



Nancy S. Grasmick  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

June 22, 2011

The Honorable Martin O'Malley  
State House  
100 State Circle  
Annapolis, Maryland 21401

The Honorable Thomas V. Mike Miller  
State House  
H-107 State House  
Annapolis, Maryland 21401

The Honorable Michael E. Busch  
State House  
H-101 State House  
Annapolis, Maryland 21401

Mr. James DeGraffenreidt, President  
Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

Dear Governor O'Malley, President Miller, Speaker Busch, and Mr. DeGraffenreidt:

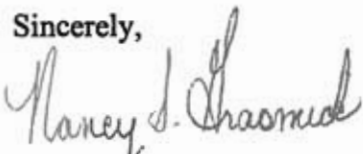
Executive Order 01.01.2010.12, signed on June 1, 2010, established the Maryland Council for Educator Effectiveness. The Executive Order required the Council to submit to the Governor, the General Assembly and the Maryland State Board of Education recommendations for the development of the model evaluation system for educators required by Chapter 1989 of the 2010 Laws of the General Assembly of Maryland – Educator Reform Act of 2010. Due to the enormity of this important work, by letter of November 22, 2010, the Council requested an extension of time to submit its initial recommendations for the model evaluation system until June 30, 2011.

The Council, consisting of 21 educators, legislators and representatives of the business community, met 17 times through June 2011. After nearly a year of discussions, deliberations, and hard work, the Council, on a vote of 13-7, recommended moving the attached "*Maryland Council for Educator Effectiveness Initial Recommendations Statewide Educator Evaluation System*" for your review.


Seven pilot jurisdictions will begin implementation of the evaluation systems in the fall of 2011. The Council looks forward to receiving their recommendations and further refining the framework when we reconvene in December 2011.

We thank you for this opportunity to Chair the Educator Effectiveness Council and look forward to collaboration as we work together over the coming years to develop final recommendations and continue to move education forward in Maryland.

Sincerely,



Nancy S. Grasmick  
State Superintendent of Schools



Betty Weller  
MSEA Vice President

Maryland Public Schools: #1 in the Nation Three Years in a Row

marylandpublicschools.org



**Maryland Council for Educator Effectiveness**  
**Initial Recommendations**  
**Statewide Educator Evaluation System**

**Submitted to Governor Martin O'Malley, the Maryland General  
Assembly, and the Maryland State Board of Education**

**June 21, 2011**

### **Membership of the Council**

**Dr. Nancy Grasmick, State Superintendent of Schools, Co-chair**

**Elizabeth Weller, Vice President, Maryland State Education Association, Co-chair**

**Dr. Andres A. Alonso, Chief Executive Officer, Baltimore City Public Schools**

**Christopher S. Barclay, Board of Education, Montgomery County Public Schools**

**Bridgette Helen Blue, Teacher, Prince George's County Public Schools**

**Cheryl Bost, President, Teachers' Association of Baltimore County Public Schools**

**David Burton, Principal, Long Reach High School, Howard County Public Schools**

**Dr. Bonita Coleman-Potter, Deputy Superintendent, Prince George's County Public Schools**

**Dr. Mary Kay Finan, Member, Maryland State Board of Education**

**Donna Hanlin, Assistant Superintendent, Washington County Public Schools**

**The Honorable Anne R. Kaiser, Maryland House of Delegates**

**The Honorable Delores G. Kelley, Maryland State Senate**

**Maleeta Kitchen, Teacher, Howard County Public Schools**

**Dr. Lawrence Leak (ret.), University of Maryland, University College**

**Enrique Melendez, former member, Anne Arundel County Board of Education**

**Dr. Dennis Pataniczek, Dean of Education & Professional Studies, Salisbury University**

**Pamela A. Pedersen, Member, Charles County Board of Education**

**Dawn Pipkin, Teacher, St. Mary's County Public Schools**

**Lee J. Rutledge, Teacher, Baltimore City Public Schools**

**June Streckfus, Executive Director, Maryland Business Roundtable for Education**

**Judith C. Walker, Principal, Carroll County Public Schools**

#### **Office of the Governor**

**John Ratliff, Director of Policy**

#### **Staff**

**Patricia A Foerster, Office of the Governor**

**Debbie Lichter, Maryland State Department of Education**

**Renee Spence, Maryland State Department of Education**

## **Legislative Background**

During the 2010 General Assembly Session, the Maryland legislature passed the Education Reform Act of 2010 (see Appendix 1). This legislation had the following components:

1. 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 of evidence of observed instruction.
2. The regulations shall include model performance evaluation criteria.
3. 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.
4. A county board shall establish performance evaluation criteria for certified teachers and principals in the local school system based on the general standards that are mutually agreed on by the local school system and the exclusive employee representative. These criteria shall include:
  - a) Data on student growth as a significant component of the evaluation and as one of multiple measures;
  - b) May not be based solely on an existing or newly created single examination or assessment; and
  - c) If the local school system and the bargaining unit fail to agree, the model performance criteria shall take effect.

## **Establishment of the Maryland Council for Educator Effectiveness**

On June 1, 2010, Governor Martin O'Malley signed an Executive Order (see Appendix 2) creating the Maryland Council for Educator Effectiveness. The Executive Order set forth the membership, identified the co-chairs, prescribed operating procedures, and set forth the responsibility of the Council. Specifically, the Council was charged with making recommendations for the development of the model evaluation system for educators required under the Education Reform Act of 2010. The recommendations are expected to address the following three components:

1. The definitions of effective teachers and principals;
2. The definitions of highly effective teachers and principals; and
3. The relationship between the student learning component of educator evaluations and the other components of the evaluation.

The Executive Order also stated that the Council's recommendations should seek to ensure that every educator is:

1. Evaluated using multiple, fair, transparent, timely, rigorous, and valid methods;
2. Afforded a meaningful opportunity to improve their effectiveness; and
3. Provided the means to share effective practices with other educators statewide.

### **Meeting Dates**

The Council met on the following dates in 2010: August 26, September 22, October 22, November 1, November 29 and December 13. The Council met on the following dates in 2011: January 10, January 24, February 14, February 28, March 21, March 28, May 2, June 7, and June 20. On April 25, the Council provided an Interim Report to Governor Martin O'Malley, the State Legislature, and the State Board of Education. This Interim report provided a brief summary of the proceedings of each meeting of the Council. It described the progress to date that the Council had made in meeting its charge. It also described other state activities that had taken place that contributed to the thinking of the Council. Finally, it described next steps that the Council had to take in order to fulfill its charge.

### **Underlying Philosophy**

The Council wishes to make it clear that underlying its recommendations is a philosophy of educator improvement. Although difficult personnel decisions will inevitably need to be made in the case of persistently ineffective teachers or principals, the Council believes that helping educators to improve is the primary purpose of evaluation. To that end, both the LEAs and the State have the responsibility to provide effective, quality, and relevant professional development as the cornerstone of the proposed statewide system of evaluation. Such professional development is an ethical obligation that school systems have to employees they hire. It represents a fundamental belief in fairness to employees. It also recognizes the current

reality that Maryland has a number of teacher and principal shortage areas, an increasing number of eligible retirees, and a diminishing pool of candidates from which to choose. Thus the State and local school systems face not only an ethical responsibility but also a very real, practical reason for providing the kind of professional development that will allow our teachers and principals to continually improve.

