

PERSONNEL: Professional Staff

TERMINATION OF UNSATISFACTORY TENURED TEACHERS [Procedure for Penalizing or Terminating Teachers on Tenure Whose Work is not Satisfactory]

I. PURPOSE

TO OUTLINE PROCEDURES FOR TERMINATING CERTIFICATED TEACHERS WITH TENURE WHOSE WORK IS NOT SATISFACTORY.

II. DEFINITION

UNSATISFACTORY EVALUATION – FOR THE PURPOSE OF THIS RULE, AN EVALUATION WITH AN OVERALL RATING THAT IS NOT “SATISFACTORY” OR BETTER IS CONSIDERED UNSATISFACTORY.

II. PROCEDURES

A. FREQUENCY OF OBSERVATIONS AND EVALUATIONS

THE OBSERVATION AND EVALUATION OF TENURED TEACHERS WILL BE CONDUCTED IN ACCORDANCE WITH THE TERMS OF THE NEGOTIATED MASTER AGREEMENT AND REGULATIONS ESTABLISHED BY THE MARYLAND STATE BOARD OF EDUCATION.

B. UNSATISFACTORY PERFORMANCE, YEAR ONE

1. OBSERVATIONS

- a. FOLLOWING AN UNSATISFACTORY OBSERVATION, ADDITIONAL SUPPORT AND ASSISTANCE WILL BE PROVIDED BY THE PRINCIPAL AND/OR OTHER QUALIFIED OBSERVERS. [Special attention will be given the teacher by the principal and other appropriate staff members.]
- b. A POST-OBSERVATION conference[s] will be held with the teacher TO DISCUSS SUGGESTIONS FOR IMPROVEMENT.
- c. The principal or other QUALIFIED OBSERVER [appropriate staff members] will PROVIDE [give] the teacher WITH a WRITTEN summary of the conference. THE POST-OBSERVATION REPORT SHOULD IDENTIFY THE TEACHER’S NEEDS AND THE OBSERVATION

TEAM'S RECOMMENDATIONS FOR IMPROVEMENT.
[, listing the weaknesses or shortcomings that made his/her work less than satisfactory.]

- (1) A COPY OF THE POST-OBSERVATION REPORT SHALL BE PROVIDED TO THE TEACHER AND THE ASSISTANT SUPERINTENDENT FOR THE SCHOOL'S ZONE ("ASSISTANT SUPERINTENDENT").
- d. THE PRINCIPAL AND APPRAISAL TEAM WILL CREATE AN ASSISTANCE PLAN, WHICH MAY INCLUDE ASSIGNMENT OF A MENTOR, ASSISTANCE VISITS BY SUBJECT AREA SPECIALISTS OR OTHER ASSISTANCE DEEMED NECESSARY AND APPROPRIATE BY THE APPRAISAL TEAM.
- e. [2.] One or more follow-up conferences will be held by the principal and/or other MEMBERS OF THE APPRAISAL TEAM [appropriate staff members] to evaluate A TEACHER'S [with the teacher his/her] progress in relation to IDENTIFIED [the] shortcomings. [indicated in paragraph 1 above.]
 - (1) A written report of EACH FOLLOW-UP [these] conference[s] shall be prepared AND GIVEN TO [for] the teacher, WITH A COPY TO THE ASSISTANT SUPERINTENDENT. [and the appropriate Executive Director of Schools as in paragraph 1 above.]
 - (2) THE REPORT SHALL IDENTIFY THE WEAKNESSES OR SHORTCOMINGS THAT MADE THE TEACHER'S WORK LESS THAN SATISFACTORY ALONG WITH SUGGESTIONS FOR IMPROVEMENT.

2. EVALUATIONS

a. MID-YEAR EVALUATION

- (1) [3.] If the teacher's work continues to be less than satisfactory RESULTING IN AN UNSATISFACTORY MID-YEAR EVALUATION, the ASSISTANT SUPERINTENDENT [appropriate Executive Director of Schools] will PROVIDE WRITTEN NOTICE [advise the teacher in writing] before the end of March WARNING THE TEACHER that, unless his/her work improves, CLASS II

STATUS MAY BE RECOMMENDED, [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] resultING in the [freezing of the] teacher's salary BEING FROZEN AT THE CURRENT step. THE WARNING LETTER SHOULD: [This letter will]

- (a) Identify the teacher's major shortcomings; [and]
- (b) Encourage the teacher to SEEK ASSISTANCE FROM THE TEACHER'S PRINCIPAL AND APPRAISAL TEAM AND TO SEEK CLARIFICATION AND/OR SUGGESTIONS ON THOSE COMPETENCIES THAT NEED IMPROVEMENT. [consider his/her problems carefully with his/her principal and/or supervisor].

b. END OF YEAR EVALUATION

- (1) [4.] If the teacher's work has not improved RESULTING IN AN UNSATISFACTORY END-OF-YEAR EVALUATION [to the point where it is fully satisfactory and promises to continue to be so], the ASSISTANT SUPERINTENDENT [Executive Director of Schools] will RECOMMEND TO THE SUPERINTENDENT THAT THE TEACHER'S CERTIFICATE BE RATED SECOND CLASS. [confer with the Superintendent.]
- (2) UPON RECEIPT OF THE SECOND CLASS RECOMMENDATION, THE SUPERINTENDENT WILL CONFER WITH THE ASSISTANT SUPERINTENDENT AND REVIEW THE TEACHER'S FILE. [After a review of the file,] If the Superintendent AGREES WITH THE RECOMMENDATION [approves], the ASSISTANT SUPERINTENDENT [Executive Director of Schools] will prepare a letter for the SUPERINTENDENT'S signature [of the Superintendent of Schools] advising the teacher that his/her certificate [is being] WILL BE rated second-class and his/her salary [step] will be frozen AT THE CURRENT STEP for the ensuing school year. This LETTER will be [mailed OR

HAND DELIVERED TO THE TEACHER prior to June 1.

