

## **Broken Teacher Evaluation System**

*0.02 Percent of Maryland Teachers Fired For Incompetency*

### **Executive Summary**

0.02 percent of Maryland teachers were fired for incompetency last year. This reflects an evaluation system that makes it virtually impossible to remove ineffective teachers. To improve classroom instruction and improve chances of winning a significant federal education grant, Maryland needs to incorporate student achievement results into teacher evaluations and establish a more effective process for removing incompetent teachers.

### **Background**

Tenured teachers in Maryland can only be fired for cause, including "incompetency."<sup>1</sup> This issue brief examines how many teachers were fired for incompetency during the 2008-09 school year. Advocates for Children and Youth requested this information from the State's 24 school districts.

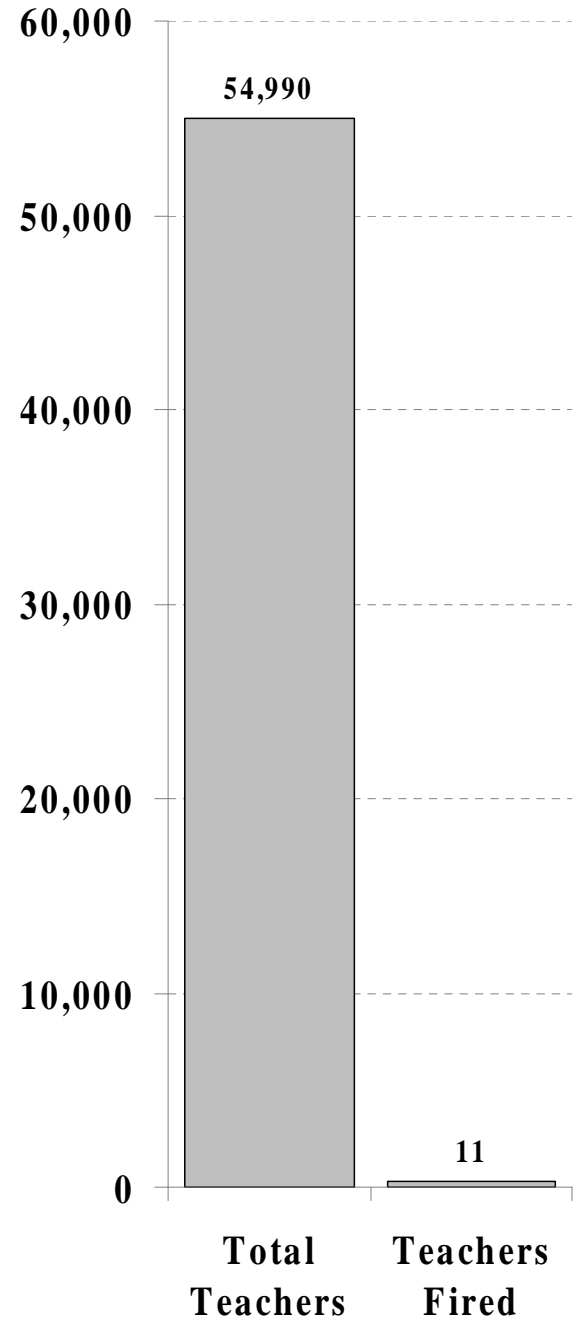
### **Findings**

Out of 54,990 teachers in 17 school districts in Maryland, 11 were fired for incompetency in 2008-09, or less than one half of one percent. District breakdowns are provided at the end of the study.<sup>2</sup>

<sup>1</sup> See Education Article §6-202. The other grounds are: immorality; misconduct in office; insubordination; and willful neglect of duty. Non-tenured teachers are dismissed through non-renewal of their contracts.

