**Summary of Comments/Responses**

**Maine Department of Education Chapter 180**

**Performance Evaluation and Professional Growth Systems**

**Factual and Policy Basis**

Last session, 20-A M.R.S. § 13704 was amended by P.L. 2019, Ch. 27 to remove the

requirement that student learning and growth measures be used as a measure of educator

effectiveness. In addition, the composition of the steering committee required by statute

was changed to require that a majority of the committee members be teachers who must

be chosen by the local representative of the applicable collective bargaining unit.

Chapter 27 further required that this rule be amended in accordance with the changes to

the statute. As a result these proposed amendments provide that Section 7, Student

Learning and Growth Measures, will no longer be required as of September 1, 2021.

School administrative units will have flexibility in developing multiple measures of

educator effectiveness on the local level. Section 13, subsection 3 has been revised to

reflect “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 Department will be developing guidance on types of measures to be

available on the PEPG General Resources web page.

The Department has made three additional changes to the rule to clarify wording.

**Comments and Responses**

A public hearing on the proposed amendments to Chapter 180 was held on October 28, 2019. At the hearing, three individuals commented on the proposed regulation.

The deadline for submission of comments was November 22, 2019. Two sets of written comments were submitted by that date. Comments were received from the following:

1. Ruth Crowell, MA, School Psychologist – Specialist (written)
2. Matt Drewette-Card, Curriculum Coordinator, AOS 94 (oral)
3. Dan Allen, MEA (oral and written)
4. Michelle McClellan, Auburn School System (oral)
5. Grace Leavitt, MEA (written)

**General**

1. **Comment (#1):** Commenter notes that there are proposed revisions underway for Chapter 180. “These regulations appear to focus on evaluation procedures for teachers. Are there any regulations addressing evaluation procedures for non-teaching professionals to apply to us as well?”

**Response:** There are not any regulations at this time for non-teaching professionals. *No change made as a result of this comment.*

1. **Comment (#2):** Commenter questions if other administrative staff could be within the PEPG system.

**Response:** The process for evaluating other staff is a local SAU decision. A local SAU could decide to include other administrative staff within the PEPG system, but it is not a state requirement. *No change made as a result of this comment.*

**Section 1. Purpose of the Rule**

**Section 2. Definitions**

1. **Comment (#3, 4):** Commenters questions definition #10 and suggested deleting the remainder of the sentence after rubrics.

**Response:** The change regarding student learning and growth measures does not go into effect until September 1, 2021. A sentence has been added to the definition 10 as follows: *The use of student learning and growth measures will be discretionary as of September 1, 2021.*

1. **Comment (#3):** Commenter suggests “rewording number 10 to say “…including, but not limited to, professional practice standards, descriptors and rubrics, *and may include* student learning and growth measures…”

**Response:** See the revision made to the comment above.

**Section 3. Requirement to Develop, Pilot and Implement Systems**

**Section 4. Department Approval of System**

1. **Comment (#3):** Commenter suggested reinstating the phrase in 2 (D) “if any”.

**Response:** The phrase “if any” needs to be struck because §13704 sub 2 requires multiple measures in an effectiveness rating. *No change made as a result of this comment.*

1. **Comment (#3,#5**): Commenters indicate “In Section 4, Department Approval of System, 2. Submittal requirements on page 3--“new D”, the words “if any” should not be removed as there may be only the framework of professional practice, since such frameworks already have multiple components and measures; there might not be any “other measures of educator effectiveness”. Leaving the words “if any” allows for other measures but does not require more than the multiple measures included in the framework. Additionally, it is hard to envision sure exactly what other measures there could be that would be meaningful and reasonable.”

**Response:** See response to comment above.

**Section 5. Profession Practice Standards for Teachers**

**Section 6. Professional Practice Standards for Principals**

**Section 7. Student Learning and Growth Measures**

1. **Commenter (#2,3):** Commenters inquired whether a school administrative unit (SAU) must follow all of Section 7 if they choose to use student learning objectives or if there is flexibility in which elements the SAU could adopt.

