MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

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

TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D.

DATE: March 27, 2012

SUBJECT: Teacher and Principal Evaluation

PURPOSE:

To provide the State Board with proposed language for COMAR 13A.07.04-1 Evaluation of Teachers and Principals.

HISTORICAL BACKGROUND:

The Education Reform Act of 2010 calls for the State Board to adopt regulations to establish standards for performance evaluations for teachers and principals which includes model performance evaluation criteria. This action would bring the Maryland State Department of Educations' regulations into compliance with the Education Reform Act of 2010, signed by Governor O'Malley on May 3, 2010, and would meet the requirements of the Elementary and Secondary Education Act (ESEA) Flexibility Request requirements. The ESEA Flexibility Request, submitted by Maryland on February 28, 2012, requires that all guidelines for teacher and principal evaluation and support systems must be adopted by the end of the 2011-2012 school year.

EXECUTIVE SUMMARY:

Maryland's goal is to ensure the majority of teachers and principals in its public schools are not only evaluated as being effective, but are effective. To be effective, teachers and principals must show they can successfully improve student learning. The Education Reform Act of 2010 established that changes in student growth will become a significant factor in the evaluation of teachers and principals. Both the Race to the Top Application and the ESEA Flexibility Request are aligned with the commitment to develop an evaluation system for both teachers and principals that will more consistently and fairly identify, support and reward educators who are effective and highly effective and develop, support, or exit those who are ineffective. The evaluation systems will be supported and guided by Professional Development not only for the ineffective teacher or principal but for all. All teachers and principals are committed to improving instruction and leadership in order to improve the achievement of all students.

The proposed COMAR provides minimum general standards that apply to the evaluation of all teachers and principals; in addition, identifies criteria for local education agencies (LEAs) that signed on to Race to the Top; establishes Model State Performance Criteria if the LEA and the exclusive employee representative do not reach agreement; and provides a description of the Evaluation Cycle.

ACTION:

Requesting permission to publish.

BJS/mlg

Title 13A
State Board of Education
Subtitle 07 SCHOOL PERSONNEL

Chapter 04-1 Evaluation of Teachers and Principals

.01 Applicability.

A. Applicability.

(1) Effective in school year 2013-14, the minimum general standards set forth in .02(B) of this Regulation shall apply to evaluations of all teachers and principals.

(2) In addition, all local education agencies (LEAs) that signed on to the Race to the Top (RTTT) application, must comply with the criteria set forth in §.03(B)(1)(a) of this Regulation.

B. Definitions.

In this chapter, the following terms have the meanings indicated.

(1) "Evaluation" means an appraisal of professional performance for a school year based on written criteria and procedures that result in a written evaluation report.

(2) "Teacher" means any individual certificated under COMAR 13A.12.02.03-.23 as a teacher and 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. Teacher may include an individual certificated by MSDE under 13A.12.03. if the individual delivers instruction, and is responsible for a group of students' academic progress in a Pre-K-12 public school setting, subject to local school system interpretation.

(3) "Principal" means an individual who serves in the position as a principal and who is certificated under COMAR 13A.12.04.04 or certificated as a resident principal under COMAR 13A.12.04.05.

(4) "Student Growth" means student progress assessed by multiple measures and from a clearly articulated baseline to one or more points in time.

.02 Local Education Agency () Evaluation System

A. An evaluation system for teachers and principals developed by an LEA in mutual agreement with the exclusive employee representative shall include General Standards and Performance Evaluation Criteria.

B. General Standards shall address:

(1) Classroom observations of teachers' professional practice, which shall be conducted by certificated individuals who have completed training that includes identification of teaching behaviors that result in student growth. Classroom observations shall play a role in the evaluation system, at minimum, in the following ways:

(a) An evaluation of a teacher's professional practice shall be based on at least two observations during the school year.

(b) An evaluation report that evaluates a teacher as ineffective shall include at least one observation by an individual other than the immediate supervisor.

(c) An observation, announced or unannounced, shall be conducted with full knowledge of the teacher.

(d) A written observation report shall be shared with the teacher and a copy provided within a reasonable period of time. The certificated individual shall sign the

observation report to acknowledge receipt.

(e) An observation shall provide for written comments and reactions by the teacher being observed, which shall be attached to the observation report.

(f) An observation shall provide specific guidance in areas needing improvement and supports as well as a reasonable timeline to demonstrate improvement in areas marked as ineffective.

(2) Claims and evidence of observed instruction that substantiate the observed behavior(s) in a classroom observation and/or evaluation and are included in the evaluation report. Such claims and evidence of observed instruction may be identified by either the teacher or evaluator and may include such things as student work, teacher-developed initiatives, portfolios, projects, data, artifacts, and other statements.

(3) Clear standards based on Department approved or nationally recognized measurable components that serve as the foundation of teaching and learning, such as the INTASC standards. The standards set forth in the LEA evaluation system shall be applicable to professional practice and student growth.

(4) Rigor – in order to ensure statewide rigor in LEA evaluation systems:

(a) The LEA must submit its proposed evaluation system and any guidelines for its use to the Department for the purpose of ensuring compliance with the minimum general standards set forth in this chapter.

