SENATE BILL 760

F1 7lr1536 CF HB 497

By: Senators Guzzone, Benson, Feldman, King, Madaleno, Manno, Mathias, Middleton, Ramirez, Young, and Zucker

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2017

CHAPTER _____

1 AN ACT concerning

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Education – Grounds for Discipline

- FOR the purpose of altering certain procedures for suspending or dismissing certain public school personnel; authorizing certain public school personnel to request arbitration under certain circumstances; specifying the procedures for arbitration; assigning responsibility for certain costs; providing that an arbitrator's award is final and binding on the parties, subject to review by a circuit court; and generally relating to procedures for suspending or dismissing certain public school personnel.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Education
- 11 Section 6–202
- 12 Annotated Code of Maryland
- 13 (2014 Replacement Volume and 2016 Supplement)
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 15 That the Laws of Maryland read as follows:

16 Article – Education

17 6–202.

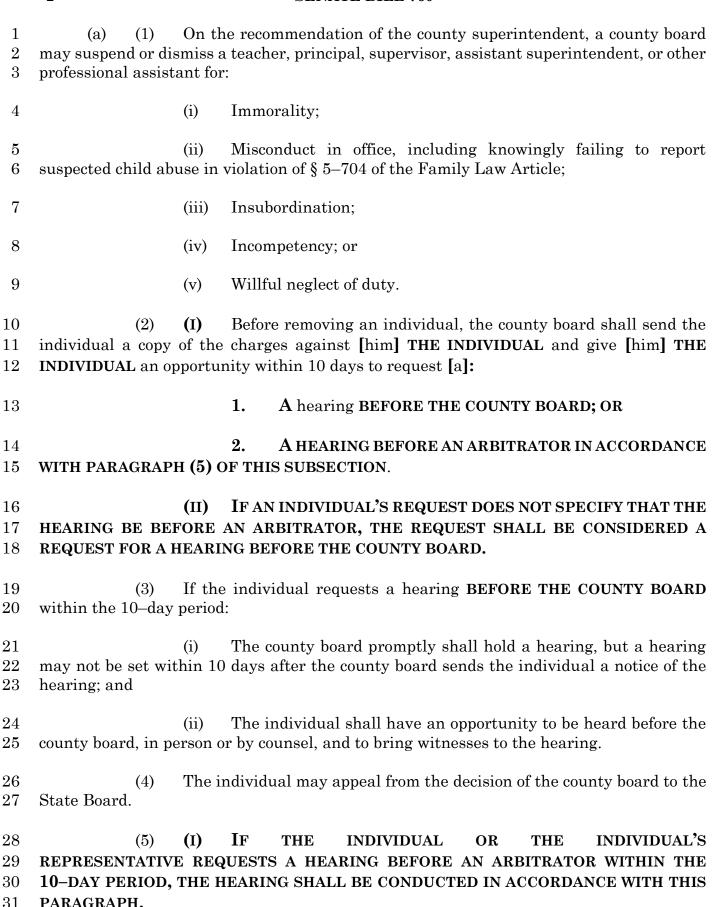
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





