

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Education and Cultural Affairs
From: Hillary Risler, Esq., Legislative Analyst
Date: April 5, 2021
Subj: **LD 326, “An Act To Authorize Lifetime Teaching Certificates” (Fecteau)**

CURRENT LAW

Credentialing of teachers is governed by [Title 20-A, Chapter 501](#) and [Chapter 502](#) (beginning on page 321 of your statute books). A teacher must be certified to teach in order to teach in any public elementary or secondary school in the State or any private school receiving basic school approval.¹ A professional teacher certificate is issued for a 5-year period and may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or in-service training designed to improve the performance of the teacher in the field. If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years.²

SUMMARY

This bill does the following:

1. Authorizes the Commissioner of Education to issue lifetime teaching certificates to teachers. To be eligible for the lifetime certificate, the teacher must hold a valid professional teacher certificate and have taught in the State within the area of endorsement on the person’s professional teacher certificate for at least 20 years while maintaining their teacher certificate;

¹ [Title 20-A MRSA §13003](#)

² [Title 20-A MRSA §13013](#)

2. Provides that a teacher with a lifetime teaching certificate is subject to all state and federal laws, rules, and regulations related to the holder's certification, including criminal history record checks and special education training;

3. Prohibits the DOE from requiring a holder of a lifetime certificate to provide proof of professional development or continuing education credits charging an annual fee to maintain the certification;

4. Provides that a lifetime teaching certificate may be revoked pursuant to the current process; and

5. Directs the DOE to adopt rules setting a reasonable one-time fee for the lifetime teaching certificate and designates those rules as routine-technical.

TESTIMONY

- **Proponents:**

- This bill removes one hurdle for approval from the Department of Education for teachers with 20+ years of service to Maine schools
- The bill would help teachers who have reached a level of mastery in their teaching without negating the need for ongoing professional development, just negating the need to document and submit the paperwork to the DOE

- **Opponents:**

- School boards are concerned that without the recertification process and its specific requirements for professional development that some teachers would miss out on valuable training

- **Neither For Nor Against:**

- As a component of district's educator evaluation systems, teachers are required to establish yearly goals and identify the ways in which they will achieve the goals they have set, including district wide professional development programs

POTENTIAL ISSUES OR TECHNICAL PROBLEMS:

- Please see DOE testimony for some areas of concern regarding policy and/or implementation
- Credentialing fees are currently used to fund the National Board Certification Scholarship Fund and National Board Certification Salary Supplement Fund³

COMMITTEE REQUESTS FOR ADDITIONAL INFORMATION:

- Department of Education Rule Chapter 180: Performance Evaluation and Professional Growth (attached)
- Other states with lifetime teacher certification provisions (attached)

PRELIMINARY FISCAL IMPACT STATEMENT:

- Not yet determined

³ [Title 20-A MRSA §13007](#)

Chapter 180: PERFORMANCE EVALUATION AND PROFESSIONAL GROWTH SYSTEMS

SUMMARY: This rule establishes standards and procedures for implementation of performance evaluation and professional growth systems (PEPG systems) for educators, as required in Chapter 508 of Title 20-A of the *Maine Revised Statutes*. It defines terms, identifies professional practice standards for use in PEPG systems and requires involvement of educators in implementation of systems. The rule sets forth the process for obtaining Department approval of locally-developed plans, and describes technical assistance to be provided by the Department.

SECTION 1. PURPOSE OF THE RULE

This rule sets forth requirements for implementing Chapter 508 of Title 20-A of the *Maine Revised Statutes*. Chapter 508 requires school administrative units to develop, pilot and implement systems of performance evaluation and professional growth for teachers and principals. The purpose of Chapter 508 and this rule is to support educator professional growth and development by clearly setting forth expectations for professional practice, establishing opportunities for ongoing peer support and collaboration, and student learning and growth, and providing actionable feedback and support to help educators meet those expectations. The goal of improving educator effectiveness is to improve student achievement.

SECTION 2. DEFINITIONS

1. “Approved PEPG system” means a PEPG system that complies with the requirements of Chapter 508 and this rule and that has been approved by the Department.
2. “Chapter 508” means Chapter 508 of Title 20-A of the *Maine Revised Statutes*.
3. “Department” means the Maine Department of Education.
4. “Educator” means a teacher or a principal.
5. “Instructional Cohort” of a particular teacher means the group of students for whom that teacher is the teacher of record.
6. “InTASC Model Core Teaching Standards” or “InTASC standards” means the set of professional practice standards for teachers adopted in April, 2011 by the Interstate Teacher Assessment and Support Consortium (InTASC).
7. “Educational Leadership Policy Standards: ISLLC 2008” or “ISLLC standards” means the set of professional practice standards for educational leaders adopted by the National Policy Board for Educational Administration/Interstate Leader Licensure Consortium Steering Committee.

