

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 633
Ways and Means

(Delegate Ebersole, *et al.*)

Education - Teacher and Principal Evaluations - Revisions to Requirements

This bill repeals the requirement that the regulations adopted by the State Board of Education include a *default model* for the performance evaluation of teachers and principals. The bill requires the State board to adopt new regulations that establish general standards for performance evaluations of teachers and principals that allow for flexibility and innovation in addition to current requirements. A local board of education must establish performance evaluation criteria for teachers and principals that is mutually agreed upon by the local school system and the exclusive employee representative using the collective bargaining process. The performance evaluation criteria must *incorporate* data on student growth, rather than include it as a significant component of the evaluation and as one of multiple measures. Finally, the bill repeals the provision prohibiting any performance evaluation criteria from using student growth data based on State assessments to make personnel decision before the 2016-2017 school year.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. There is no direct effect on State revenues or expenditures.

Local Effect: Local school systems expenditures may increase minimally to develop new performance evaluation criteria that are mutually agreed upon with the exclusive employee representative. Any costs cannot be reliably estimated.

Small Business Effect: None.

Analysis

Bill Summary: The bill also repeals the requirement that the default model take effect in a local jurisdiction six months following the adoption of the regulations if a local system and the exclusive employee representative fail to mutually agree upon alternative performance evaluation criteria.

Current Law/Background: Partly in response to scoring criteria for the federal Race to the Top (RTTT) grant, the Education Reform Act of 2010 (Chapter 189), among other provisions, established performance evaluation criteria for teachers and principals. Maryland received \$250 million in RTTT grant funds.

The State board was required to adopt regulations that establish general standards for performance evaluations for certificated teachers and principals that included observations, clear standards, rigor, and claims and evidence of observed instruction, as well as default model performance evaluation criteria. Before these regulations were proposed, the State board was required to solicit information and recommendations from each local school system and convene a meeting to discuss this information and recommendations.

Each local board of education was required, in turn, to establish performance evaluation criteria that are based on these general standards and were mutually agreed upon by the local school system and the exclusive employee representative. Mutual agreement was not governed by State public school employee collective bargaining laws.

The performance evaluation criteria must include data on student growth as a significant component and may not be based solely on an existing or newly created single examination or assessment. However, an existing or newly created single examination may be used as one of multiple measures of student growth. In addition, no single criterion can account for more than 35% of the total performance evaluation criteria.

If a school system and the exclusive employee representative failed to mutually agree on the criteria, the State board's default model performance evaluation criteria took effect six months after the final regulations establishing the default model criteria were adopted.

Chapters 544 and 545 of 2014 prohibited any performance evaluation criteria for teachers and principals (*i.e.*, the educator evaluation system) from using student growth data based on State assessments to make personnel decisions before the 2016-2017 school year. This prohibition does not apply to a local school system and an exclusive employee representative that mutually agree to use student growth data based on the State assessments to make personnel decisions in accordance with an agreement executed on or after January 1, 2014, and before March 1, 2014.

Default Model – Teacher Evaluation

According to the Code of Maryland Regulations (13A.07.09.05), the default model must include a student growth component that comprises at least 50% of the teacher's and principal's evaluation in the following ways:

- for school years 2014-2015 and 2015-2016, for elementary and middle school teachers providing instruction in State-assessed content areas, 20% of the evaluation must be based on student learning objectives (SLOs) based on and informed by the data obtained from the State assessments and 30% on other SLOs or other locally determined measures;
- for school years after 2015-2016, for elementary and middle school teachers providing instruction in State-assessed content areas, based on an analysis conducted by Maryland State Department of Education (MSDE) of evaluation data obtained in school years 2014-2015 and 2015-2016, including and analysis of the use of State Assessment data as a direct measure of student growth, aggregate class growth scores for State-assessed content areas being taught may comprise at least 20% of the teacher's evaluation;
- for school years 2014-2015 and 2015-2016, elementary and middle school teachers providing instruction in non-State-assessed grades or content areas, SLOs or other locally determined measures in the content areas being taught must comprise 50% of the evaluation;
- for school years after 2015-2016, for elementary and middle school teachers providing instruction in non-State-assessed grades or content areas, based on an analysis conducted by the department of evaluation data obtained in school years 2014-2015 and 2015-2016, SLOs or other locally determined measures may comprise up to 30% of the evaluation and a school-wide index may comprise up to 20%; and
- for high school teachers, SLOs informed by the data obtained from the High School Assessments must comprise 50% of the teacher's evaluation.

Under the default model, the professional practice component comprise the other 50% of teacher's evaluations as follow: planning and preparation – 12.5%; classroom environment – 12.5%; instruction – 12.5%; and professional responsibility – 12.5%.

Default Model – Principal Evaluation

For elementary and middle school principals, student growth must be measured by SLOs, in part, based on and informed by State assessment data, aggregate school-wide growth scores in State-assessed content areas, and the school-wide index.

For high school principals, student growth must be measured by SLOs, in part, based on and informed by the high school assessment data and the school-wide index.

For principals of other types of schools, student growth must be measured by SLOs and the school-wide index.

There must be a professional practice component for principals which counts for 50% of a principal's evaluation. This must include, but not be limited to, the outcomes in the Maryland Instructional Leadership Framework, and other outcomes based on Interstate School Leaders and Licensure Consortium.

Elementary and Secondary Education Act (ESEA)

During implementation of RTTT reforms, the U.S. Department of Education (ED) began offering states Flexibility Waivers from specified provisions of the No Child Left Behind Act (NCLB), which was the 2001 reauthorization of the ESEA. ED approved Maryland's waiver in 2013, contingent on the State's commitment to use student growth in teacher and principal evaluations as measured by the State's new Partnership for Assessment of College and Career Readiness when the data was available. In 2014 and 2015, Maryland received approval from ED of waiver extensions, again contingent on the State's continuing commitment to use student growth as measured by State assessments in teacher and principal evaluations.

In December 2015, the most recent reauthorization of the ESEA was signed into law as the Every Student Succeeds Act (ESSA), which provides more flexibility to states and local school systems than NCLB. Under ESSA, ED is prohibited from requiring states to establish teacher and principal evaluation and support systems in exchange for a federal waiver. However, a state may choose to implement an evaluation and support system. The 2016-2017 school year is a transition year in which the State is still operating under its NCLB Flexibility Waiver. ESSA will begin to be fully implemented in the 2017-2018 school year.

MSDE advises that the local school systems have received over \$7 million to support local model design, data infrastructure, and professional development, and \$300,000 to support research on model performance. MSDE further advises that \$30,000 investments have been given to institutions of higher education for programmatic content and delivery.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 17, 2016
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