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# Final Report of the Study Commission Regarding Teachers' Compensation

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## Executive Summary

The Study Commission Regarding Teachers' Compensation ("Commission") was established during the First Regular Session of the 124th Legislature by Resolve 2009, Chapter 138 ("Resolve"). During the public hearing on the Resolve, the Maine Education Association provided data to the Legislature to document that, despite the enactment of a minimum teachers' salary law and substantial increases in state subsidy to local schools in recent years, the salaries of Maine teachers have not kept pace with inflation and have declined in rank relative to teachers' salaries in other states in the nation. Other proponents for the Resolve advocated for broadening the scope of the review beyond teacher salaries so that the legislative study considered factors affecting the total compensation package provided to Maine teachers, as well as alternative models for teacher compensation and for collective bargaining. A strong majority of the Joint Standing Committee on Education and Cultural Affairs Education supported convening a legislative study to conduct a comprehensive review of teacher compensation with the expectation that the Commission would submit findings, recommendations and suggested legislation to ensure that all teachers are compensated with salaries and benefits that are commensurate with their professional responsibilities and in recognition of their essential role in the education of our children and the development of the State's economy.

The Commission was established to study all issues surrounding teacher compensation, including the relationship of state and local policies – in Maine and other jurisdictions – and to examine their effect on teachers' salaries and benefits. The Commission reviewed data that indicated that the salaries of Maine teachers, particularly beginning teachers, are among the lowest salaries in the nation. Even with the 2005 enactment of the $30,000 minimum teacher salary requirements for Maine teachers, the Maine Department of Education reported to Commission members that $729,944 in additional state subsidies were provided during the 2008-2009 school year to 85 school districts that are paying less than $30,000.

Members of the Commission believe that teachers' pay is not commensurate with the level of effort required to do their job, the level of education required for their job, or the importance of teachers to the future of Maine's students. Low teacher pay has a negative effect on attracting new teachers to teacher training.

The Commission was only able to hold one meeting prior to the December 15th, 2009 deadline because the Governor's Office did not receive a recommendation for a nominee from the Maine State Council of the Society for Human Resource Management as required by the Resolve. The Commission made as much progress as it could in the short time frame. The Commission made several recommendations to the Joint Standing Committee on Education and Cultural Affairs, suggested the adoption of a number of goals and proposed a number of questions for further study. The Commission did not make any specific recommendations regarding alternative compensation systems, including performance-based compensation for teachers, since this issue is being examined by the Maine Department of Education as part of its duties pursuant to Resolve 2009, Chapter 109.

The Commission recommends that:

1. **The Legislature reconvenes the Commission with its existing membership in the 2010 interim.** The Commission believes that the issues surrounding teacher compensation are critical challenges that state policymakers must continue to address. In recognition of their essential role in the education and development of our children, the Maine Legislature should craft state policies that attract talented people to the teaching profession and that fairly compensate Maine teachers commensurate with their professional responsibilities. Reconvening the Commission during the 2010 legislative interim will also allow the Legislature to monitor and respond to the potential changes in federal law related to teacher preparation, induction and compensation as Congress considers the reauthorization of the federal Elementary and Secondary Education Act.

2. **The Joint Standing Committee on Education and Cultural Affairs considers the effects on teacher compensation when it is dealing with LD 551, An Act to Improve the Essential Programs and Services Funding Formula.** LD 551 was submitted in the First Regular Session of the 124th Legislature and carried over into the Second Regular Session. The Commission believes that LD 551 would be a useful venue to consider issues of teacher compensation given the short time frame in which the Commission had to work.

The Commission developed the following goals:

1. **Maine should aspire to raise Maine's ranking in average teacher salaries from 42nd in 2006-07 to closer to the middle of the pack.** In 2006-07, the average salary for teachers in Maine was $42,103. For the same year, New Hampshire ranked 25th with an average salary of $46,797 and Wisconsin ranked 26th with an average salary of $46,707. The Commission would like to see Maine be "average" and pay salaries at a level closer to 25th or 26th in the nation rather than near the bottom.

2. **Maine should aspire to raise Maine's ranking in beginning teacher salaries from 44th in the nation to a ranking closer to the middle of the pack.** In 2006-07, the average beginning salary for teachers in Maine was $28,517. For the same year, Minnesota ranked 25th with an average beginning salary of $33,018 and Mississippi ranked 26th with an average beginning salary of $32,141. The Commission would like to see Maine be "average" and beginning teacher salaries at a level closer to 25th or 26th in the nation.

Questions for further study:

1. **The impact of the ageing of Maine's teachers.** In 2008-09, 66.4% of Maine's teachers were over 40 years of age; 41.5% were over the age of 50. For many teachers, they must reach the age of 62 years before they can retire. At the same time, Maine's younger teachers are more likely to have Masters Degrees and carry a significant amount of college debt. The Commission would like to see a closer examination of enrollment in

teaching programs in Maine universities as well as find ways to lower the burden of student debt.

2. **Single contract for all Maine's teachers.** Maine law requires school districts to negotiate with local collective bargaining units. The Commission discussed the possibility of a single contract for all teachers to mitigate the effects of disparities in EPS subsidy based on labor market areas, as well as saving time with respect to collective bargaining. Currently, only Hawaii has a single statewide bargaining unit because all of Hawaii is encompassed in a single school district.

# I. INTRODUCTION

The Study Commission Regarding Teachers' Compensation ("Commission") was established during the First Regular Session of the 124th Legislature by Resolve 2009, Chapter 138. During the public hearing on the resolve, the Maine Education Association provided data to the Legislature to document that, despite the enactment of a minimum teachers' salary law and substantial increases in state subsidy to local schools in recent years, the salaries of Maine teachers have not kept pace with inflation and have declined in rank relative to teachers' salaries in other states in the nation. Other proponents for the resolve advocated for broadening the scope of the review beyond teacher salaries so that the legislative study considered factors affecting the total compensation package provided to Maine teachers, as well as alternative models for teacher compensation and for collective bargaining. A strong majority of the Joint Standing Committee on Education and Cultural Affairs supported convening a legislative study to conduct a comprehensive review of teacher compensation with the expectation that the Commission would submit findings, recommendations and suggested legislation to ensure that all teachers are compensated with salaries and benefits that are commensurate with their professional responsibilities and in recognition of their essential role in the education of our children and the development of the State's economy.

The Commission was created to study all issues surrounding teachers' compensation, including salaries and benefits, in Maine. Specifically, the Commission was charged with the following duties:

1. The effects on teachers' salaries and benefits of the essential programs and services funding system for public education, including the elements of labor market adjustments, student-teacher ratios and a teachers' salary matrix, and alternatives thereto, including the feasibility of salary differentiations based upon differences in cost of living by region;
2. The effects on teachers' salaries of the minimum teachers' salary law and the existing system of state subsidies for substandard salaries;
3. The relationship between and among teachers' salaries and benefits in school administrative units, the amount and distribution of general purpose aid for local schools and amounts raised locally for the support of public schools;
4. The relationship between teachers' salaries and benefits in this State and in other states;
5. The relationship between teachers' salaries and benefits and salaries and benefits paid to practitioners in other comparable professions;
6. The effects of inflation on the real value of teachers' salaries and the minimum salary amount required by law;
7. Practices in other states that mandate payment of minimum salaries based on experience and education to all teachers and the costs and consequences;
8. Factors relating to the age, experience, recruitment, retention and mobility of the State's corps of professional teachers;
9. Alternatives to salary systems based on college credits or degrees earned and experience, including salary systems based on professional learning, teachers' performance or other factors;

10. Collective bargaining alternatives in determination of salaries and benefits at the local school administrative unit level; and

11. Any other factors that the commission considers relevant to teachers' compensation.

A copy of Resolve 2009, Chapter 138, the legislation authorizing the Commission, is attached as **Appendix A**.

The authorizing legislation called for the appointment of an eight member Commission that included five Legislators, a teacher, a school superintendent, and a public member appointed by the Governor, who was a human resources management professional with expertise in compensation. The public member was not appointed since the Governor's Office did not receive a recommended nominee from the Maine State Council of the Society for Human Resource Management as required by the Resolve. In December, the Governor's Office informed the Legislature that the Governor had no objections to the study going forward without that appointment. As a result, the Commission was only able to hold one meeting on December 14th, one day prior to its December 15th, 2009 reporting date. The membership list, including the roster of seven Commission members, is attached as **Appendix B**.

The Study Commission Regarding Teacher Compensation, pursuant to Resolve 2009, Chapter 138, submits this report, including suggested issues for further consideration and suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs of the 124th Legislature. The Commission recommends that the Joint Standing Committee on Education and Cultural Affairs submit a bill to the Second Regular Session of the 124th Legislature to reconvene the Commission so that the Commission members may continue to examine these teacher compensation issues during the 2010 legislative interim. The following sections of the Commission report summarize the background materials reviewed by the Commission and suggested policy issues for further consideration.

## II. BACKGROUND

This section of the report describes the information presented to Commission members prior to the convening of the Commission and during the December 14th Commission meeting. The Commission reviewed background materials compiled and prepared by Commission staff, including an overview of the current Maine law pertaining to selected teacher compensation issues and background information related to the duties assigned to the Commission. A summary of the information presented to the Commission by Maine Department of Education officials is also included below.

### Brief Summary of Background Materials Compiled and Presented to the Commission

The background materials summarized here are organized in relationship to the ten specific duties to be examined by the Commission pursuant to Resolve 2009, chapter 138. Full-length documents are available on the Legislature's website at the Office of Policy and Legal Analysis (OPLA) website by visiting the "Current Study Reports" section and clicking on the following link: http://www.maine.gov/legis/opla/teacherscomp.htm.

**Current Maine Law.** This analysis summarizes the specific sections of Maine law, including the Title 20-A education statutes and the Title 26 labor statutes, which relate to certain duties examined by the Commission.

- ***Current Maine Law Pertaining to Duties to be Examined by the Teacher Compensation Commission***; November 2009; prepared by Phillip McCarthy, Commission staff, OPLA.

Provisions related to the following statutory sections are summarized: (1) the essential programs and services funding formula components regarding teacher compensation, including the teacher salary matrix, student-teacher ratios, and the adjustments to teacher salary and benefits based on labor market areas; (2) the requirements that establish a $30,000 minimum teacher salary; (3) provisions pertaining to alternative teacher compensation systems, including the $3,000 salary stipend for teachers who attain certification from the National Board for Professional Teaching Standards and provisions that address the use of student achievement results from the state assessment program for the purpose of evaluating teacher performance; (4) collective bargaining requirements for school districts and bargaining agents for collective bargaining units representing teachers; and (5) the Professional Standards Board established to advise state officials on matters related to teacher certification, pre-service education, continuing education and professional growth. This side-by-side analysis is attached as **Appendix C**.

**Duty 1. Essential Programs and Services Funding System (EPS).** The effects on teachers' salaries and benefits of the essential programs and services funding system for public education, including the elements of labor market adjustments, student-teacher ratios and a teachers' salary matrix, and alternatives thereto, including the feasibility of salary differentiations based upon differences in cost of living by region.

⌖ ***Review of the Regional Adjustment Within the Essential Programs and Services Cost Allocation Model***; April 2009; David L. Silvernail and James E. Sloan, Maine Education Policy Research Center, University of Southern Maine Office.

This report provides a brief overview of the Essential Programs and Services (EPS) cost allocation model, including how the EPS model provides two cost adjustments based on labor prices: the salary matrix, which is based on differences in the education and experience levels of teachers and other staff (see Title 20-A, Chapter 606-B, §15677); and the regional adjustment, which is based on differences in teacher salaries across different labor market areas in the state (see Title 20-A, Chapter 606-B, §15682).

The focus of the report is to review the regional adjustment by addressing four questions related to geographic cost differences in education that were posed by the Legislature's Education and Cultural Affairs Committee in 2008: (1) Are there differences in the cost of educating students in different parts of the state? (2) In what ways may a school funding formula account for geographic differences in resource costs? (3) How does the Labor Market Area regional adjustment within EPS reflect differences in labor costs? (4) What is the updated Labor Market Area regional adjustment for Maine?

⌖ ***Teacher Salary Analysis for 2008-09 Funding,*** Maine Department of Education (Maine DOE) worksheets; December 8, 2009; Jim Rier, Management Information Systems Team Leader, Maine DOE.

