adopted rule to the Legislature by January 10, 2020.

**Sec. 8. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 20-A, section 13704, subsections 1, 2 and 3 take effect September 1, 2021.