

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Effective Teaching and School Leadership

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

PART A

Sec. A-1. 20-A MRSA §1055, sub-§10, as amended by PL 2011, c. 172, §1, is further amended to read:

10. Supervise school employees. The superintendent is responsible for ~~the evaluation of~~ implementing a performance evaluation and professional growth system for all teachers and principals pursuant to chapter 508 and an evaluation system for all other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, but not limited to, their 2nd year of employment. The method of evaluation must be determined by the school board, be in compliance with the requirements of chapter 508 and be implemented by the superintendent.

Sec. A-2. 20-A MRSA §13201, as amended by PL 2011, c. 420, Pt. F, §1 and affected by §2, is further amended to read:

§ 13201. Nomination and election of teachers; teacher contracts

The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board makes. Upon the approval of nominations by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent determines proper, subject to the approval of the school board. The superintendent, subject to the approval of the school board, shall implement a program to support probationary teachers pursuant to section 13015. Prior to May 15th before the expiration of a first, 2nd or 3rd subsequent year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to legally elect a teacher, the commissioner has the authority to appoint a substitute teacher who serves until such election is made.

After a probationary period of 3 years, subsequent contracts of duly certified teachers must be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract must be extended automatically for one year and similarly in subsequent years. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties.

Just cause for dismissal or nonrenewal is a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A for teachers who have served beyond the probationary period.

After a probationary period of 3 years, any teacher who receives notice in accordance with this section that the teacher's contract is not going to be renewed may during the 15 days following such notification request a hearing with the school board. The teacher may request reasons. The hearing must be private except by mutual consent and except that either or both parties may be represented by counsel. That hearing must be granted within 30 days of the receipt of the teacher's request.

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall must include the teacher's effectiveness rating pursuant to chapter 508 as a significant factor and may also include, but may not be limited to, seniority.

Sec. A-3. 20-A MRS c. 508 is enacted to read:

CHAPTER 508

EDUCATOR EFFECTIVENESS

§ 13701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Educator.** "Educator" means a teacher or a principal.
- 2. Effectiveness rating.** "Effectiveness rating" means the level of effectiveness of an educator derived through implementation of a performance evaluation and professional growth system.
- 3. Performance evaluation and professional growth system.** "Performance evaluation and professional growth system" or "system" means a method developed in compliance with this chapter by which educators are evaluated, rated on the basis of effectiveness and provided opportunities for professional growth.

§ 13702. Local development and implementation of system

Each school administrative unit shall develop and implement a performance evaluation and professional growth system for educators. The system must meet the criteria set forth in this chapter and rules adopted pursuant to this chapter.

§ 13703. Use of effectiveness rating; grievance

A superintendent shall use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal.

Receipt of an effectiveness rating indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract.

Any appeal of, or grievance relating to, an evaluation conducted pursuant to this chapter or an effectiveness rating resulting from implementation of a system is limited to matters relating to the implementation of the system. The professional judgment involved in an evaluation or implementation of the system is not subject to appeal or grievance.

§ 13704. Elements of system

A performance evaluation and professional growth system consists of the following elements:

1. Standards of professional practice. Standards of professional practice by which the performance of educators must be evaluated.

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;

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

3. Rating scale. A rating scale consisting of 4 levels of effectiveness.

A. The rating must be based on standards of professional practice and 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.

B. The rating scale must set forth the professional growth opportunities and the employment consequences tied to each level.

C. At least 2 of the levels must represent effectiveness, and at least one level must represent ineffectiveness;

4. Professional development. A process for using information from the evaluation process to inform professional development; and

5. Implementation procedures. Implementation procedures that include the following:

A. Evaluation of educators on a regular basis, performed by one or more trained evaluators. The frequency of evaluations may vary depending on the effectiveness level at which the educator is performing, but observations of professional practice, formative feedback and continuous improvement conversations must occur throughout the year for all educators;

B. Ongoing training on implementation of the system to ensure that all educators and evaluators understand the system and have the knowledge and skills needed to participate in a meaningful way;

C. A peer review component to the evaluation and professional growth system and opportunities for educators to share, learn and continually improve their practice; and

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.

§ 13705. Phase-in of requirements

The requirements of this chapter apply to all school administrative units beginning in the 2015-2016 school year. 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.

§ 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. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. A-4. 20-A MRS §15681, sub-§1, ¶D is enacted to read:

D. To receive targeted educator evaluation funds, a school administrative unit must have a performance evaluation and professional growth system pursuant to chapter 508 and the rules adopted pursuant to that chapter.