These briefing materials were prepared by the Maine DOE and presented by Jim Rier to the Commission. The teacher salary analysis provides a detailed, statewide overview of the regional adjustment for teacher salaries and benefit costs, which are adjusted based on differences in teacher salaries across different labor market areas in the State. The data are sorted by the school units that comprise the 35 Labor Market Areas in the State. The printout presents the regional salary index for each Labor Market Area and – for comparison purposes – also presents a "calculated salary index" for each individual school unit. Descriptive information is also provided to identify school units that are so-called "minimum subsidy receivers," as well as school units that raise local amounts that are "over or under the EPS amount" required by the EPS funding formula. (Note: this document is also useful to address the policy issues raised in Duty 3 below).

⌖ ***Bangor Case Study,*** Maine DOE briefing; December 14, 2009; Jim Rier, Management Information Systems Team Leader, Maine DOE.

Jim Rier presented briefing materials that used the Bangor School Department as a case study to illustrate the EPS funding model computations for teacher salary and benefit costs.

**Duty 2. Minimum Teacher Salary.** The effects on teachers' salaries of the minimum teachers' salary law and the existing system of state subsidies for substandard salaries.

⌖ ***2009 Minimum Teacher Salary Adjustments, Maine DOE worksheets***; 2009; Jim Rier, Management Information Systems Team Leader, Maine DOE.

This Maine DOE document provides a school unit by school unit analysis of the adjustment provided for teachers whose salary was below $30,000 during the 2008-09 school year. The State is obligated to adjust the state subsidy allocated to school units for the gap between any teacher salary below $30,000 and the minimum $30,000 teacher salary established in state law. The adjustment for minimum teacher salary provided approximately $724,944 to teachers in 85 school units in fiscal year 2008-09.

**Duty 3. Teacher Compensation, Distribution of State Funding and Local Funding.** The relationship between and among teachers' salaries and benefits in school administrative units, the amount and distribution of general purpose aid for local schools (GPA) and amounts raised locally for the support of public schools.

⌖ ***Teacher Salary Analysis for 2008-09 Funding***, Maine DOE worksheets; December 8, 2009, (5 pages); Jim Rier, Management Information Systems Team Leader, Maine DOE. (Note: This document also presents useful information to address the policy issues raised in Duty 1 above).

This document was prepared by the Maine DOE and presented to the Commission. For comparison purposes, the printout presents descriptive information to identify school units that are so-called "minimum subsidy receivers," as well as school units that raise local amounts that are "over or under the EPS amount" required by the EPS funding formula.

**Duty 4. Comparison of Teacher Compensation in Maine and Other States.** The relationship between teachers' salaries and benefits in this State and in other states.

⌖ ***Survey and Analysis of Teacher Salary Trends 2007;*** American Federation of Teachers, Appendix 1. Data on National Trends in Teacher Salaries

This section of the report summarizes average teacher salary nationally in 2005-06 and 2006-07 by state and ranks each state from 1-50. This data is attached as **Appendix D**. The entire report is available on the OPLA website.

⌖ **Testimony of Joseph A. Stupak, Director of Collective Bargaining and Research, Maine Educational Association, to the Joint Standing Committee on Education and Cultural Affairs in support of LD 522;** March 25, 2009.

This chart summarizes average Maine teacher salaries compared to average teacher salaries nationally from 1991-2008.

**Duty 5. Comparison of Teacher Compensation to Comparable Professions.** The relationship between teachers' salaries and benefits and salaries and benefits paid to practitioners in other comparable professions.

⌖ ***Survey and Analysis of Teacher Salary Trends 2007;*** American Federation of Teachers, Appendix 1. Data on National Trends in Teacher Salaries

This section of the report compares average teacher salaries with professions requiring similar education for 2002 through 2007. The entire report is available on the OPLA website.

**Duty 6. Effect of Inflation on Teacher Compensation.** The effects of inflation on the real value of teachers' salaries and the minimum salary amount required by law.

⌖ ***Survey and Analysis of Teacher Salary Trends 2007;*** American Federation of Teachers, Appendix 1. Data on National Trends in Teacher Salaries

This section of the report examines trends in the average salary of teachers compared with inflation from the 1960s through 2007. The entire report is available on the OPLA website.

**Duty 7. Minimum Teacher Salary Practices in Other States.** Practices in other states that mandate payment of minimum salaries based on experience and education to all teachers and the costs and consequences.

⌖ ***2008 State Teacher Policy Handbook,*** 2008; National Council on Teacher Quality; Figure 21: What role does the state play in deciding teacher pay rates?

This figure identifies which states have established a minimum teacher salary.

⌖ ***Survey and Analysis of Teacher Salary Trends 2007;*** American Federation of Teachers, Table III-1: Average Beginning Teacher Salaries, 2004-05 to 2006-07.

This section of the report examines trends in the average beginning salary of teachers (not minimum teacher salary). This data is attached as **Appendix D**. The entire report is available on the OPLA website.

**Duty 8. Characteristics of Maine Teacher Corps.** Factors relating to the age, experience, recruitment, retention and mobility of the State's corps of professional teachers.

⌖ ***The Condition of K-12 Public Education in Maine 2009***; Staff section excerpt; Christine Donis-Keller and David L. Silvernail, Maine Education Policy Research Institute, University of Southern Maine Office.

The *Staff* section excerpted from this report details characteristics of Maine teachers and administrators in schools statewide, including Student-Teacher Ratios; Staff-Administrator Ratios and Teacher-Staff Ratios; Salaries of Teachers and Administrators; Ages of Teachers and Administrators; Years of Experience of Full-time Teachers and Administrators; Gender of Full-time Teachers and Administrators; and Educational Attainment of Teachers and Administrators.

⌖ ***"What Teachers Need"*** State Legislatures, September 2009; Michelle Exstrom, National Conference of State Legislatures.

This article looks at state and local school district level research into why teachers leave the profession. The article focuses on recent surveys of teachers in ten states and describes how this research is helping lawmakers craft better policies to hold on to effective teachers.

**Duty 9. Alternative Teacher Compensation Systems.** Alternatives to salary systems based on college credits or degrees earned and experience, including salary systems based on professional learning, teachers' performance or other factors.

⌖ ***A Practical Guide to Evaluating Teacher Effectiveness***; April 2009, Olivia Little et al, National Comprehensive Center for Teacher Quality, Appendix C, Summary of Measures.

Critical to evaluating salary systems that include factors relating to teacher effectiveness is determining reliable methods to measure performance. Appendix C of this report describes how measures are assessed as well as the strengths and cautions of each. The entire paper is available on the OPLA website.

⌖ ***Teacher Evaluation in Diversified Teacher Compensation Systems***; June 2007, Angela Baber, Education Commission of the States.

This paper discusses a number of programs around the country that incorporate teacher evaluation, including Cincinnati and Denver Public Schools and the Teacher Advancement Program.

⌖ ***Connecting Student-Teacher Data***; October 2009, Michelle Exstrom, National Conference of State Legislatures *Legisbrief.*

Federal government grants, including the ARRA Race to the Top Fund, increasingly require data on student achievement or student growth to be linked to teachers and principals for teacher and principal evaluation. This policy brief describes the issues involved in linking these data through state longitudinal databases.

⌖ ***Resolve 2009, chapter 109;*** Resolve, To Encourage Alternative Compensation Models for Teachers and School Administrators.

This resolve directs the Maine DOE to conduct a review of alternative compensation models for educators. The Department will submit annual reports to the Education and Cultural Affairs Committee by January 15, 2011 and January 15, 2012.

⌖ ***From Highly Qualified to "Highly Effective": "Assurance 1" of the American Recovery and Reinvestment Act of 2009,*** Maine DOE briefing; December 14, 2009, (9 documents); Dan Conley, Educator Consultant for Educator Quality and Effectiveness, Maine DOE.

This information packet was prepared by the Maine DOE and was presented by Dan Conley to the Commission. This packet provides an overview of the teacher preparation, certification, mentoring and induction in Maine, and includes materials that relate to the status of the Maine DOE review of alternative compensation models for teachers and the federal Teacher Incentive Fund as required by Resolve 2009, Chapter 109. Mr. Conley presented information on the following policy issues pertaining to alternative teacher compensation systems: (1) briefing materials providing background on the federal Teacher Incentive Fund, recent changes in the fund and the details of the next round of federal grants funded by the American Recovery and Reinvestment Act of 2009 (ARRA); (2) a research brief on "value added" and other methods for measuring teacher performance contained in Teacher Incentive Fund grant proposals; (3) policy principles recommended for developing performance-based compensation systems for teachers an provisions; (4) Maine's initial teacher certification standards; (5) the vision and five core propositions of the National Board for Professional Teaching Standards; and (6) the Maine DOE 2009-2010 survey of educator quality and effectiveness in local school units required by the ARRA. Selected materials from this information packet are attached as **Appendix E**. All of the information packet materials are available on the OPLA website.

**Duty 10. Collective Bargaining Alternatives.** Collective bargaining alternatives in determination of salaries and benefits at the local school administrative unit level.

- ***Invisible Ink in Collective Bargaining: Why Key Issues are Not Addressed***; July 2008, Emily Cohen et al, National Council on Teacher Quality.

Although collective bargaining takes place at the school administrative unit level in most states (a few states prohibit collective bargaining), many issues are already decided at the state level through state law (e.g. minimum salary, benefits, tenure, state labor relations boards).

**Duty 11. Other factors.** Any other factors that the commission considers relevant to teachers' compensation.

- ***Policy Matrix for Selected Rural States***; December 14, 2009; prepared by Commission staff, OPLA.

This side-by-side analysis was requested by the Commission chairs and compares Maine with seven selected rural states – Idaho, New Hampshire, North Dakota, South Dakota, Vermont, West Virginia and Wyoming – with respect to the following teacher compensation issues: (1) salary for beginning teachers and minimum teacher salary laws; (2) average teacher salaries including ranking among states; (3) teacher induction and mentoring requirements; (4) alternative compensation models; and (5) collective bargaining requirements. The "Policy Matrix for Selected Rural States" is attached as **Appendix F**.

## III. RECOMMENDATIONS AND POLICY ISSUES FOR FUTURE CONSIDERATION

The final section of the report summarizes the preliminary deliberations of the Commission and presents Commission members' recommendations and suggestions for further consideration of certain teacher compensation issues during the remaining months of the 124th Legislature. The Commission believes that teachers in Maine need to be paid more for the work that they do and that improving Maine's ranking with respect to other states is a worthy goal. The Commission developed recommendations to the Joint Standing Committee on Education and Cultural Affairs including proposed legislation to reconvene the Commission during the 2010 legislative interim in order to more fully examine teacher compensation issues.

**Policy Issue 1. Reconvene the Study Commission in the 2010 interim.** Commission members unanimously agreed to propose suggested legislation to the Joint Standing Committee on Education and Cultural Affairs to authorize the continuation of this Commission during the 2010 legislative interim in order to provide Commission members the time to more fully examine these important teacher compensation issues. Draft legislation to amend Resolve 2009, Chapter 138 and reauthorize this Commission is attached as **Appendix G**.

- The Commission makes the following recommendation: The Joint Standing Committee on Education and Cultural Affairs submit legislation to reconvene the Commission in the 2010 interim.

**Policy Issue 2. Consider Effects on Teacher Compensation during Work Sessions on LD 551, An Act To Improve the Essential Programs and Services (EPS) Funding Formula.** Commission members expressed significant concerns in discussing the effects on teachers' salaries and benefits of the EPS funding system for public education. The Commission chairs noted that the Legislature's Education and Cultural Affairs Committee "carried over" LD 551 for further review during the 2nd Regular Session since there was also great interest in further deliberations among Education and Cultural Affairs Committee members.

Mr. Rier suggested that, with respect to the costs of teacher salaries and benefits, the adequacy and equity principles of the EPS funding model are intended to recognize "actual" teacher salary and benefit costs in different regions of the State. He noted that, before the State adopted the regional labor market adjustment, that several other adjustments were considered and rejected. These alternatives included a cost of living adjustment, a cost of education adjustment, and adjustments based on factors such as housing costs.

