

### §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).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.