

SENATE BILL 899

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CF HB 1263

By: **The President (By Request – Administration)**

Introduced and read first time: February 15, 2010

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 19, 2010

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Education Reform Act of 2010**

3 FOR the purpose of altering the probationary period of employment of a certificated
4 employee in a public school system; altering certain procedures related to the
5 probationary period of a certificated employee; requiring a county board of
6 education to evaluate annually a nontenured certificated employee based on
7 established performance evaluation criteria; requiring certain certificated
8 employees to be assigned a mentor and provided additional professional
9 development under certain circumstances; ~~requiring that a performance~~
10 ~~evaluation of a certificated teacher or principal in a public school system include~~
11 ~~certain data as a certain component of the evaluation~~ requiring the State Board
12 of Education to adopt regulations to establish certain standards that include
13 certain provisions; requiring certain employees to be tenured under certain
14 circumstances; authorizing certain local school systems to extend a certain
15 probationary period for certain employees under certain circumstances;
16 requiring certain county boards to establish certain performance evaluation
17 criteria that are mutually agreed upon by certain local school systems and
18 certain exclusive employee representatives for certain teachers and principals
19 based on certain standards; requiring certain performance evaluation criteria to
20 include certain data as a certain component of the evaluation; requiring that a
21 certain component of an evaluation be one of multiple measures; ~~requiring the~~
22 ~~State Board of Education to adopt regulations to implement certain provisions~~
23 ~~of this Act; requiring certain classroom teachers and principals working in~~
24 ~~certain public schools to receive a certain stipend, contingent on the receipt of~~

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.



1 ~~certain federal funds~~ prohibiting certain performance evaluation criteria from
 2 being based solely on certain examinations or assessments; authorizing the use
 3 of certain examinations or assessments as one of certain measures; requiring
 4 the State Board to establish a certain program to support certain incentives for
 5 certain teachers and principals that may include certain elements; restricting
 6 certain use of Race to the Top grant funds for certain purposes; requiring the
 7 State Board to adopt certain guidelines to implement a certain program;
 8 authorizing the award of certain stipends in certain years to be based on
 9 obtainment of National Board Certification; defining ~~a certain term~~ certain
 10 terms; providing for the application of a certain provision of this Act; and
 11 generally relating to the employment of certificated employees in a public school
 12 system.

13 BY repealing and reenacting, with amendments,
 14 Article – Education
 15 Section 6–202
 16 Annotated Code of Maryland
 17 (2008 Replacement Volume and 2009 Supplement)

18 BY adding to
 19 Article – Education
 20 Section 6–306(b)(5)
 21 Annotated Code of Maryland
 22 (2008 Replacement Volume and 2009 Supplement)

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

25 **Article – Education**

26 6–202.

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

30 (i) Immorality;

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

33 (iii) Insubordination;

34 (iv) Incompetency; or

35 (v) Willful neglect of duty.

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

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

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

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

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

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

16 (b) (1) Except as provided in paragraph ~~(2)~~ **(3)** of this subsection, the
17 probationary period of employment of a certificated employee in a public school system
18 shall cover a period of **[2 years] 3 YEARS** from the date of employment and shall
19 consist of a 1-year employment contract that may be renewed by the county board.

20 **[(2)** (i) A probationary period for a certificated employee in a public
21 school system may be extended for a third year from the date of employment if the
22 certificated employee does not qualify for tenure at the end of the second year based on
23 established performance evaluation criteria and the employee demonstrates a strong
24 potential for improvement.

25 (ii) If the probationary period of a certificated employee is
26 extended as provided in this paragraph, a mentor shall be assigned to the employee
27 and the employee shall be evaluated at the end of the third year based on established
28 performance evaluation criteria.]

29 **(2) (I) A COUNTY BOARD SHALL EVALUATE ANNUALLY A**
30 **NONTENURED CERTIFICATED EMPLOYEE BASED ON ESTABLISHED**
31 **PERFORMANCE EVALUATION CRITERIA.**

32 **(II) IF THE NONTENURED CERTIFICATED EMPLOYEE IS NOT**
33 **ON TRACK TO QUALIFY FOR TENURE ~~AT THE END OF THE FIRST OR SECOND~~**
34 **~~YEAR, A:~~**

1 1. A MENTOR SHALL BE ASSIGNED TO THE
 2 EMPLOYEE TO PROVIDE THE EMPLOYEE COMPREHENSIVE GUIDANCE AND
 3 INSTRUCTION; AND ~~AND ADDITIONAL~~

4 2. ADDITIONAL PROFESSIONAL DEVELOPMENT
 5 SHALL BE PROVIDED TO THE EMPLOYEE, AS APPROPRIATE.

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

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

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

17 (II) A LOCAL SCHOOL SYSTEM MAY EXTEND THE
 18 PROBATIONARY PERIOD FOR A CERTIFICATED EMPLOYEE SUBJECT TO
 19 SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A SECOND YEAR FROM THE DATE
 20 OF EMPLOYMENT IF:

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

24 2. THE EMPLOYEE DEMONSTRATES A STRONG
 25 POTENTIAL FOR IMPROVEMENT.

26 ~~(3)~~ (4) (I) The State Board shall adopt regulations that implement the
 27 provisions of paragraphs (1) and (2) of this subsection and define the scope of a
 28 mentoring program AND PROFESSIONAL DEVELOPMENT that will be aligned with
 29 the [2-year] ~~3-YEAR~~ probationary period [and the 1-year extension as provided in
 30 paragraph (2) of this subsection].

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

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

4 **A. IS FOCUSED;**

5 **B. IS SYSTEMATIC;**

6 **C. IS ONGOING;**

7 **D. IS OF HIGH QUALITY;**

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

10 **F. INCLUDES OBSERVATIONS; AND**

11 **G. INCLUDES FEEDBACK.**

12 ~~**(c) (1) A PERFORMANCE EVALUATION OF A CERTIFICATED TEACHER**~~
13 ~~**OR PRINCIPAL IN A PUBLIC SCHOOL SYSTEM SHALL INCLUDE DATA ON STUDENT**~~
14 ~~**GROWTH AS A SIGNIFICANT COMPONENT OF THE EVALUATION AND ONE OF**~~
15 ~~**MULTIPLE MEASURES.**~~

16 ~~**(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT**~~
17 ~~**IMPLEMENT THE PROVISIONS OF THIS SUBSECTION.**~~

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

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

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

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

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

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

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

10 6-306.

11 (b) **(5) (I) IN THIS PARAGRAPH, “RACE TO THE TOP APPLICATION**
 12 **GRANT FUNDS” MEANS FEDERAL MONEY AWARDED TO THE STATE IN RESPONSE**
 13 **TO THE STATE’S APPLICATION TO THE UNITED STATES DEPARTMENT OF**
 14 **EDUCATION FOR THE RACE TO THE TOP FUND, AUTHORIZED UNDER THE**
 15 **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

16 **(II) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR**
 17 **PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE’S RACE**
 18 **TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF**
 19 **TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING**
 20 **SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY**
 21 **THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT**
 22 **FUNDS.**

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

29 **2. THE PROGRAM ESTABLISHED UNDER**
 30 **SUBSUBPARAGRAPH 1 OF THIS PARAGRAPH SUBPARAGRAPH MAY INCLUDE:**

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

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

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

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

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

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

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

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

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the probationary
22 period of employment specified in § 6–202(b) of the Education Article, as enacted by
23 Section 1 of this Act, shall be applicable to a certificated employee in a public school
24 system with a date of employment starting on or after July 1, 2010.

25 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.