In reviewing the EPS funding briefing information presented by Mr. Rier, the Commission raised a number of concerns regarding the implications of the EPS model on teacher salary and benefit costs for certain school units. Commission members disputed the research findings on the regional costs of housing and utilities and also expressed dismay that municipalities will be perpetually locked into their original labor market areas. It was noted that

while the EPS components – including the regional labor market adjustment, the student-teacher ratios and the teachers' salary matrix – were based on existing collective bargaining agreements, they also reflected the relative ability of the respective municipalities involved to raise property taxes to pay for teacher salaries (and other school costs). The result of the EPS model is that school units lacking the local "ability-to-pay" (as determined by property valuation per pupil) are doomed to remain ineligible for the levels of state subsidy necessary to provide teacher compensation that can attract and retain teachers because they are frozen on the lower end of the statewide teacher salary index (as determined by the regional labor market adjustment).

As part of his briefing to the Commission, Mr. Rier presented a case study of the municipalities that are members of 12 school districts in the "Bangor Labor Market Area" to illustrate how the regional adjustment for teacher salaries and benefit costs reflect the actual differences in labor costs for municipalities within a regional labor market. The map of the Bangor region presents a "calculated salary index" for each of the individual municipalities within the regional labor market (see **Appendix H** for details). These actual teacher salary indices were established as follows:

> Orrington (0.86); Milford (0.87); Bradley (0.87); Alton (0.89); Clifton (0.90); Eddington (0.90); Holden (0.90); Orono (0.91); Hermon (0.93); Glenburn (0.94); Old Town (0.95); Winterport (0.97); Hampden (0.97); Newburgh (0.97); Veazie (0.99); Bangor (1.08); and Brewer (1.09).

While the labor market area adjustment for all 17 municipalities in the Bangor region was established at 1.02, Mr. Rier indicated that the indices for the actual teacher salaries in Bangor (1.08) and Brewer (1.09) were significant enough to offset the indices for actual teacher salaries that were below the statewide average in the remaining 15 municipalities in the Bangor region.

Using the Bangor region as an example, some Commission members suggested that the labor market area adjustment should be amended by limiting the adjustment for those labor market areas that are *above* the statewide average on the labor market index. In the Bangor region and for other labor market areas that are *above* the statewide average, the adjustment provided for each municipality in the region with a "calculated salary index" that is *below* the statewide average (i.e., the other 15 municipalities in the Bangor region) would be capped at the statewide average and the increment of state subsidy that would otherwise be distributed to adjust the teacher salary costs of these municipalities up to the regional index (e.g., 1.02 in the Bangor example) would instead be redistributed on a prorated basis to each of the individual municipalities in those regional labor market areas that are *below* the statewide average on the labor market index. Mr. Rier indicated that previous legislation proposing such amendments have – to date – been rejected by the Legislature because it was an extremely expensive proposition and that it defeated the intent of the regional adjustment to reflect actual teacher salary and benefit costs in different regions of the State.

The Commission also expressed concern over the effects of the minimum teacher salary adjustment. While Commission members support the good faith effort to get all teachers up to a $30,000 base salary, they raised concerns that the implementation of this law has failed to impact

the entire salary scale – as compared to the base salary for beginning teachers. It was suggested that this is another policy issue that needs to be addressed to find ways to assist municipalities that are unable to raise local funds to adjust the entire salary scale up from the $30,000 base. Mr. Rier indicated that while there is a perception that the EPS formula and the minimum salary adjustment result in disproportionately adverse affects for certain communities, that the adjustments to teacher salaries to provide for the $30,000 minimum come entirely from the state and are not subject to a local share.

- The Commission makes the following recommendation: The Joint Standing Committee on Education and Cultural Affairs consider the effects of the EPS funding system, the minimum teacher salary law, and the distribution of state and local funding on teachers' salaries and benefits during its work sessions on the carryover bill LD 551, An Act To Improve the Essential Programs and Services Funding Formula.

**Policy Issue 3. Consider Establishing Goals to Raise Teacher Salaries and Benefits in Comparison to Other States.** In reviewing the recent trends in average teacher salary and the starting teacher salary in Maine as compared to other states, it was suggested that goals should be established to raise Maine's ranking from 42nd in the nation for average salaries and 44th in the nation for beginning salaries, to rankings that are closer to 25th or 26th. According to data from the American Federation of Teachers, for the 2006-07 year the average teacher salary in Maine was $42,103. For the same year, New Hampshire ranked 25th with an average teacher salary of $46,797 and Wisconsin ranked 26th with an average teacher salary of $46,707. The average beginning teacher salary in Maine for 2006-07 was $28,517 whereas Minnesota ranked 25th with an average beginning teacher salary of $33,018 and Mississippi ranked 26th with an average beginning salary of $32,141. In practical terms, being closer to the middle would mean an increase of almost $5,000 in both average and beginning teacher salaries.

The Commission chairs requested that staff prepare an analysis comparing Maine teacher compensation policies with those of seven selected rural states: Idaho, New Hampshire, North Dakota, South Dakota, Vermont, West Virginia and Wyoming. This analysis shows that some rural states also struggle with low beginning and average teacher salaries. South Dakota and North Dakota have some of the lowest teacher salaries in the nation whereas Wyoming teachers are paid considerably more than Maine teachers. (See **Appendix F** for details.)

Commission members also discussed the level of teacher compensation compared to occupations requiring similar levels of education. The Commission acknowledges that to attract excellent new teachers, the level of compensation needs to be higher. The Commission did not make a recommendation based on comparable professions.

- The Commission recommends that the Joint Standing Committee on Education and Cultural Affairs considers establishing the following goals: The salaries of Maine teachers, both beginning and average salaries, should be ranked 25th or 26th in the nation. By developing these goals, policymakers could focus on crafting state policy approaches to achieve these goals and increase teachers' compensation.

**Policy Issue 4. Consider Further Data Collection and Analysis of the Characteristics of the State's Corps of Professional Teachers.** The Commission had a robust discussion of factors that describe the teaching profession in the State. Commission members suggested that an opportunity exists to inform the public about factors relating to the age and experience of our corps of teachers. The Commission also noted that further data and analysis could yield valuable information for policies and strategies to recruit and retain qualified candidates into the teaching profession in the State.

In 2008-09, 66.4% of Maine's teachers were over 40 years of age; 41.5% are over the age of 50. For Maine superintendents and principals, 89.3% were over 40 and 60% were over 50 years of age.[1] The age of Maine teachers also translates into experienced teachers. Members of the Commission recognized that changes to the retirement system for teachers had prompted a noticeable change in the age of retirement as many employees must be 62 years old to retire.

The Commission believes that the state is facing a critical crisis with respect to a lack of new people entering the teaching profession. College graduates are graduating with increasing levels of student loans, particularly if graduate study is included. Commission members Dwight Ely and Roger Shaw stated that younger teachers in their school systems are most likely to have Masters Degrees. Given the low salaries that teachers in Maine earn, particularly beginning teachers, the teaching profession becomes a less attractive vocation for students.

- The Commission recommends that if the Commission is reconvened in the interim of 2010, it would like to see a closer examination of the factors relating to age, experience, recruitment, retention and mobility of Maine's teachers. The Commission is interested in the impact on enrollment in teaching preparation programs in Maine colleges and universities. In addition, the state needs to find ways to promote the teaching profession and lower the burden of debt student for students preparing to become teachers.

**Policy Issue 5. Further Consideration of Opportunities and Challenges Inherent in Adopting Alternative Teacher Compensation Systems.** The charge to the Commission to consider alternatives to current salary system in Maine – based on college credits or degrees earned and experience – generated a great deal of interest from Commission members. The first experiments in performance pay for teachers in the U.S. began in the mid 1980s after the 1983 *A Nation at Risk* report but they proved short-lived due to the difficulty of creating a reliable process to identify and evaluate effective teachers[2]. More recently, with the No Child Left Behind Act of 2001 and the Race to the Top Fund included in the American Recovery and Reinvestment Act of 2009 (ARRA), the federal government has increased standards and accountability requirements and prompted renewed interest in performance-based pay through incentives for school district experimentation. Currently, almost all public school teachers are

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[1] Christine Donis-Keller and David L. Silvernail. *The Condition of K-12 Public Education in Maine, 2009.* Maine Education Policy Research Institute.

[2] Podgursky, Michael and Matthew G. Springer. "Credentials Versus Performance: Review of the Teacher Performance Pay Research." *Peabody Journal of Education* 82(4) 2007, 551-573.

employed in school districts that use salary schedules for setting pay[3]. However, in light of increasing federal demands, 16 states were offering some kind of performance pay for teachers by 2007[4].

In the First Regular Session of the 124th Legislature, Resolve 2009, chapter 109 was enacted requiring the Maine Department of Education (Maine DOE) to review alternative compensation models with a view to applying for federal Teacher Incentive Funds funded by ARRA. Dan Conley, Maine DOE Consultant on Educator Quality and Effectiveness, briefed the Commission on the Department's progress of provisions of this resolve. Mr. Conley reported that the Maine DOE has completed its review of alternative models established in other states and he is currently working on several activities to prepare for an application to the federal government for grant funds under the federal Teacher Incentive Fund.

The federal Teacher Incentive Fund (TIF) was enacted in 2006 with grants of $99 million being disbursed to local school districts, state education agencies and non-profits that same year. The goal of the program is to develop and implement performance-based teacher and principal compensation to high-needs schools. The goals of the federal TIF program include: (1) improving student achievement by increasing teacher effectiveness; (2) rewarding teachers and principals for increases in student achievement; (3) increasing the number of effective teachers in high needs areas – in Maine this often means rural, low income areas and in other parts of the country this often means inner-city areas and hard-to-staff subjects; and (4) creating fiscally sustainable systems. The second cycle of grants in 2008 resulted in just over $97 million disbursed in grants.

Maine has not been in a position to compete for these grants. In his presentation, Mr. Conley was asked if Maine had received any federal TIF grants. He stated that a Maine DOE analysis conducted when the federal TIF program was initiated determined that Maine was not in a position to apply for federal TIF grants – it would have required a large investment of time and labor and the application would not have been competitive. The Maine DOE will apply for grant funding as required by Resolve 2009, Chapter 109, but Mr. Conley noted that the guidelines and criteria for the upcoming round of federal TIF grants have not yet been posted by the federal government. The guidelines and criteria are expected to be posted by the end of April 2010. Once posted, the Maine DOE will notify Maine school units of the application requirements.

Mr. Conley also provided the Commission with some research on the "value-added" method of assessing teachers. Students are individually assessed on their gain in achievement during an academic year. Students cannot be compared to each other because it does not make sense to compare across the board (e.g. special education and Advanced Placement students). Instead the intention is to assess gains in achievement. Mr. Conley pointed out that a lot of information is required to do this adequately with respect to test scores, subjects that are not currently tested (e.g. art, physical education), and a connection between teacher and student data.

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[3] Ibid.

[4] Cohen, Emily; Kate Walsh and RiShawn Biddle. "Invisible Ink in Collective Bargaining: Why Key Issues Are Not Addressed." National Council on Teacher Quality. July 2008. Accessed: http://www.nctq.org/p/publications/docs/nctq_invisible_ink.pdf

He also explained that annual bonuses for value-added performance are dependent upon multiple measures – standardized scores, principal evaluation, portfolios, etc. Some Commission members expressed reservations about the reliability of measures in value-added models as well as concerns that data requirements might be unfunded mandates for school districts.

The Commission was informed that the Governor and the Commissioner of Education want to remove obstacles to applying for federal TIF grants and improve Maine's position for securing federal Race to the Top funds. The expectation is that a bill will be introduced in the 2010 legislative session that will clarify Maine law with respect to allowing school districts to include performance pay and to link student outcomes with teachers and principals. There was some concern among Commission members that a requirement for data to match student performance with teachers and principals would create an unfunded mandate for school districts because the data does not currently exist. The Commission asked Steve Crouse, Director of Government Relations for the Maine Education Association (MEA), for MEA's reaction to such a bill. Mr. Crouse stated that the MEA is still deciding whether it will support an application for a federal TIF grant and that tying student assessment results and teacher effectiveness would be a huge change for Maine. He also commented that no one yet knows what action Congress will take in reauthorizing the Elementary and Secondary Education Act in 2010.

- The Commission did not make a recommendation with respect to alternative compensation for teachers. The Maine DOE is still waiting for guidelines from the federal government for grant funding and the Joint Standing Committee on Education and Cultural Affairs will be expecting legislation dealing with the issue in the upcoming 2010 session. Several Commission members expressed serious reservations about the ability to develop value-added systems that consistently evaluate teachers and principals. They also questioned whether adequate time and resources would be provided to school districts to create such systems.

