

HOUSE BILL 1167

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4lr2499
CF SB 676

By: **Delegates Hixson, Anderson, Barkley, Barve, Bates, Beitzel, Cane, Cardin, Conway, Cullison, DeBoy, Frick, Frush, Gaines, George, Glenn, Gutierrez, Guzzone, Haynes, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, Lafferty, Luedtke, A. Miller, Mitchell, Mizeur, Myers, Olszewski, Proctor, S. Robinson, Schulz, Serafini, Simmons, Sophocleus, Stukes, Summers, Swain, F. Turner, Vaughn, A. Washington, M. Washington, ~~and Zucker~~ Zucker, and Fraser-Hidalgo**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **Teachers and Principals – Performance Evaluation Criteria – Use of Student**
3 **Growth Data**

4 FOR the purpose of renaming certain model performance evaluation criteria;
5 prohibiting certain performance evaluation criteria from requiring the use of
6 certain student growth data before a certain year; ~~prohibiting a county board of~~
7 ~~education from being required to adopt certain model performance evaluation~~
8 ~~criteria~~ providing for the application of this Act; and generally relating to the
9 use of student growth data in performance evaluation criteria.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 6–202(c)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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Article – Education

2 6–202.

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 **DEFAULT** 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] SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, THE**
25 performance evaluation criteria developed under paragraph (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 **DEFAULT** model
 3 performance evaluation criteria adopted by the State Board under paragraph (2)(ii) of
 4 this subsection shall take effect in the local jurisdiction 6 months following the final
 5 adoption of the regulations.

6 (7) **ANY PERFORMANCE EVALUATION CRITERIA DEVELOPED**
 7 **UNDER THIS SUBSECTION MAY NOT REQUIRE STUDENT GROWTH DATA BASED**
 8 **ON STATE ASSESSMENTS TO BE USED TO MAKE PERSONNEL DECISIONS BEFORE**
 9 **THE 2016–2017 SCHOOL YEAR.**

10 ~~(8) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO~~
 11 ~~REQUIRE A COUNTY BOARD TO ADOPT THE DEFAULT MODEL PERFORMANCE~~
 12 ~~EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (2)(II) OF THIS~~
 13 ~~SUBSECTION.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That § 6–202(c)(7) of the
 15 Education Article of the Annotated Code of Maryland, as enacted by Section 1 of this
 16 Act, does not apply to a local school system and an exclusive employee representative
 17 that mutually agree to use student growth data based on State assessments to make
 18 personnel decisions in accordance with an agreement executed on or after January 1,
 19 2014, and before March 1, 2014.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 21 effect June 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.