8. “Peer mentor or coach” means the professionally certified teacher or instructional coach assigned to provide support for a new or conditionally certified teacher and who meets the qualifications in Section 4.
9. “Performance evaluation and professional growth system”, or “PEPG system” means a system of evaluation and support as described in Chapter 508.
10. “PEPG system plan” means the documents governing the operation of a local PEPG system, including but not limited to professional practice standards, descriptors and rubrics; student learning and growth measures the method for a summative effectiveness rating; and other documents describing implementation of the PEPG system. The use of student learning and growth measures will be discretionary as of September 1, 2021.
11. “Principal” means person who supervises teachers in delivering the instructional program of a school This includes a person serving as principal, assistant principal, teaching principal, career and technical education administrator and assistant career and technical education administrator serving in a position that requires certification under State Board of Education Rule Chapter 115, Part II, Section 4.5, 4.6, and 4.7.
12. “Rating level” means one of the four summative effectiveness ratings assigned to educators under a PEPG system.
13. “School administrative unit” has the same meaning as in Title 20-A, section 1, subsection 26 except that, for purposes of this rule, it also includes career and technical education regions and all charter schools.
14. “Summative effectiveness rating” means the effectiveness rating of an educator that is assigned at the end of an evaluation period, under an approved PEPG system.
15. “Teacher” means a person who provides classroom instruction to students in a general education, special education or career and technical education program. It does not include adult education instructors or persons defined as “educational specialists” in State Board of Education Rule Chapter 115, section 2.20.
16. “Teacher of Record” means a teacher to whom the academic growth of a student in a course or other learning experience is attributed, in whole or in part, as described in Section 7(2).

SECTION 3. REQUIREMENT TO DEVELOP, PILOT AND IMPLEMENT SYSTEMS

Each school administrative unit shall develop, pilot and implement a performance evaluation and professional growth system for educators that complies with Chapter 508 and this rule. Development, piloting and implementation of the system must occur within the time frame set forth in Chapter 508.

SECTION 4. DEPARTMENT APPROVAL OF SYSTEM

1. Timing of submission and approval

A PEPG system must be approved by the Department before the first school year in which the system is implemented, other than as a pilot. To ensure adequate time for Department review and feedback, and to ensure adequate time for the school administrative unit to train educators on the system, a school administrative unit shall submit its PEPG system plan for Department approval not less than 90 days before the beginning of the first school year in which the PEPG system will be used to assign a summative effectiveness rating.

Within 30 days of receiving a complete filing of a proposed system plan, the Department shall notify the school administrative unit of whether the system plan is approved, or what changes are needed in order for the plan to be approved. The Department shall assist the school administrative unit in understanding options, and making changes to the system plan to bring it into compliance with Chapter 508 and this rule.

A school administrative unit is encouraged to seek advice and comment from the Department as it develops and pilots its PEPG system.

2. Submittal requirements

To obtain Department approval, a school administrative unit must submit its PEPG system plan, on a form provided by the Department.

The PEPG system plan must include:

- A. A professional practice model applicable to teachers;
- B. A professional practice model applicable to principals;
- C. A process for creating and approving measures of student learning and growth, if a school unit chooses to use such measures;
- D. A description of other measures of educator effectiveness that will be used in determining the educator's summative effectiveness rating;
- E. A description of the four summative effectiveness rating categories and the method of combining the multiple measures of educator effectiveness, weights, targets and actual performance to arrive at a summative effectiveness rating for an educator;
- F. A description of the results and consequences of being placed in each of the rating levels;
- G. Implementation procedures, including but not limited to training requirements for evaluators;

- H. A description of how educators were involved in development of the system, and how they will be trained to ensure that they understand and can fully participate in the system;
- I. A description of how teachers, principals, administrators, school board members, parents and other members of the public were involved in development of the system;
- J. A description of when and how the Steering Committee was formed and the mechanism by which the Steering Committee's review will lead to revision of the PEPG system; and
- K. A description of the PEPG system pilot, and what changes, if any, were made to the system plan as a result of the pilot.

Department approval is also contingent upon evidence of adoption of the system by the school board.

SECTION 5. PROFESSIONAL PRACTICE STANDARDS FOR TEACHERS

The *Interstate Teacher Assessment and Support Consortium (InTASC) Model Core Teaching Standards* are the benchmark for teacher effectiveness in Maine schools. To evaluate the professional practice of teachers in a PEPG system, a school administrative unit must use a professional practice model that includes performance standards aligned with the *InTASC Model Core Teaching Standards*; supporting descriptors for each standard as published or endorsed by the creator/sponsor of the standards; and rubrics for each standard. At the time this rule was drafted, the creators of the *InTASC Model Core Standards* had not created rubrics to be used with the standards and descriptors. Therefore, a school administrative unit must either locate or create rubrics for the InTASC standards or use a professional practice model that includes a complete set of InTASC-aligned standards, descriptors and rubrics.