**Policy Issue 6. Further Consideration of Opportunities and Challenges Inherent in Adopting Collective Bargaining Alternatives.** The Commission reviewed the background material provided on Maine's current collective bargaining law and the analysis prepared that compared Maine policies with those of seven selected rural states. The teaching profession is governed by a combination of state laws and regulations, teacher contracts and local school board policies. All but five states require or permit school districts to bargain teacher contracts; in states prohibiting collective bargaining, the legislature is substituted for the local bargaining table. Many issues are determined by the state legislature prior to the collective bargaining process at the district level, such as minimum salary, tenure and class size.

Maine law requires school districts to negotiate with local collective bargaining units. In Maine, the state statutes establish a $30,000 minimum teacher salary and provide for tenure after a maximum of two years. The Commission discussed the possibility of a single contract for all Maine teachers to mitigate the effects of disparities in EPS subsidy based on labor market areas. It could also take less time for collective bargaining compared to negotiations for more than 200

school districts. Currently, only Hawaii has a single statewide bargaining unit because all of Hawaii is encompassed in a single school district.

- The Commission recommends that a more in-depth discussion of collective bargaining alternatives, including consolidation into a single statewide collective bargaining unit, could prove useful if the Commission is reconvened in 2010.

# APPENDIX A

## Authorizing Resolve

APPROVED
JUN 18 '09
BY GOVERNOR

CHAPTER
138
RESOLVES

**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD**

**TWO THOUSAND AND NINE**

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**H.P. 367 - L.D. 522**

# Resolve, To Establish the Study Commission Regarding Teachers' Compensation

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve establishes the Study Commission Regarding Teachers' Compensation to study the issues confronting citizens of this State who depend on the retention of a stable, experienced corps of professional teachers in this State's public schools to ensure that the State's public school students will acquire the knowledge and skills essential for college, career and citizenship in the 21st century; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Commission established. Resolved:** That the Study Commission Regarding Teachers' Compensation, referred to in this resolve as "the commission," is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of 8 members appointed as follows:

1. Two Senators, one from each of the 2 political parties having the largest number of members in the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, at least one from each of the 2 political parties having the largest number of members in the House, appointed by the Speaker of the House. In appointing members, the Speaker of the House shall consider geographic distribution;

3. One teacher recommended by the President of the Maine Education Association and appointed by the President of the Senate;

4. One superintendent or member of a school board of a school administrative unit, recommended by the President of the Maine School Boards Association and the President of the Maine School Superintendents Association and appointed by the President of the Senate; and

5. One public member holding a professional position outside of public education in human resources management and specializing in compensation, recommended by the Maine State Council of the Society for Human Resource Management and appointed by the Governor; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

**Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than July 1, 2009; and be it further

**Sec. 5. Duties. Resolved:** That the commission shall study all issues surrounding teachers' compensation, including salaries and benefits. In conducting its review, the commission shall undertake to examine:

1. The effects on teachers' salaries and benefits of the essential programs and services funding system for public education, including the elements of labor market adjustments, student-teacher ratios and a teachers' salary matrix, and alternatives thereto, including the feasibility of salary differentiations based upon differences in cost of living by region;

2. The effects on teachers' salaries of the minimum teachers' salary law and the existing system of state subsidies for substandard salaries;

3. The relationship between and among teachers' salaries and benefits in school administrative units, the amount and distribution of general purpose aid for local schools and amounts raised locally for the support of public schools;

4. The relationship between teachers' salaries and benefits in this State and in other states;

5. The relationship between teachers' salaries and benefits and salaries and benefits paid to practitioners in other comparable professions;

6. The effects of inflation on the real value of teachers' salaries and the minimum salary amount required by law;

7. Practices in other states that mandate payment of minimum salaries based on experience and education to all teachers and the costs and consequences;

8. Factors relating to the age, experience, recruitment, retention and mobility of the State's corps of professional teachers;

9. Alternatives to salary systems based on college credits or degrees earned and experience, including salary systems based on professional learning, teachers' performance or other factors;

10. Collective bargaining alternatives in determination of salaries and benefits at the local school administrative unit level; and

11. Any other factors that the commission considers relevant to teachers' compensation; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the commission; and be it further

**Sec. 7. Information. Resolved:** That in the performance of its duties, the commission:

1. May request statistical data and other information from the Department of Education, the Department of Labor, the State Planning Office or other state agencies, which must provide such information in their possession; and

2. Must provide an opportunity for interested persons, organizations and members of the public to address and submit information to the commission; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 1, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

# APPENDIX B

## Membership List, Study Commission Regarding Teachers' Compensation

## Study Commission Regarding Teachers' Compensation
## Commission Members and Staff

### Members Appointed by the President of the Senate:

**Senator Justin L. Alfond, Senate Chair**
134 Sheridan Street
Portland, ME 04101

**Senator Gerald Davis**
15 Hamlin Road
Falmouth, ME 04105

**Mr. Roger Shaw**
105 Country Club Rd.
Mars Hill, ME 04758

Recommended by the Maine School Superintendents Association and the Maine School Boards Association

**Mr. Dwight Ely**
5 Elysian Way
Scarborough, ME 04074

Recommended by the Maine Education Association

### Members Appointed by the Speaker of the House:

**Representative Patricia B. Sutherland, House Chair**
1738 Chapman Road
Chapman, ME 04757

**Representative Richard V. Wagner**
26 Mountain Avenue
Lewiston, ME 04240

**Representative Howard E. McFadden**
19 Shipyard Road
Dennysville, ME 04628

### Staff Appointed by the Legislative Council:

**Phil McCarthy, Legislative Analyst**
**Anna Broome, Legislative Analyst**
Office of Policy & Legal Analysis, Maine State Legislature
13 State House Station, Augusta, ME 04333-0013

# APPENDIX C

## Current Maine Law Pertaining to Issues to be Examined by the Study Commission Regarding Teachers' Compensation

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

## Duty 1. Essential Programs and Services Funding System (EPS)

| Current Law | Section Summary |
|---|---|
| **20-A §15677. Salary matrix**<br><br>**1. Salary matrix defined.** For purposes of this section, "salary matrix" means the relationships on a statewide basis between average staff salaries and:<br><br>A. Years of staff experience; and<br><br>B. Levels of staff education.<br><br>**2. Determination of matrix.** The salary matrix must be determined in accordance with the following.<br><br>A. For fiscal year 2005-06, the commissioner, using information provided by a statewide education policy research institute, shall establish the salary matrix based on the most recently available relevant data and appropriate trends in the Consumer Price Index or other comparable index.<br><br>B. For fiscal year 2006-07 and each subsequent year, the commissioner shall update the previous year's salary matrix to reflect appropriate trends in the Consumer Price Index or other comparable index. | • Two premises underlying EPS funding model: (1) there must be an adequate amount of resources provided to achieve desired learning outcomes for students; and (2) there must be equity in the distribution of adequate resources<br><br>• This section and the following sections describe the calculation of personnel resources, including teacher resources, via a statewide salary matrix that is built into the EPS funding model and updated annually |
| **20-A §15678. Calculation of salary and benefit costs; school level teaching staff**<br><br>**1. Salary and benefit costs; teaching positions.** The commissioner shall annually determine, for each school administrative unit, the salary and benefit costs of all school level teaching positions that are necessary to carry out this Act.<br><br>**2. Ratios.** In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-teacher ratios.<br><br>A. For the elementary school level, the student-to-teacher ratio is 17:1.<br><br>B. For the middle school level, the student-to-teacher ratio is 16:1.<br><br>C. For the high school level, the student-to-teacher ratio is 15:1.<br><br>**3. Number of teaching positions required.** The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, subparagraph (1), the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.<br><br>**4. Estimated salary costs.** The commissioner shall determine the estimated salary cost for the number of school level teaching positions required under subsection 3. In order to calculate this amount, the commissioner shall use the salary matrix pursuant to section 15677 for all school level teaching positions in each category.<br><br>**5. Total salary and benefit costs for school level teaching staff.** The total salary and benefit costs for school level teaching staff are equal to the sum of:<br><br>A. The amount identified pursuant to subsection 4; and<br><br>B. The amount, as determined by the commissioner, that equals the statewide percentage of salary costs that represents the statewide average benefit costs. | • This section describes the calculation of salary and benefit costs for teachers, including the guiding principle for student-to-teacher ratios by grade spans (i.e., elementary, middle school and high school grades levels), the actual number of teaching positions required for each school unit based on pupil counts, and the corresponding salary and benefit costs estimated for each school unit |
| | |

| Current Law | Section Summary |
| --- | --- |
| **20-A §15682. Regional adjustment**<br><br>The commissioner shall make a regional adjustment in the total operating allocation for each school administrative unit determined pursuant to section 15683. The regional adjustment must be based on the regional differences in teacher salary costs within labor market areas in the State, as computed by a statewide education policy research institute, and must be applied only to appropriate teacher salary and benefits costs as calculated under section 15678 and salary and benefit costs of other school-level staff who are not teachers as calculated under section 15679. | • This section describes the regional adjustment of salary and benefit costs for each school unit based on a statewide index of teacher salaries and according to 35 labor market regions in the State<br><br>• A benefits package is added to all school unit salary costs, as adjusted, at 19% of salary costs<br><br>• Perception that salary adjustment is a disincentive to recruitment |

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

## Duty 2. Minimum Teacher Salary

| Current Law | Section Summary |
|---|---|
| **20-A §13406. Minimum salaries beginning in 2007-2008**<br><br>Each school administrative unit shall establish a minimum salary of $30,000 for certified teachers for the school year starting after June 30, 2007 and in each subsequent school year. | • The State is obligated to adjust state subsidy for the gap between any teacher salary below $30,000 and the minimum $30,000 teacher salary (see **20-A §15689, sub-§7**) |
| **20-A §15689. Adjustments to state share of total allocation**<br><br>Beginning July 1, 2005, adjustments to the state share of the total allocation must be made as set out in this section. [Note: Break in text]<br><br>**7. Adjustment for minimum teacher salary.** Beginning in fiscal year 2008-09 and in each subsequent fiscal year, the commissioner shall increase the state share of the total allocation to a qualifying school administrative unit in the current year by an amount that represents the amount from the state General Fund necessary to achieve the minimum starting salary for certified teachers established in section 13406.<br><br>A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.<br><br>(1) "Qualifying school administrative unit" means a school administrative unit or a career and technical education region that the commissioner has determined has a locally established salary schedule with a minimum teacher salary of less than $30,000 in school year 2008-2009.<br><br>B. The commissioner shall allocate the funds appropriated by the Legislature in fiscal year 2008-09 and each subsequent fiscal year in accordance with the following conditions.<br><br>(1) The amount of the minimum salary adjustments provided to qualifying school administrative units must generally reflect the costs that are necessary to achieve the minimum teacher salary requirements set forth in this section.<br><br>(2) The number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for fiscal year 2008-09 must be based on the local staff information data supplied to the department on or before October 1, 2008, and the number of teachers used in computing minimum salary adjustments in a qualifying school administrative unit for each subsequent fiscal year must be based on the local staff information data supplied to the department on or before each subsequent October 1st for the teachers who were first eligible to receive the minimum salary adjustment in the qualifying school administrative unit for the 2008-2009 school year.<br><br>(3) The department shall collect the necessary data to allow the adjustments as supplemental monthly payments in fiscal year 2008-09 and any subsequent fiscal year for the salary adjustments to be paid on or before February 1, 2009 and any subsequent February 1st.<br><br>(4) The minimum salary adjustments made under this subsection must be issued to the qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Minimum salary adjustments for teachers must be included in the qualifying school administrative unit's monthly subsidy checks. | • The State is obligated to adjust the state subsidy allocated to school units for the gap between any teacher salary below $30,000 and the minimum $30,000 teacher salary established in **§13406**<br><br>• For FY 2008-09, the adjustment for minimum teacher salary provided approximately $724,944 to teachers in roughly 80 school units |

| Current Law | Section Summary |
| --- | --- |
| C. The amounts required to meet the employer's share of teacher retirement costs attributable to payments in fiscal year 2008-09 and each subsequent fiscal year must be allocated to the Maine Public Employees Retirement System in the appropriate year.<br><br>D. A school administrative unit may expend any funds received through the adjustment under this section without calling for a special meeting of the local legislative body.<br><br>**8. Payments for minimum salary adjustments.** Qualifying school administrative units shall use the payments provided under this section to provide minimum salary adjustments for teachers in accordance with subsection 7 and section 13406. | |