### **Meeting the Charge**

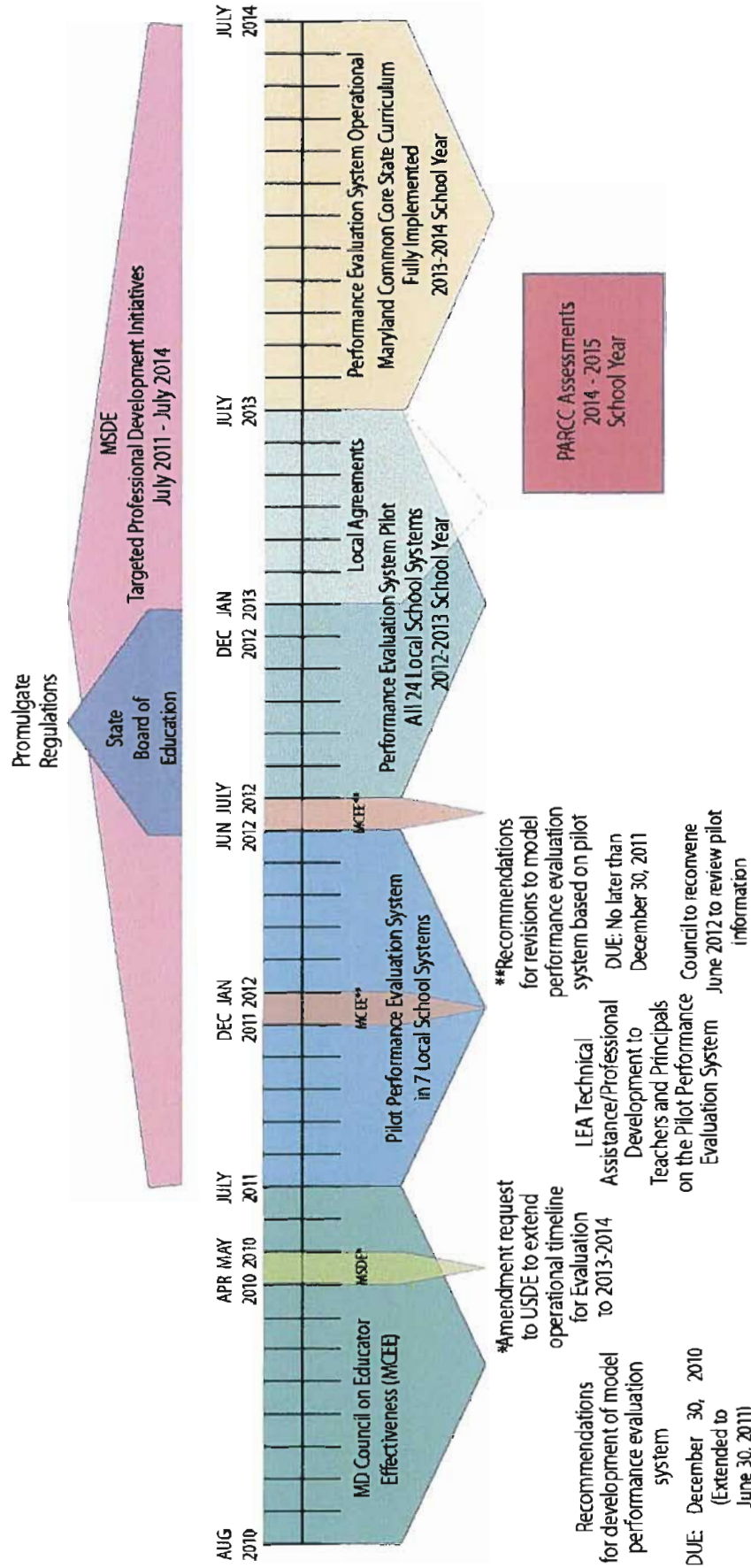
In meeting the charge, the Council has endorsed three key documents. The first is a revised timeline; the second is two frameworks – one each for the evaluation of teachers and principals (with definitions); and the third is general standards for teacher/principal evaluation.

#### Timeline

As the Council began its work, it became evident that it needed more time to complete its charge than originally conceived. As such, it requested of the Governor an extension to the original timeline (December 2010) to June 2011. Built into this revised timeline is a professional development component for teachers and principals. The new timeline also provides for a 12 month pilot project for the new statewide system of evaluation instead of the original 18 month pilot.

Upon further reflection, the Council became concerned about moving too quickly from a pilot evaluation system being conducted in 7 local education agencies (LEAs) to statewide implementation without further time provided to the remaining school systems to also develop and pilot their own local evaluation systems in order to seek solutions to unforeseen obstacles and provide high quality professional development. Accordingly, the Council endorsed a proposal from Dr. Grasmick that the Maryland State Department of Education (MSDE) should request an amendment from the United States Department of Education (USDE) to allow an additional year before implementing the statewide system of evaluation. That amendment was submitted to USDE on April 22, 2011, and was approved on June 17, 2011. The timeline on the next page describes the relationship between and among the work of the Council, pilot LEAs, professional development activity, development of regulations, local agreements and the actual implementation of the statewide system of evaluation.

