







Maine

Law Analyzed	L.D. 1858, An Act To Ensure Effective Teaching and School Leadership
Date Passed	2012
Overall Rating	4.25





In April 2012, the Republican-controlled legislature passed, and Maine Governor Paul LePage (R) signed, L.D. 1858, An Act to Ensure Effective Teaching and School Leadership, establishing statewide standards for school district evaluation systems. The law requires districts, by at least the 2015-16 school year, to establish new performance evaluations for principals and teachers that include four levels of effectiveness, determined in significant part by measurements of student learning and growth. Evaluation results must be used to inform professional development, as well as human capital decisions such as recruitment, selection, induction, mentoring, compensation, assignment, dismissal, layoff, and recall. In addition to performance evaluations, the law created new accountability measures for teacher preparation programs, including the rate at which program completers proceed from provisional to professional licensure and the number of program completers who are retained as teachers in the state.

L.D. 1858 improves significantly on Maine's previous policies but leaves a number of important elements undefined. For example, it calls for "regular" evaluations of teachers and principals but does not specify what this means, and it calls for student growth to be a "significant factor" in evaluation ratings but does not provide guidance about what would or would not qualify. The Maine Department of Education is currently developing rules to implement the requirements of the law and plans to provisionally adopt and file the rule with the legislature by December 30, 2012. This may be an opportunity for the state to provide greater clarity on these and other issues. Maine's law does not require teachers to demonstrate effectiveness before being granted professional licensure. Nor does it require aggregated public reporting on teacher effectiveness, end forced teacher placements without principal sign-off, or prevent children from being taught by consecutive ineffective teachers. These are all areas for potential improvement in future laws or regulations.



Maine

Criteria	Explanation	Score
Are teachers evaluated at least annually?	No. Probationary teachers may not receive an evaluation until their second year of employment, and all other teachers must be evaluated “regularly,” which is left undefined.	
Are principals, as well as teachers, evaluated?	Law requires “regular” evaluations of teachers and principals, but it does not further define “regular.”	
Is evidence of student learning a factor in teacher evaluations?	Law requires that measures of student growth be a “significant factor in the determination of the rating of an educator,” but it does not define what constitutes “significant.”	
Do evaluations differentiate between multiple levels of educator performance?	There are four performance classifications.	
Are parents and the public provided clear information about teacher effectiveness?	The law does not address reporting of teacher effectiveness data, either through aggregated public reports or reporting to parents of individual students, and the state code considers personnel evaluations of municipal employees to be confidential.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law directs the state department of education to track and report the number of program completers who proceed from a provisional to a professional licensure, and the number of completers who are teaching in the state five years after completing the program. Law does not address data on graduates’ effectiveness, and teachers do not need to demonstrate effectiveness to advance from a provisional to a professional licensure.	

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Is tenure linked to effectiveness?	No. Law does not require teachers to demonstrate effectiveness before obtaining professional licensure.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	A teacher who receives a rating of ineffectiveness for two consecutive years may have their contract non-renewed for just cause. Districts must create a professional improvement plan for any teacher rated ineffective, but any grievance or appeal of an evaluation rating must be limited to implementation issues or bad faith. The professional judgment involved in evaluations is not subject to appeals or grievances.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Collective bargaining agreements must establish rules for the order of layoffs. Those rules must include the teacher's effectiveness rating and may also consider seniority and other factors, but there is no guidance on the relative weighting of these measures.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	L.D. 1858 stipulates that superintendents must use effectiveness ratings to inform a variety of human capital decisions, including layoffs, recall, and assignment, but it does not specifically address teachers who are displaced from their positions due to reduced enrollment or other non-fiscal reductions in force.	

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Do principals have authority to decide who teaches in their schools?	L.D. 1858 gives local superintendents, rather than school principals, authority of assignment and dismissal decisions.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	L.D. 1858 requires superintendents to use effectiveness ratings to inform a variety of human capital decisions, including compensation, but it does not provide additional resources or greater specificity.	