

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 911 (Senator Madaleno, *et al.*)  
Education, Health, and Environmental Affairs

---

Education - Performance Evaluation Criteria - Default Model

---

This bill renames the model performance evaluation criteria for teachers and principals developed by the State Board of Education as the *default* model performance evaluation criteria.

The bill takes effect June 1, 2014.

---

Fiscal Summary

**State Effect:** None. The bill renames the model performance evaluation criteria for teachers and principals as the default model performance evaluation criteria.

**Local Effect:** None.

**Small Business Effect:** None.

---

Analysis

**Current Law/ Background:** As of the 2013-2014 school year, 22 local school systems have implemented new teacher and principal evaluation systems as required by the Race to the Top (RTTT) grant, and the remaining two systems (Frederick and Montgomery) are required by Maryland's Elementary and Secondary Education Act (ESEA) flexibility waiver to implement new teacher and principal evaluation systems by the 2014-2015 school year.

## *Maryland ESEA Flexibility Waiver*

Maryland submitted its ESEA flexibility waiver request in February 2012 and was approved on May 29, 2012. Maryland is one of 34 states and the District of Columbia to receive approval of its ESEA flexibility waiver request.

One specific requirement to receive both a RTTT grant and an ESEA waiver was a plan to improve effective instruction and leadership. To this end, Maryland's ESEA waiver request included the State's new teacher and principal evaluations system, which was established by the Education Reform Act of 2010 (Chapter 189) and subsequent regulations (discussed further below). As a result, under Maryland's current ESEA flexibility waiver, all local school systems must implement new teacher and principal evaluation systems that assign "significant value" to measurable student growth by 2013-2014, except for Frederick and Montgomery counties, which did not participate in RTTT and, thus, have an additional year to meet this requirement.

Maryland's current approved ESEA flexibility waiver expires at the end of 2013-2014 school year. The Maryland State Department of Education (MSDE) reports that it has been meeting with education stakeholders over the past several months to develop a one-year ESEA flexibility waiver extension that the U.S. Department of Education (USDE) has offered as an option for states to request.

One of the key provisions in the extension request will be delaying the use of student growth data on State assessments to count for personnel decisions for teacher and principal evaluations until the 2016-2017 school year. Specifically, MSDE plans to request that the State student growth data will not count for personnel decisions for the 2013-2014 school year; will only be used to inform, but not determine, personnel decisions during the 2014-2015 and 2015-2016 school years; and will count for personnel decisions beginning in the 2016-2017 school year.

MSDE plans to submit a draft extension request to the State Board of Education at its February meeting with approval anticipated at the March meeting and subsequent submissions to USDE. However, per direction from USDE, MSDE cannot submit its extension request until it receives a written report with the results of a recent USDE Part B monitoring visit of the current ESEA waiver. The monitoring was completed on December 17, 2013, and MSDE has not yet received the written report. The extension request must address any concerns noted in the monitoring report. Per USDE, the ESEA flexibility waiver extension request must be submitted within 60 days of receipt of the Part B monitoring report, so that the request can be approved by the end of this school year.

It is important to note that USDE has offered states additional flexibility to delay personnel decisions based on student growth using state assessments associated with new teacher and principal evaluation systems but has not offered flexibility on the timeline for implementation of new teacher and principal evaluation systems.

### *Education Reform Act*

The Education Reform Act of 2010 (Chapter 189) made significant changes to Maryland's teacher and principal evaluation process and helped the State to land a \$250 million federal RTTT grant. The Act required the State Board of Education to adopt regulations establishing general standards for performance evaluations of certificated teachers and principals and requires student growth to be a significant component in the evaluations. Recommendations for the new educator evaluation systems were developed by the Maryland Council for Educator Effectiveness (MCEE), which the Governor established by executive order on June 1, 2010. The redesign of teacher and principal evaluations was one of the primary reforms identified in Maryland's RTTT application. Within the reform area of great teachers and Leaders, Maryland agreed to implement new teacher and principal evaluation systems by 2012-2013, later amended with agreement of USDE to 2013-2014.

The Act required each local board of education to establish performance evaluation criteria for certificated teachers and principals based on the general standards adopted by the State Board of Education that are mutually agreed on by the local school system and the exclusive employee representative. If the local school system and the exclusive employee representative fail to mutually agree, the model performance evaluation criteria adopted by the State Board of Education take effect in the local jurisdiction six months following the final adoption of the regulations.

### *State Board of Education Adopts Evaluation Regulations*

On June 26, 2012, the State board adopted regulations implementing MCEE's evaluation recommendations, as required by the Education Reform Act. The regulations require that (1) teacher and principal evaluations meet the minimum standards set forth in the regulations and (2) student growth account for 50% of evaluations in all local school systems that signed the RTTT application.

The regulations also specify that if a local school board and the exclusive employee representative do not reach agreement on an evaluation system, the school board must implement the Model State Performance Evaluation Criteria, 20% of which is based on State test scores for grades three to eight content areas. In all evaluation systems, the student growth component will account for 50% and must include multiple measures, such as aggregate class growth scores, student learning objectives, and a schoolwide

performance index. The professional practice component will also count for 50% of an evaluation. For teachers, this component includes planning and preparation, classroom environment, instruction, and professional responsibility. For principals, the component will include the outcomes in the Maryland Instructional Leadership Framework and outcomes developed by the Interstate School Leaders and Licensure Consortium. The regulations sunset on September 30, 2014, subject to review by the State board and re-promulgation of the regulations.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** Although designated as a cross file, HB 1167 (Delegate Hixson, *et al.* - Ways and Means) is not identical.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2014  
ncs/rhh

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510