C. UNSATISFACTORY PERFORMANCE, YEAR TWO

1. [5.] During the year in which the teacher's certificate is rated second-class, THE PRINCIPAL AND/OR APPROPRIATE QUALIFIED OBSERVERS WILL CONTINUE TO PROVIDE SUPPORT AND ASSISTANCE TO THE TEACHER, FOLLOWING THE PROCESS OUTLINED IN PARAGRAPH II.B ABOVE, INCLUDING CONDUCTING A MINIMUM OF TWO OBSERVATIONS PER SEMESTER, A MID-YEAR EVALUATION, AND AN END-OF-YEAR EVALUATION, WITH APPROPRIATE PRE- AND POST-OBSERVATION/EVALUATION CONFERENCES. [a number of visitations and conferences will be made by the principal and other appropriate personnel and] .

2. IF [if] the teacher's MID-YEAR EVALUATION CONTINUES TO BE UNSATISFACTORY [work is not fully satisfactory], THE ASSISTANT SUPERINTENDENT WILL, [he/she will receive a letter,] during the month of February, PROVIDE WRITTEN NOTICE TO THE TEACHER [from from the Executive Director of Schools advising him/her] that unless his/her PERFORMANCE SIGNIFICANTLY [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, 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.]

3. [6.] If the teacher's END-OF-YEAR EVALUATION IS RATED UNSATISFACTORY [work continues to be less than satisfactory], the ASSISTANT SUPERINTENDENT [Executive Director of Schools] will MEET [confer] with the teacher TO ADVISE THAT A RECOMMENDATION WILL BE MADE TO THE SUPERINTENDENT TO TERMINATE HIS/HER EMPLOYMENT AT THE END OF THE CURRENT SCHOOL YEAR AND TO DISCUSS [. At this point, depending upon the individual circumstances,] the possibilities of retirement or resignation. [will be discussed 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].

4. [7.] THE ASSISTANT SUPERINTENDENT [A summary of the case will be prepared by the appropriate Executive Director of Schools] WILL PREPARE A SUMMARY OF THE TEACHER'S PERFORMANCE for the Superintendent [of Schools], with a recommendation that the teacher be dismissed FOR INCOMPETENCY.
5. [8.] THE SUPERINTENDENT WILL REVIEW THE TEACHER'S PERFORMANCE AND, if the Superintendent [of Schools] agrees with the ASSISTANT SUPERINTENDENT'S RECOMMENDATION: [conclusions reached in the previous step],
 - (a) [he/she] will recommend TO THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) THAT the TEACHER BE TERMINATED AT THE END OF THE CURRENT SCHOOL YEAR FOR INCOMPETENCY [teacher's dismissal by the Board of Education].
 - (b) SHALL, prior to May 1, [the Superintendent of Schools shall] notify the teacher, in writing, of his/her recommendation[,] and ADVISE the teacher OF HIS/HER RIGHT TO REQUEST [shall be given an opportunity for] a hearing before the Board IF SUCH REQUEST IS MADE, IN WRITING, WITHIN 10 CALENDAR DAYS OF THE DATE OF THE SUPERINTENDENT'S LETTER [of Education upon not less than ten (10) days' notice].
6. [9.] The ASSISTANT Superintendent [of Schools] OF HUMAN RESOURCES shall notify the teacher, in writing, of the action TAKEN BY [of] the Board [of Education].

D. IN CASES WHERE A TEACHER HAS HAD HIS/HER CERTIFICATE RATED SECOND-CLASS AND HAS IMPROVED SUFFICIENTLY TO BE RESTORED TO FIRST-CLASS, PROCEDURES FOR UNSATISFACTORY PERFORMANCE, YEAR TWO, AS OUTLINED IN SECTION II.C. ABOVE SHALL BE FOLLOWED IF THE TEACHER RECEIVES AN UNSATISFACTORY EVALUATION RATING WITHIN TWO YEARS OF HAVING BEEN RATED AS SECOND CLASS.

III. COMPLIANCE

- A. 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 OR A TEACHER IS OUT OF SCHOOL DUE TO AN EXTENDED ILLNESS OR OTHER VALID REASON.
- B. This 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; [,] MISCONDUCT IN OFFICE, INCLUDING KNOWINGLY FAILING TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF §5-704 OF THE FAMILY LAW ARTICLE; INSUBORDINATION; OR willful neglect of duty [, insubordination or misconduct in office, including knowingly failing to report suspected child abuse, in accordance with the law].

Legal ReferenceS: *ANNOTATED CODE OF MARYLAND*, EDUCATION ARTICLE §6-102, *CLASSES OF TEACHERS’ CERTIFICATES*
Annotated Code of Maryland, Education Article §6-202, *Suspension or dismissal of teachers, principals, and other professional personnel*
 COMAR 13A.07.02.01, *CONTRACTS*
 COMAR 13A.07.04, *EVALUATION OF PROFESSIONALLY CERTIFICATED PERSONNEL*

RELATED POLICIES: BOARD OF EDUCATION POLICY 4004, *EVALUATIONS*
 BOARD OF EDUCATION POLICY 8340, *APPEALS BEFORE THE BOARD OF EDUCATION*

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Superintendent of Schools