

Maryland







Law Analyzed	Education Reform Act of 2010; Executive Order 01.01.2010.12, Maryland Council for Educator Effectiveness Recommendations, COMAR 13a.07.09
Date Passed	2010
Overall Rating	4.25

In spring of 2010, the Democrat-controlled Maryland legislature passed the Education Reform Act of 2010. This legislation, supported by Governor Martin O'Malley (D), required the State Board of Education to adopt regulations establishing general principals for teacher and principal performance evaluations that incorporate multiple measures, including both observations and student growth. These regulations were incorporated into the Maryland State Code.





In June 2010, Gov. O'Malley issued an executive order creating the Maryland Council for Educator Effectiveness, which is tasked with making decisions about the state's teacher evaluation system and local flexibility. In June 2011, the Council issued recommendations for the design and implementation of teacher evaluations. The policies in that report were piloted in seven districts during the 2011-12 school year and statewide in 2012-13. Under the pilot framework, teachers and principals in Maryland are evaluated annually and multiple measures of student achievement and growth constitute 50 percent of the teacher's evaluation. Following the pilot, the State Board will promulgate draft regulations that incorporate the Council's recommendations, taking into account lessons learned from the pilot. In late June 2012, the Board approved Permission to Publish additional amendments to the teacher evaluation regulations.

Maryland's law and policies provide a strong framework for teacher evaluations used to inform and support professional development, but for the most part do not link evaluation to key personnel decisions, including tenure, dismissal, and reductions in force. Nor do they end forced teacher placements and "bumping," or protect students from being consecutively taught by ineffective teachers. Maryland has made some commitments as part of Race to the Top (for example, to establish a new teacher performance-based certification system and provide transparent, aggregated public data on teacher effectiveness through data dashboards) that extend beyond its current laws and regulations. Linkages between evaluations and personnel decisions are an area for potential improvement in future legislation or policy.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	COMAR 13a.07.09 requires annual evaluation of probationary teachers and those who have been rated “ineffective.” Teachers rated “effective” or “highly effective” are evaluated on a three-year cycle, in which a teacher in year two or three of the cycle may be evaluated using the previous year’s professional practice rating and the most recent available data to student growth.	
Are principals, as well as teachers, evaluated?	Yes. The law requires state board to adopt regulations establishing general standards for performance evaluations of both teachers and principals, and Council recommendations address principal, as well as teacher, evaluation. Under the pilot framework, 50 percent of principal’s evaluation is based on student growth measures and 50 percent on eight qualitative measures.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Under COMAR regulations, student growth must be a significant factor in each educator’s evaluation. Under the framework proposed by the Council on Educator Effectiveness, 50 percent of a teacher’s evaluation is based on qualitative measures (planning and preparation, instruction, classroom environment, and professional responsibilities), and 50 percent is based on student growth (20 percent local growth measures and 30 percent state growth measures). No single criterion may account for more than 35 percent of a teacher’s evaluation. The Council for Educator Effectiveness has proposed a decision rule that would require a teacher or principal to be at least effective in the student growth component to receive an overall rating of effective or highly-effective, but this is not yet finalized in regulations and may be changed.	
Do evaluations differentiate between multiple levels of educator performance?	The pilot evaluation is using three performance levels: highly-effective, effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law does not address this, but the state is developing data dashboards as part of its Race to the Top work that would provide aggregated public reporting on teacher effectiveness. Under current Maryland law, individual teacher evaluations are confidential personnel information.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law does not address.	

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Is tenure linked to effectiveness?	The law extends the period of employment to earn tenure from two years to three, but does not explicitly link award of tenure to evaluation performance, except in the narrow circumstance of already-tenured teachers who transfer to another district (such teachers may be tenured after one year of probationary employment if their last evaluation in the previous position was satisfactory and they meet performance criteria for tenure at the end of their first year with the new employer). The law does say that a non-tenured employee “not on track to qualify for tenure at any formal evaluation point” shall be given a mentor and additional professional development, but does not define performance criteria to be on track for tenure.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law does not explicitly link evaluation to dismissal or create a streamlined process for dismissals based on ineffectiveness. Maryland code allows a superintendent or board of education to dismiss a teacher for incompetency, which could potentially be based on an ineffective evaluation, but there is no statute or State Board ruling equating incompetency with an “ineffective” rating. Because the evaluation system is only in the pilot phase, no district has yet tried to dismiss a teacher based on an ineffective rating. Maryland’s Race to the Top application states that, “consistent with local collective bargaining agreements,” a teacher rated ineffective for a third consecutive year will be terminated from employment.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law does not address.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	

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Do principals have authority to decide who teaches in their schools?	The law does not address.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	The law does not address.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. The law requires the State Board of Education to establish a program to support locally-negotiated incentives for highly-effective classroom teachers and principals to work in schools that are in improvement, corrective action, or restructuring; Title I schools; or in the highest 25 percent of schools in the state in percentage of students eligible for free- or reduced-price lunch.	<input checked="" type="radio"/>