The Department has determined that the following models contain all of the elements necessary to be approved for use as the professional practice element of a PEPG system for teachers:

1. The National Board for Professional Teaching Standards (NBPTS) Five Core Propositions and Indicators, along with the rubrics created by the Maine Schools for Excellence;
2. *The Framework for Teaching*, by Charlotte Danielson; and
3. *The Marzano Art and Science of Teaching Framework*.
4. The Kim Marshall Teacher Evaluation Rubrics
5. MSAD 49 Teacher Evaluation Rubric, based on the Kim Marshall Teacher Evaluation Rubrics

If a school administrative unit chooses to use a professional practice model other than the models listed above, it must demonstrate to the Department that the school administrative unit's selected model meets the criteria set forth in this section.

SECTION 6. PROFESSIONAL PRACTICE STANDARDS FOR PRINCIPALS

The *Educational Leadership Policy Standards: ISLLC 2008* is the benchmark for principal effectiveness in Maine schools. To evaluate the professional practice of principals, a school administrative unit must use a principal evaluation model that includes performance standards that align with the ISLLC 2008 standards; supporting descriptions or indicators for each standard as published or endorsed by the creator /sponsor of the standards; and rubrics for each standard that are aligned with the adopted standards and descriptors. At the time this rule was drafted, the creators of the ISLLS 2008 standards had not created rubrics to be used with the standards and descriptors. Therefore, a school administrative unit must either locate or create rubrics for the ISLLC 2008 standards or use a professional practice model that includes a complete set of ISLLC-aligned standards, descriptors and rubrics.

The Department has determined that the following models contain all of the elements necessary to be approved for use as the professional practice element of a PEPG system for principals:

1. *National Board Core Propositions for Accomplished Educational Leaders*, adopted by the National Board for Professional Teaching Standards in 2009, along with the rubrics created by the Maine Schools for Excellence; and
2. The principal professional practice evaluation model created by the Supervision and Evaluation Committee of the Maine Principal's Association, dated September 2013 and posted on the Association's Website at www.mpa.cc;
3. *The Marzano School Leader Evaluation Model*;
4. The Kim Marshall Principal Evaluation Rubrics.

If a school administrative unit chooses to use a professional practice model other than the models listed above, it must demonstrate to the Department that the model meets the criteria set forth in this section.

SECTION 7. STUDENT LEARNING AND GROWTH MEASURES

This section will not be required as of September 1, 2021. At that point, steering committees will have flexibility in determining whether or not student learning and growth will be used and how those measures will be implemented.

1. **“Significant Factor”**

Student learning and growth measures must be a significant factor in the determination of the summative effectiveness rating of an educator. To be considered “significant,” student learning and growth measures must have a discernible impact on an educator's summative effectiveness rating.

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.

2. **“Teacher of Record”**

- A. A teacher is a “teacher of record” for a student only if:
- (1) The student is enrolled in the course or other learning experience taught by that teacher;
 - (2) The student was present and was subject to instruction by that teacher at least 80% of the scheduled instructional time for that course or learning experience with that teacher; and
 - (3) The student took both the pre-test and the post-test designed to measure achievement in that course or learning experience.

A student’s academic performance may be attributed to more than one teacher of record, as long as the criteria set forth in subparagraphs (1) to (3) above are met for each teacher.

- B. A school administrative unit must provide each teacher with a list of students for whom the teacher is likely to be the teacher of record, and must provide the teacher an opportunity to request review and revision of the list to correct any inaccuracies on the list. A list of those students must be provided within a reasonable time after the beginning of the course or learning experience, and must include information about the pre-test taken by each student and the scheduled instructional time for that course or learning experience with that teacher. A proposed final list of students must be provided to the teacher within a reasonable amount of time before the end of the course or learning experience, and must include a calculation of the amount of time that the student was present and taught by that teacher. The PEPG system must include a process by which a teacher can contest and seek correction of determinations of “teacher of record” status. Nothing in this section prohibits collaboration in establishing and monitoring the list of students for whom the teacher will be teacher of record.

3. **Permissible Measures**

Student learning and growth measures must meet the criteria established in this subsection. Student learning and growth measures must be appropriately attributed to the teacher or principal whose evaluation is impacted by those measures.

- A. A student learning and growth measure must measure a change in a student’s knowledge or skills between two points of time during which an educator has influence.
- B. Multiple measures of student learning and growth must be factored into the summative effectiveness rating of an educator. At a teacher’s discretion, large-scale standardized tests may be the sole type of student learning and growth measures used.