# Timeline for Implementing Model Performance Evaluation System



UPDATE: June 20, 2011

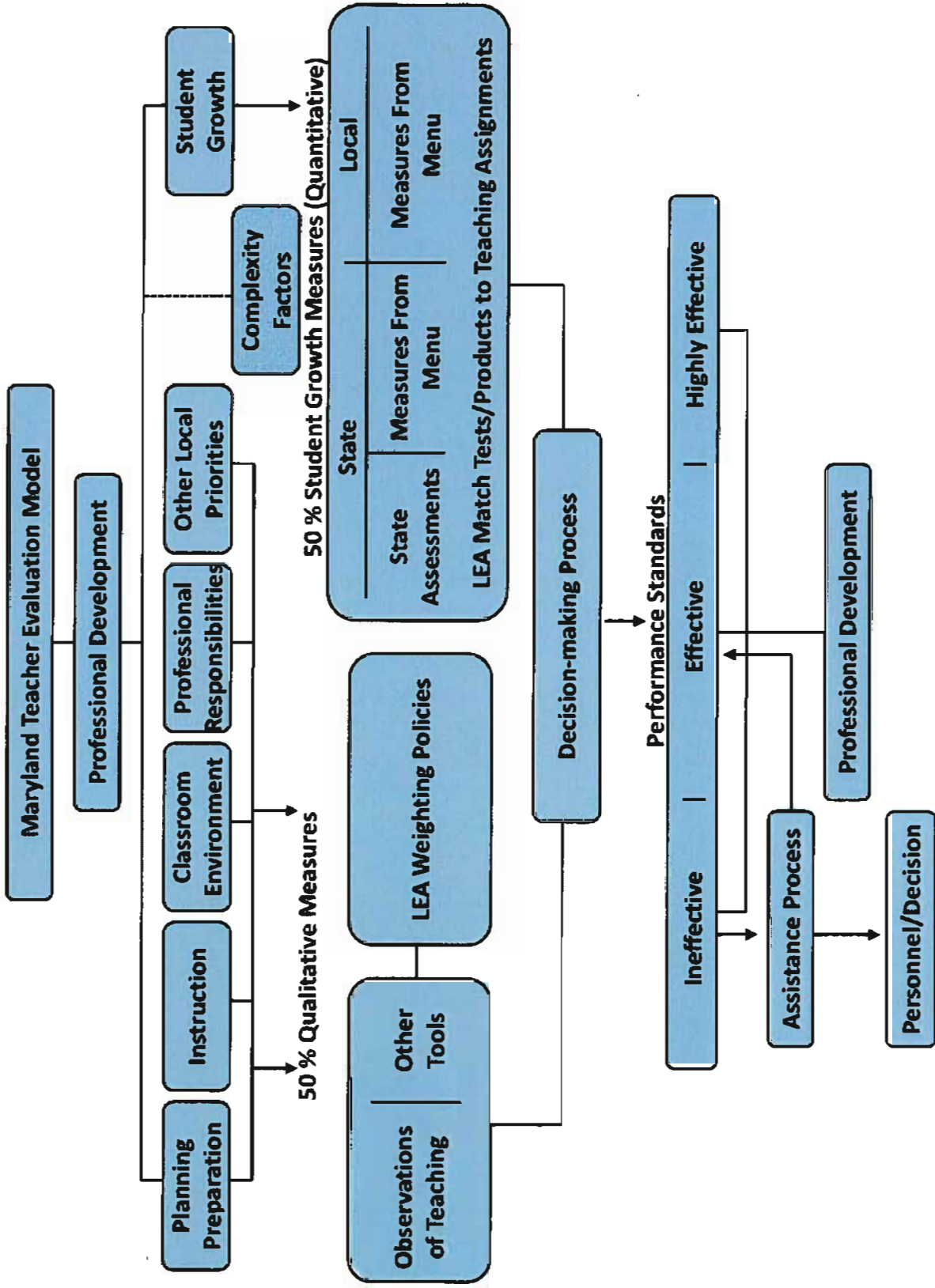
### Framework: Evaluation of Teachers and Principals

After several discussions at Council meetings about the suggested components of an effective yet flexible statewide evaluation system, the Council has endorsed two separate frameworks and definitions that accompany those frameworks (see next 4 pages). The first framework lays out graphically the components of a model for teacher evaluation in Maryland. The framework has at its core the professional development component previously described. It includes 4 qualitative measures (planning and preparation; instruction; classroom environment; and professional responsibilities). The framework also allows for the inclusion of other local priorities in addition to the 4 qualitative measures to take into account other areas for which LEAs wish to hold teachers responsible. This component of the evaluation is 50%. The other 50% is the student growth component. It provides for consideration of complexity factors (see definition sheet) recognized by the LEA. The framework yields a decision-making process based on performance standards. Once again, professional development is included, with the caveat that such professional development is important for all teachers, not just those who are rated ineffective. After all, Maryland believes that all educators can continue to improve.

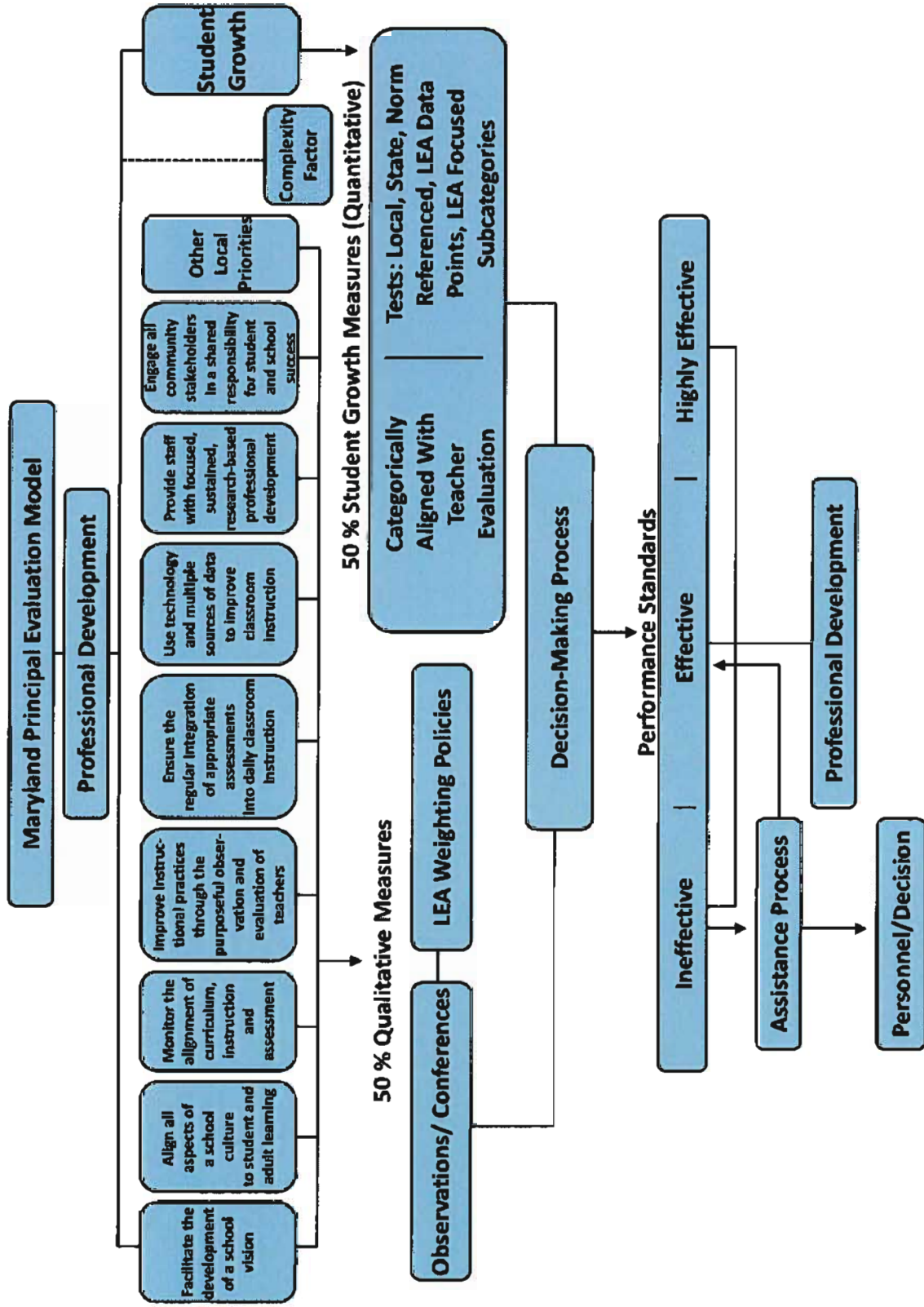
The second framework is similar to the first in design, but does have different components because of the nature of the job of principal. Once again, at its core is professional development. For the qualitative measures, the framework includes specifically the 8 outcomes in the Maryland Instructional Leadership Framework. It also allows for inclusion of local priorities in addition to the 8 outcomes to take into account other areas for which LEAs wish to hold principals responsible. For the student growth measures, the framework lists possible alternatives. As with the teacher framework, the principal framework yields a decision-making process based on performance standards. Targeted professional development is provided based on needs identified in the evaluation. Similar to the teacher professional development, such assistance for principals is intended for all principals, since the model is based on the premise that all principals can continue to improve. The definitions page provides clarity to the various elements of the two frameworks, and combined with those frameworks and the General Standards provide the basis for the statewide system of evaluation.



