

## Chapter 544

(Senate Bill 676)

AN ACT concerning

### Teachers and Principals – Performance Evaluation Criteria – Use of Student Growth Data

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

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

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

#### Article – Education

6–202.

(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) (i) Subject to subparagraph (iii) of this paragraph, 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.

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

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

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

(i) 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.

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

(4) **[The] SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, 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) (i) An existing or newly created single examination or assessment may be used as one of the multiple measures.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That § 6–202(c)(7) of the Education Article of the Annotated Code of Maryland, as enacted by Section 1 of this

Act, does not apply to a local school system and an exclusive employee representative that mutually agree to use student growth data based on State assessments to make personnel decisions in accordance with an agreement executed on or after January 1, 2014, and before March 1, 2014.

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

**Approved by the Governor, May 15, 2014.**