

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

—
H.P. 1288 - L.D. 1851

**Resolve, Regarding Legislative Review of Portions of Chapter 180:
Performance Evaluation and Professional Growth Systems, a Late-filed
Major Substantive Rule of the Department of Education**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions 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 11(1) by including in the lists of educators described in Section 11(1) additional references to conditionally certified special education teachers, as described in Section 11(5);
2. The rule must be amended in Sections 11(3) and 11(4) to reduce from 2 years to one year the required period of employment for a teacher employed by a school

administrative unit who holds a conditional certificate for a regular education endorsement or a conditional certificate for a special education endorsement as the requirement relates to the formative peer mentoring or coaching component of a performance evaluation and professional growth system implemented under the rule;

3. The rule must be amended in Section 11(5) to replace all references to the Maine Alternative Certification and Mentoring program in Section 11(5) with references to an alternative certification and mentoring program designated by the department; and

4. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.