

Chapter 740

(Senate Bill 493)

AN ACT concerning

Teacher Induction, Retention, and Advancement Act of 2016

FOR the purpose of altering the maximum amount of a certain State stipend awarded to certain teachers or other school-based employees who hold certain certificates and who teach in certain public schools; requiring certain public schools to utilize certain teachers in certain leadership roles; requiring certain teachers who teach in certain public middle and high schools in Anne Arundel County to receive a certain stipend from the State under certain circumstances for certain academic years; establishing the Teacher Induction, Retention, and Advancement Pilot Program; authorizing each county board of education to choose to participate in the Pilot Program; requiring a county board to select certain teachers to participate in the Pilot Program; requiring certain teachers to be afforded a certain amount of time to be spent on mentoring, peer observation, assistance with planning, or other preparation activities under the Pilot Program; prohibiting a certain amount of time from including student supervision or administrative responsibilities; authorizing a certain amount of time to include support from certain teachers under certain circumstances; requiring a certain county ~~boards of education~~ board to provide certain information regarding the availability of certain resources to ~~be provided to~~ certain teachers; providing for the sharing of certain costs incurred under a certain program; requiring the Governor to include annually a certain appropriation in the State budget; providing for the use of certain funds under a certain program; requiring the State Department of Education to develop certain criteria; requiring the Department to disburse certain funds subject to certain provisions of law; specifying the intent of the General Assembly; ~~defining certain terms~~; requiring the Department to convene a certain workgroup and submit certain reports on or before certain dates; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the induction, retention, and advancement of public school teachers.

BY repealing and reenacting, without amendments,

Article – Education

Section 6–306(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 6–306(b)(2) and (5), (c), (d), and (e)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Education

Section 6–117.1 and 6–306(b)(5) *and (c)*

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

Preamble

WHEREAS, Teacher turnover in Maryland remains a persistent problem, as it does in many parts of the country; and

WHEREAS, Between 40% and 50% of all first year teachers will leave the profession by the end of their fifth year of teaching; and

WHEREAS, A large amount of teacher turnover contributes to both school instability and student instability, particularly in communities that are highly impacted by instances of instability; and

WHEREAS, Teacher turnover is costly to local school systems, costing as much as \$50,000 for every teacher leaving the system according to the National Center for Teaching and America’s Future, for recruiting, inducting, and other personnel matters relating to new teacher training; and

WHEREAS, There are almost 3,000 teachers in Maryland on whom National Board Certification has been conferred; and

WHEREAS, There are 634 teachers in Maryland currently pursuing National Board Certification; and

WHEREAS, In 2015, two new studies found that National Board Certified teachers are more effective at advancing student learning than teachers who are not National Board Certified, building on more than a decade of research finding similar results; and

WHEREAS, During the 2015 Legislative Session, a \$1,500 stipend that was required to be awarded to public school teachers that hold an advanced professional certificate and who teach in a public school having comprehensive needs was eliminated; now, therefore,

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

Article – Education

6–306.

(a) (1) In this section the following words have the meanings indicated.

(2) “County grant for national certification” means an annual grant distributed to a teacher certified by the National Board for Professional Teaching Standards established:

- (i) Outside of the collective bargaining process; or
- (ii) As part of a collective bargaining agreement with the local employee organization.

(3) “School-based employee” means a certificated employee who works directly with students or teachers at a public school.

(b) (2) A classroom teacher or other nonadministrative school-based employee in a public school identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of ~~[\$2,000] \$5,000~~ \$4,000 per qualified individual.

(5) TO THE MAXIMUM EXTENT PRACTICABLE, EACH PUBLIC SCHOOL SHALL UTILIZE TEACHERS WHO HAVE OBTAINED NATIONAL BOARD CERTIFICATION IN LEADERSHIP ROLES WITHIN THE SCHOOL.

~~[(5)]~~ **(6)** (i) 1. The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:

- A. In improvement, corrective action, or restructuring;
- B. Categorized by the local school system as a Title I school;

or

C. In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.

2. The program established under subparagraph 1 of this subparagraph may include financial incentives, leadership changes, or other incentives.

(ii) 1. The State Board shall adopt guidelines to implement this paragraph.

2. Nothing in this paragraph shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this subparagraph.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

6-306.

