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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**126TH LEGISLATURE**  
**SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1254, L.D. 1747, “Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education”

Amend the amendment by striking out all of section 1 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, 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 requiring that, to be considered a significant factor, student learning and growth measures must constitute at least 20% of an educator's total score and a percentage lower than 20% may also be considered if the educator is prevented from being rated as effective if the educator's students do not demonstrate a satisfactory amount of growth in a performance evaluation and professional growth system adopted by a school administrative unit that uses a numerical approach to determine an educator's summative effectiveness rating;

B. Deleting the provision requiring that in a performance evaluation and professional growth system that uses a matrix approach to combining measures into a summative effectiveness rating, student learning and growth measures are a significant factor if they appear on a single axis of the matrix, and that axis is divided into not more than 5 segments; and

C. Inserting a provision requiring that the proportionate weight of the student learning and growth measures that are considered to be a significant factor in the determination of the summative effectiveness rating of an educator must be a local decision made by a school administrative unit in accordance with the provisions in section 12.

**HOUSE AMENDMENT**

1           2. The rule must be amended in section 7 in the part concerning requirements related  
2 to the validity and reliability of permissible measures as follows:

3           A. Deleting the provision in the first sentence providing that student learning and  
4 growth measures must be valid and reliable;

5           B. Inserting a provision in the first sentence requiring that student learning and  
6 growth measures must meet the criteria established in that subsection;

7           C. Inserting a provision requiring that student learning and growth measures must be  
8 appropriately attributed to the teacher or principal whose evaluation is impacted by  
9 those measures;

10          D. Deleting the provision in section 7, paragraph E providing that the assessment  
11 must measure intended curriculum and measure only things that are subject to  
12 instructional effectiveness and deleting the sentence in paragraph E providing that the  
13 assessment is valid and reliable;

14          E. Inserting a provision providing that the criteria or instrument used to measure  
15 student growth must be able to measure growth in identified and intended learning  
16 outcomes; provide all students in the instructional cohort the opportunity to  
17 demonstrate growth in knowledge or skills; be able to inform instruction and inform  
18 others about the effectiveness of a teacher; and be administered consistently across  
19 similar grade spans, courses or instructional cohorts;

20          F. Clarifying the provision in section 7, paragraph F that provides the results are used  
21 in a way that takes into account differences in growth opportunity across the  
22 spectrum by inserting a provision requiring that the results must be used in a way that  
23 takes into account differences in growth opportunity across the spectrum; and

24          G. Deleting the provision in section 7, paragraph G providing that the data used in the  
25 evaluation is statistically reliable.

26           3. The rule must be amended in section 12 in the part concerning the requirement  
27 that school administrative units must collaborate with educators and other education  
28 stakeholders in developing a performance evaluation and professional growth system by:

29          A. Inserting a provision to clarify that a majority of the members of the initial group  
30 of stakeholders must be composed of at least a majority of teachers and to provide  
31 that, of the teachers appointed to the initial group of stakeholders, 2/3 must have the  
32 endorsement of the majority of teachers in the school administrative unit and 2/3  
33 must have the endorsement of the majority of the school administrative unit’s  
34 governing body;

35          B. Inserting a provision to provide that, for a school administrative unit that has  
36 established an initial group of stakeholders to develop the school administrative unit’s  
37 performance evaluation and professional development system prior to the effective  
38 date of this rule chapter, the existing group of stakeholders, with the consent of a  
39 majority of teachers in the school administrative unit, may continue as currently  
40 constituted even if the group of stakeholders does not meet the specific composition  
41 established in accordance with the provision amended by paragraph A;

42          C. Inserting a provision to provide that the initial group of stakeholders must use a  
43 consensus decision-making process to develop the performance evaluation and

1 professional growth system, including the proportionate weight of the student  
2 learning and growth measures as set forth in section 7;

3 D. Inserting a provision to provide that if the stakeholder group fails to reach  
4 consensus on the issue of the proportionate weight of the student learning and growth  
5 measures by June 1, 2015, the proportionate weight of student learning and growth  
6 measures in that school administrative unit must be 20% in a system that uses a  
7 numerical approach to combining measures into a summative effectiveness rating, or,  
8 in a system that uses a matrix approach to combining measures into a summative  
9 effectiveness rating, student learning and growth measures must appear on a single  
10 axis of the matrix and that axis must be divided into not more than 5 segments; and

11 E. Inserting provisions to provide that if the stakeholder group fails to reach  
12 consensus on any issue in addition to the proportionate weight of the student growth  
13 measures by June 1, 2015, the school administrative unit shall adopt one of the State  
14 Model PE/PG systems developed pursuant to section 16 of the rule. Upon request by  
15 the entire membership of the stakeholder group, the commissioner may provide  
16 additional time to the group to reach consensus. Upon the expiration of that  
17 additional time, the school administrative unit shall adopt one of the State Model  
18 PE/PG systems developed pursuant to section 16 of the rule.

19 4. The rule must be amended in section 15 in the part concerning requirements  
20 related to the piloting of performance evaluation and professional growth systems by:

21 A. Deleting the provision that provides that, in each case, all of the proposed student  
22 growth measures identified as concerns by local educators in a school administrative  
23 unit must be applied on a pilot basis; and

24 B. Inserting a provision that encourages school administrative units to utilize student  
25 growth measures during the pilot period.

26 5. The rule must be amended in section 16 in the part concerning technical assistance  
27 provided by the Department of Education to school administrative units by deleting the  
28 provision related to developing valid and reliable student learning and growth measures  
29 as part of that technical assistance.

30 6. The rule must be amended in section 16 by adding a reference to the State Model  
31 PE/PG systems and by inserting a provision requiring the Department of Education to  
32 develop at least one complete State Model PE/PG system for teachers and at least one  
33 complete State Model PE/PG system for principals.

34 **Sec. 2. Development of model PE/PG systems.** By July 3, 2014, the  
35 Department of Education shall develop at least one complete State Model PE/PG system  
36 for teachers and at least one complete State Model PE/PG system for principals in  
37 accordance with section 16 of the rules adopted pursuant to this resolve.'

38 **SUMMARY**

39 This amendment amends Committee Amendment "A." The amendment differs from  
40 Committee Amendment "A" in the following ways.