- C. To obtain growth information, the knowledge and skills must have been assessed before the student is taught or led by the teacher or principal, and after, i.e., there must be a comparable pre-assessment and post-assessments to measure the growth of the student under instruction or leadership of the teacher or principal whose evaluation is impacted by the student. The pre-assessment and post-assessment are not required to occur in the same school year.
- D. To obtain growth information, the knowledge and skills must have been assessed before the student is taught or led by the teacher or principal, and after, i.e., there must be a comparable pre-assessment and post-assessments to measure the growth of the student under instruction or leadership of the teacher or principal whose evaluation is impacted by the student. The pre-assessment and post-assessment are not required to occur in the same school year.
- E. A particular student's growth measure may be included in the evaluation of a teacher only if:
- (1) The teacher is a teacher of record for that student; or
 - (2) The student's growth measure is part of a collective measure, the use of which has been agreed to by the teacher pursuant to the process set forth in the school administrative unit's system plan.

The criteria or instrument used to measure student growth must:

- (1) Be able to measure growth in identified and intended learning outcomes;
 - (2) Provide all students in the instructional cohort the opportunity to demonstrate growth in knowledge or skills;
 - (3) Be able to inform instruction;
 - (4) Be administered consistently across similar grade spans, courses or instructional cohorts.
- F. The results must be used in a way that takes into account differences in growth opportunity across the spectrum, e.g., higher-achieving students shouldn't be expected to make the same quantity of growth as lowest-achieving students.

An individual education plan must not be used as a measure of student growth in the evaluation of an educator.

4. **Use of Student Learning Objectives**

SAUs must use a Student Learning Objectives (SLOs) framework or comparable structure to develop and record student learning and growth measures and The SAU must establish in its PEPG system handbook criteria for:

- (1) The identification of content standards,

- (2) The selection of assessments;
- (3) Setting growth targets (if applicable);
- (4) The size of an instructional cohort; and
- (5) The length of the instructional interval of time.

5. Use of Collective Student Growth Measures

In recognition that a student's academic achievement may be affected by teachers other than the student's teacher of record, a PEPG system may include academic achievement of students outside the teacher's instructional cohort. Any use of such collective measures must:

- A. Be agreed to by teachers to whom it will be applied, under the agreement process set forth in the system plan; and
- B. Comprise not more than one-fourth of the total student growth measure.

6. Use of State Assessment (MEA) Results for Tested Subjects and Grades

Maine Educational Assessment (MEA) for Mathematics and English Language Arts/Literacy State Assessment results must be used as one measure of student learning and growth for teachers in the corresponding grades and subjects (English Language Arts/Literacy and Math). These results must

- A. Be attributed to teachers of record in accordance with the criteria for Teacher of Record in Section 7.2; and
- B. Be used in such a way that they meet the criteria for Permissible Measures in Section 7.3.

SECTION 8. RATING LEVELS

Each PEPG system must result in placement of educators into one of the following four summative effectiveness rating categories: Highly Effective; Effective; Partially Effective; and Ineffective.

While implementing a PEPG system, a school administrative unit may use different labels for its four rating levels, as long as the levels align with the levels above, and the labels above are used for purposes of applying laws and rules.

SECTION 9. DETERMINING EFFECTIVENESS RATINGS

A school administrative unit shall adopt a method of determining an educator's summative effectiveness rating. The method may include, but is not limited to:

1. Assigning numerical values to each element in the system and weighting them to provide a single numerical result that correlates with one of the four possible ratings in #2 below; and
2. Creation of a two-dimensional matrix with professional practice on one axis and a second measure on the other axis. The intersection of the levels results in one of the four possible ratings (Highly Effective; Effective; Partially Effective; and Ineffective).

SECTION 10. RESULTS OF PLACEMENT IN RATING LEVELS

A school administrative unit must set forth the professional growth opportunities and the employment consequences tied to each rating level. An educator who is rated ineffective must be provided an opportunity to develop and implement a professional improvement plan.

SECTION 11. PEER SUPPORT AND MENTORING

The PEPG system must include a peer support and mentoring component with opportunities for all educators to share, learn and continually improve their practice in collaboration with peers as described below. Peer support, mentoring, and coaching shall be formative in nature, for the sole purpose of ongoing professional growth for educators, and be tailored to the needs of educators with less than five years of teaching experience.

1. For all educators

For teachers and principals not included in Subsections 2, 3, 4 and 5 below, the SAU may determine the frequency and intensity of the peer support component, provided that at least one opportunity occurs annually. For teachers included in Subsections 2, 3, 4, or 5 below, the peer mentoring or coaching component satisfies the requirements of this subsection. For the purposes of this subsection, peer support includes, but is not limited to, observation of practice, goal setting, conferencing, and review of artifacts and other evidence reflecting an educator's practice.

2. For teachers new to an SAU

The PEPG system must include a formative peer mentoring or coaching component of at least one year for all teachers new to the SAU regardless of their cumulative years of licensure. The formative mentoring or coaching component must include at least two observations with feedback by a qualified peer mentor, using an SAU-approved protocol that includes, but is not limited to, focused goals for the improvement of practice. The peer mentoring or coaching component must also include other opportunities for the new teacher to receive support and feedback from mentors or coaches on his or her performance to continually improve practice.