Sec. A-5. 20-A MRS §15681, sub-§6 is enacted to read:

6. Targeted funds for educator evaluation. For educator evaluation funds beginning with the 2013-2014 school year, the commissioner shall calculate the amount available to assist school administrative units in developing and implementing performance evaluation and professional growth systems pursuant to chapter 508.

PART B

Sec. B-1. 20-A MRS §13008 is enacted to read:

§ 13008. Educator preparation program data

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Educator preparation program" means a public or private baccalaureate-level or postbaccalaureate-level program approved by the state board to recommend graduates for certification pursuant to chapter 502 as prekindergarten to grade 12 teachers, educational specialists or school leaders.

B. "Program completer" means a person who, by successfully completing all of an educator preparation program's requirements, has qualified for a recommendation for certification as a prekindergarten to grade 12 teacher, an educational specialist or a school leader.

2. Data collection. The department shall collect data relating to outcomes from educator preparation programs, including but not limited to the following information with respect to each educator preparation program:

A. The number of program completers;

B. The number of program completers who pass certification tests and the number of those who attain provisional licensure in the State;

C. The number of program completers who proceed from provisional licensure to professional licensure; and

D. The number of program completers who are teaching in schools in this State 3 and 5 years after they complete that educator preparation program.

3. Report. The department shall annually report the data collected under this section to the Governor, the state board and the joint standing committee of the Legislature having jurisdiction over education matters. The state board shall take this data into consideration when reviewing educator preparation programs.

Sec. B-2. 20-A MRSA §13011, sub-§6, as enacted by PL 1989, c. 889, §8, is repealed and the following enacted in its place:

6. Alternative paths to certification. The state board shall develop and adopt rules providing a method for a person who has not completed an educator preparation program as defined under section 13008 to obtain provisional educator certification in cases when the person:

A. Holds a baccalaureate or postbaccalaureate degree from an accredited institution of higher education that is recognized by the United States Secretary of Education; and

B. Demonstrates subject matter competency that is directly related to the certificate endorsement being sought and obtained through prior academic achievement or work experience.

Sec. B-3. 20-A MRSA §13012, sub-§2-A, as enacted by PL 2001, c. 534, §2 and amended by PL 2005, c. 397, Pt. D, §3, is further amended to read:

2-A. Qualifications. State board rules governing the qualifications for a provisional teacher certificate must require that a certificate may only be issued to an applicant who meets the requirements of subsection 2-B, has successfully completed a student teaching experience of at least 10 weeks and:

A. For elementary school, has met academic and preprofessional requirements established by the state board for teaching at the elementary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

- (1) A bachelor's degree from a 4-year accredited college or university;
- (2) A 4-year program in liberal arts and sciences; or
- (3) An approved 4-year teacher preparation program and has majored in the subject area to be taught or an interdisciplinary program in liberal arts;

B. For secondary school, has met academic and preprofessional requirements established by the state board for teaching at the secondary school level and has graduated from an accredited, degree-granting educational institution upon completion of:

- (1) A bachelor's degree from a 4-year accredited college or university;
- (2) A 4-year program in liberal arts and sciences; or
- (3) An approved 4-year teacher preparation program and has majored in the subject area to be taught;

C. Is otherwise qualified by having met separate educational criteria for specialized teaching areas, including, but not limited to, special education, home economics, agriculture, career and technical education, art, music, business education, physical education and industrial arts, as established by the state board for teaching in these specialized areas; or

D. Has completed 6 credit hours of approved study within 5 years prior to application, has met entry-level standards and has held either a professional teacher certificate that expired more than 5 years prior to the application date or a provisional teacher certificate issued prior to July 1, 1988 that expired more than 5 years prior to the application date.

Sec. B-4. Certification rules. The State Board of Education shall amend its rules relating to provisional certification of educators under the Maine Revised Statutes, Title 20-A, section 13012 to require that any person seeking an endorsement to teach kindergarten to grade 8 students must take course

work and obtain a passing grade in rigorous examinations in math and evidence-based reading instruction. The requirement must apply to all teachers, including teachers in special education and teachers of English language learners.

SUMMARY

This bill requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The bill sets forth standards that must be met by the systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development. The Department of Education is required to adopt rules regarding the requirements of the system. The requirement for development and implementation of the system is phased in with full implementation required in school year 2015-2016.

Effectiveness ratings must be treated as a significant factor in determining the order of layoff and recall when reductions in force occur. The bill provides that receipt of a rating of ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract. Any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation, not professional judgment.

The bill establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.

The bill requires the department to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. It also requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 10-week student teaching experience before attaining certification and a requirement that a person seeking an endorsement to teach either elementary or middle school must pass a rigorous test of mathematics and evidence-based reading instruction. Finally, the bill requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency.