

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION AND
CULTURAL AFFAIRS**

June 2012

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STATE OF MAINE

125TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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superintendents' agreements regarding student placement.

House Amendment "B" To Committee Amendment "A" (H-901)

This amendment replaces Committee Amendment A. It allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

This amendment requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The amendment retains the reporting requirement specified in Committee Amendment "A" and the requirement that the commissioner communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

Enacted Law Summary

Public Law 2011, chapter 651 allows the school boards of 2 or more school administrative units to adopt a policy to allow the transfer of students, with parental approval, among participating school administrative units.

The bill requires the Commissioner of Education to convene a stakeholder group to develop a publicly funded school choice model. The commissioner must report the stakeholder group's findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 14, 2013. The committee is authorized to introduce a bill related to the report to the First Regular Session of the 126th Legislature. The commissioner shall communicate with the superintendents and school boards of school administrative units to clarify the law with regard to superintendents' agreements regarding student placement.

LD 1858

An Act To Ensure Effective Teaching and School Leadership

PUBLIC 635

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON D	OTP-AM	H-900

This bill requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The bill requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.
2. It directs the Department of Education to adopt rules regarding the requirements of the system.
3. It provides that effectiveness ratings must be treated as a significant factor in determining the order of layoff and recall when reductions in force occur.
4. It provides that receipt of a rating of ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract.
5. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation, not professional judgment.

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6. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.

The bill requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. It also requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 10-week student teaching experience before attaining certification and a requirement that a person seeking an endorsement to teach either elementary or middle school must pass a rigorous test of mathematics and evidence-based reading instruction. Finally, the bill requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency.

Committee Amendment "A" (H-900)

This amendment makes the following changes to the provisions in the bill that require school administrative units to develop and implement a comprehensive system of evaluation and support for teachers and principals.

1. It strikes the word "significant" from the provision in the bill that requires that when a reduction in force is required the effectiveness rating would have to be a significant factor in determining the order of layoff and recall.
2. It creates a definition of "professional improvement plan" and a definition of "summative effectiveness rating."
3. It clarifies that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units.
4. It clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.
5. It provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.
6. It provides that the rules adopted by the Department of Education must include provisions related to the department's approval of the performance evaluation and professional growth systems for educators established by school administrative units.
7. It clarifies that a school administrative unit is eligible to receive targeted educator evaluation funds if it has begun the process of developing a performance evaluation and professional growth system.
8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.
9. It removes the provision requiring the State Board of Education to consider outcome data for persons who have completed an educator preparation program in the review and evaluation of educator preparation programs in the State.
10. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification.
11. It clarifies that school administrative units may employ conditionally certified teachers notwithstanding the availability of fully certified teachers, which Department of Education Rule Chapter 115 currently forbids.
12. It changes the minimum student teaching time from 10 to 15 weeks, to align with existing requirements in Department of Education rules.

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13. It clarifies the language related to evidence-based reading instruction and clarifies that the requirement that a person seeking an endorsement to teach kindergarten to grade 8 students must demonstrate proficiency in math and reading instruction also applies to educational specialists.
14. It establishes an alternative certification working group to develop pathways consistent with the new alternative certification laws proposed in the bill.
15. It adds a mandate preamble.

Enacted Law Summary

Public Law 2011, chapter 635 requires school administrative units to develop and implement comprehensive performance evaluation and professional growth systems for teachers and principals. The development and implementation of the systems must be phased in with full implementation required in school year 2015-2016. The law requires the following.

1. It sets forth standards that must be met by the comprehensive performance evaluation and professional growth systems, including a requirement that multiple measures of effectiveness must be used in evaluations, that evaluators must be properly trained and that a system must include a process for using information from the evaluation process to inform professional development.
2. It provides that the Department of Education must approve performance evaluation and professional growth systems for educators established by school administrative units; and it directs the department to adopt rules regarding the requirements of the performance evaluation and professional growth systems.
3. It creates a definition of "summative effectiveness rating" and clarifies that a summative effectiveness rating indicating ineffectiveness for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract, unless the ratings are the result of bad faith.
4. It creates a definition of "professional improvement plan" and provides that teachers found to be ineffective must be allowed to implement a professional improvement plan.
5. It provides that effectiveness ratings must be treated as a factor in determining the order of layoff and recall when reductions in force occur.
6. It provides that any appeal or grievance of a rating or evaluation under the system is limited to matters of implementation of the system, the existence of bad faith in an evaluation, or the assignment of a rating. It also provides that professional judgment involved in an evaluation or implementation of the system is not subject to appeal or grievance.
7. It establishes a new targeted funding component under the Essential Programs and Services formula, to be used for development and implementation of the required performance evaluation and professional growth system.
8. It creates the Maine Educator Effectiveness Council to develop detailed standards for implementation of the educator performance evaluation and professional growth systems.
9. It requires the Department of Education to collect data on the success and retention of teachers who complete approved teacher preparation programs in the State. The law provides that, notwithstanding the availability of fully certified teachers, school administrative units may employ conditionally certified teachers.
10. It requires the State Board of Education to include in its certification rules a requirement that an applicant for a provisional teacher certificate must complete a 15-week student teaching experience before attaining certification. The law also requires the State Board of Education to include in its certification rules a requirement that an

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educational specialist or a person seeking an endorsement to teach either elementary or middle school must demonstrate proficiency in math and reading instruction.

11. Finally, it requires the State Board of Education to adopt rules setting forth a path to provisional certification for a person who has not completed a traditional teacher preparation program but who has a baccalaureate degree and demonstrates subject matter competency. It provides additional guidance for the development of rules that provide for alternative pathways to obtain provisional certification and establishes an alternative certification working group to develop pathways consistent with the new alternative certification provisions enacted as part of this legislation.

LD 1865 An Act To Enhance Career and Technical Education

PUBLIC 686

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM MAJ OTP-AM MIN	H-896 EDGECOMB S-518 S-530 LANGLEY S-605 ROSEN R

This bill increases opportunities for students in career and technical education programs by ensuring greater coordination of school calendars, requiring that students have access to career and technical education programming for the entire required instructional time and ensuring that the students get credit in their high school programs for academic competencies gained through separate or integrated courses in the career and technical education programs.

The bill also directs the President of the Maine Community College System to establish a process for determining the nature and amount of college credit that may be awarded to a student upon completion of a career and technical education program that uses national industry or state certification standards. The process will be set forth in a memorandum of understanding with the Department of Education and will not supersede any existing agreements between secondary career and technical education programs and individual colleges within the system.

Committee Amendment "A" (S-518)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides for a one-year delay, from the 2012-2013 school year to the 2013-2014 school year, for the implementation of the provision in the bill that requires that there may be no more than 5 dissimilar days in regional school calendars coordinated between school administrative units affiliated with career and technical education programs.

The amendment makes a technical correction to the provision of the bill that provides that career and technical education students are eligible for academic credit in their high school programs for academic competencies gained through separate or integrated courses provided by a career and technical education region.

The amendment also directs the Chancellor of the University of Maine System and the President of the Maine Maritime Academy to each establish a process for determining the nature and amount of college credit that must be awarded to a student upon completion of an approved secondary school program through a career and technical education program that uses national industry or state certification standards. The processes will be set forth in separate memoranda of understanding with the Department of Education.

House Amendment "A" To Committee Amendment "A" (H-896)