3. For teachers holding a Conditional Certificate for a Regular Education Endorsement

The PEPG system must include a formative peer mentoring or coaching component of at least one year for a teacher holding conditional certificate for a regular education endorsement who has been employed by the SAU for more than one year. The formative

mentoring or coaching component must include at least two observations with feedback by a qualified peer mentor, using an SAU-approved protocol that includes, but is not limited to, focused goals for the improvement of practice. The peer mentoring or coaching component must also include other opportunities for the conditionally certified teacher defined in this subsection to receive support and feedback from mentors or coaches on his or her performance to continually improve practice.

4. For teachers in year two or three of a Conditional Certificate for a Special Education Endorsement on the effective date of this Rule

The PEPG system must include a formative peer mentoring or coaching component of at least one year for a teacher holding conditional certificate for a special education endorsement who has been employed by the SAU for more than one year. The formative mentoring or coaching component must include at least two observations with feedback by a qualified peer mentor, using an SAU-approved protocol that includes, but is not limited to, focused goals for the improvement of practice. The peer mentoring or coaching component must also include other opportunities for the conditionally certified teacher defined in this subsection to receive support and feedback from mentors or coaches on his or her performance to continually improve practice.

5. For teachers in the first year of a Conditional Certificate for a Special Education Endorsement on the effective date of this Rule and, subsequently, all conditionally certified special education teachers

The SAU must ensure that a conditionally certified special education teacher successfully completes an alternative certification and mentoring program designated by the Department specifically for conditionally certified special education teachers. For a newly hired teacher, for the purposes of this Rule, participation in an alternative certification and mentoring program supersedes and satisfies the requirements of Subsection 2.

6. Qualifications of Peer Mentors or Coaches

- A. For the purposes of Subsection 3, a peer mentor or coach shall be a professionally certified teacher. If the peer mentor or coach participates in the SAU's PEPG system and has received a summative performance rating, his or her current rating must reflect performance that is at least effective. For the purposes of Subsections 1, 2, and 3 of this Rule, the SAU may specify additional qualifications that will be required of peer mentors and coaches, based on the needs of its educators, such as years of experience, training, membership in professional learning communities, and credentials.
- B. For the purposes of Subsection 4, the qualifications of the mentor or coach shall be determined by the Department and communicated to the field.

SECTION 12. IMPLEMENTATION REQUIREMENTS**1. Notice of person overseeing evaluations**

A school administrative unit must provide to each educator who will be evaluated under this rule the name and contact information of the administrator responsible for overseeing the evaluation and support process for that educator.

2. Evaluation frequency

A school administrative unit shall determine and set forth in its system plan, the frequency with which it will conduct full evaluations leading to summative effectiveness ratings. A school administrative unit is not required to conduct a full evaluation leading to a summative effectiveness rating of each educator in each year. The frequency of full evaluations may vary depending on the effectiveness ratings of educators. However, full evaluations must be conducted at least every three years, even for highly effective educators.

Regardless of whether an educator is evaluated formally in a particular year, observations of professional practice and formative feedback must occur each year and throughout the school year for all educators.

3. Training of evaluators

A person is a qualified evaluator in a Chapter 508 system only if that person has completed training appropriate to the role he or she will play in the system.

Evaluators must be trained in the specific professional practice model selected by the school administrative unit in which the evaluator will perform duties.

A. Evaluators must complete training in the following:

- (1) Conducting pre-observation and post-observation conferences;
- (2) Providing meaningful feedback on instructional practice;
- (3) Observing and evaluating the professional practice of teachers and/or principals; and
- (4) Developing and guiding professional growth plans.

B. The training in observing and evaluating professional practice of teachers and/or principals must include the following:

- (1) Training in evaluating performance based on evidence, and without bias;
- (2) Adequate time for evaluators to practice and become familiar with the model during their trainings;
- (3) Opportunity for evaluators to work collaboratively;

- (4) Training in assessing evidence of performance not directly observed in classroom observations or direct observations of principals and in incorporating that evidence into a summative evaluation; and
- (5) Training designed to ensure a high level of inter-rater reliability and agreement. To **continue** to serve as a trained evaluator, an evaluator must maintain an identified minimum level of inter-rater reliability and agreement by participating in training or recalibration at intervals specified in the PEPG system plan.

4. **Written evaluation**

In addition to a summative effectiveness rating, each educator must receive a written evaluation that includes a narrative providing recommendations and commendations that describe the educator's effectiveness.

5. **Personnel record**

An educator's written evaluation, evaluation documentation and summative effectiveness rating are confidential personnel records, in accordance with Title 20-A, section 6101, subsection 2.

