

**BILL:** House Bill 633  
**TITLE:** Education - Teacher and Principal Evaluations -  
Revisions to Requirements  
**DATE:** February 18, 2016  
**POSITION:** OPPOSE  
**COMMITTEE:** Ways and Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 633, and the proposal to mandate the collective bargaining of the ways in which local school systems evaluate teachers and principals. This provision of House Bill 633 represents a 180 degree reversal of longstanding law that excludes educator evaluation systems from the contract negotiation process.

MABE does not object to provisions of this legislation which would limit the oversight role of the State Board and MSDE regarding local adoption of teacher and principal evaluation systems. However, MABE shares the perspective of the Public School Superintendents Association of Maryland (PSSAM) that this legislation is premature in light of the process set forth in the recently enacted Every Student Succeeds Act (ESSA). The process envisioned by ESSA is appropriate and familiar to Maryland school systems and employees because it is consistent with the longstanding practice of school systems and employees collaborating on this important issue.

MABE supported the passage of the Education Reform Act of 2010, which amended and established new components of Maryland's education law. However, the 2010 legislation also proposed to grant MSDE much more control over educator evaluation systems. However, MABE remained committed to protecting local board and superintendent authority to adopt and administer teacher and principal evaluations systems.

Specifically, the 2010 legislation allowed for mutual agreement by local boards and local employee organizations on the evaluations system the local school system would use. This element of local governance and autonomy was a key provision of the Act – both for local boards and employee organizations. Neither local boards nor local employee organizations wanted a state system to take effect if mutual agreement could be reached at the local level.

At the same time, the General Assembly rejected the proposal that such locally discussed agreements would ever be subject to the collectively bargained contract negotiation process. This is why MABE urges the rejection of the amendment to current law proposed in lines 19 through 22 on page 2 of House Bill 633.

Once the cross-reference is explained, the language adopted in current statute is very clear: “Nothing in this paragraph shall be construed to require mutual agreement ... to be governed by Subtitles 4 and 5 of this title.” Subtitles 4 and 5 refer to the provisions of Title 6 of the Education Article that govern collective bargaining for all school employees. Therefore, today “nothing” in the law can be read to mean that collective bargaining applies to teacher and principal evaluations. House Bill 633 would reverse this position.

If enacted, House Bill 633 would empower employee unions to litigate their objections to educator evaluation systems before the Public School Labor Relations Board (PSLRB) and ultimately the courts. This would be a devastating blow to the governance and management authority of local boards and superintendents to evaluate staff. Granting employee organizations access to mediation and binding arbitration regarding their evaluation systems could significantly weaken the authority of local boards and superintendents to establish and enforce evaluation systems that hold individual staff to high standards of professionalism and performance.

MABE firmly believes that the collaborative process under the current law should continue to be respected as the best source of evaluation systems that accurately and fairly assess educators, and allow for accountability and appropriate actions when those standards are not met. Our teachers deserve a negotiated contract on compensation and other monetary interests; and our students deserve a rigorous educator evaluation system which is not the subject of contract negotiations.

For these reasons, MABE requests an unfavorable report on House Bill 633.