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### Duty 9. Alternative Teacher Compensation Systems

| Current Law | Section Summary |
|---|---|
| **20-A §13013-A. Salary supplement for national board-certified teachers**<br><br>**1. Salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, as of July 1, 2006 or thereafter with an annual national board certification salary supplement of $3,000 for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher becomes no longer employed as a classroom teacher in the field of that teacher's national certification, the supplement ceases.<br><br>**2. Local filing; certification.** On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.<br><br>**3. Payment.** The department shall provide the salary supplement to eligible teachers no later than February 15th of each year.<br><br>**4. Expend funds.** A school administrative unit may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body. | • Teachers who have attained certification from the National Board for Professional Teaching Standards are eligible to receive a salary supplement of up to $3,000 from the State for up to 10 years<br><br>• Note: For FY 2009-10 and FY 2010-11, salary supplements will be prorated as the amount of the supplements are limited to the amount of General Funds appropriated by the Legislature for this purpose<br><br>• Note: Local collective bargaining agreements may also provide salary supplements for eligible National Board Certified teachers |
| **§6204. Reports**<br><br>**1. State profile report.** The commissioner shall annually report the results of the state assessment program with regard to the general performance profile of the students of the state's elementary and secondary schools.<br><br>A. When a report is made under this subsection for purposes of comparative analysis, the reporting mechanisms and the categories reported shall be uniform for each school.<br><br>**2. School profile reports.** The commissioner shall also provide each participating school with a profile of student achievement based upon data from the assessment program.<br><br>A. Every profile provided under this subsection shall use reporting mechanisms and categories which are uniform for each school.<br><br>**3. Teacher evaluation.** The student assessment program is separate from local practices and procedures regarding supervision and evaluation of a teacher for retention by a school administrative unit. | • Taken together with §13802, subsection 3 of this section (§6204) may prohibit the use of student assessment data as part of teacher evaluation |
| **§13802. Teacher evaluation models**<br><br>**1. Department to establish models.** The department shall establish models for evaluation of the professional performance of teachers employed in any school administrative unit within the State.<br><br>**2. Use of models.** Each school administrative unit within the State shall have the option to incorporate the models developed pursuant to subsection 1 for the evaluation of the professional performance of any teacher employed by that school administrative unit. | • Taken together with §6204, sub-§3, this provision (§13802) may prohibit the use of student assessment data as part of teacher evaluation<br><br>• See Duty 10 Collective Bargaining Alternatives for note on Portland provisions on compensation for certain "professional learning" activities |

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### Duty 10. Collective Bargaining Alternatives

| Current Law | Section Summary |
|---|---|
| **26 §965. Obligation to bargain**<br><br>**1. Negotiations.** It shall be the obligation of the public employer and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purposes of this chapter, their mutual obligation:<br><br>A. To meet at reasonable times;<br><br>B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;<br><br>C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies; for the purpose of this paragraph, educational policies shall not include wages, hours, working conditions or contract grievance arbitration;<br><br>D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation but shall not exceed 3 years; and<br><br>E. To participate in good faith in the mediation, fact-finding and arbitration procedures required by this section.<br><br>Whenever wages, rates of pay or any other matter requiring appropriation of money by any municipality or county are included as a matter of collective bargaining conducted pursuant to this chapter, it is the obligation of the bargaining agent to serve written notice of request for collective bargaining on the public employer at least 120 days before the conclusion of the current fiscal operating budget, except that this requirement is waived in the event that a bargaining agent of a newly formed bargaining unit is recognized or certified during the period not more than 120 days nor less than 30 days prior to the end of the fiscal period. | • Title 26, Chapter 9-A, "Public Employees Labor Relations Law" contains collective bargaining provisions related to the determination of salaries and benefits at the local school administrative unit level<br><br>• A school district is defined as a "public employer" and a teacher is defined as a "public employee" who has the right to join a collective bargaining unit and to be represented by a bargaining agent in collective bargaining for certain terms and conditions of employment<br><br>• Local collective bargaining agreements negotiated by school districts and bargaining agents representing teachers may include alternative compensation systems; an example is the agreement between the Portland School Committee and the Portland Education Association, which contains provisions to provide compensation for certain "professional learning" activities and contact hours |

## Current Maine Law Pertaining to Duties To Be Examined by the Teacher Compensation Commission

### Duty 11. Other Factors

| Current Law | Section Summary |
|---|---|
| **20-A §13101. Professional Standards Board**<br><br>**1. Board established.** There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:<br><br>A. Two elementary school teachers;<br><br>B. Two middle school teachers;<br><br>C. Two high school teachers;<br><br>D. Two educational specialists;<br><br>E. Two special education teachers;<br><br>F. Two education technicians;<br><br>G. Three building administrators, one from an elementary school, one from a middle school and one from a high school;<br><br>H. One special education director;<br><br>I. One curriculum coordinator;<br><br>J. Two district-level administrators;<br><br>K. Two faculty members teaching in an approved teacher preparation program;<br><br>L. One member of the public;<br><br>M. One member, ex officio, of the state board; and<br><br>N. The commissioner, or the commissioner's designee, serving as an ex officio, nonvoting member of the board.<br><br>The board shall consider the commissioner's or the designee's recommendations.<br><br>A member whose employment status changes during that member's term on the board remains on the board for the duration of the term for which that member was appointed.<br><br>**2. Appointments.** The Governor shall appoint the 23 members of the board specified in subsection 1, paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.<br><br>**3. Terms.** The appointed members of the board serve for 3-year terms and may not serve more than 2 full terms.<br><br>**4. Compensation.** The appointed members of the board serve without compensation and are entitled to reimbursement by the state board for mileage and expenses incurred in performing required duties. The state board shall furnish the board with materials, secretarial assistance and meeting facilities. | • The Professional Standards Board was established in 2005; however, as of 2009, members had yet to be appointed and the board had yet to be convened<br><br>• Public Law 2009, chapter 157 (LD 1104) required that all appointments be made by July 1, 2009 and that the board convene no later than September 1, 2009<br><br>• The Professional Standards Board was convened on August 20, 2009 and November 9, 2009; and meets next on March 8, 2010 |

| Current Law | Section Summary |
| --- | --- |
| **5. Chair; duties.** The members of the board shall annually elect a chair from among their membership. The chair shall present budget requests to the state board.<br><br>**6. Powers and duties.** The board has the following powers and duties.<br><br>A. The board shall make recommendations to the state board, including, but not limited to, preservice education, continuing education, professional growth, initial certification, recertification and paraprofessional training and certification, and shall advise the department on rule-making procedures.<br><br>B. The board shall monitor the impact of the policies adopted pursuant to paragraph A on the education profession in making recommendations and reports to the commissioner and the state board.<br><br>C. In making policy recommendations on the certification process, the board shall consider complaints received by the department regarding the certification or certification approval process.<br><br>D. The board shall meet 5 times annually.<br><br>E. The board shall maintain records and minutes of its meetings and shall file them in the certification office within the department.<br><br>**20-A §13102. Work plan and annual report**<br><br>The board shall develop an annual work plan in consultation with the commissioner and the state board that includes ongoing work and new issues for study. The annual work plan must be set by September 1st of each year.<br><br>The board shall submit a report by June 30th of each year to the commissioner and the state board with its recommendations.<br><br>**20-A §13103. Recommendations to State Board of Education**<br><br>The state board shall act on standards definitions or other recommendations within 60 days of presentation to the state board by the board.<br><br>**20-A §13104. Rulemaking**<br><br>The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. | |

# APPENDIX D

## Comparison of Average and Beginning Teacher Compensation in Maine and Other States

AFT: "Survey and Analysis of Teacher Salary Trends 2007"

## Table II-1: Average Teacher Salary in 2005-06 and 2006-07, State Rankings

| 2006-07 | | 2005-06 | | | 2006-07 | | |
|---|---|---|---|---|---|---|---|
| | | | Average | FTE* | | Average | FTE* |
| Rank | State | Rank | Salary | Teachers | Rank | Salary | Teachers |
| 1 | California | 1 | $59,825 | 300,210 | 1 | $63,640 | 299,684 |
| 2 | Connecticut | 2 | $59,311 | 42,473 | 2 | $61,039 | 42,805 |
| 3 | New Jersey | 3 | $58,270 | 110,905 | 3 | $59,730 | 112,300 |
| 4 | New York | 6 | $55,942 [c] | 220,186 | 4 | $59,557 [c] | 221,718 |
| 5 | Rhode Island | 12 | $51,243 | 13,069 | 5 | $58,420 | 11,963 |
| 6 | Illinois | 4 | $56,685 [a] | 130,691 | 6 | $58,275 [a] | 131,927 |
| 7 | Massachusetts | 5 | $56,336 [a, b] | 73,593 | 7 | $58,178 [a, b] | 73,176 |
| 8 | Maryland | 8 | $54,333 | 56,771 | 8 | $56,927 | 58,427 |
| 9 | Michigan | 7 | $54,739 | 75,544 | 9 | $55,541 | 74,256 |
| 10 | Pennsylvania | 9 | $54,043 | 122,361 | 10 | $54,977 | 123,114 |
| 11 | Alaska | 10 | $53,322 | 7,926 | 11 | $54,678 | 7,924 |
| 12 | Delaware | 11 | $52,493 [a] | 7,998 | 12 | $54,537 [a] | 8,044 |
| 13 | Ohio | 13 | $50,772 | 108,670 | 13 | $53,536 | 108,192 |
| 14 | Hawaii | 15 | $49,336 | 12,846 | 14 | $51,916 | 12,955 |
| 15 | Oregon | 14 | $50,044 [d] | 28,231 | 15 | $51,080 [d] | 28,758 |
| 16 | Wyoming | 29 | $43,261 | 6,675 | 16 | $50,771 | 6,718 |
| 17 | Georgia | 16 | $48,247 | 103,593 | 17 | $49,836 | 108,502 |
| 18 | Minnesota | 17 | $47,523 | 52,255 | 18 | $49,719 | 52,796 |
| 19 | Nevada | 21 | $46,092 | 25,598 | 19 | $49,426 | 27,319 |
| 20 | Virginia | 19 | $47,223 [a] | 100,695 | 20 | $49,130 [a] | 102,147 |
| 21 | Washington | 20 | $46,317 | 53,633 | 21 | $47,880 | 53,957 |
| 22 | Indiana | 18 | $47,255 | 60,486 | 22 | $47,832 | 61,183 |
| 23 | Vermont | 24 | $44,525 | 8,847 | 23 | $47,645 | 8,856 |
| 24 | Florida | 26 | $44,400 [a] | 182,879 | 24 | $47,219 [a] | 188,277 |
| 25 | New Hampshire | 22 | $45,226 | 14,991 | 25 | $46,797 | 14,948 |
| 26 | Wisconsin | 23 | $45,196 | 59,135 | 26 | $46,707 | 58,997 |
| 27 | North Carolina | 27 | $43,922 | 93,875 | 27 | $46,137 | 96,529 |
| 28 | Colorado | 25 | $44,442 | 46,025 | 28 | $45,832 | 46,973 |
| 29 | Texas | 36 | $42,225 | 301,558 | 29 | $45,392 | 311,009 |
| 30 | Idaho | 28 | $43,385 | 14,521 | 30 | $45,094 | 14,770 |
| 31 | Arizona | 32 | $42,967 | 51,319 | 31 | $44,700 | 52,703 |
| 32 | Arkansas | 30 | $43,088 | 32,676 | 32 | $44,493 | 33,112 |
| 33 | South Carolina | 31 | $43,011 | 48,212 | 33 | $44,335 | 49,124 |
| 34 | Tennessee | 34 | $42,485 [a] | 60,691 | 34 | $43,815 [a] | 61,824 |
| 35 | Kentucky | 33 | $42,721 | 42,146 | 35 | $43,787 | 43,119 |
| 36 | Alabama | 42 | $40,347 | 47,317 | 36 | $43,389 | 47,922 |
| 37 | Kansas | 38 | $41,467 | 33,479 | 37 | $43,318 | 34,351 |
| 38 | Iowa | 39 | $40,877 | 35,175 | 38 | $42,922 | 34,444 |
| 39 | Louisiana | 43 | $40,029 [a] | 44,965 | 39 | $42,816 [a] | 45,829 |
| 40 | New Mexico | 37 | $41,637 | 20,534 | 40 | $42,780 | 23,314 |
| 41 | Oklahoma | 47 | $38,772 [b, d] | 41,616 | 41 | $42,379 [b, d] | 42,183 |
| 42 | Maine | 35 | $42,356 | 16,698 | 42 | $42,103 | 16,688 |
| 43 | Nebraska | 41 | $40,382 | 24,067 | 43 | $42,044 | 25,046 |
| 44 | Montana | 44 | $39,832 | 10,512 | 44 | $41,146 | 10,518 |
| 45 | West Virginia | 45 | $39,583 [a] | 19,760 | 45 | $40,534 [a] | 19,484 |
| 46 | Missouri | 46 | $39,078 | 65,039 | 46 | $40,384 | 66,381 |
| 47 | Mississippi | 40 | $40,594 | 32,129 | 47 | $40,182 | 32,746 |
| 48 | North Dakota | 48 | $37,552 | 8,675 | 48 | $38,586 | 8,676 |
| 49 | Utah | 49 | $37,543 | 22,992 | 49 | $37,775 | 23,641 |
| 50 | South Dakota | 50 | $34,673 | 8,899 | 50 | $35,378 | 8,934 |
| **U.S. Average 2006-07** | | | **$51,009** | **Total FTE 2006-07** | | **3,148,264** | |
| **U.S. Average 2005-06** | | | **$48,809** | **Total FTE 2005-06** | | **3,102,139** | |
| **U.S. Average 2004-05** | | | **$47,570** | **Total FTE 2004-05** | | **3,047,555** | |

* Full-time equivalent.

a. includes extra-duty pay; b. includes fringe benefits such as healthcare where applicable;

c. median; d. includes employer pick-up of employee pension contributions where applicable.