SECTION 13. EDUCATOR INVOLVEMENT IN DEVELOPING, IMPLEMENTING AND REVIEWING PEPG SYSTEMS

1. **Development of system**

Title 20-A of the *Maine Revised Statutes*, Section 13705 requires school administrative units to develop PEPG systems "in collaboration with teachers, principals, administrators, school board members, parents and other members of the public."

- A. A majority of the members of the initial group of stakeholders must be teachers. Of the teachers appointed to the initial group of stakeholders, 2/3rds must have the endorsement of the majority of the teachers in the school administrative unit and 2/3rds must have the endorsement of the majority of the school administrative unit's governing body.
- B. The initial group of stakeholders must use a consensus decision-making process to develop the performance evaluation and professional growth system.
- C. If the stakeholder group fails to reach consensus on any issue, the school administrative unit shall adopt one of the State Model PEPG systems developed pursuant to section 16 of the rule. Upon request by the entire membership of the stakeholder group, the commissioner may provide additional time to the group to reach consensus. Upon the expiration of that additional time, the school administrative unit shall adopt one of the State Model PEPG systems developed pursuant to section 16 of this rule.

2. **Training**

Prior to implementing a PEPG system, a school administrative unit must provide training to each educator who will be evaluated under the PEPG system to provide the opportunity for each educator to understand:

- A. The structure of the system, including the multiple measures of educator effectiveness and the evaluation cycle;
- B. The names and roles of administrators and others whose decisions impact the educator's rating;
- C. How to participate in professional development opportunities to assist the educator in meeting professional practice standards used in the system;
- D. The results and consequences of receiving each type of summative effectiveness rating; and
- E. Other aspects of the system necessary to enable the educator to participate fully in the evaluation and professional growth aspects of the system.

3. **Implementation, review and refinement of systems; Steering Committee**

Each school administrative unit shall form a Steering Committee to regularly review and refine the PEPG system. The Steering Committee must include teachers, administrators and other school administrative unit staff. A majority of the steering committee members must be teachers and must be chosen by the local representative of the applicable collective bargaining unit if the teachers in the school administrative unit are covered by a collective bargaining agreement. The structure and proposed operation of a Steering Committee, including the method of appointing members to the Steering Committee, must be included in the PEPG system plan. Any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus. The Steering Committee must be formed no later than the beginning of the pilot period of the PEPG system.

SECTION 14. USE OF RATING IN PROFESSIONAL DEVELOPMENT DECISIONS

Professional development opportunities must be provided to educators, based on individual needs identified during PEPG system evaluations.

1. **Professional Growth Plan**

An educator who receives a summative effectiveness rating higher than ineffective must develop a professional growth plan that is based on clearly articulated goals related to targeted areas of practice and student performance.

2. **Professional Improvement Plan**

An educator who receives a summative effectiveness rating of “ineffective” must be provided the opportunity to develop and implement a professional improvement plan. The PEPG system plan must assign responsibility to one or more supervisors or administrators to work with the educator and to oversee development and implementation of a professional improvement plan.

The professional improvement plan must:

- A. Be in writing;
- B. Be developed with input from the educator;
- C. Set forth clear, measurable objectives and deadlines; and
- D. Be focused on improvement in the specific areas of evaluation identified as needing improvement.

SECTION 15. PILOTING OF SYSTEM

- A. The purpose of the pilot is to evaluate the school administrative unit’s proposed PEPG system. Data from the pilot must be used to inform potential refinement and improvement of the system. Evidence and data collected during the pilot year may be used to inform professional growth plans and differentiated evaluation cycles beginning during the first year of implementation, but performance ratings assigned during the pilot may not be used in any action related to employment or compensation of an educator.
- B. A school administrative unit shall design a pilot and identifying problems. The school administrative unit shall ensure that the local Steering Committee is formed before the pilot begins and must ensure that the Steering Committee develops a plan for in monitoring and evaluating the results of the pilot.

SECTION 16. TECHNICAL ASSISTANCE; STATE MODEL PEPG SYSTEM

- 1. The Department shall provide technical assistance to school administrative units in developing, piloting and implementing PEPG systems, including, but not limited to: an online bank of tools, training and resources for use in developing, piloting and implementing PEPG systems; posting of approved PEPG systems and system tools; and technical assistance in refining and revising PEPG plans. The Department shall develop at least one complete State Model PEPG system for teachers and at least one complete State Model PEPG system for principals.
- 2. The Department shall implement a system of monitoring and providing feedback and support based on information gathered through the monitoring system. Ongoing monitoring will include the collection of data including but not limited to:

- A. The aggregate summative ratings for each school.
- B. The process for and frequency of observation and feedback
- C. Opportunities for targeted professional growth and improvement
- D. The specific measures included in summative effectiveness ratings
- E. The use of ratings for employment decisions
- F. The mechanism for sustaining the PEPG system
- G. Evaluator and educator training programs

SECTION 17. FUNDING FOR DEVELOPMENT, PILOTING AND IMPLEMENTATION

The Department shall provide guidance to school administrative units on sources of funding for development and implementation of PEPG systems, which may include guidance on the permissible use of federal *Elementary and Secondary Education Act* (ESEA) funds, state essential programs and services (EPS) funds and potential grant sources.