- 1 (II) 1. AN ARBITRATOR SHALL BE SELECTED AS PROVIDED
- 2 IN THIS SUBPARAGRAPH.
- 3 2. If the superintendent and the individual or
- 4 THE INDIVIDUAL'S REPRESENTATIVE AGREE ON AN ARBITRATOR, THE ARBITRATOR
- 5 SHALL BE CHOSEN BY MUTUAL AGREEMENT OF THE PARTIES.
- 6 3. If the superintendent and the individual or
- 7 THE INDIVIDUAL'S REPRESENTATIVE CANNOT AGREE ON AN ARBITRATOR:
- 8 A. THE COUNTY BOARD SHALL REQUEST FROM THE
- 9 AMERICAN ARBITRATION ASSOCIATION A LIST OF THE ARBITRATORS THAT ARE
- 10 AVAILABLE TO HEAR THIS TYPE OF DISPUTE AND MAKE A DECISION IN A TIMELY
- 11 MANNER; AND
- B. THE PARTIES SHALL ALTERNATELY STRIKE
- 13 ARBITRATORS FROM THE LIST.
- 14 (III) THE RULES OF LABOR ARBITRATION SHALL APPLY.
- 15 (IV) A STENOGRAPHIC RECORD SHALL BE MADE OF THE
- 16 PROCEEDINGS BEFORE THE ARBITRATOR.
- 17 (V) 1. THE ARBITRATOR SHALL DETERMINE WHETHER THE
- 18 COUNTY BOARD HAS SUFFICIENT CAUSE FOR SUSPENSION OR DISMISSAL OF THE
- 19 INDIVIDUAL.
- 20 2. A LESSER PENALTY THAN DISMISSAL MAY BE
- 21 IMPOSED BY THE ARBITRATOR ONLY TO THE EXTENT THAT EITHER PARTY
- 22 PROPOSES THE LESSER PENALTY IN THE PROCEEDING.
- 23 (VI) IN RENDERING A DECISION, THE ARBITRATION
- 24 PROCEEDING IS GOVERNED BY THIS SUBTITLE AND BY THE COLLECTIVE
- 25 BARGAINING AGREEMENT APPLICABLE TO THE INDIVIDUAL.
- 26 (VII) EXCEPT AS PROVIDED IN SUBPARAGRAPH (VIII) OF THIS
- 27 PARAGRAPH, THE COUNTY BOARD SHALL PAY THE FULL INDIVIDUAL SHALL PAY 25%
- 28 OF THE COST AND EXPENSES OF THE ARBITRATION AND THE COUNTY BOARD SHALL
- 29 PAY 75% OF THE COST AND EXPENSES OF THE ARBITRATION, INCLUDING:
- 30 1. THE AMERICAN ARBITRATION ASSOCIATION'S
- 31 ADMINISTRATIVE FEES;

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(ii)

the employee, as appropriate.

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provide the employee comprehensive guidance and instruction; and

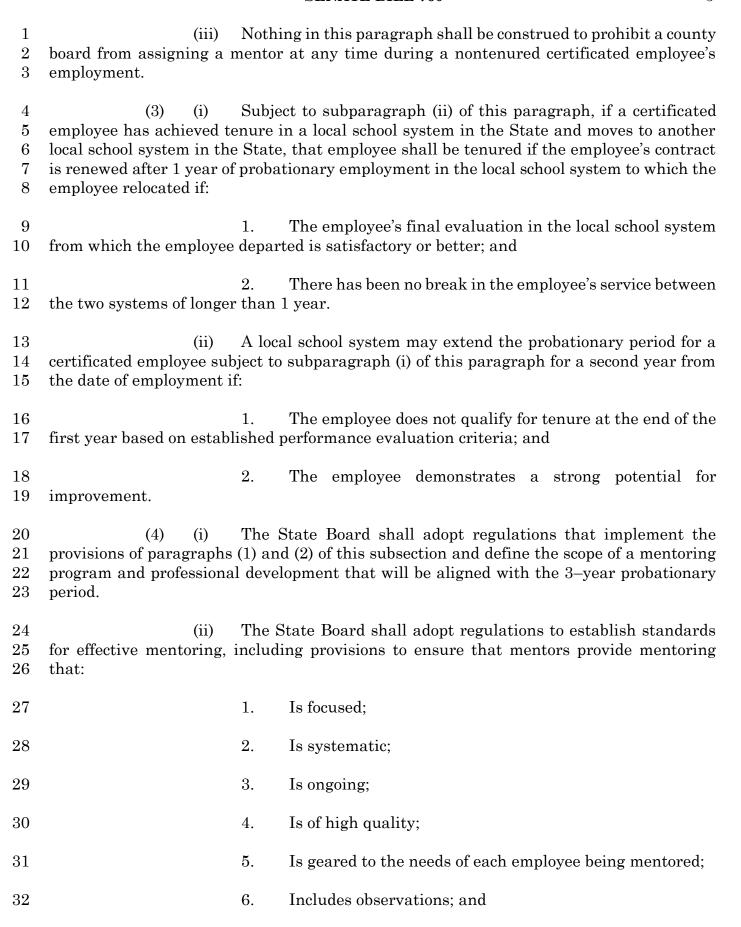
$\begin{array}{c} 1 \\ 2 \end{array}$	2. The full cost of the stenography and transcription services;
3	3. REASONABLE EXPENSES FOR REQUIRED TRAVEL;
4 5	4. REASONABLE FEES AND EXPENSES INCURRED OR CHARGED BY THE ARBITRATOR; AND
6 7	5. REASONABLE EXPENSES ASSOCIATED WITH ANY WITNESS OR EVIDENCE PRODUCED AT THE REQUEST OF THE ARBITRATOR.
8 9 10	(VIII) THE SUPERINTENDENT AND THE INDIVIDUAL SHALL PAY THEIR OWN RESPECTIVE COSTS AND EXPENSES ASSOCIATED WITH ANY WITNESS OR EVIDENCE PRODUCED BY THEM.
11 12	(IX) 1. THE AWARD BY THE ARBITRATOR IS FINAL AND BINDING ON THE PARTIES.
13 14 15	2. AN INDIVIDUAL MAY REQUEST JUDICIAL REVIEW BY A CIRCUIT COURT, WHICH SHALL BE GOVERNED BY THE MARYLAND UNIFORM ARBITRATION ACT.
16 17 18 19	(6) 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.
20 21 22 23	(b) (1) Except as provided in paragraph (3) of this subsection, the probationary period of employment of a certificated employee in a local school system shall cover a period of 3 years from the date of employment and shall consist of a 1–year employment contract that may be renewed by the county board.
$\frac{24}{25}$	(2) (i) A county board shall evaluate annually a nontenured certificated employee based on established performance evaluation criteria.