Source: American Federation of Teachers, annual survey of state departments of education.

## Table III-1: Average Beginning Teacher Salaries, 2004-05 to 2006-07, Ranked by 2006-07

| Rank | State | 2004-05 Beginning Teacher Salary | 2005 -06 Beginning Teacher Salary | Change 2004-05 to 2005-06 | 2006-07 Beginning Teacher Salary | Change 2005-06 to 2006-07 |
|---|---|---|---|---|---|---|
| 1 | New Jersey | $41,403 [a] | $43,068 | 4.0% | $44,523 | 3.4% |
| 2 | Alaska | $38,657 | $40,523 | 4.8% | $42,006 | 3.7% |
| 3 | Connecticut | $39,259 | $39,898 | 1.6% | $41,497 | 4.0% |
| 4 | Maryland | $37,125 | $38,649 | 4.1% | $40,849 | 5.7% |
| 5 | Wyoming | $30,097 [a] | $32,257 | 7.2% | $40,084 | 24.3% |
| 6 | Delaware | $37,648 [a] | $38,547 | 2.4% | $39,941 [b] | 3.6% |
| 7 | New York | $37,321 | $39,000 | 4.5% | $39,500 [c] | 1.3% |
| 8 | Hawaii | $35,814 [a] | $37,317 | 4.2% | $39,361 | 5.5% |
| 9 | California | $35,760 | $36,893 | 3.2% | $38,875 | 5.4% |
| 10 | Texas | $34,179 [a] | $34,891 | 2.1% | $38,522 | 10.4% |
| 11 | Illinois | $37,500 | $40,130 | 7.0% | $38,363 [b] | -4.4% |
| 12 | Florida | $33,427 | $34,517 | 3.3% | $37,600 [b] | 8.9% |
| 13 | Pennsylvania | $34,978 [a] | $35,782 | 2.3% | $36,599 | 2.3% |
| 14 | Oklahoma | $31,732 [a] | $32,725 | 3.1% | $36,278 [d, e] | 10.9% |
| 15 | Colorado | $32,464 [a] | $34,961 | 7.7% | $36,211 | 3.6% |
| 16 | Ohio | $33,671 | $33,782 | 0.3% | $35,676 | 5.6% |
| 17 | Alabama | $31,364 [a] | $32,973 | 5.1% | $35,517 | 7.7% |
| 18 | Nevada | $33,737 [a] | $34,580 | 2.5% | $35,480 | 2.6% |
| 19 | Oregon | $33,704 [a] | $34,691 | 2.9% | $35,400 [d, e] | 2.0% |
| 20 | Arizona | $30,404 | $33,070 | 8.8% | $35,127 | 6.2% |
| 21 | Rhode Island | $33,815 | $33,783 | -0.1% | $34,838 | 3.1% |
| 22 | Louisiana | $31,283 [a] | $32,045 | 2.4% | $34,410 [b] | 7.4% |
| 23 | Michigan | $35,557 | n/a | | $34,100 | |
| 24 | Tennessee | $31,768 [a] | $31,939 | 0.5% | $33,459 [b] | 4.8% |
| 25 | Minnesota | $31,656 [a] | $31,855 | 0.6% | $33,018 | 3.7% |
| 26 | Mississippi | $29,993 [a] | $32,173 | 7.3% | $32,141 | -0.1% |
| 27 | New Mexico | $33,730 | $31,315 | -7.2% | $32,081 | 2.4% |
| 28 | Indiana | $30,844 | $31,022 | 0.6% | $32,076 | 3.4% |
| 29 | Georgia | $29,552 [f] | $30,441 | 3.0% | $31,659 [f] | 4.0% |
| 30 | Wisconsin | $25,222 | $30,021 | 19.0% | $31,588 | 5.2% |
| 31 | North Carolina | $27,944 | $28,906 | 3.4% | $31,478 | 8.9% |
| 32 | Washington | $30,120 [a] | $30,485 | 1.2% | $31,442 | 3.1% |
| 33 | South Carolina | $29,696 [a] | $30,556 | 2.9% | $31,336 | 2.6% |
| 34 | Kentucky | $29,256 [a] | $30,539 | 4.4% | $31,304 | 2.5% |
| 35 | Missouri | $29,276 | $30,036 | 2.6% | $31,285 | 4.2% |
| 36 | West Virginia | $26,704 | $28,090 | 5.2% | $30,626 | 9.0% |
| 37 | Arkansas | $28,784 | $29,353 | 2.0% | $30,510 | 3.9% |
| 38 | Kansas | $27,840 | $29,282 | 5.2% | $30,408 | 3.8% |
| 39 | Iowa | $27,284 | $28,508 | 4.5% | $30,331 | 6.4% |
| 40 | New Hampshire | $28,297 [a] | $29,234 | 3.3% | $30,185 | 3.3% |
| 41 | Idaho | $27,500 | $27,500 | 0.0% | $30,000 | 9.1% |
| 42 | Nebraska | $28,000 [a] | $27,517 | -1.7% | $29,215 | 6.2% |
| 43 | Utah | $26,521 | $27,437 | 3.5% | $28,653 | 4.4% |
| 44 | Maine | $26,643 | $27,212 | 2.1% | $28,517 | 4.8% |
| 45 | Montana | $25,318 | $26,022 | 2.8% | $27,134 | 4.3% |
| 46 | North Dakota | $24,872 | $25,657 | 3.2% | $27,064 | 5.5% |
| 47 | South Dakota | $26,111 | n/a [g] | | $26,988 | |
| | Massachusetts | $35,421 | n/a [g] | | n/a [g] | |
| | Vermont | $26,461 | n/a [g] | | n/a [g] | |
| | Virginia | $33,200 | n/a [g] | | n/a [g] | |
| | **U.S. Average** | **$32,158** [h] | **$33,227** | **3.3%** | **$35,284** [h] | **6.2%** |

a. The 2004-05 beginning teacher salary numbers in some instances have been revised by state education agencies and therefore differ from the reporting in the AFT Survey and Analysis of Teacher Salary Trends 2005, thus altering the U.S. beginning average; b. includes extra-duty pay; c. median; d. includes employer pick-up of employee pension contributions where applicable; e. includes fringe benefits such as healthcare where applicable. f. Georgia's state salary does not include district supplemental pay. g. These states did not provide a response to the request for beginning teacher salaries. h. The U.S. average for beginning teacher salary is a straight average of data received.

Source: American Federation of Teachers, annual survey of state departments of education.

# APPENDIX E

## A Compilation of Materials Presented to the Study Commission Regarding Alternative Compensation

**Topical Heading**
Teacher and Principal Quality

**Program Title**
# Teacher Incentive Fund

**Also Known as**
Teacher Incentive Program

**CFDA # (or ED #)**
84.374A

**Administering Office**
Office of Elementary and Secondary Education (OESE)

**Who May Apply (by category)**
Local Education Agencies (LEAs), Nonprofit Organizations, State Education Agencies (SEAs)

**Who May Apply (specifically)**
LEAs, including charter schools that are LEAs in their state, SEAs, or partnerships of: (1) an LEA, an SEA, or both, and (2) at least one nonprofit organization may apply.

**Current Competitions**
None. FY 2008 funds support continuations only.

**Type of Assistance (by category)**
Discretionary/Competitive Grants

**Appropriations**

| | |
|---|---|
| Fiscal Year 2006 | $99,000,000 |
| Fiscal Year 2007 | $200,000 |
| Fiscal Year 2008 | $97,270,470 |

Note: FY 2006 was the first year of funding.

**Fiscal Year 2008 Awards Information**
*Note: The Department is not bound by any estimates in this notice.*

Number of New Awards: 0

Number of Continuation Awards: 34

**Legislative Citation**
*Elementary and Secondary Education Act of 1965 (ESEA)*, as amended, Title V, Part D, Subpart 1.

**Program Regulations**
*EDGAR*

**Program Description**
This program supports efforts to develop and implement performance-based teacher and principal compensation systems in high-need schools. Goals include:

- Improving student achievement by increasing teacher and principal effectiveness;
- Reforming teacher and principal compensation systems so that teachers and principals are rewarded for increases in student achievement;
- Increasing the number of effective teachers teaching poor, minority, and disadvantaged students in hard-to-staff subjects; and
- Creating sustainable performance-based compensation systems

**Types of Projects**
Projects develop and implement performance-based teacher and principal compensation systems in high-need schools. Performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year, among other factors, and provide

educators with incentives to take on additional responsibilities and leadership roles.

**Education Level (by category)**

K–12

**Subject Index**

Educational Improvement, Educational Innovation, Innovation, Principals, Teachers

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**Links to Related Web Sites**

http://www.ed.gov/programs/teacherincentive/index.html

NBPTS
National Board for
Professional Teaching Standards



# The Five Core Propositions

NBPTS was created in 1987 after the Carnegie Forum on Education and the Economy's Task Force on Teaching as a Profession released **A Nation Prepared: Teachers for the 21st Century**. Shortly after its release, NBPTS issued its first policy statement: What Teachers Should Know and Be Able to Do (PDF - 104kb).

This policy set forth our vision for accomplished teaching. The Five Core Propositions form the foundation and frame the rich amalgam of knowledge, skills, dispositions and beliefs that characterize National Board Certified Teachers (NBCTs).

## Proposition 1: Teachers are Committed to Students and Their Learning

- NBCTs are dedicated to making knowledge accessible to all students. They believe all students can learn.
- They treat students equitably. They recognize the individual differences that distinguish their students from one another and they take account for these differences in their practice.
- NBCTs understand how students develop and learn.
- They respect the cultural and family differences students bring to their classroom.
- They are concerned with their students' self-concept, their motivation and the effects of learning on peer relationships.
- NBCTs are also concerned with the development of character and civic responsibility.

## Proposition 2: Teachers Know the Subjects They Teach and How to Teach Those Subjects to Students.

- NBCTs have mastery over the subject(s) they teach. They have a deep understanding of the history, structure and real-world applications of the subject.
- They have skill and experience in teaching it, and they are very familiar with the skills gaps and preconceptions students may bring to the subject.
- They are able to use diverse instructional strategies to teach for understanding.

## Proposition 3: Teachers are Responsible for Managing and Monitoring Student Learning.

- NBCTs deliver effective instruction. They move fluently through a range of instructional techniques, keeping students motivated, engaged and focused.
- They know how to engage students to ensure a disciplined learning environment, and how to organize instruction to meet instructional goals.
- NBCTs know how to assess the progress of individual students as well as the class as a whole.
- They use multiple methods for measuring student growth and understanding, and they can clearly explain student performance to parents.

## Proposition 4: Teachers Think Systematically about Their Practice and Learn from Experience.

- NBCTs model what it means to be an educated person – they read, they question, they create and they are willing to try new things.

