

# SENATE BILL 608

F1, F3, F5

11r0608  
CF HB 525

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By: **Senators Ferguson, Currie, Pugh, and Young**  
Introduced and read first time: February 4, 2011  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Personnel – Grounds for Suspension or Dismissal –**  
3 **Ineffectiveness**

4 FOR the purpose of authorizing county boards of education, on the recommendation of  
5 the county superintendent of schools, to suspend or dismiss teachers, principals,  
6 and certain other public school personnel for ineffectiveness as determined  
7 under certain circumstances; declaring a certain intent of the General  
8 Assembly; and generally relating to the suspension or dismissal of ineffective  
9 public school personnel.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 6–202  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2010 Supplement)

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

17 **Article – Education**

18 6–202.

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

22 (i) Immorality;

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) Insubordination;
- 2 (iv) Incompetency; [or]
- 3 (v) Willful neglect of duty; **OR**

4 **(VI) INEFFECTIVENESS, AS DETERMINED UNDER**  
5 **SUBSECTION (C) OF THIS SECTION.**

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

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

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

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

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

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

21 (b) (1) Except as provided in paragraph (3) of this subsection, the  
22 probationary period of employment of a certificated employee in a local school system  
23 shall cover a period of 3 years from the date of employment and shall consist of a  
24 1-year employment contract that may be renewed by the county board.

25 (2) (i) A county board shall evaluate annually a nontenured  
26 certificated employee based on established performance evaluation criteria.

27 (ii) Subject to subparagraph (iii) of this paragraph, if the  
28 nontenured certificated employee is not on track to qualify for tenure at any formal  
29 evaluation point:

30 1. A mentor promptly shall be assigned to the employee  
31 to provide the employee comprehensive guidance and instruction; and

1                                   2.     Additional professional development shall be provided  
2 to the employee, as appropriate.

3                                   (iii)   Nothing in this paragraph shall be construed to prohibit a  
4 county board from assigning a mentor at any time during a nontenured certificated  
5 employee's employment.

6                                   (3)   (i)     Subject to subparagraph (ii) of this paragraph, if a  
7 certificated employee has achieved tenure in a local school system in the State and  
8 moves to another local school system in the State, that employee shall be tenured if  
9 the employee's contract is renewed after 1 year of probationary employment in the  
10 local school system to which the employee relocated if:

11                                   1.     The employee's final evaluation in the local school  
12 system from which the employee departed is satisfactory or better; and

13                                   2.     There has been no break in the employee's service  
14 between the two systems of longer than 1 year.

15                                   (ii)   A local school system may extend the probationary period for  
16 a certificated employee subject to subparagraph (i) of this paragraph for a second year  
17 from the date of employment if:

18                                   1.     The employee does not qualify for tenure at the end of  
19 the first year based on established performance evaluation criteria; and

20                                   2.     The employee demonstrates a strong potential for  
21 improvement.

22                                   (4)   (i)     The State Board shall adopt regulations that implement the  
23 provisions of paragraphs (1) and (2) of this subsection and define the scope of a  
24 mentoring program and professional development that will be aligned with the 3-year  
25 probationary period.

26                                   (ii)   The State Board shall adopt regulations to establish  
27 standards for effective mentoring, including provisions to ensure that mentors provide  
28 mentoring that:

29                                   1.     Is focused;

30                                   2.     Is systematic;

31                                   3.     Is ongoing;

32                                   4.     Is of high quality;

33                                   5.     Is geared to the needs of each employee being  
34 mentored;



1           (6) If a local school system and the exclusive employee representative  
2 fail to mutually agree under paragraph (3) of this subsection, the model performance  
3 evaluation criteria adopted by the State Board under paragraph (2)(ii) of this  
4 subsection shall take effect in the local jurisdiction 6 months following the final  
5 adoption of the regulations.

6           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
7 General Assembly that the authority for a county board of education to suspend or  
8 dismiss specified school personnel on the basis of ineffectiveness under § 6-202 of the  
9 Education Article as enacted by Section 1 of this Act be consistent with the  
10 recommendations of the Maryland Council for Educator Effectiveness as implemented  
11 by a county board of education.

12           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2011.