



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 92

H.P. 78

House of Representatives, January 15, 2019

An Act To Amend Teacher Evaluation Requirements

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREA of Fort Fairfield.
Cosponsored by Senator HERBIG of Waldo and
Representatives: BRYANT of Windham, FARNSWORTH of Portland, GROHOSKI of
Ellsworth, HANDY of Lewiston, KORNFELD of Bangor, ROBERTS-LOVELL of South
Berwick, SCHNECK of Bangor, STANLEY of Medway.

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

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

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

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

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

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

14 **2. Multiple measures of effectiveness.** Multiple measures of educator
15 effectiveness, other than standards of professional practice, including but not limited to
16 the use of student learning and growth data to inform instruction;

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

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

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

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

34 **Sec. 5. 20-A MRSA §13706**, as amended by PL 2015, c. 3, §2, is further amended
35 to read:

36 **§13706. Rules**

37 The department shall adopt rules to implement this chapter, ~~including but not limited~~
38 ~~to a rule relating to the method of identifying the educator or educators whose~~

1 ~~effectiveness ratings are affected by the measurement of learning or growth of a~~
2 ~~particular student.~~ The department shall also adopt rules pertaining to the approval of
3 performance evaluation and professional growth systems pursuant to section 13702. The
4 department shall also adopt rules pertaining to the ongoing monitoring of the
5 implementation and results of district performance evaluation and professional growth
6 systems. Rules adopted pursuant to this section are major substantive rules pursuant to
7 Title 5, chapter 375, subchapter 2-A.

8 **Sec. 6. Rulemaking.** In accordance with the Maine Revised Statutes, Title 20-A,
9 sections 13704 and 13706, the Department of Education shall amend the department's
10 rule Chapter 180: Performance Evaluation and Professional Growth Systems to
11 implement the provisions of this Act and shall submit the provisionally adopted rule to
12 the Legislature by January 10, 2020.

13 SUMMARY

14 This bill clarifies that the use of student learning and growth data to inform
15 instruction is included as part of the multiple measures of educator effectiveness. The bill
16 also requires the Department of Education to submit a provisionally adopted rule to the
17 Legislature by January 10, 2020.