SECTION 18. IMPACT OF EFFECTIVENESS RATINGS UNDER PRE-CHAPTER 508 SYSTEMS

An effectiveness rating assigned to an educator in a system that has not been approved pursuant to Chapter 508 and this rule, is not an “effectiveness rating pursuant to Chapter 508” as used in Title 20-A, section 13201 or a “summative effectiveness rating” as used in Title 20-A, section 13703.

STATUTORY AUTHORITY:

Title 20-A MRS §13706

EFFECTIVE DATE:

May 15, 1991 - filing 91-168 as “Child Development Services System”

REPEALED AND REPLACED:

December 2, 1992 filing 92-465 as “Comprehensive Childfind System and Early Intervention FAPE Services Rule”

May 16, 1993 - filing 93-162

AMENDED:

October 31, 1994 - filing 94-442 as “Comprehensive Childfind System and Early Intervention Services Rule”

August 2, 2000 - filing 2000-315 as “Early Intervention and Special Education for Children Age Birth to Under Age Six

May 26, 2001 - filing 2001-166

June 15, 2003 filing 2003-181

August 3, 2004 - filing 2004-308 (Emergency adoption, major substantive)
November 28, 2005 - filing 2005-452 (Final adoption, major substantive)

REPEALED:

August 3, 2007 - filing 2007-281 (Integrated into Ch. 101)

EFFECTIVE DATE:

June 20, 2014 - filing 2014-099 as “Performance Evaluation and Professional Growth Systems” (Final adoption, major substantive)

AMENDED:

March 18, 2015 – filing 2015-040, driven by P.L. ch. 3 (Emergency) effective March 17, 2015 which mandated this filing, with certain procedural details outside of the normal APA process.
June 3, 2018 - filing 2018-075 (Final adoption, major substantive)
July 18, 2020 - filing 2020-140 (Final adoption, major substantive)

States with Lifetime Teacher Certification (LD 326)

State	Eligibility	Length of Certificate/Renewal Required?	Qualifications to Maintain Certificate	Annual Fee/Renewal Fee	Other Provisions
Arkansas A.C.A. §6-17-2601 – 6-17-2606	1) Hold a current or expired Arkansas teaching license; (2) Be either at least sixty-two (62) years of age or retired from active teaching; and (3) Have either worked in an educational setting while maintaining an Arkansas teaching license or made significant contributions to education, educational research or the profession of teaching through scholarly endeavors, teaching experience, excellence in teaching or educational innovation.	<ul style="list-style-type: none"> • Until death of the license holder. • Not required to renew teaching license. 	<ul style="list-style-type: none"> • A lifetime teaching license applicant is subject to the criminal background checks and Child Maltreatment Central Registry check if more than twelve (12) months have elapsed since the last time the background checks and Child Maltreatment Central Registry check were successfully completed, upon employment in an educational environment. • Not required to complete annual professional development, except must participate in any employing school district professional development. 	No annual fee or renewal fee is required.	
Missouri 5 CSR 20-400.210	<ol style="list-style-type: none"> 1. Holds or has held a valid state teacher license; 2. Completion of thirty (30) contact hours of professional development within four (4) years, which may include hours spent in class in an appropriate college curriculum; 3. Completion of four (4) years of department-approved teaching experience; 4. Development and implementation of a professional development plan; and 	<ul style="list-style-type: none"> • No renewal is required, but for license to remain active, must complete professional development each year, unless exempt. 	<ul style="list-style-type: none"> • Complete 15 hours of professional development each year; and • Maintain a professional development plan. <p>To become exempt from having to report professional development to the DOE, a person must meet one of the following qualifications:</p> <ul style="list-style-type: none"> • Have ten years of experience as a certified teacher; or 	No annual fee or renewal fee is required.	Lifetime certification may not be granted for the areas of: early childhood education, elementary education, or special education.