# Framework for System to Evaluate Teachers



# Framework for System to Evaluate Principals



### Definitions: Teacher and Principal Evaluation Model

*Annual Evaluation* – A yearly evaluation of a teacher or principal that minimally includes student growth measure standards.

*Assistance Process* – A process defined by the LEA for providing support to teachers and principals rated as ineffective.

*Complexity Factors* – Factors recognized by the LEA that do not diminish student expectations but may have an extraordinary impact on student growth. For example, factors may include instructional diversity, unusually high number of transient students, specific unusual facility issues, etc. Complexity factors are not weighted with either professional practice or student growth measure domains.

*Decision Making Process* – The process by which an LEA utilizes the data, both qualitative and quantitative, for determining a teacher's or principal's level of performance and targeted professional development.

*LEA Match Test/Products to Teaching Assignments* – Assessments, selected by the LEA for grade level or content area teachers from the menu of multiple measures, which align with a teacher's assignment.

*LEA Weighting Policies* – Policies set by each LEA indicating the percentage the LEA will assign to each of the qualitative measures. Qualitative measures account for 50% of the total evaluation.

*Measures From Menu* – The list of multiple measures approved by MSDE that measure student growth (see appendix for sample measures).

*Mentoring* – Ongoing support provided to teachers and/or principals by a cadre of mentors trained by the LEA to provide teachers and/or principals with the knowledge and skills necessary to be successful in their classroom and schools and enable them to stay in the profession. Mentoring should be focused, systematic, ongoing, high quality, geared to the needs of the employee being mentored, include observations, and include feedback.

*Observations of Leadership* – The process by which a trained evaluator has formally observed the qualitative measures of instructional and administrative leadership for each principal being evaluated.

*Observations of Teaching* – The process by which a trained evaluator has formally observed the qualitative measures of teaching for each teacher being evaluated.

*Other Tools* – Qualitative data collection tools in the classroom and school that produce sufficient data from which a teacher or principal may be evaluated on all or part of the domains of the teacher and/or principal evaluation model.

*Performance Standards* – Levels of teacher or principal performance resulting in a final rating of ineffective, effective, or highly effective on the individual's evaluation.

*Professional Development* – The training a teacher and/or principal receives relative to the teacher's and/or principal's level of performance. It should be research-based, high quality, timely, and relevant.

*Qualitative Measures (Teacher)* – Observable measures and evidence, accounting for 50% of a teacher's evaluation, which must include the following domains: planning/preparation, instruction, classroom environment, professional responsibilities, and other local priorities if appropriate.

*Qualitative Measures (Principal)* – Observable measures and evidence, accounting for 50% of a principal's evaluation, which must include: school vision, school culture, alignment of curriculum, instruction and assessments, instructional practices, appropriate assessments, technology and multiple sources of data, professional development, engagement of community stakeholders, and other local priorities if appropriate.

*Quantitative Measures* – Data specific measure which results from students' performance on approved State or LEA multiple measures of student performance.

*State Assessments* – State assessments as required by state or federal laws and/or regulations.

*Student Growth Measures* – Multiple measures of student academic and affective outcomes directly related to the teacher or principal. These measures account for 50% of a teacher's or principal's evaluation.

### InTASC Standards

Concurrent with the work of the Maryland Council on Educator Effectiveness has been the ongoing work of The Council of Chief State School Officers (CCSSO), through its Interstate Teacher Assessment and Support Consortium (InTASC). The InTASC standards ([http://www.ccsso.org/Documents/2011/InTASC\\_Model\\_Core\\_Teaching\\_Standards\\_2011.pdf](http://www.ccsso.org/Documents/2011/InTASC_Model_Core_Teaching_Standards_2011.pdf)) are described as model core teaching standards that outline what teachers should know and be able to do to ensure every K-12 student reaches the goal of being ready to enter college or the workforce in today's world. They are intended to be an outline of the common principles and foundations of teaching practice that cut across all subject areas and grade levels and that are necessary to improve student achievement. Because the InTASC standards generally align well with the Framework for Teachers, the Council endorsed them as ones that should be embraced

by teachers as they maximize learning in a transformed vision of teaching and learning. The 10 standards are:

**Standard #1: Learner Development.** The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.

**Standard #2: Learning Differences.** The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards.

**Standard #3: Learning Environments.** The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self motivation.

**Standard #4: Content Knowledge.** The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and creates learning experiences that make the discipline accessible and meaningful for learners to assure mastery of the content.

**Standard #5: Application of Content.** The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues.

**Standard #6: Assessment.** The teacher understands and uses multiple methods of assessment to engage learners in their own growth, to monitor learner progress, and to guide the teacher's and learner's decision making.

**Standard #7: Planning for Instruction.** The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context.

**Standard #8: Instructional Strategies.** The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways.

**Standard #9: Professional Learning and Ethical Practice.** The teacher engages in ongoing professional learning and uses evidence to continually evaluate his/her practice, particularly the effects of his/her choices and actions on others (learners, families, other professionals, and the community), and adapts practice to meet the needs of each learner.

**Standard #10: Leadership and Collaboration.** The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession.

#### Teacher/Principal Evaluation System: General Standards

A cornerstone of the teacher and principal evaluation process includes established areas of professional practice and state and local measures of student growth. The intent is to give a more detailed look at educator performance so that targeted and supportive professional development can be provided in a timely manner. The below General Standards are intended to provide a decision-making guide for making a final determination on whether a teacher or principal is highly effective, effective, or ineffective. Maryland wishes to thank other Race to the Top winning states for their thinking in this regard as it has helped shape the Maryland evaluation system.

The standards have two general components that are aligned with the previously discussed Frameworks. The first component is to assign a rating for Professional Practice. This is similar in many ways to the manner in which evaluations are currently completed. The LEA

determines the areas of professional practice it considers important (staying within the general structure of the Frameworks). The LEA also develops the guidelines for acceptable evidence in meeting this component of the overall evaluation, and they determine how they will take into consideration complexity factors. Complexity factors do not diminish student expectations, but they may have an extraordinary impact on student growth. They are not weighted with either professional practice or student growth measures.

The second general component is to assign a rating for student growth. This is a two step process because it includes a statewide component and a local component. Each provides a rating of highly effective, effective, or ineffective. Those two ratings of the growth measure (local and State) are then combined into one growth measure of highly effective, effective, or ineffective. The final rating is determined by a combination of the previously assigned Professional Practice rating and the overall growth rating. More specifically, the 4 parts to arriving at a final rating are as follows:

*Part I: Determination of Rating for Professional Practice (50%)*

*Professional Practice (50%)*

The evaluator assigns Highly Effective, Effective, or Ineffective in the area of Professional Practice. For teachers, the evaluator uses a combination of four domains (planning and preparation, classroom environment, instruction, and professional responsibilities) and any other measures chosen by LEA, following guidelines (e.g. allowable metrics, acceptable evidence) determined by the LEA and approved by MSDE. For principals, the evaluator uses a combination of the Maryland Instructional Leadership Framework and any other metrics chosen by the LEA, following guidelines determined by the LEA and approved by MSDE.