- They are familiar with learning theories and instructional strategies and stay abreast of current issues in American education.
- They critically examine their practice on a regular basis to deepen knowledge, expand their repertoire of skills, and incorporate new findings into their practice.

## Proposition 5: Teachers are Members of Learning Communities.

- NBCTs collaborate with others to improve student learning.
- They are leaders and actively know how to seek and build partnerships with community groups and businesses.
- They work with other professionals on instructional policy, curriculum development and staff development.
- They can evaluate school progress and the allocation of resources in order to meet state and local education objectives.
- They know how to work collaboratively with parents to engage them productively in the work of the school.

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## Cornerstones of Performance-Based Compensation

*First, performance-based compensation is a systemic reform.* It is miscast as a financial reform. It must be tied directly to the educational mission of a district by focusing on changing how a school system thinks and behaves in the areas of student learning and institutional culture.

*Second, it must be done with people, not to them.* Compensation changes that work to the benefit of students and teachers cannot be imposed from above or achieved by simply copying models from elsewhere. There must be trust and collaboration so that program designs and problems can be put on center stage and mid-course corrections can be made when implementing changes.

*Third, performance-based compensation must go beyond politics and finances to benefit students.* Both in planning and development, it has to focus on the range of factors that demonstrably affect results for students and support for teachers.

*Fourth, it must be organizationally sustainable.* From the classroom to the boardroom, the entire district must be aligned to support the initiative. This requires upgrading and aligning all key units of the district in support of the classrooms—curriculum and instruction, professional development, student achievement data, human resources and finance systems.

*Fifth, it must be financially sustainable.* It is essential to anticipate and plan on the front end of the initiative for the financing needed for long-term sustainability. This is a key to maintaining the engagement of both teachers and taxpayers.

*Sixth, a broad base of support is required within the district and community.* Buy-in from the district, particularly teachers, is needed for effective implementation. Support from the community is vital for generating additional resources.

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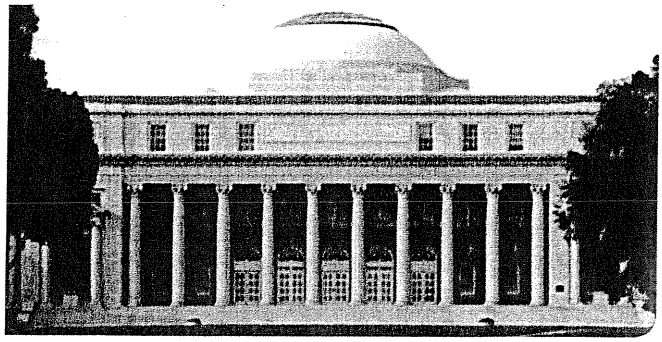

# Value-Added and Other Methods for Measuring School Performance: An Analysis of Performance Measurement Strategies in Teacher Incentive Fund Proposals

February 2008

In "Value-Added and Other Methods for Measuring School Performance: An Analysis of Performance Measurement Strategies in Teacher Incentive Fund Proposals"—a paper presented at the February 2008 National Center on Performance Incentives research to policy conference—Robert Meyer and Michael Christian examine select performance-pay plans used by recipients of the federally funded Teacher Incentive Fund (TIF). The TIF program, funded by the U.S. Department of Education, provides competitive grants to local education agencies, charter schools, or state educational agencies for the development of performance-pay plans. TIF guidelines require that funds be used to (1) distribute bonus awards to educators based on student achievement results, (2) observe and evaluate teachers in the classroom, and (3) encourage teachers to assume additional responsibilities within their schools. Research literature often cites the challenges of designing performance pay programs, specifically, determining how to measure school, teacher, and student performance, and how to most fairly distribute bonus awards. This paper focuses specifically on the nature of value-added models used by TIF grantees to evaluate educator performance.

## Performance Measure Strategies in TIF Plans

Guidelines for the use of TIF funds provide substantial freedom for recipients to create performance-pay plans that best suit their specific needs. TIF grantees use a variety of approaches for determining the distribution of bonus awards to educators. Meyer and Christian focus on the performance measurement strategies used by 34 district recipients, which embody the following six strategies for measuring educators' impact on student achievement.

- Value-added models — used by 17 districts
- Student gain models — used 2 districts
- Students' movement across academic proficiency levels — used by 3 districts
- Students' rates of proficiency or attainment — used by 5 districts
- A combination of student gains, movement across proficiency levels, or proficiency/attainment rates — used by 6 districts
- Students' individual learning plans — used by 1 district

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*Value-Added Models*

In value-added models, a school's contribution to growth in student achievement is estimated. Other contributors to students' academic growth (e.g., family and student characteristics, prior achievement) are controlled for in order to isolate the school's effect. The assumption is that fair comparisons of student outcomes can then be made across multiple schools. Half the districts examined by Meyer and Christian use value-added models.

*Student Gain Models*

The use of student gain models is similar to value-added, but is less complex, as it does not use statistical evidence to control for previous student achievement. In this model, gain is calculated as the difference between average student performance in one year and average student performance of the same students in a previous year. Its emphasis is on achievement from one year to the next. The gain model was used in only a few districts.

*Movement Across Academic Proficiency Levels*

Three of the TIF districts base their bonus awards on changes in the proficiency levels of students from year to year. These proficiency levels might be defined as simply as "below proficient," "proficient," and "advanced," or as complex as a district deems necessary. Within this model, some districts use a point system to further differentiate degrees of performance. More points might be awarded for students who move through more levels or for students who have a greater need to advance in proficiency levels.

*Rates of Academic Proficiency or Attainment*

Proficiency rates evaluate the percentage of students scoring above a minimum proficiency threshold. Attainment simply looks at the average scores of students either in a school or in the classroom. This model, used by five TIF districts, does not consider past performance in evaluating students' current performance.

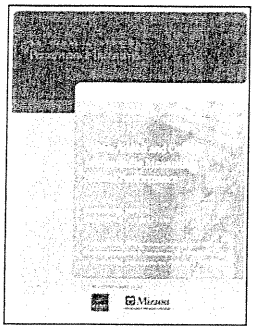
*Other Models for Measuring Student Performance*

Some districts use several approaches to determine educators' contribution to student achievement. These hybrid models use some combination of gain models, movement across proficiency levels, and proficiency or attainment rates. One district uses individual achievement plans for students, resulting in bonus awards for teachers whose students meet the goals outlined in their plans.

**Conclusions**

Though many of the TIF grantees use some form of a value-added model, smaller school districts are more likely to use less sophisticated approaches in their proposed performance pay plans. Some performance measurement strategies, such as the use of proficiency or attainment rates, noticeably deviate from the value-added model. Meyer and Christian argue that any approach that considers past student achievement in its analysis of current achievement is preferable over an attainment model. They also point out a weakness that can easily arise when using movement across proficieny levels: If students do not cross a proficiency threshold, their gains may not be counted, even if they have made improvements.

The authors discuss several benefits to using a value-added model. Primarily, it can be designed and customized to meet the needs of a district and can minimize, if not remove, many of the problems or biases that arise with use of other performance measurement strategies. Smaller districts often do not have the technical capacity to build and administer a value-added model, which likely explains their propensity to use less sophisticated strategies when measuring student performance. Meyer and Christian suggest that the use of more advanced strategies might be feasible for small districts if they work in concert with other districts to create a value-added system that serves multiple districts.



This research brief describes work published by the National Center on Performance Incentives in "Value-Added and Other Methods for Measuring School Performance: An Analysis of Performance Measurement Strategies in Teacher Incentive Fund Proposals" by Robert H. Meyer and Michael S. Christian, Working Paper 2008-17. The National Center on Performance Incentives is a research and development center funded in part by the United States Department of Education's Institute of Education Sciences (R305A06034). The views expressed in this research brief do not necessarily reflect those of the sponsoring agencies.

The National Center on Performance Incentives is led by Peabody College of Vanderbilt University in partnership with the RAND Corporation and the University of Missouri-Columbia.

# Maine's Initial Teacher Certification Standards - Quick Reference

**1. Demonstrates knowledge of the central concepts, tools of inquiry, and structures of the discipline(s) s/he teaches and can create learning experiences that make these aspects of subject matter meaningful to students. Mastery of this standard can be demonstrated by the ability to:**

a. Use multiple representations and explanations of disciplinary concepts that capture key ideas and link them to students' prior learning.

b. Evaluate teaching resources and curriculum materials for their comprehensiveness, accuracy, usefulness and for representing particular ideas and concepts in clear and meaningful ways.

c. Engage students in generating knowledge and testing hypotheses according to the methods of inquiry and standards of evidence used in the discipline.

d. Model the use of the tools of each discipline and creates opportunities for students to practice the use of these tools.

e. Incorporate knowledge of students' experiences in the planning, execution, and evaluation of learning experiences.

f. Explain important principles and concepts delineated within their discipline and link them with professional State and unit standards.

**2. Demonstrates the ability to integrate the concepts, tools of inquiry, and structures among the disciplines. Mastery of this standard can be demonstrated by the ability to:**

a. Create learning experiences in which students are required to construct knowledge and test hypotheses using the methods of inquiry and standards of evidence of multiple disciplines.

b. Encourage students to recognize and respect the interdependence of all knowledge and ideas by combining and integrating knowledge of different disciplines.

c. Pursue and acquire material and human resources in various disciplines for classroom use.

**3. Demonstrates knowledge of the diverse ways in which students develop and learn by providing learning opportunities that support students' intellectual, physical, emotional, and social development. Candidate performance demonstrating the following capabilities informs this standard. Mastery of this standard can be demonstrated by the ability to:**

a. Discern individual, student and group differences (e.g., intellectual, cultural, social).

b. Support individual student's physical, social, emotional, cognitive, and moral development.

c. Observe how students learn and thus ascertain different learning styles.

d. Identify when and how to access appropriate services or resources to meet learners' needs.

e. Identify and design instruction appropriate to students' stages of development, learning styles, strengths, and needs.

f. Make appropriate provisions and adaptations for individual students who have particular learning differences or needs.

g. Understand and make connections to students' experiences and backgrounds in planning and implementing curriculum.

h. Demonstrate understanding of and sensitivity to issues of diversity and equity during the design and assessment of instruction.

**4. Plans instruction based upon knowledge of subject matter, students, and curriculum goals. Mastery of this standard can be demonstrated by the ability to:**

a. Plan for learning opportunities that recognize and address variation in developmental level, learning styles, performance modes, and individual needs.

b. Develop daily, weekly, and long range lesson plans that are linked to student needs and performance and adapt them to ensure and capitalize on student progress and motivation.

c. Demonstrate originality in lesson development within the parameters of the existing school curriculum.

d. Articulate lesson goals and provide educationally and ethically defensible rationales for those goals.

e. Plan collaboratively with colleagues on curriculum goals and frameworks both for the classroom and for schools.

**5. Understands and uses a variety of instructional strategies and appropriate technologies. Mastery of this standard can be demonstrated by the ability to:**

a. Choose effective teaching strategies and materials to meet different learning goals and student needs.

b. Use multiple teaching and learning strategies to engage students in active learning opportunities and to help students take responsibility for their own learning.

c. Monitor and adjust strategies in response to learner feedback.

d. Vary her or his role in the instructional process depending on the content, purposes, and student needs.

e. Develop a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and providing diverse perspectives to encourage critical thinking.

*( 5 continued )*

f. Employ a wide range of questioning and discussion techniques that elicit responses at a variety of affective and cognitive levels.

g. Regularly and purposefully integrate technology into pedagogical practice in order to more effectively support teaching and learning for all students.

h. Provide students with strategies for evaluating the content encountered via technology (e.g., Internet, listservs).

**6. Creates and maintains a classroom environment which supports and encourages learning. Mastery of this standard can be demonstrated by the ability to:**

a. Create a comfortable, well-organized physical environment.
b. Establish a classroom climate of openness, mutual respect, support, and inquiry.
c. Work with students to manage their own behaviors and assume responsibility for their own learning.
d. Use principles of effective classroom organization.
e. Use a variety of strategies to address individual learners' needs in order to increase student performance.
f. Create an environment in which students work both cooperatively and independently.