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	<ol style="list-style-type: none"> 5. Completion of two (2) years in a district mentoring program approved by the state board of education; 6. Participate in the district's Performance-Based Teacher Evaluations (PBTEs); and 7. Participation in a beginning teacher assistance program. 		<ul style="list-style-type: none"> • Earn the next highest college degree beyond their current degree; or • Become nationally certified to teach. 		
<p>New Jersey N.J.A.C.6A:9B-8.6 and 6A:9B-8.7 N.J.A.C. 6A:9C-4.4C</p>	<ol style="list-style-type: none"> 1. Holds a state provisional instructional certificate or holds a valid out-of-state equivalent certificate and has at least two effective years of teaching that were completed within three consecutive years within the last four calendar years; 2. Completion of a district mentoring program; 3. At least two summative performance evaluations ratings of effective or highly effective earned within three consecutive years of teaching; and 4. Successful completion of an educator preparation program (for individuals with a Certificate of Eligibility). 	<p>Permanent, as long as yearly professional development requirements are completed.</p>	<ul style="list-style-type: none"> • Each teacher must develop an individualized professional development plan (PDP) in consultation with his/her supervisor; this is typically done at the end of each school year, and must be done within the first 30 days of employment for those new to a district. • Each teacher must complete at least 20 hours of professional development each school year; The 20 hours are prorated in a given year for less than full-time teachers. 	<p>No annual fee or renewal fee is required.</p>	
<p>New York 8 CRR-NY 80-3.4 8 CRR-NY 80-6.2 8 CRR-NY 80-6.3</p>	<ol style="list-style-type: none"> 1. Meet the following education requirements: <ul style="list-style-type: none"> • A baccalaureate degree or its equivalent; and • A master's or higher degree program in the content core of the initial certificate or in a related content area; or • A master's or higher degree program in any field, 	<p>Continuously valid as long as continuing education requirements are met every 5 years.</p>	<ul style="list-style-type: none"> • Continuously valid with completion of the required Continuing Teacher and Leader (CTLE) hours during every five-year registration period. • Required to successfully complete 100 clock hours of acceptable CTLE during the registration period if a 	<p>No annual fee, but must pay a renewal fee every five years.</p>	<p>A minimum of 15 percent of the required CTLE clock hours must be dedicated to language acquisition addressing the needs of English language learners, including a focus on best</p>

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	<p>provided that the candidate has completed at least 12 semester hours of graduate study in the content core of the initial certificate or in a related content area.</p> <p>2. Completed the following teaching experience:</p> <ul style="list-style-type: none"> • Successfully complete three school years of teaching experience, or its equivalent; and • Participate in a mentored program in the first 180 school days of employment, unless the candidate has successfully completed two years of teaching experience prior to teaching in the public schools. <p>3. Meet an examination requirement for candidates who hold a transitional certificate for career changers and others holding a graduate, academic or graduate professional degree, who apply for certification on or after May 1, 2014; or</p> <ul style="list-style-type: none"> • Candidates who apply for professional certification on or before April 30, 2014, but do not meet all the requirements for a professional certificate on or before April 30, 2014 must submit evidence of having achieved a satisfactory level of 		<p>person practiced 90 days or more in a single applicable school district, board of cooperative educational services or nonpublic school.</p>		<p>practices for co-teaching strategies, and integrating language and content instruction for English language learners.</p>

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	performance on the New York State Teacher Certification Examination teacher performance assessment.				
North Dakota N.D. Century Code §15.1-13-12.1	<ul style="list-style-type: none"> Held a state license for 30 years and have met the requirements of their current teaching certificate. Applicants with a current 5-year certificate must submit 6 semester hours of re-education credit to be eligible. 	Does not expire or need to be renewed.	None required	No annual fee or renewal fee is required.	
West Virginia WV Code §18A-3-3	<ol style="list-style-type: none"> Held a valid professional teaching certificate for at least five years; Completed six semester hours of approved credits; Successfully completed a beginning teacher internship program; Recommendation based on successful teaching experience from county superintendent of schools; Completion of a master's degree or completion of the fifth year of training leading to a bachelor's degree in library science; and Receives certification through the NBPTS. 	Does not expire or need to be renewed.	None required	No annual fee or renewal fee is required.	
Wisconsin W.A.C. Ch. PI 34 WI Stat §118.19	<ol style="list-style-type: none"> Holds or has held a valid tier II license; and Completed 6 semesters of experience in the license area of the tier II license: 	A license remains valid unless one of the following occurs: (a)The license holder has not been regularly employed in education	<ul style="list-style-type: none"> Remain employed in education in at least one of the lifetime license areas. Must submit a request to the department to have a new background check 	None, except a fee for a background check every five years.	When a lifetime license is invalidated, the educator must apply for a Provisional License and work for 6

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	<ul style="list-style-type: none"> ○ The 6 semesters of experience must be completed within the five years preceding the start date of the new tier III lifetime license. The 6 semesters of experience must include experience providing direct services to students or providing administrative oversight in a prekindergarten through grade 12 setting in the license area of the tier II license while employed by an educational entity in Wisconsin. 	<p>for five or more consecutive years; or (b)the license holder does not meet the background check requirements.</p>	<p>conducted once every five years.</p>		<p>semesters under that license before becoming eligible again for the Lifetime License.</p> <p>The state superintendent will restore a license that becomes invalid if the licensee obtains a satisfactory background check within 180 calendar days of the license being invalidated.</p>