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Amend the resolve by striking out all of section 1 (page 1, lines 14 to 18 in L.D.) and inserting the following:

‘Sec. 1 Adoption. Resolved: That final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in Section 7 in the part concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator by:

A. Deleting the provision that student learning and growth measures must constitute at least 20% of the educator's total score in the first year that the system is implemented and 25% or more in subsequent years; and

B. Inserting a provision that the student learning and growth measures may not constitute more than 20% of the educator's total score. Of that 20%, no more than half of the student learning and growth measures of the educator's total score may be based on standardized tests and the other half of the student learning and growth measures must be based on other assessments of student learning and growth;

2. The rule must be amended in Section 7 in the part concerning the determination of the teacher of record by:

A. Deleting the provision that directs the Department of Education to convene a working group to discuss the criteria related to the determination of the teacher of record; and

B. Inserting a provision to clarify that the criteria for determination of the teacher of record for a specific student must provide that the teacher has academic contact with the student for at least 80% of the student's scheduled class time with the teacher; and

3. The rule must be amended in Section 12 in the part concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing a performance evaluation and professional development system by clarifying that a majority of the members of the initial group and the steering committee formed by the school administrative unit to develop, implement and review the performance evaluation and professional development system must be educators, specifically teachers and principals who are subject to the requirements of the rules, and that the teachers appointed must be representatives of the local education association, who are appointed by the local education association.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section; and be it further

Sec. 2 Maine Educator Effectiveness Council; duties; extension. Resolved: That, notwithstanding Public Law 2011, chapter 635, Part A, section 6, subsection 5, the Maine Educator Effectiveness Council, referred to in this resolve as "the council," is authorized to continue to meet, if it so desires, until 90 days after adjournment of the Second Regular Session of the 126th Legislature.

1. The council shall review and recommend any changes necessary to address unresolved issues in rule Chapter 180: Performance Evaluation and Professional Growth Systems, which the Department of Education provisionally adopted on March 21, 2013, and refine provisions in the finally adopted rules authorized in accordance with section 1, including but not limited to the following issues:

A. Methods for aligning the definition and criteria related to the teacher of record for specific students, within the context of the transition to a proficiency-based educational system in accordance with the Maine Revised Statutes, Title 20-A, section 4502, subsection 1;

B. Methods for aligning student learning and growth measures within the context of the transition to a proficiency-based educational system in which students must be allowed to present multiple types of evidence to demonstrate proficiency in meeting educational standards for advancement and graduation in accordance with the Maine Revised Statutes, Title 20-A, section 4502, subsection 1 and section 4722-A;

C. Methods and protocols for the training of evaluators and peer reviewers to ensure inter-rater reliability; and

D. Methods for connecting effectiveness ratings for teachers and principals with a system of supports that may include professional development and training as well as a process for developing and implementing a professional improvement plan.

2. The Commissioner of Education shall submit a report regarding the work of the council to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The report must include the council's recommendations regarding implementation of the requirements set forth in the Maine Revised Statutes, Title 20-A, chapter 508, recommendations regarding the duties of the council set forth in Public Law 2011, chapter 635, Part A, section 6, subsection 2 and recommendations regarding the continuing work of the council. The joint standing committee may introduce a bill related to the report to the Second Regular Session of the 126th Legislature.

3. The Department of Education shall provide staff assistance to the council. The department may seek and employ grant funds to provide additional assistance.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a late-filed major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rule. The specific changes are related to the following provisions of the rule:

1. The section concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator;

2. The section concerning the determination of the teacher of record for specific students; and

3. The section concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing, implementing and reviewing a performance evaluation and professional development system.

The amendment also provides that the Maine Educator Effectiveness Council is authorized to continue to meet to review specified unresolved issues related to Department of Education rule Chapter 180, and that the Commissioner of Education must submit a report on the work of the council, including recommendations regarding proposed changes to the education statutes or Chapter 180, to the Joint Standing Committee on Education and Cultural Affairs by December 6, 2013. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 126th Legislature.