**7. Demonstrates the ability to support students' learning and well-being by engaging students, home, school, colleagues, and community. Mastery of this standard can be demonstrated by the ability to:**

a. Advocate for students while respecting their privacy and rights to confidentiality.
b. Identify strategies to link school, home, and community to enhance student performance and well-being.
c. Describe ways to develop partnerships with parents and guardians in support of students' learning and well-being.
d. Work with other school personnel, representatives of community agencies, and representatives of other professional and education organizations with the goal of supporting student learning and well-being.

**8. Understands and uses a variety of formal and informal assessment strategies to evaluate and support the development of the learner. Mastery of this standard can be demonstrated by the ability to:**

a. Describe the purposes of assessment.
b. Use a variety of formal and informal strategies to assess student outcomes
c. Match assessment strategies and instruments to Learning Results and program objectives.
d. Use concepts of reliability, validity, and generalizability to design and improve high quality assessments
e. Employ a variety of assessment techniques to collect knowledge of learners, student learning progress, and program effectiveness
f. Use assessments and evaluation to modify teaching and learning strategies and for diagnostic purposes.
g. Communicate responsibly and knowledgeably to students, parents, communities, and agencies about student achievement and program outcomes.
h. Involve learners in self-assessment and goal setting for learning.
i. Document learning using a variety of methods such as portfolios, school records, and other long term indices of the multiple abilities of students

**9. Demonstrates an awareness of and commitment to ethical and legal responsibilities of a teacher. Mastery of this standard can be demonstrated by the ability to:**

a. Treat others with respect, and honor the dignity of all people.
b. Maintain confidentiality, as legally and ethically appropriate concerning all dealings with students, parents, teachers, and school personnel.
c. Adhere to a code of ethics that demonstrates an understanding of students' and teachers' rights and responsibilities.
d. Demonstrate knowledge of legal responsibility..
e. Comply with all school policies including health and safety issues, such as administration of medication and reporting concerns of physical and sexual abuse.
f. Adhere to affirmative action policies pertaining to school and classroom settings; interact with all students in an equitable manner. He/she does not discriminate in employment, housing, or access to public accommodations on account of race, color, sex, physical or mental disability, religion, sexual orientation, ancestry or national origin; and, in employment, does not discriminate on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A; and, in education, does not discriminate on account of sex, or physical or mental disability.

*( 9 continued )*

g) Understand how beliefs, values, traditions and requirements of various religious groups interact with school life (e.g., dietary restrictions, fasting, mandatory observance or non-observance of holidays, activities which are forbidden, expectations regarding gender relations, issues of deference); take religious and cultural diversity into account when planning and implementing lessons and activities.
h) Understand the meaning of sexual harassment and how it impacts students and staff, and assist students in understanding the meaning of sexual harassment, how to avoid harassing others, and what to do if they feel harassed.
i) Document incidents which may have legal or ethical implications.
j) Understand the processes to obtain and maintain professional certification/licensure.
k) Recognize and demonstrate appropriate use of language in the classroom (i.e., avoids profanity, name-calling, racial slurs, etc.)

**10. Demonstrates a strong professional ethic and a desire to contribute to the education profession. Mastery of this standard can be demonstrated by the ability to:**

a. Be an active, contributing member of work teams and committees.
b. Participate in staff development opportunities and training sessions and apply information and strategies gained as a result of those experiences to his/her own teaching.
c. Utilize information gained from reading professional journals.
d. Apply information gathered during attendance at professional conferences.
e. Develop associations with organizations dedicated to learning.
f. Reflect upon and strengthen his/her teaching by evaluating (alone and with colleagues) lessons taught and making appropriate improvements.
g. Stay abreast of and employ new teaching strategies and technologies.
h. Develop and implement a personal development plan to enhance his/her professional growth.
i. Maintain a professional demeanor and recognize the teacher's role as a model for students.
j. Work with colleagues to achieve school and district goals and to address problems in the school.

# APPENDIX F

## Policy Matrix for Selected Rural States

**Policy Matrix for Selected Rural States**

| State | Beginning Salary 2006-07; Minimum Wage Law (Y/N?) | Average Salary 2006-07 (Ranking) | Mentoring? | Alternative Compensation? | Collective Bargaining by School Districts? |
|---|---|---|---|---|---|
| ID | $30,000 (Y) | $45,094 (30) | Limited induction – local districts granted authority to provide mentoring. | No | Yes |
| ND | $27,064 (N) | $38,586 (48) | None | No | Yes |
| NH | $30,185 (N) | $46,797 (25) | None | No | Yes |
| SD | $26,988 (N) | $35,378 (50) | Limited induction – local districts decide if mentoring is required; voluntary on-line program. | Pilot program – received a $20m grant in 2007 for 5 years in 10 public school districts. Incentives are based on school improvements in student achievements and performance in leadership roles. | Yes |
| VT | $26,461[1] (N) | $47,645 (23) | None | No | Yes |
| WV | $30,626 (Y) | $40,534 (45) | Strong induction – all new teachers assigned a mentor for 1-2 years. Observed 1 hour per week in first 6 months & weekly meetings to discuss performance. | No | District school boards decide whether or not to engage in collective bargaining. |
| WY | $40,084 (N) | $50,771 (16) | None | No | District school boards decide whether or not to engage in collective bargaining. |
| ME | $28,517 (Y) | $42,103 (42) | Strong induction – all new teachers assigned a mentor for 2 years. | No | Yes |

Sources: AFT Report "Survey and Analysis of Teacher Salary Trends, 2007"; NCTQ State Teacher Policy Handbook 2008

[1] Data from teacherportal.com – not available in AFT report

Created by Office of Policy and Legal Analysis

# APPENDIX G

## Recommended Legislation:
## Draft Resolve, To Amend the Study Commission Regarding Teachers' Compensation

**Recommended Legislation:**
**Resolve, To Amend the Study Commission Regarding Teachers' Compensation**

**Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this resolve allows the Study Commission Regarding Teachers' Compensation to complete in 2010 the work it was unable to complete in 2009; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and the recommendations submitted in time for the next legislative session; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore, be it

**Sec. 1. Resolve 2009, c. 138, §2, amended. Resolved:** That Resolve 2009, c. 138, §2 is amended to read:

**Sec. 2. Commission membership. Resolved:** That the commission consists of ~~8~~ 7 members appointed as follows:

1. Two Senators, one from each of the 2 political parties having the largest number of members in the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, at least one from each of the 2 political parties having the largest number of members in the House, appointed by the Speaker of the House. In appointing members, the Speaker of the House shall consider geographic distribution;

3. One teacher recommended by the President of the Maine Education Association and appointed by the President of the Senate; and

4. One superintendent or member of a school board of a school administrative unit, recommended by the President of the Maine School Boards Association and the President of the Maine School Superintendents Association and appointed by the President of the Senate; and be it further

~~5. One public member holding a professional position outside of public education in human resources management and specializing in compensation, recommended by the Maine State Council of the Society for Human Resource Management and appointed by the Governor; and be it further~~

; and be it further

**Sec. 2. Resolve 2009, c. 138, §4 amended. Resolved:** That Resolve 2009, c. 138, §4 is amended to read:

**Sec. 4 Appointments; convening of commission. Resolved:** ~~That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the~~ The chairs shall call and convene ~~the first~~ a meeting of the commission~~, which must be no later than July 1, 2009~~ within 45 days after sine die adjournment of the 2nd Regular Session of the 124th Legislature; and be it further

; and be it further

**Sec. 3. Resolve 2009, c. 138, §8 amended. Resolved:** That Resolve 2009, c. 138, §8 is amended to read:

**Sec. 8. Report. Resolved:** That, no later than December 1, 2009, the commission shall submit ~~a~~ an initial report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. No later than November 3, 2010, the commission shall submit a final report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the subject matter of the initial report to the Second Regular Session of the 124th Legislature upon receipt of the initial report and a bill related to the subject of the final report to the First Regular Session of the 125th Legislature upon receipt of the final report.

; and be it further

**Sec. 4. Funding; Members. Resolved**: That any funds authorized by the Legislative Council for the commission in 2009 that were not expended in 2009 are carried forward and available to the commission for the same purposes in fiscal year 2010-11 in accordance with this Resolve. Members appointed in calendar year 2009 to the commission are entitled to continue to serve in their appointed capacity in 2010.

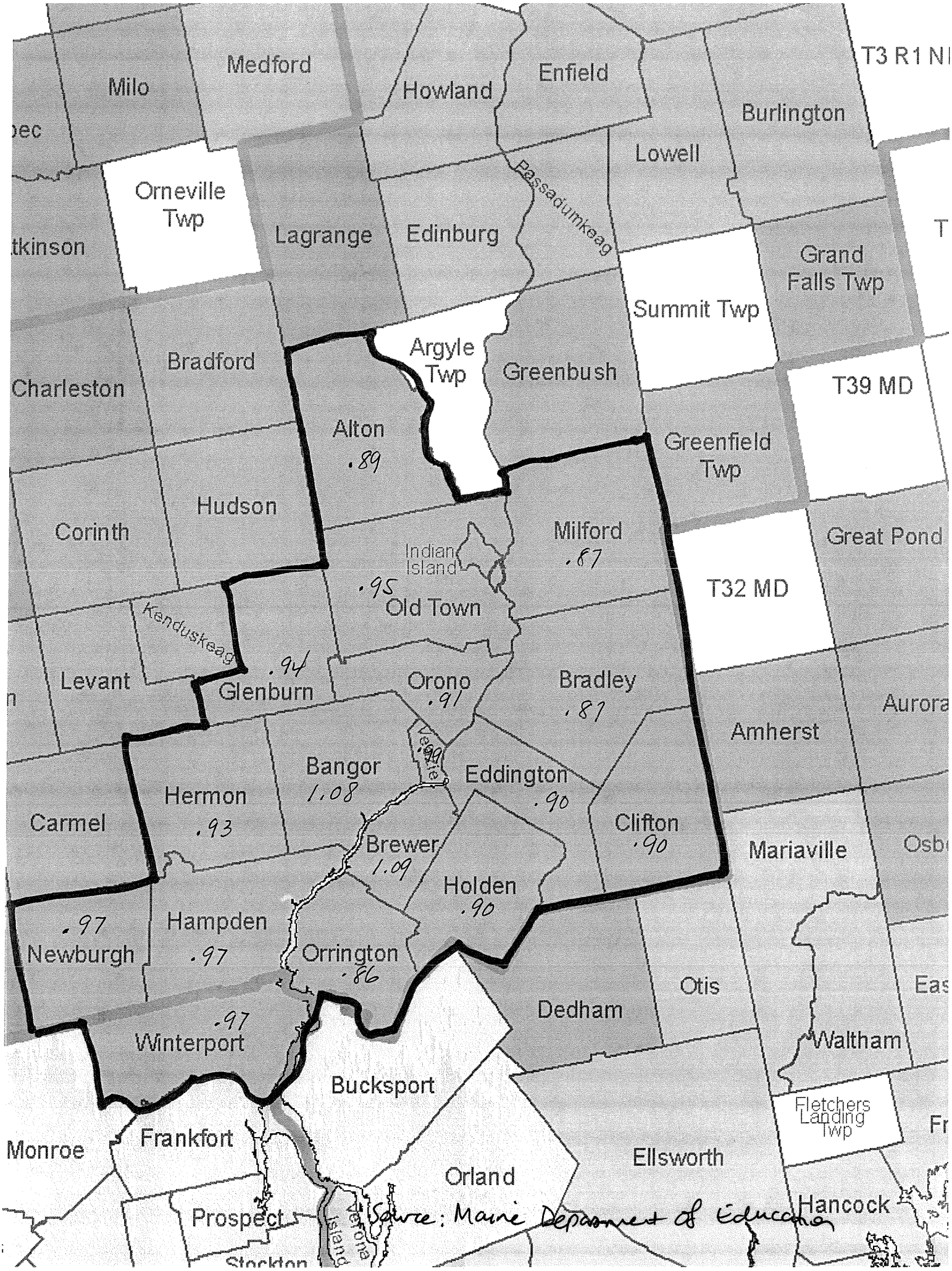
**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY

This Resolve amends Resolve 2009, chapter 138 to extend the Study Commission Regarding Teachers' Compensation. The Study Commission met once in December 2009. This resolve would allow the study commission to hold further meetings in 2010 to complete its work. It eliminates the representative of human resources management on the Commission as this appointment was never made. It also carries over unexpended money from the commission into the 2010 interim.

# APPENDIX H

## Bangor Labor Market Area Case Study
## Teacher Salary Indices




Source: Maine Department of Education