(b) An evaluation of a teacher or principal shall provide, at a minimum, for an overall rating of highly effective, effective, , or ineffective.

(5) A professional development component for all teachers and principals and a focused professional development, resources, and mentoring component for teachers and

principals who are evaluated as ineffective and for all non-tenured teachers.

C. Performance Evaluation Criteria of which no single performance evaluation criterion may account for more than 35% of the total performance evaluation criteria and that:

(1) shall be based on those measures mutually agreed to by an LEA and the exclusive employee representative, and:

(2) Will yield at a minimum an evaluation of effective, highly effective, or ineffective;

(3) Are approved by MSDE; and

(4) Address professional practice:

(i) For teacher to include, but not be limited to, planning, preparation, classroom environment, instruction, and professional responsibility;

(ii) For principals, to include, but not be limited to the eight outcomes in the Maryland Instructional Leadership Framework.

(5) Measure student growth which for teachers and principals:

(i) Shall be a significant factor in the evaluation;

(ii) Shall be based on multiple measures;

(iii) Shall not be based solely on an existing or newly created examination or assessment.

.03 Model State Performance Evaluation Criteria

A. If the LEA and the exclusive employee representative do not reach agreement on an

LEA Evaluation System, the Model State Performance Evaluation Criteria shall be adopted by the LEA.

B. The Model State Performance Evaluation Criteria includes:

(1) Model performance evaluation criteria for student growth that:

(a) Shall count for 50% of a teacher's or principal's evaluation.

(b) Shall not be based solely on an existing or newly created examination or assessment;

(c) Shall be based on multiple measures as follows:

(i) For elementary and middle school teachers providing instruction in state-assessed grades and content, aggregate class growth scores for state-assessed content area(s) being taught; student learning objectives in content areas being taught; and the school-wide index.

(ii) For elementary and middle school teachers providing instruction in non-state-assessed grades and content, student learning objectives in content area(s) being taught and the school-wide index.

(iii) For high school teachers, student learning objectives in content area(s) being taught and the school-wide index.

(iv) For elementary and middle school principals, student learning objectives, aggregate school-wide growth scores in state-assessed content areas, and the school-wide index.

(v) For high school principals, student learning objectives and the school-wide index.

(vi) For principals of other types of schools, student learning objectives and the school-wide index.

(2) Model performance evaluation criteria for professional practice that:

(a) Shall count for 50% of a teacher's and principal's evaluation.

(b) For teachers, shall include, but not be limited to, planning and preparation; classroom environment; instruction; and professional responsibility.

(c) For principals, shall include, but not be limited to, the eight outcomes in *The Maryland Instructional Leadership Framework* and other outcomes based on Interstate School Leaders and Licensure Consortium (ISLLC).

.04 Evaluation Cycle

(A) On a three year evaluation cycle, teachers and principals shall be evaluated at least once annually in the following ways:

(1) Tenured Teachers

(a) In the first year of the evaluation cycle conducted under these regulations, tenured teachers shall be evaluated on both professional practice and student growth.

(b) If in the first year of the evaluation cycle a tenured teacher is determined to be highly effective or effective then in the second year of the evaluation cycle, the tenured teacher shall be evaluated using the professional practice rating from the previous year and student growth based on the most recent available data.

(c) If in the second year of the evaluation cycle a tenured teacher is

determined to be highly effective or effective, then in the third year of the evaluation cycle, the tenured teacher shall be evaluated using the professional practice rating from the previous year and student growth based on the most recent available data.

(d) At the beginning of the fourth year, the evaluation cycle shall begin again as described in (a) through (c) of this Regulation.

(e) In any year, a principal may determine or a teacher may request that the evaluation be based on a new review of professional practice along with student growth.

(2) Non-tenured Teachers and Teachers Rated as Ineffective

(a) All non-tenured teachers and all teachers rated as ineffective shall be evaluated annually on professional practice and student growth.

(3) Principals

(a) Every principal shall be evaluated at least once annually based on all of the components set forth in the applicable sections of Section .02 or .03of this regulation.

.05 Evaluation Report

(A)The evaluation report shall be shared with the certificated individual who is the subject of the evaluation.

(B)The certificated individual shall receive a copy of and sign the evaluation report.

(C)The signature of the certificated individual does not necessarily indicate agreement with the evaluation report.

(D)An evaluation report shall provide for written comments and reactions by the individual being evaluated, which shall be attached to the evaluation report.

.06 Appeal of an Evaluation.

A. In the event of an overall rating of ineffective, the local school system shall, at a minimum, provide certificated individuals with an opportunity to appeal in accordance with Education Article, §4-205(c)(4), Annotated Code of Maryland.

B. If an observation report is a component of an ineffective evaluation, the observation report may be appealed along with the ineffective evaluation.

C. The burden of proof is on the certificated individual appealing an overall rating of ineffective to show that the rating was arbitrary, unreasonable, illegal, or not in compliance with the adopted evaluation system of the LEA.

.07 Review

A. This chapter shall be in effect until September 30, 2014, at which time it shall automatically sunset, subject to review and re-promulgation by the State Board.