certificated employee is not on track to qualify for tenure at any formal evaluation point:

Subject to subparagraph (iii) of this paragraph, if the nontenured

A mentor promptly shall be assigned to the employee to

Additional professional development shall be provided to



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(ii)

performance evaluation criteria.

1 7. Includes feedback. 2 In this subsection, "student growth" means student progress assessed 3 by multiple measures and from a clearly articulated baseline to one or more points in time. 4 (2)Subject to subparagraph (iii) of this paragraph, the State Board 5 shall adopt regulations that establish general standards for performance evaluations for certificated teachers and principals that include observations, clear standards, rigor, and 6 7 claims and evidence of observed instruction. 8 (ii) The regulations adopted under subparagraph (i) of this paragraph shall include default model performance evaluation criteria. 9 10 Before the proposal of the regulations required under this (iii) paragraph, the State Board shall solicit information and recommendations from each local 11 12 school system and convene a meeting wherein this information and these recommendations 13 are discussed and considered. 14 (3)Subject to paragraph (6) of this subsection: 15 A county board shall establish performance evaluation criteria (i) 16 for certificated teachers and principals in the local school system based on the general 17 standards adopted under paragraph (2) of this subsection that are mutually agreed on by 18 the local school system and the exclusive employee representative. 19 Nothing in this paragraph shall be construed to require mutual 20 agreement under subparagraph (i) of this paragraph to be governed by Subtitles 4 and 5 of this title. 2122**(4)** Subject to paragraph (7) of this subsection, the performance evaluation 23criteria developed under paragraph (3) of this subsection: 24(i) Shall include data on student growth as a significant component of the evaluation and as one of multiple measures; and 2526 (ii) May not be based solely on an existing or newly created single 27 examination or assessment. 28 (5)(i) An existing or newly created single examination or assessment 29 may be used as one of the multiple measures.

(6) If a local school system and the exclusive employee representative fail to mutually agree under paragraph (3) of this subsection, the default model performance evaluation criteria adopted by the State Board under paragraph (2)(ii) of this subsection

No single criterion shall account for more than 35% of the total

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shall take effect in the local jurisdiction 6 months following the final adoption of the regulations.
(7) Any performance evaluation criteria developed under this subsection may not require student growth data based on State assessments to be used to make personnel decisions before the 2016–2017 school year.
SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.
Approved:
Governor.
President of the Senate.
Speaker of the House of Delegates.