

## CHAPTER 508

### EDUCATOR EFFECTIVENESS

#### §13701. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 635, Pt. A, §3 (NEW).]

**1. Educator.** "Educator" means a teacher or a principal.  
[PL 2011, c. 635, Pt. A, §3 (NEW).]

**2. Effectiveness rating.** "Effectiveness rating" means the level of effectiveness of an educator derived through implementation of a performance evaluation and professional growth system.  
[PL 2011, c. 635, Pt. A, §3 (NEW).]

**3. Performance evaluation and professional growth system.** "Performance evaluation and professional growth system" or "system" means a method developed in compliance with this chapter by which educators are evaluated, rated on the basis of effectiveness and provided opportunities for professional growth.  
[PL 2011, c. 635, Pt. A, §3 (NEW).]

**4. Professional improvement plan.** "Professional improvement plan" means a written plan developed by a school or district administrator with input from an educator that outlines the steps to be taken over the coming year to improve the effectiveness of the educator. The plan must include but need not be limited to appropriate professional development opportunities.  
[PL 2011, c. 635, Pt. A, §3 (NEW).]

**5. Summative effectiveness rating.** "Summative effectiveness rating" means the effectiveness rating of an educator that is assigned at the end of an evaluation period. Ratings or comments provided to the educator during the evaluation period for the purpose of providing feedback, prior to assignment of a final effectiveness rating, are not summative effectiveness ratings.  
[PL 2011, c. 635, Pt. A, §3 (NEW).]

#### SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW).

#### §13702. Local development and implementation of system

Each school administrative unit shall develop and implement a performance evaluation and professional growth system for educators. The system must meet the criteria set forth in this chapter and rules adopted pursuant to this chapter and must be approved by the department. [PL 2011, c. 635, Pt. A, §3 (NEW).]

#### SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW).

#### §13703. Use of effectiveness rating; grievance

**1. Use of effectiveness rating.** A superintendent may use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal.  
[PL 2019, c. 297, §2 (NEW).]

**2. Just cause for nonrenewal.** Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

[PL 2019, c. 297, §2 (NEW).]

**3. Appeal or grievance.** Except as provided in subsection 2, a teacher does not have the right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the teacher's employer as a basis for disciplinary action. When a summative effectiveness rating is used as the sole basis for disciplinary action and there is an appeal or grievance under the terms of an applicable collective bargaining agreement of that disciplinary action, the standard applied to the summative effectiveness rating is the same as for nonrenewal under subsection 2.

[PL 2019, c. 297, §2 (NEW).]

**4. Opportunity to respond.** A teacher may provide a written response to any summative effectiveness rating issued to the teacher. If a teacher provides a written response, the response must be attached to and made a part of that teacher's summative effectiveness rating.

[PL 2019, c. 297, §2 (NEW).]

#### SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW). PL 2019, c. 297, §2 (RPR).

#### §13704. Elements of system

A performance evaluation and professional growth system consists of the following elements: [PL 2011, c. 635, Pt. A, §3 (NEW).]

**1. Standards of professional practice.** Standards of professional practice by which the performance of educators must be evaluated.

A. The department shall provide, by rule, a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for teachers and a set of standards of professional practice or a set of criteria for determining acceptable locally determined standards for principals. [PL 2019, c. 27, §1 (AMD); PL 2019, c. 27, §8 (AFF).]

B. The rules adopted pursuant to paragraph A may include, but may not require, the use of student learning and growth measures or state assessment results as a measure of educator effectiveness; [PL 2019, c. 27, §2 (NEW); PL 2019, c. 27, §8 (AFF).]  
[PL 2019, c. 27, §§1, 2 (AMD); PL 2019, c. 27, §8 (AFF).]

**2. Multiple measures of effectiveness.** Multiple measures of educator effectiveness, including but not limited to professional practice standards;

[PL 2019, c. 27, §3 (AMD); PL 2019, c. 27, §8 (AFF).]