**Response:** Language will be included that states “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. **Comment (#5):** Commenter indicates “In Section 7, although it is clear that this section is removed as of September 1, 2021, it should be clarified that if a district steering committee does decide to use student learning and growth measures that this component is no longer required to be a significant factor. Also, again, if the steering committee decides to use such measures, there should still be the requirement that the teacher be a ‘teacher of record’. Some of the other language in this section may need to be retained, again if the steering committee decides to include student learning and growth measures at all.”

**Response:** The Department agrees that the SAU’s steering committee should have the flexibility to consider all elements in Section 7. See response to the comment above.

**Section 8. Rating Levels**

**Section 9. Methods of Combining Measures**

1. **Comment (#3, 5):** Commenter felt an example of quantitative measures would help clarify what is intended.

**Response:** The Department will provide guidance, that will include examples of qualitative measures, but will not include them in the rule. *No change made as a result of this comment.*

1. **Comment (#3):** Commenter questioned whether a matrix was needed in number 2.

**Response:** The Department wants SAU’s steering committee to have flexibility.as to whether a matrix is needed. *No change made as a result of this comment.*

1. **Comment (#3 written):** Commenter suggests “renaming Section 9, *Determining Effectiveness Ratings,* and changing the first sentence to read, “A school administrative unit shall adopt a method of ~~combining qualitative and quantitative measures of educator effectiveness to determine~~ *determining* an educator’s summative effectiveness rating. *This method shall be developed by the Steering Committee and should be primarily informed by the professional practice standards model adopted by the SAU. Other quantitative and qualitative measures may be included.*

**Response:** Section 9 will be renamed “Determining Effectiveness Ratings.” The first sentence will delete “combining qualitative and quantitative measures of educator effectiveness to determine” and “determining” will be inserted in its place.

**Section 10. Results of Placement in Rating Levels**

**Section 11. Peer Support and Mentoring**

**Section 12. Implementation Requirements**

**Section 13. Educator Involvement in Developing, Implementing and Reviewing PEPG Systems**

1. **Comment (#3, 5):** Commenter suggests that language be restated as “A majority of the members of the initial group of stakeholders must be teachers.”

**Response:** The language will be changed to be clearer as suggested.

1. **Comment (#3, 5):** Commenter suggests that guidance be provided on consensus decision making.

**Response:** The Department will provide guidance. *No change made as a result of this comment.*

1. **Comment (#3, 5):** Commenter suggests in the new 1(C) that the State Model PEPG be changed to take out the student learning and growth models.

**Response:** The State model will be updated before September 1, 2021 to reflect that student learning and growth measures are a local decision. *No change made a result of this comment.*

1. **Comment (#4, 5):** Commenter would like guidance on the third sentence in #3 as to what is meant.

**Response:** Guidance will be provided by the Department about the intent. *No change made as a result of this comment.*

1. **Comment (#4):** Commenter suggest that the phrase in the first sentence of #3 “to ensure that it is aligned with the school administrative units goals and priorities” be struck, as the phrase was struck in Section 4 (2)(J).

**Response:** The phrase has been struck.

1. **Comment (#3 written):** Commenter indicates that in Section 13 B there continues to be reference to consensus decision-making and suggests adding, “For the purposes of this rule, consensus means that the parties are in general agreement and that all can live with the decision. Consensus decisions in this context do not result from majority votes.

**Response:** See Response to number two above.

**Section 14. Use of Rating in Professional Development Decisions**

**Section 15. Piloting of System**

**Section 16. Technical Assistance: State Model PEPG System**

**Section 17. Funding for Development, Piloting and Implementation**

**Section 18. Impact of Effectiveness Ratings Under Pre-Chapter 508 Systems**

**Department Technical Corrections to Provide Clarification**

1. In Section 7 within the introduction, the beginning of the second sentence needs to begin “At that point” to be clear that after the September 1, 2021 school administrative units will have flexibility.
2. In Section 9, sub 1 the phrase “that correlates with one of the four possible ratings in #2 below “after “single numerical result” has been added to clarify the relationship between sub 1 and sub 2.
3. In Section 11 the hanging phrase “The SAU shall provide tailored supports to educators with” in the introduction has been deleted. It was not intended to be there.
4. In Section 11, sub 5 the language has been changed from “participate in” to “successfully completes” as required by the US Department of Education , Office of Special Education Programs.