

**SB0899/794338/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 899

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 9 down through “evaluation” in line 11 and substitute “requiring the State Board of Education to adopt regulations to establish certain standards that include certain provisions; requiring certain employees to be tenured under certain circumstances; authorizing certain local school systems to extend a certain probationary period for certain employees under certain circumstances; requiring certain county boards to establish certain performance evaluation criteria that are mutually agreed upon by certain local school systems and certain exclusive employee representatives for certain teachers and principals based on certain standards; requiring certain performance evaluation criteria to include certain data as a certain component of the evaluation”; strike beginning with “requiring” in line 12 down through “funds” in line 16 and substitute “prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; authorizing the use of certain examinations or assessments as one of certain measures; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that may include certain elements; restricting certain use of Race to the Top grant funds for certain purposes; requiring the State Board to adopt certain guidelines to implement a certain program; authorizing the award of certain stipends in certain years to be based on obtainment of National Board Certification”; and in line 16, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 2, in line 29, strike “(2)” and substitute “**(3)**”.

On page 3, in line 13, after “**THE**” insert “**NONTENURED**”; in line 14, strike “**AT THE END OF THE FIRST OR SECOND YEAR, A**” and substitute “**:**”

(Over)

**1. A**;

in line 15, after "EMPLOYEE" insert "TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND INSTRUCTION; AND";

in the same line, strike "AND ADDITIONAL" and substitute:

**2. ADDITIONAL**;

in line 16, after "PROVIDED" insert "TO THE EMPLOYEE";

after line 16, insert:

**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN A LOCAL SCHOOL SYSTEM IN THE STATE AND MOVES TO ANOTHER LOCAL SCHOOL SYSTEM IN THE STATE, THAT EMPLOYEE SHALL BE TENURED IF THE EMPLOYEE'S CONTRACT IS RENEWED AFTER 1 YEAR OF PROBATIONARY EMPLOYMENT IN THE LOCAL SCHOOL SYSTEM TO WHICH THE EMPLOYEE RELOCATED IF:**

**1. THE EMPLOYEE'S FINAL EVALUATION IN THE LOCAL SCHOOL SYSTEM FROM WHICH THE EMPLOYEE DEPARTED IS SATISFACTORY OR BETTER; AND**

**2. THERE HAS BEEN NO BREAK IN THE EMPLOYEE'S SERVICE BETWEEN THE TWO SYSTEMS OF LONGER THAN 1 YEAR.**

**(II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO**

SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE OF EMPLOYMENT IF:

1. THE EMPLOYEE DOES NOT QUALIFY FOR TENURE AT THE END OF THE FIRST YEAR BASED ON ESTABLISHED PERFORMANCE EVALUATION CRITERIA; AND

2. THE EMPLOYEE DEMONSTRATES A STRONG POTENTIAL FOR IMPROVEMENT.”;

in line 17, strike “(3)” and substitute “(4) (I)”; and after line 21, insert:

“(II) 1. THE STATE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING THAT REQUIRE MONITORING TO BE PROVIDED AT LEAST 90 DAYS IN ADVANCE OF AN ADVERSE ACTION BEING TAKEN AGAINST AN EMPLOYEE THAT RELATES TO INCOMPETENCE OR OTHER INSTRUCTION-RELATED ISSUES.

2. THE REGULATIONS ADOPTED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL INCLUDE PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT:

A. IS FOCUSED;

B. IS SYSTEMATIC;

C. IS ONGOING;

D. IS OF HIGH QUALITY;

(Over)

E. IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;

F. INCLUDES OBSERVATIONS; AND

G. INCLUDES FEEDBACK.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 22 through 27, inclusive, and substitute:

“(C) (1) IN THIS SUBSECTION, “STUDENT GROWTH” MEANS STUDENT PROGRESS ASSESSED BY MULTIPLE MEASURES AND FROM A CLEARLY ARTICULATED BASELINE TO ONE OR MORE POINTS IN TIME.

(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS THAT INCLUDE OBSERVATIONS, CLEAR STANDARDS, RIGOR, AND CLAIMS AND EVIDENCE OF OBSERVED INSTRUCTION.

(3) A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA FOR CERTIFICATED TEACHERS AND PRINCIPALS IN THE LOCAL SCHOOL SYSTEM BASED ON THE GENERAL STANDARDS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT ARE MUTUALLY AGREED ON BY THE LOCAL SCHOOL SYSTEM AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(4) THE PERFORMANCE EVALUATION CRITERIA DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

(I) SHALL INCLUDE DATA ON STUDENT GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND AS ONE OF MULTIPLE MEASURES; AND

(II) MAY NOT BE BASED SOLELY ON AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT.

(5) AN EXISTING OR NEWLY CREATED SINGLE EXAMINATION OR ASSESSMENT MAY BE USED AS ONE OF THE MULTIPLE MEASURES.”.

AMENDMENT NO. 4

On page 3, in line 30, strike the first “APPLICATION” and substitute “GRANT FUNDS”; and in the same line, after “MEANS” insert “FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE TO”.

On pages 3 and 4, strike beginning with line 33 on page 3 through line 4 on page 4, inclusive, and substitute:

“(II) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE CATEGORIZED AS TITLE I SCHOOLS OR HAVE A LOCALLY DETERMINED PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICE MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH MAY INCLUDE:

A. OFFERING GROUP INCENTIVES IN ORDER TO ATTRACT A CRITICAL MASS OF HIGHLY EFFECTIVE TEACHERS;

B. REQUIRING THE REPLACEMENT OF CURRENT PRINCIPALS WITH HIGHLY EFFECTIVE PRINCIPALS;

C. DETERMINING THE SIZE OF THE STIPEND FROM DATA AND SUCCESSFUL PROGRAMS PROVEN TO WORK; AND

D. BASING STIPENDS ON PROVEN SKILLS OF THE TEACHER OR PRINCIPAL INCLUDING KNOWLEDGE, SKILLS, AND RESPONSIBILITIES.

(III) RACE TO THE TOP GRANT FUNDS MAY BE USED ONLY TO FUND INCENTIVES PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.

(IV) 1. THE STATE BOARD SHALL ADOPT GUIDELINES TO IMPLEMENT THIS PARAGRAPH.

2. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A LOCAL SCHOOL SYSTEM FROM EMPLOYING MORE STRINGENT STANDARDS THAN THE GUIDELINES ADOPTED UNDER THIS SUBPARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That during the 2010 – 2011 and 2011 – 2012 school years, stipends awarded under § 6-306(b)(5) of the Education Article may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.”;

and in lines 5 and 9, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.