**3. Rating scale.** A rating scale consisting of 4 levels of effectiveness.

A. The rating must be based on standards of professional practice and may include other measures of educator effectiveness. The proportionate weight of the standards and the measures is a local decision.

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

An individualized education plan may not be used to measure student growth for the purposes of teacher and principal evaluation, but an individualized education plan may be a source of evidence

from which learning objectives and learning targets may be developed. [PL 2019, c. 27, §4 (AMD); PL 2019, c. 27, §8 (AFF).]

B. The rating scale must set forth the professional growth opportunities and the employment consequences tied to each level. [PL 2011, c. 635, Pt. A, §3 (NEW).]

C. At least 2 of the levels must represent effectiveness, and at least one level must represent ineffectiveness; [PL 2011, c. 635, Pt. A, §3 (NEW).]

[PL 2019, c. 27, §4 (AMD); PL 2019, c. 27, §8 (AFF).]

**4. Professional development.** A process for using information from the evaluation process to inform professional development;

[PL 2011, c. 635, Pt. A, §3 (NEW).]

**5. Implementation procedures.** Implementation procedures that include the following:

A. Evaluation of educators on a regular basis, performed by one or more trained evaluators. The frequency of evaluations may vary depending on the effectiveness level at which the educator is performing, but observations of professional practice, formative feedback and continuous improvement conversations must occur throughout the year for all educators; [PL 2011, c. 635, Pt. A, §3 (NEW).]

B. Ongoing training on implementation of the system to ensure that all educators and evaluators understand the system and have the knowledge and skills needed to participate in a meaningful way; [PL 2011, c. 635, Pt. A, §3 (NEW).]

C. A peer review component to the evaluation and professional growth system and opportunities for educators to share, learn and continually improve their practice; and [PL 2011, c. 635, Pt. A, §3 (NEW).]

D. Formation of a steering committee composed of teachers, administrators and other school administrative unit staff that regularly reviews and refines the performance evaluation and professional growth system. 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. Any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus; and [PL 2019, c. 27, §5 (AMD).]

[PL 2019, c. 27, §5 (AMD).]

**6. Professional improvement plan.** The opportunity for an educator who receives a summative effectiveness rating indicating ineffectiveness in any given year to implement a professional improvement plan.

[RR 2011, c. 2, §18 (COR).]

#### SECTION HISTORY

RR 2011, c. 2, §18 (COR). PL 2011, c. 635, Pt. A, §3 (NEW). PL 2015, c. 3, §1 (AMD). PL 2019, c. 27, §§1-5 (AMD). PL 2019, c. 27, §8 (AFF).

#### §13705. Phase-in of requirements

The requirements of this chapter apply to all school administrative units beginning in the 2017-2018 school year. In the 2014-2015 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the 2015-2016 school year, each unit shall operate as a pilot project the system developed in the 2014-2015 school year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. In the 2016-2017 school year, each unit shall operate as a pilot project the

system developed in the 2014-2015 school year by applying it to all of the schools and applicable staff in the unit. At the end of the 2016-2017 school year, units may modify the system approved in the 2015-2016 school year. The modified system must meet the standards of this chapter. Nothing in this section prohibits a unit from fully implementing the system earlier than the 2017-2018 school year. [PL 2015, c. 405, §1 (AMD).]

#### SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW). PL 2015, c. 18, §1 (AMD). PL 2015, c. 405, §1 (AMD).

#### §13706. Rules

The department shall adopt rules to implement this chapter. The department shall also adopt rules pertaining to the approval of performance evaluation and professional growth systems pursuant to section 13702. The department shall also adopt rules pertaining to the ongoing monitoring of the implementation and results of district performance evaluation and professional growth systems. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 27, §6 (AMD).]

#### SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW). PL 2015, c. 3, §2 (AMD). PL 2019, c. 27, §6 (AMD).

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