(C) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

(2) IN THIS SUBSECTION, “COUNTY GRANT FOR TEACHING IN AN ECONOMICALLY DISADVANTAGED SCHOOL” MEANS AN ANNUAL GRANT DISTRIBUTED TO A TEACHER WHO TEACHES IN AN ECONOMICALLY DISADVANTAGED SCHOOL ESTABLISHED:

(I) OUTSIDE OF THE COLLECTIVE BARGAINING PROCESS; OR

(II) AS PART OF A COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL EMPLOYEE REPRESENTATIVE.

(3) FOR FISCAL YEARS 2017 THROUGH 2019, THE GOVERNOR SHALL INCLUDE IN THE STATE OPERATING BUDGET FUNDING FOR THE STIPENDS PROVIDED IN THIS SUBSECTION.

(4) A CLASSROOM TEACHER SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT EQUAL TO THE COUNTY GRANT FOR TEACHING IN AN ECONOMICALLY DISADVANTAGED SCHOOL, UP TO A MAXIMUM OF \$1,500 IF THE TEACHER:

(I) TEACHES IN A PUBLIC MIDDLE OR HIGH SCHOOL IN WHICH AT LEAST 30% OF THE STUDENTS AS A PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS AS DEFINED IN § 5-202 OF THIS ARTICLE QUALIFY FOR FREE AND REDUCED PRICE MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM;

(II) HOLDS A STANDARD OR ADVANCED PROFESSIONAL CERTIFICATE; AND

(III) IS EMPLOYED BY THE COUNTY BOARD.

[(c)] (D) An individual who receives a stipend or bonus under subsection (b) OR (C) of this section may not be deemed an employee of the State.

[(d)] (E) The employer of an individual who receives a stipend or bonus under subsection (b) OR (C) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.

~~[(e)] (F)~~ The Department shall act as fiscal agent for funds disbursed under this section.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

6–117.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “FIRST YEAR TEACHER” MEANS A PUBLIC SCHOOL TEACHER WHO HAS NOT PREVIOUSLY HAD ANY FULL–TIME TEACHING EXPERIENCE.

(3) “PROGRAM” MEANS THE TEACHER INDUCTION, RETENTION, AND ADVANCEMENT PILOT PROGRAM.

(B) (1) THERE IS A TEACHER INDUCTION, RETENTION, AND ADVANCEMENT PILOT PROGRAM IN THE STATE.

(2) (I) EACH COUNTY BOARD MAY CHOOSE TO PARTICIPATE IN THE PILOT PROGRAM.

(II) A COUNTY BOARD SHALL SELECT THE FIRST YEAR TEACHERS TO PARTICIPATE IN THE PILOT PROGRAM.

(III) A COUNTY BOARD IS ENCOURAGED TO GIVE PRIORITY TO TEACHERS WHO TEACH IN A SCHOOL THAT IS PART OF A CLUSTER OF SCHOOLS IN WHICH THE MAJORITY OF THE ELEMENTARY AND MIDDLE SCHOOLS THAT FEED INTO ONE HIGH SCHOOL ARE TITLE I SCHOOLS.

(C) (1) UNDER THE PILOT PROGRAM, EACH PARTICIPATING FIRST YEAR TEACHER SHALL BE AFFORDED AT LEAST 20% MORE TIME THAN TEACHERS WHO ARE NOT FIRST YEAR TEACHERS DURING THE ACADEMIC WEEK TO BE SPENT ON MENTORING, PEER OBSERVATION, ASSISTANCE WITH PLANNING, OR OTHER PREPARATION ACTIVITIES.

(2) THE ADDITIONAL TIME AFFORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT INCLUDE STUDENT SUPERVISION OR ADMINISTRATIVE RESPONSIBILITIES.

(3) AT THE REQUEST OF A FIRST YEAR TEACHER MADE TO THE PRINCIPAL OF A SCHOOL, THE ADDITIONAL TIME AFFORDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE SUPPORT FROM A VETERAN TEACHER.

(4) ~~EACH A~~ COUNTY BOARD ~~THAT HAS A PARTICIPATING FIRST YEAR TEACHER~~ SHALL PROVIDE EACH FIRST YEAR TEACHER PARTICIPATING IN THE PILOT PROGRAM FROM THAT COUNTY WITH INFORMATION REGARDING RESOURCES AVAILABLE TO THE FIRST YEAR TEACHER THAT MAY BE USED DURING THE ADDITIONAL TIME THAT INCLUDE:

- (I) MENTORING;
- (II) PEER OBSERVATION; AND
- (III) ASSISTANCE WITH PLANNING.

