

HOUSE BILL 525

F1, F3, F5

11r0607
CF SB 608

By: **Delegates Rosenberg and Ivey**

Introduced and read first time: February 7, 2011

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Personnel – Grounds for Suspension or Dismissal –**
3 **Ineffectiveness**

4 FOR the purpose of authorizing county boards of education, on the recommendation of
5 the county superintendent of schools, to suspend or dismiss teachers, principals,
6 and certain other public school personnel for ineffectiveness as determined
7 under certain circumstances; declaring a certain intent of the General
8 Assembly; and generally relating to the suspension or dismissal of ineffective
9 public school personnel.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 6–202
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Education**

18 6–202.

19 (a) (1) On the recommendation of the county superintendent, a county
20 board may suspend or dismiss a teacher, principal, supervisor, assistant
21 superintendent, or other professional assistant for:

22 (i) Immorality;

23 (ii) Misconduct in office, including knowingly failing to report
24 suspected child abuse in violation of § 5–704 of the Family Law Article;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) Insubordination;
- 2 (iv) Incompetency; [or]
- 3 (v) Willful neglect of duty; **OR**

4 **(VI) INEFFECTIVENESS, AS DETERMINED UNDER**
5 **SUBSECTION (C) OF THIS SECTION.**

6 (2) Before removing an individual, the county board shall send the
7 individual a copy of the charges against him and give him an opportunity within 10
8 days to request a hearing.

9 (3) If the individual requests a hearing within the 10-day period:

10 (i) The county board promptly shall hold a hearing, but a
11 hearing may not be set within 10 days after the county board sends the individual a
12 notice of the hearing; and

13 (ii) The individual shall have an opportunity to be heard before
14 the county board, in person or by counsel, and to bring witnesses to the hearing.

15 (4) The individual may appeal from the decision of the county board to
16 the State Board.

17 (5) Notwithstanding any provision of local law, in Baltimore City the
18 suspension and removal of assistant superintendents and higher levels shall be as
19 provided by the personnel system established by the Baltimore City Board of School
20 Commissioners under § 4-311 of this article.

21 (b) (1) Except as provided in paragraph (3) of this subsection, the
22 probationary period of employment of a certificated employee in a local school system
23 shall cover a period of 3 years from the date of employment and shall consist of a
24 1-year employment contract that may be renewed by the county board.

25 (2) (i) A county board shall evaluate annually a nontenured
26 certificated employee based on established performance evaluation criteria.

27 (ii) Subject to subparagraph (iii) of this paragraph, if the
28 nontenured certificated employee is not on track to qualify for tenure at any formal
29 evaluation point:

30 1. A mentor promptly shall be assigned to the employee
31 to provide the employee comprehensive guidance and instruction; and

1 2. Additional professional development shall be provided
2 to the employee, as appropriate.

3 (iii) Nothing in this paragraph shall be construed to prohibit a
4 county board from assigning a mentor at any time during a nontenured certificated
5 employee's employment.

6 (3) (i) Subject to subparagraph (ii) of this paragraph, if a
7 certificated employee has achieved tenure in a local school system in the State and
8 moves to another local school system in the State, that employee shall be tenured if
9 the employee's contract is renewed after 1 year of probationary employment in the
10 local school system to which the employee relocated if:

11 1. The employee's final evaluation in the local school
12 system from which the employee departed is satisfactory or better; and

13 2. There has been no break in the employee's service
14 between the two systems of longer than 1 year.

15 (ii) A local school system may extend the probationary period for
16 a certificated employee subject to subparagraph (i) of this paragraph for a second year
17 from the date of employment if:

18 1. The employee does not qualify for tenure at the end of
19 the first year based on established performance evaluation criteria; and

20 2. The employee demonstrates a strong potential for
21 improvement.

22 (4) (i) The State Board shall adopt regulations that implement the
23 provisions of paragraphs (1) and (2) of this subsection and define the scope of a
24 mentoring program and professional development that will be aligned with the 3-year
25 probationary period.

26 (ii) The State Board shall adopt regulations to establish
27 standards for effective mentoring, including provisions to ensure that mentors provide
28 mentoring that:

29 1. Is focused;

30 2. Is systematic;

31 3. Is ongoing;

32 4. Is of high quality;

33 5. Is geared to the needs of each employee being
34 mentored;

1 6. Includes observations; and

2 7. Includes feedback.

3 (c) (1) In this subsection, “student growth” means student progress
4 assessed by multiple measures and from a clearly articulated baseline to one or more
5 points in time.

6 (2) (i) Subject to subparagraph (iii) of this paragraph, the State
7 Board shall adopt regulations that establish general standards for performance
8 evaluations for certificated teachers and principals that include observations, clear
9 standards, rigor, and claims and evidence of observed instruction.

10 (ii) The regulations adopted under subparagraph (i) of this
11 paragraph shall include model performance evaluation criteria.

12 (iii) Before the proposal of the regulations required under this
13 paragraph, the State Board shall solicit information and recommendations from each
14 local school system and convene a meeting wherein this information and these
15 recommendations are discussed and considered.

16 (3) Subject to paragraph (6) of this subsection:

17 (i) A county board shall establish performance evaluation
18 criteria for certificated teachers and principals in the local school system based on the
19 general standards adopted under paragraph (2) of this subsection that are mutually
20 agreed on by the local school system and the exclusive employee representative.

21 (ii) Nothing in this paragraph shall be construed to require
22 mutual agreement under subparagraph (i) of this paragraph to be governed by
23 Subtitles 4 and 5 of this title.

24 (4) The performance evaluation criteria developed under paragraph
25 (3) of this subsection:

26 (i) Shall include data on student growth as a significant
27 component of the evaluation and as one of multiple measures; and

28 (ii) May not be based solely on an existing or newly created
29 single examination or assessment.

30 (5) (i) An existing or newly created single examination or
31 assessment may be used as one of the multiple measures.

32 (ii) No single criterion shall account for more than 35% of the
33 total performance evaluation criteria.

1 (6) If a local school system and the exclusive employee representative
2 fail to mutually agree under paragraph (3) of this subsection, the model performance
3 evaluation criteria adopted by the State Board under paragraph (2)(ii) of this
4 subsection shall take effect in the local jurisdiction 6 months following the final
5 adoption of the regulations.

6 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
7 General Assembly that the authority for a county board of education to suspend or
8 dismiss specified school personnel on the basis of ineffectiveness under § 6-202 of the
9 Education Article as enacted by Section 1 of this Act be consistent with the
10 recommendations of the Maryland Council for Educator Effectiveness as implemented
11 by a county board of education.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.