*Part II: Determination of Rating for LEA Growth Measures 20% and State Growth Measures 30%*

1. LEA Growth Measures (20%): The evaluator rates the teacher/principal as Highly Effective, Effective, or Ineffective on the LEA student growth measures. The measures that serve as the basis of the evaluation are chosen by the LEA from a menu of available options. The evaluator follows guidelines (e.g. allowable measures, acceptable evidence) determined by the LEA and approved by MSDE.

2. **Statewide Growth Measures (30%):** The LEA selects measures from the list of multiple measures with one requirement: if a statewide assessment exists, the LEA must select it as one of the multiple measures between two points in time. State assessments, if available, will be combined with other measures determined by the LEA and approved by MSDE to yield ratings of Highly Effective, Effective, or Ineffective.

*Part III: Determination of Overall Student Growth Measure (50%) from the Combination of the State Growth Measure (30%) and the Local Growth Measure (20%)*

The two measures of student growth (State and Local) must be combined in a ratio of 3 to 2 for State Growth to LEA Growth. Maintaining the 3 to 2 ratio, LEAs must decide the Overall Student Growth Measure. If both the State Growth and Local Growth are the same, for example effective, then the result would be effective for Overall Student Growth. In the instances where State and LEA measures differ, the LEA must determine what rating for overall student growth (Highly Effective, Effective, or Ineffective) will be assigned.

For discussion with bargaining units, LEAs have flexibility to determine the quantitative measures with the following constraints:

1. The ratio for the State Growth Measure to LEA Growth Measure must be 3 to 2 to maintain and established weight in the overall rating of 30% for the State Growth Measure and 20% for the LEA Growth Measure.
2. All decisions that go into the determination of the rating must be detailed for MSDE to review and approve.

*Part IV: Determination of the Overall Evaluation*

Once a final rating for Overall Student Growth is determined it must be combined with the rating for Professional Practice, determined at the beginning of this process. If both Professional Practice and Overall Student Growth are the same, e.g., effective, then the result would be effective for the Overall Evaluation. In instances where the Overall Student Growth ratings disagree with Professional Practice ratings, LEAs must develop decision rules that explain the final rating given.

For discussion with bargaining units, LEAs have flexibility to determine the overall rating with the following constraints:

1. A teacher/principal must at least be effective in the student growth component in order to receive an overall rating of Effective or Highly Effective.



2. All decisions that go into the determination of the overall rating must be detailed for MSDE to review and approve.

Teacher/Principal Evaluation System: (State Default Model)

In the event that an LEA and its bargaining unit cannot agree on general standards, the below model will serve as the default model that must be adopted.

*Professional Practice (50%)*

The evaluator assigns Highly Effective, Effective, or Ineffective on the Professional Practice rubric. For teachers, the evaluator uses a combination of four domains (planning and preparation, classroom environment, instruction, and professional responsibilities) and any other metrics chosen by LEA, following guidelines (e.g., allowable metrics, acceptable evidence) determined by the LEA and approved by MSDE. For principals, the evaluator uses a combination of the Maryland Instructional Leadership Framework and any other metrics chosen by the LEA, following guidelines determined by the LEA and approved by MSDE.

Highly Effective	Effective	Ineffective
------------------	-----------	-------------

*Student Growth (2 parts) (50%)*

1. LEA Growth Measure (20%): The evaluator rates the teacher/principal as Highly Effective, Effective, or Ineffective on the LEA student growth rubric. The metrics that serve as the basis of the evaluation are chosen by the LEA from a menu of available options. The evaluator follows guidelines (e.g. allowable metrics, acceptable evidence) determined by the LEA and approved by MSDE. The menu of options and the method of determining the 20% will be provided to LEAs after the pilot year of the evaluation system.

Highly Effective	Effective	Ineffective
------------------	-----------	-------------

2. Statewide Growth Measure (30%): Wherever a Statewide assessment exists, it must be used as one of multiple measures. Other metrics that contribute to the evaluation are chosen by the LEA from a menu of available options. State assessments, if available, will be combined with multiple measures of the LEA's choosing and MSDE's approval to yield ratings of Highly Effective, Effective, or Ineffective. The menu of options and

the method of determining the 30% will be provided to LEAs after the pilot year of the evaluation system.

<b>Highly Effective</b>	<b>Effective</b>	<b>Ineffective</b>
-------------------------	------------------	--------------------

3. Overall Student Growth Score: Using the matrix below, determine the overall student growth score based on the intersection of the Statewide growth measure and the LEA growth measure from the previous two charts.

<b>State Growth Measure</b>			
	Highly Effective	Effective	Ineffective
<b>LEA Growth Measure</b>	Highly Effective	<b>HE</b>	<b>E</b>
	Effective	<b>HE</b>	<b>I</b>
	Ineffective	<b>E</b>	<b>I</b>

### *Overall Evaluation*

Choose, on the matrix, the intersection of the Professional Practice rating and the Student Growth rating. This is the final evaluation of the teacher/principal. To be rated as effective in the Overall Evaluation, a teacher/leader must be effective in the student growth component consistent with the Race to the Top application.

<b>Professional Practice</b>			
	Highly Effective	Effective	Ineffective
<b>Student Growth</b>	Highly Effective	<b>HE</b>	<b>E</b>
	Effective	<b>E</b>	<b>E</b>
	Ineffective	<b>I</b>	<b>I</b>

## Compliance with Charge to the Maryland Educator Effectiveness Council

As discussed in the background information section of this report, the Council was charged with making recommendations to the Governor, General Assembly, and the Maryland State Board of Education for the development of a model evaluation system. The recommendations were to address the following items.

- a) The definitions of effective teachers and principals:

*Response: This portion of the charge has been met. For the purpose of the establishment of the general standards for performance evaluations for certificated teachers and principals in public schools, the Maryland Council for Educator Effectiveness recommends the following definitions:*

*Teacher: Any individual certificated by MSDE as defined in COMAR 13A.12.02.03-.23 as a teacher who delivers instruction and is responsible for a student or group of students' academic progress in a Pre-K-12 public school setting, subject to local school system interpretation.*

*Principal: Any individual certificated by MSDE as defined in COMAR 13A.12.04.02, .04 (excluding supervisors of instruction), .05, .16 as an administrator or supervisor in a Maryland Pre-K-12 public school who is responsible for students' academic progress and efficient operation of school, subject to local school system interpretation.*

*Please see the Frameworks, Definitions, and General Standards for the description of effective. Note that LEAs contribute to the definition of "effective" through their choices of measures from a menu of options. Additionally, the definition of "effective" teacher and principal will be revisited upon completion of the pilot.*

- b) The definitions of highly effective teachers and principals:

*Response: This portion of the charge has been met. Please see the Frameworks, Definitions, and General Standards for the description of highly effective. Note that LEAs contribute to the definition of "highly effective" through their choices of measures from a menu of options. Additionally, the definition of "highly effective" teacher and principal will be revisited upon completion of the pilot.*

- c) The relationship between the student learning component of educator evaluations and the other components of the evaluation:

*Response: This portion of the charge has been met. Please see the Frameworks and General Standards for a description of the relationship between the student learning (growth) component of educator evaluations and the other components of the evaluation system.*

The Executive Order also stated that the Council's recommendations should seek to ensure that every educator is:

- a) Evaluated using multiple, fair, transparent, timely, rigorous, and valid methods

*Response: The Council has ensured through the Frameworks and General Standards that evaluations will be based on multiple measures, and that they will be fair, transparent, and timely. Rigor and validity will be affirmed by State approval of LEA evaluation plans.*

- b. Afforded a meaningful opportunity to improve their effectiveness

*Response: The Council has determined that professional development is the foundation of its proposed statewide evaluation system. The Council believes that there must be professional development provided to teachers, principals, and their respective evaluators on the new evaluation process in addition to professional development to improve their effectiveness. Please see the Frameworks for a description of the professional development component of the evaluation system.*

- c. Provided the means to share effective practices with other educators statewide

*Response: Effective practices will be disseminated statewide through the results of the 7 LEA pilots in 2011-12 and the subsequent statewide pilot by all 24 LEAs in 2012-13. The 7 pilot LEAs include Baltimore County, Baltimore City, Charles County, Kent County, Prince George's County, Queen Anne's County, and St. Mary's County. These counties will select teachers at multiple grade levels and subject areas and teachers that represent a broad spectrum of experience.*

### **Alignment with the Education Reform Act of 2010**

The Council has also reviewed the Education Reform Act of 2010 to make certain that it is in alignment with the requirements of that Act. The requirements are as follows:

- 1) 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 of evidence of observed instruction.

*Response: The regulation will be promulgated according to the timeline following distribution of the formal report of the Council. General Standards are included in the report. Observations (and claims of evidence) and clear standards will be part of each LEA approved plan. Rigor will be ensured by State approval of LEA evaluation plans.*

- 2) The regulations shall include model performance evaluation criteria.

*Response: The model performance evaluation criteria are found on pages 13-15. These will be refined as the pilot evaluations systems progress and the Maryland State Board of Education develops regulations.*

- 3) 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.

*Response: MSDE will seek information and recommendations through the regulatory process. A public hearing will be conducted for the purpose of discussion and consideration of information and recommendations.*

- 4) A county board shall establish performance evaluation criteria based on these standards. These criteria shall include:

- a. Data on student growth will be a significant component of the evaluation and as one of multiple measures

*Response: Student growth makes up 50% of the evaluation. This is a result of a formal vote of the Council (10-4) in favor of supporting the Race to the Top application and the 50% growth standard. LEAs have considerable flexibility in*

*establishing local performance evaluation criteria within the proposed General Standards.*

- b. May not be based solely on an existing or newly created single examination or assessment

*Response: The evaluation criteria are not based on a single assessment. Rather they require multiple measures.*

- c. No single criterion shall count more than 35% of the total performance evaluation criteria

*Response: No single criterion (defined as statewide student growth, LEA student growth, or the multiple measures making up the remaining 50 %) count more than 35%.*

- d. If the local school system and the bargaining unit fail to agree, the model performance criteria (State default evaluation system) shall take effect

*Response: The model performance criteria will be refined as the pilot systems progress and as the Maryland State Board of Education develops regulations.*

## **Next Steps**

There are a number of next steps that will be taken:

**Pilots** -- As previously mentioned, 7 LEAs have agreed to pilot a new evaluation system. As these pilots progress, the Council will meet in December 2011 to ascertain the then current status of implementation and lessons learned. It will meet again in June 2012 to make any final recommendations based on the pilot.

**Menu of Options** -- As the pilot systems progress, a menu of acceptable options for the various components of a statewide system of evaluation will be developed based on lessons learned. This menu would provide guidance to LEAs as they develop their final evaluation plans, and it will allow for appropriate flexibility for LEAs within the parameters established by the Maryland State Board of Education in its regulations for a statewide system of evaluation. The Council has

provided some initial menu options that will continue to be reviewed and revised through the pilot stage (see appendix).

1. **Professional Development** – Maryland has a project in its Race to the Top application for the professional development of executive officers (defined in COMAR as those who supervise and evaluate principals). The content for this professional development will be based on the parameters of the overall statewide system of evaluation and whatever recommendations are accepted and put into regulations. Since much of the evaluation system is going to be LEA-specific, it will be incumbent on each LEA to plan and deliver high-quality professional development on the specifics of its own evaluation system. MSDE will assist LEAs in the planning of such professional development within staffing limitations.
2. **Default System** -- The State default evaluation system is found on pages 16-17. This model will continue to be refined as the pilot evaluation systems progress and the Maryland State Board of Education develops regulations. This default system will go into effect for any LEA that cannot reach agreement with its bargaining unit per the Education Reform Act of 2010.
3. **Regulations** – The Maryland State Board of Education will begin the process of promulgating draft regulations in June 2012 so that all LEAs will have access to those regulations as they develop their respective systems of evaluation.





### Maryland Council for Educator Effectiveness – Sample Growth Measures

	High School	4-8 Tested	4-8 Non-Tested	PreK-3
State Assessments	W H E R E A P L I C A B L E			
Portfolio	<ul style="list-style-type: none"> <li>Portfolio – student work</li> <li>Portfolio – teacher work</li> </ul>	<ul style="list-style-type: none"> <li>Portfolios</li> </ul>	<ul style="list-style-type: none"> <li>Portfolios – student portfolios/sampling</li> </ul>	<ul style="list-style-type: none"> <li>Portfolios</li> </ul>
Projects/Products	<ul style="list-style-type: none"> <li>Projects: Locally Graded, State Checked, Performance Task</li> <li>Intervention Assessments (Wilson Reading, Lexile Lev)</li> </ul>	<ul style="list-style-type: none"> <li>Cross curricular projects</li> <li>Research-Based Interventions</li> </ul>	<ul style="list-style-type: none"> <li>In class projects (Science Fair, Class labs, Problem-based projects)</li> </ul>	<ul style="list-style-type: none"> <li>Culminating Project</li> <li>Summative Checklists (K)</li> </ul>
Test Products	<ul style="list-style-type: none"> <li>College/Career Readiness Tests</li> <li>SAT, AP, Accuplacer, IB, PSAT</li> <li>SLO – Pre/Post test; Standardized mid-term</li> <li>LEA or school developed</li> <li>Reading Level Tests</li> <li>Certification tests</li> <li>Benchmarking tests</li> <li>LAS Links</li> <li>Fitness Gram, Fitness for Life, Physical Education Metrics</li> </ul>	<ul style="list-style-type: none"> <li>Writing – Artificial Intelligence or teacher scored; Cross Curricular</li> <li>Benchmarking tests</li> <li>Unit Assessments</li> <li>Early Reading Inventories</li> <li>Math Inventories</li> <li>Language Proficiency Assessments</li> <li>LAS Links</li> <li>Modified Assessments</li> </ul>	<ul style="list-style-type: none"> <li>Pre-Post Assessments</li> <li>Local Assessments – quarterly/other</li> <li>Oral Assessments</li> </ul>	<ul style="list-style-type: none"> <li>Dibels</li> <li>Benchmarking tests</li> <li>Quarterly assessments</li> <li>Quarterly Reading Assessments</li> <li>Sight work assessments</li> <li>Basic facts Quarterly assessments</li> </ul>
Performance		<ul style="list-style-type: none"> <li>Performance based – cross curricular</li> </ul>	<ul style="list-style-type: none"> <li>Small Group video (performance, ex. drama, music group, individual students, special education)</li> <li>Adjudication (Ensembles, Choir)</li> </ul>	



