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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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

COMMITTEE AMENDMENT “ ” 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 resolve 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;

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; and

COMMITTEE AMENDMENT

1 D. Inserting a provision requiring that a school administrative unit that does not
2 submit a performance evaluation and professional development system in compliance
3 with the Maine Revised Statutes, Title 20-A and this rule to the Department of
4 Education by June 1, 2015 is required to implement student learning and growth
5 measures that are considered to be a significant factor in determining the summative
6 effectiveness rating of an educator as follows:

7 (1) In a performance evaluation and professional growth system that uses a
8 numerical approach to determine an educator's summative effectiveness rating,
9 student learning and growth measures are a significant factor if they constitute
10 20% of the educator's total score; or

11 (2) In a performance evaluation and professional growth system that uses a
12 matrix approach to combining measures into a summative effectiveness rating,
13 student learning and growth measures are a significant factor if they appear on a
14 single axis of the matrix, and that axis is divided into not more than 5 segments.

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

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

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

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

24 D. Deleting the provision in 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 development
29 system by:

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

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

1 C. Inserting a provision to provide that the initial group of stakeholders must use a
2 consensus decision-making process to develop the performance evaluation and
3 professional development system, including the proportionate weight of the student
4 learning and growth measures as set forth in section 7.

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

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

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

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

16 **SUMMARY**

17 This amendment provides that final adoption of portions of Chapter 180:
18 Performance Evaluation and Professional Growth Systems, a major substantive rule of
19 the Department of Education, is authorized upon the Department of Education's making
20 specific changes to the rule.