<sup>2</sup> ACY received information from 17 of the 24 school districts; these districts employed 93 percent of teachers in the State. Additional teachers may have resigned or retired to avoid termination for incompetency. Montgomery County said additional teachers were dismissed due to failure to maintain their state certification. Poor performance is also a reason schools districts may choose to non-renew the contracts of non-tenured teachers. However, non-tenured teachers are not dismissed because of incompetency under state law.

### **Teachers Removed: 2008-09**



**Discussion**

Maryland recently received an “F” for difficulty in removing ineffective teachers.<sup>3</sup> In Baltimore County, for example, unsatisfactory evaluations must be based on three observations by at least two different people. Most observations must take place with advance notice. A conference with the teacher must occur within three duty days of each observation, and written suggestions for improving must be provided within seven duty days. Even more detailed procedures are required during the year following an unsatisfactory evaluation. Failure to follow any of these procedures is subject to an extensive grievance process in which observations are invalidated, evaluations thrown out and teacher dismissals overruled.<sup>4</sup>

It is sound practice to help teachers perform as effectively as possible, provide feedback and give opportunities to improve. However, there is a difference between sound practice and creating a lengthy and complex process that if not followed exactly allows incompetent teachers to remain in the classroom indefinitely.

The issue has taken on increased significance because of the federal Race to the Top program. Maryland is eligible for a grant of up to \$250 million. A major factor is whether the State has a credible plan to remove ineffective teachers.

**Recommendations**

1. The Governor has proposed legislation that requires that teacher evaluations include “student growth as a significant component and one of multiple measures.” However, it is not clear whether the redesigned evaluations will result in faster dismissal of incompetent teachers. The General Assembly should ensure that the law gives the Maryland State Board of Education authority to require local districts to fix broken teacher evaluation systems.
2. The Governor’s proposed legislation also requires districts to provide mentoring to

<sup>3</sup> National Council on Teacher Quality, *2009 State Teacher Policy Yearbook, Maryland*; Center for American Progress et al., *Leaders and Laggards, A State-by-State Report Card on Educational Innovation* at p. 35 (Nov. 2009).

<sup>4</sup> *Master Agreement between the Board of Education of Baltimore County and the Teachers Association of Baltimore County, July 1, 2007 – June 30, 2012.*

teachers who are not “on track to qualify for tenure.” Providing support for poorly performing teachers is sound policy. However, as written this provision likely means that untenured teachers will challenge non-renewals of their contracts, saying that they did not receive adequate mentoring. This would make it harder to remove ineffective teachers; non-tenured teachers currently have no right to challenge non-renewals of yearly contracts. The General Assembly should clarify that teachers cannot use adequacy of mentoring to challenge the non-renewal of their contracts.

3. Under current law, even tenured teachers cannot teach unless they have a valid teaching certificate issued by the State Superintendent. This means that the Maryland State Board of Education has significant authority to help districts remove ineffective teachers. The State Board can issue regulations that require, for state licensing purposes, a speedy but fair evaluation system and deny licenses based on the results.

**Removal of Incompetent Teachers:2008-9**

School District	Teachers	Removals	%
Allegany*			
Anne Arundel	5,073	0	0.0%
Baltimore City	5,844	1	0.0%
Baltimore County	7,504	0	0.0%
Calvert*			
Caroline*			
Carroll	1,904	0	0.0%
Cecil*			
Charles	1,737	0	0.0%
Dorchester			
Frederick	2,755	0	0.0%
Garrett*			
Harford	2,732	0	0.0%
Howard	3,886	1	0.0%
Kent	175	0	0.0%
Montgomery	9,728	2	0.0%
Prince George's	8,612	3	0.0%
Queen Anne's	529	0	0.0%
St. Mary's	1,036	0	0.0%
Somerset*			
Talbot	307	1	0.3%
Washington	1,496	2	0.1%
Wicomico	1,089	0	0.0%
Worcester	583	1	0.2%
<b>Total</b>	<b>54,990</b>	<b>11</b>	<b>0.02%</b>
Statewide	59,312		

\*Did not reply.