



## BALTIMORE COUNTY PUBLIC SCHOOLS

**Date:** September 25, 2001

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. J. Hairston, Superintendent

**SUBJECT:** Rule 4118.1-- Tenure and Non-Tenure Teachers

**ORIGINATOR:** J. Robert Haines, Deputy Superintendent of Business

**RESOURCE PERSON(S)** Randall Grimsley, Executive Director of Human Resources  
William Lawrence, Executive Director of Schools

### INFORMATION

Appendix I is the Policy 4118 which was adopted by the Board of Education on August 29, 1968. Subsequently, the Superintendent Rule 4118.1 was developed.

Appendix II contains revisions to the Superintendent's Rule 4118.1 to reflect the current organization. The changes can be identified by text typed in bold and caps is new wording and text in brackets reflects the deletions to the document.

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Appendix I – Policy 4118 - Tenure and Non-Tenure Teachers  
Appendix II – Superintendent's Rule 4118.1 – Tenure and Non-Tenure Teachers

PERSONNEL: Professional

Permanent: Tenure and Non-Tenure

A teacher with a Professional Certificate must teach two (2) years successfully before being granted tenure.

Teachers shall be asked annually whether they intend to accept reemployment in the school system and will be required, as appropriate, to indicate their plans.

Also see the policy entitled "Employment," in this article.

Legal Reference: Ann. Code of Pub. Gen. Laws of Md. Art. 77  
#110 Classes of teachers' certificates  
State Board of Education Bylaw  
13.06.02.01B Regular (Teacher's) Contract

PERSONNEL: Professional

Permanent: Tenure and Non-Tenure

**Procedure for Penalizing or Terminating Teachers on Tenure Whose Work is not Satisfactory**

1. Special attention will be given the teacher by the principal and other appropriate staff members. [Conferences will be held with the teacher.] **THE PRINCIPAL WILL HOLD POST-OBSERVATION CONFERENCES WITH THE TEACHER.** The principal or other appropriate staff members will give the teacher a summary of the conference, listing the weaknesses or shortcomings [which] that made his/her work less than satisfactory.
2. One or more follow-up conferences will be held by the principal and/or other appropriate staff members to evaluate with the teacher his/her progress in relation to the shortcomings indicated in paragraph 1 above. [A written report of these conferences] **A MID-YEAR EVALUATION** shall be prepared for the teacher and the appropriate [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS BY JANUARY 15.** [as in paragraph 1 above.]
3. If the teacher's work continues to be less than satisfactory, the appropriate [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS** will advise the teacher in writing [before the end of March] **ON OR BEFORE MARCH 15** that unless his/her work improves, a recommendation will be made to the Superintendent of Schools that for the following school year his/her certificate be rated second-class, which will result in the freezing of the teacher's salary step. This letter will identify the teacher's major **AREAS IN NEED OF IMPROVEMENT.** [shortcomings and will also encourage the teacher to consider his/her problems carefully with his/her principal and /or supervisor.]
4. If the teacher's work has not improved to the point where it is fully satisfactory [and promises to continue to be so], the [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS** will confer with the Superintendent. After **THEY REVIEW** [a review of] the file, if the Superintendent approves, the [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS** will prepare a letter for the signature of the Superintendent of Schools advising the teacher that his/her certificate is being rated second-class and his/her salary step will be frozen for the ensuing school year. This will be mailed [prior to June 1.] **ON OR BEFORE JUNE 1.**
5. During the year in which the teacher's certificate is rated second-class, a number of visitations and conferences will be made by the principal and [supervisor] **OTHER APPROPRIATE PERSONNEL**, and if the teacher's work is not fully satisfactory, he/she will receive a letter, [during the month of February] **ON OR BEFORE MARCH 1**, from the [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS** advising

him/her that unless his/her work materially improves, a recommendation to terminate his/her services at the end of the school year will be made to the Superintendent of Schools.

**NOTE:** If a teacher has had his/her certificate rated second-class [within the past few years] **AND HAS** improved sufficiently to be restored to first-class, and then again is doing less than satisfactory work, steps 3 and 4 may be eliminated for such a person, and step 5 applied immediately.

6. If the teacher's work continues to be less than satisfactory, the [area superintendent] **EXECUTIVE DIRECTOR OF SCHOOLS** will confer with the teacher. At this point, depending upon the individual circumstances, the possibilities of retirement or resignation will be **DISCUSSED** [considered] with the teacher, and if neither of these is selected voluntarily by the teacher, he/she will be advised that a recommendation to terminate his/her employment will be made to the Superintendent of Schools.
7. A summary of the case will be prepared **BY THE APPROPRIATE EXECUTIVE DIRECTOR OF SCHOOLS** for the Superintendent of Schools with a recommendation that the teacher be dismissed.
8. If the Superintendent of Schools agrees with the conclusions reached in the previous steps, he/she will recommend the teacher's dismissal by the Board of Education. [Prior to] **ON OR BEFORE** May 1, the Superintendent of Schools shall notify the teacher, in writing, of his/her recommendation, and the teacher shall be given an opportunity for a hearing [before the Board of Education upon not less than ten (10) days' notice.] **CONSISTENT WITH BOARD OF EDUCATION POLICY AND STATE LAW.**
- [9. The Superintendent of Schools shall notify the teacher, in writing, of the action of the Board of Education.]

While every attempt will be made to follow the time schedule outlined above, this may not be possible in a case where major deterioration of a teacher's work develops late in the school year.

This [regulation] **RULE** relates only to teaching performance and does not in any manner limit the power of the Superintendent of Schools to recommend the dismissal of a teacher for immorality, willful neglect of duty, insubordination or misconduct in office, including knowingly failing to report suspected child abuse [, in accordance with the law].

Legal Reference: Annotated Code of [Pub. Gen. Laws of] Maryland, [Article 77  
#62 Nomination, assignment, transfer and recommendations as to  
principals and teachers, etc.  
#114 Suspension or dismissal of teachers, principals, supervisors,  
assistant superintendents, or other professional assistants]  
**EDUCATION ARTICLE, §6-202**

Rule  
approved: 5/11/72  
revised: 3/16/81  
revised: 3/25/93  
**REVISED:**

Superintendent of Schools