## Chapter 189

(House Bill 1263)

AN ACT concerning

### Education Reform Act of 2010

FOR the purpose of altering the probationary period of employment of a certificated employee in a ~~public local~~ school system; altering certain procedures related to the probationary period of a certificated employee; requiring a county board of education to evaluate annually a nontenured certificated employee based on established performance evaluation criteria; requiring certain certificated employees to be assigned a mentor and provided ~~certain guidance and instruction and~~ additional professional development under certain circumstances; ~~requiring that a performance evaluation of a certificated teacher or principal in a public school system include certain data as a certain component of the evaluation; requiring that a certain component of an evaluation be one of multiple measures; requiring the State Board of Education to adopt regulations to implement certain provisions of this Act; requiring certain classroom teachers and principals working in certain public schools to receive a certain stipend~~ requiring the State Board of Education to adopt regulations establishing to establish certain standards for effective mentoring; providing that a tenured certificated employee who moves to another local school system in the State shall be tenured in the local school system to which the employee relocates under certain circumstances; authorizing the local school system to which an employee relocates to extend the employee's probationary period under certain circumstances; requiring a county board to establish certain performance evaluation criteria for a certificated teacher or principal under certain conditions; requiring the performance evaluation criteria to include certain measures; requiring the State Board to establish by regulation general standards for teacher and principal performance evaluations, that the performance evaluation criteria include certain measures, and that certain criteria be accounted for in a certain manner; requiring the State Board to establish a certain program to support certain incentives, contingent on the receipt of certain federal funds 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 the State Board to adopt certain regulations that establish general standards for certain performance evaluations, including certain model performance evaluation criteria; requiring the State Board to solicit certain information and recommendations from local school systems before proposing certain regulations and convene a certain meeting; 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; requiring that a certain component of an evaluation be one of multiple measures; prohibiting certain performance evaluation criteria from being based solely on certain examinations or assessments; requiring certain model performance evaluation criteria adopted by the State Board to take effect in a local jurisdiction at a certain time under certain circumstances; requiring the State Board to establish a certain program to support certain incentives for certain teachers and principals that meets certain requirements; authorizing the program to include certain incentives; 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; requiring each local school system, on or before a certain date, to submit to the State Board certain information relating to the local system's teacher mentoring program; providing for the construction of certain provisions of this Act; defining ~~a certain term~~ certain terms; providing for the application of a certain provision of this Act; making this Act an emergency measure; and generally relating to the employment of certificated employees in a ~~public~~ local school system.*

BY repealing and reenacting, with amendments,

Article – Education

Section 6–202

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Education

Section 6–306(b)(5)

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

#### Article – Education

6–202.

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

- (i) Immorality;

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

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

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

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

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

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

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

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

(b) (1) ~~Except as provided in~~ ~~SUBJECT TO~~ EXCEPT AS PROVIDED IN paragraph ~~(2)~~ (3) of this subsection, the probationary period of employment of a certificated employee in a ~~public~~ LOCAL school system shall cover a period of [2 years] 3 YEARS from the date of employment and shall consist of a 1-year employment contract that may be renewed by the county board.

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

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

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

(II) ~~IF~~ SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE NONTENURED CERTIFICATED EMPLOYEE IS NOT ON TRACK TO QUALIFY FOR TENURE AT ~~THE END OF THE FIRST OR SECOND YEAR, A~~ ANY FORMAL EVALUATION POINT:

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

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

(III) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM ASSIGNING A MENTOR AT ANY TIME DURING A NONTENURED CERTIFICATED EMPLOYEE'S EMPLOYMENT.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A CERTIFICATED EMPLOYEE HAS ACHIEVED TENURE IN ~~ANY~~ 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.

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

(II) THE STATE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH STANDARDS FOR EFFECTIVE MENTORING, INCLUDING PROVISIONS TO ENSURE THAT MENTORS PROVIDE MENTORING THAT IS FOCUSED, OF HIGH QUALITY, AND GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED:

1. IS FOCUSED;
2. IS SYSTEMATIC;
3. IS ONGOING;
4. IS OF HIGH QUALITY;
5. IS GEARED TO THE NEEDS OF EACH EMPLOYEE BEING MENTORED;
6. INCLUDES OBSERVATIONS; AND
7. INCLUDES FEEDBACK.

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

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

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

~~(2) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A COUNTY BOARD SHALL ESTABLISH PERFORMANCE EVALUATION CRITERIA~~

~~FOR CERTIFICATED TEACHERS AND PRINCIPALS IN A LOCAL SCHOOL SYSTEM AFTER MEETING AND CONFERRING WITH THE EXCLUSIVE EMPLOYEE REPRESENTATIVE.~~

~~(3) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH GENERAL STANDARDS FOR PERFORMANCE EVALUATIONS FOR CERTIFICATED TEACHERS AND PRINCIPALS.~~

~~(4) (I) PERFORMANCE EVALUATION CRITERIA FOR A CERTIFICATED TEACHER OR PRINCIPAL IN A LOCAL SCHOOL SYSTEM SHALL INCLUDE MULTIPLE MEASURES.~~

~~(II) STUDENT GROWTH SHALL ACCOUNT FOR 50% OF THE PERFORMANCE EVALUATION CRITERIA.~~

~~(III) NO SINGLE CRITERION SHALL ACCOUNT FOR MORE THAN 35% OF THE TOTAL PERFORMANCE EVALUATION CRITERIA.~~

(2) (1) 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 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 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 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.

6-306.

~~(b) (5) (i) IN THIS PARAGRAPH, "RACE TO THE TOP APPLICATION" GRANT MEANS THE STATE'S APPLICATION TO THE UNITED STATES DEPARTMENT OF EDUCATION FOR THE RACE TO THE TOP FUND, AUTHORIZED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.~~

~~(ii) A HIGHLY EFFECTIVE CLASSROOM TEACHER OR PRINCIPAL WORKING IN A PUBLIC SCHOOL IDENTIFIED IN THE STATE'S RACE TO THE TOP APPLICATION AS A SCHOOL IN THE LOWEST ACHIEVING 5% OF TITLE I SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT DETERMINED BY THE STATE BOARD, CONTINGENT ON RECEIPT OF RACE TO THE TOP GRANT FUNDS.~~

~~(II) CONTINGENT ON THE RECEIPT OF RACE TO THE TOP GRANT FUNDS, THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING.~~

(I) 1. THE STATE BOARD SHALL ESTABLISH A PROGRAM TO SUPPORT LOCALLY NEGOTIATED INCENTIVES, GOVERNED UNDER SUBTITLES 4 AND 5 OF THIS TITLE, FOR HIGHLY EFFECTIVE CLASSROOM TEACHERS AND PRINCIPALS TO WORK IN PUBLIC SCHOOLS THAT ARE:

A. IN IMPROVEMENT, CORRECTIVE ACTION, OR RESTRUCTURING;

B. CATEGORIZED BY THE LOCAL SCHOOL SYSTEM AS A TITLE I SCHOOL; OR

C. IN THE HIGHEST 25% OF SCHOOLS IN THE STATE BASED ON A RANKING OF THE PERCENTAGE OF STUDENTS WHO RECEIVE FREE AND REDUCED PRICED MEALS.

2. THE PROGRAM ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE FINANCIAL INCENTIVES, LEADERSHIP CHANGES, OR OTHER INCENTIVES.

(II) 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, as enacted by Section 1 of this Act, may be based on whether the teacher has obtained certification by the National Board for Professional Teaching Standards.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, each local school system shall submit to the State Board of Education a description of the local school system's teacher mentoring program, including data relating to the number of mentors who have been assigned, the number of teachers to whom the mentors have been assigned, and how, if at all, the effectiveness of the mentoring program is measured.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That the probationary period of employment specified in § 6-202(b) of the Education Article, as enacted by Section 1 of this Act, shall be applicable to a certificated employee in a ~~public~~ local school system with a date of employment starting on or after July 1, 2010.

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect July 1, 2010~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 4, 2010.





# The State of Maryland

## Executive Department

EXECUTIVE ORDER  
01.01.2010.12

### Maryland Council for Educator Effectiveness

- WHEREAS, Maryland's public school system has twice been recognized as best-in-the-nation – in 2009 and 2010. To prepare all of our students for the 21<sup>st</sup> century workforce, Maryland is committed to improving from national leader to world-class—not only for some students, but for all students;
- WHEREAS, World-class means that the achievement gaps that continue to exist in far too many schools must be closed. Without dramatic and immediate policies directed at eliminating these gaps in achievement and improving achievement overall, Maryland's economic health and quality of life will decline;
- WHEREAS, World-class means that all students are taught by effective teachers and principals because improvements in student achievement ultimately rely upon the expertise and abilities of our educators;
- WHEREAS, Evaluations of the effectiveness of our educators must be conducted in a manner that is objective, transparent, timely, fair, and informed by multiple perspectives and sound information;
- WHEREAS, Maryland must attract, develop and retain highly effective educators by creating school environments that maintain high standards of both professionalism and performance. While all schools should be staffed by effective educators, we must ensure that effective educators are equitably distributed among the lowest performing schools;
- WHEREAS, Every aspect of our public educational system must be focused upon ensuring that these valuable professionals who serve our students daily have the knowledge, skills, and support necessary to meet this challenge; and
- WHEREAS, Given our long history of local innovation and tradition of broad collaboration, Maryland is well-positioned to work collectively to ensure that all of our educators have the capacity and the resources to help their students achieve at the highest levels.

NOW THEREFORE, I MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Establishment. There is a Maryland Council for Educator Effectiveness (the Council).

B. Membership. The Council consists of the following members:

(1) The State Superintendent of Schools, or the Superintendent's designee;

(2) The following members, appointed by the Governor:

(a) Six teachers or teacher representatives, selected with the advice of the Maryland State Education Association and the American Federation of Teachers-Maryland;

(b) Two principals, selected with the advice of the Maryland Association of Elementary School Principals and the Maryland Association of Secondary School Principals;

(c) One local school superintendent, selected with the advice of Public School Superintendents Association of Maryland;

(d) Two public school administrators with knowledge of human resources, business, accountability, or support of new or struggling educators;

(e) Two members of local school boards, selected with the advice of the Maryland Association of Boards of Education;

(f) One representative from the business community;

(g) One member of the State Board of Education;

(h) One representative of higher education with knowledge of teacher preparation programs; and

(i) Two at-large members with expertise in education policy.

(3) A member of the Maryland Senate, appointed by the President of the Senate; and

(4) A member of the Maryland House of Delegates, appointed by the Speaker of the House.

C. The Governor shall appoint two co-chairs from among the members of the Council.

D. The State Superintendent of Schools shall serve by virtue of the Superintendent's Office. Members of the Maryland General Assembly shall serve at the pleasure of their appointing authority. All other members serve at the pleasure of the Governor. In the event of a vacancy on the Council, a successor shall be appointed in the same manner as the members predecessor.

E. Members of the Council may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

F. Responsibilities.

(1) Not later than December 31, 2010, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education recommendations for the development of the model evaluation system for educators required by Chapter 189 of the 2010 Laws of the General Assembly of Maryland – Education Reform Act of 2010.

(2) The recommendations shall address:

(a) The definitions of “effective” teachers and principals;

(b) The definitions of “highly effective” teachers and principals; and

(c) The relationship between the student learning component of educator evaluations and the other components of the evaluations.

(3) The Council's recommendations should seek to ensure that every educator is:

(a) Evaluated using multiple, fair, transparent, timely, rigorous, and valid methods;

(b) Afforded a meaningful opportunity to improve their effectiveness; and

(c) Provided the means to share effective practices with other educators statewide.

(4) Not later than December 31, 2011, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education any recommendations for corrections or adjustments to the overall design of the model evaluation system – including guidelines, tools, and measures – based on the experience in the field.

(5) The Council shall perform any other duties related to State requirements for educator evaluations that may be requested by the Governor.

#### G. Procedures.

(1) A majority of Council members shall constitute a quorum for the transaction of any business.

(2) The Council may adopt such other procedures and by-laws as may be necessary to ensure the orderly transaction of business.

(3) The Council may establish working groups, task forces, or other structures from within its membership or outside its membership as needed to address specific issues or to assist in its work.

H. Meetings. The Council shall meet at the call of the co-chairs as needed to complete the tasks set forth in this Executive Order. Unless otherwise indicated, members may not send designees to represent them at Council meetings.

I. Advisory Panel. The Council shall create an Advisory Panel to provide expert advice and information to the Council. The Panel shall include State and national experts with experience in psychometrics and assessments; experts in teacher preparation programs; and individuals with knowledge of the needs of parents, students, and the business community.

J. Staffing. The Maryland State Department of Education and the Office of the Governor shall provide the Council with data, analytical information, and administrative support necessary to complete its work.



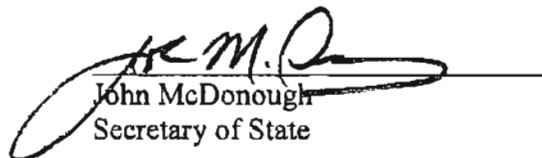
K. Termination. This Executive Order shall terminate and be of no effect after December 31, 2011.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis this 1<sup>st</sup> day of June, 2010.



\_\_\_\_\_  
Martin O'Malley  
Governor

ATTEST:



\_\_\_\_\_  
John McDonough  
Secretary of State