(D) ANY COSTS INCURRED UNDER THE PILOT PROGRAM SHALL BE BORNE 80% BY THE STATE AND 20% BY THE COUNTY BOARD.

(E) (1) THE GOVERNOR ANNUALLY SHALL INCLUDE AN APPROPRIATION OF ~~\$7,000,000~~ \$5,000,000 IN THE STATE BUDGET FOR THE DEPARTMENT TO ADMINISTER THE PILOT PROGRAM.

(2) THE DEPARTMENT SHALL DEVELOP CRITERIA BY WHICH FUNDS SHALL BE ALLOCATED TO ~~LOCAL SCHOOL SYSTEMS~~ COUNTY BOARDS TO ALLOW FIRST YEAR TEACHERS TO PARTICIPATE IN THE PILOT PROGRAM.

(3) (I) IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DISBURSE FUNDS TO EACH COUNTY BOARD THAT HAS FIRST YEAR TEACHERS PARTICIPATING IN THE PILOT PROGRAM.

(II) THE DEPARTMENT SHALL INCLUDE ANY COSTS INCURRED BY A COUNTY BOARD IN MEETING THE REQUIREMENTS OF SUBSECTION (C) (3) AND (4) OF THIS SECTION WHEN DISBURSING FUNDS TO A COUNTY BOARD.

(4) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY THAT ENOUGH FUNDS BE PROVIDED TO ENSURE THAT EVERY FIRST YEAR TEACHER IN THE STATE BE ABLE TO PARTICIPATE IN THE PILOT PROGRAM.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That ~~en~~:

(a) On or before December 1, 2021, the State Department of Education shall report to the Governor and, in accordance with § 2-1246 of the State Government Article,

the General Assembly regarding the retention of first year teachers that participate in the Teacher Induction, Retention, and Advancement *Pilot* Program.

(b) The report shall:

(1) include the number of first year teachers who participated in the *Pilot* Program and are still teaching 4 and 5 years after participating in the *Pilot* Program, versus the number of teachers who were similarly situated first year teachers but who did not participate in the *Pilot* Program and are still teaching 4 and 5 years later; *and*

(2) make recommendations on whether to continue, modify, or eliminate the Pilot Program.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall convene a workgroup composed of stakeholders from primary and secondary education, higher education, and other education policy experts to:

(1) determine how ~~to~~:

(i) to recruit, retain, and promote quality teachers at all levels of education in the State;

~~(2)~~ *(ii)* to incorporate and interweave the principles of National Board Certification with the Advanced Professional Certificate, Master of Education programs, and other teacher preparation programs;

~~(3)~~ *(iii)* to make the teacher recertification process more valuable, including an exploration of how to link recertification to career ladders and content or high need area specializations;

~~(3)~~ *(iv)* to link loan forgiveness to teaching in high need schools; and

~~(4)~~ *(v)* to incorporate induction best practices into professional eligibility certificates; and

(vi) existing state laws and regulations impact teacher recruitment, retention, and promotion for each of the following areas:

1. individual and team competency;

2. performance measurement and management;

3. reward and recognition for excellent work; and

4. discipline in the classroom; and

(2) evaluate whether the stipend created under § 6–306(c) of the Education Article, as enacted by Section 2 of this Act, was effective in retaining effective teachers in schools with a critical mass of economically disadvantaged students.

(b) The workgroup established under subsection (a) of this section shall make recommendations regarding:

(1) its findings under subsection (a) of this section; ~~and~~

(2) legislative changes that will ensure that teacher preparation academies, as authorized under the federal Every Student Succeeds Act, will be of the highest quality and rigor if they are implemented in Maryland, and the individuals that participate in these academies will be fully prepared and trained to be in a classroom in Maryland;

(3) a coordinated statewide strategy for recruiting, retaining, and promoting quality teachers at all levels of education by the State Department of Education, the Maryland Higher Education Commission, the University System of Maryland, and other education stakeholders; and

(4) the best methods of incentivizing effective teachers to choose to teach in low-performing schools and schools with a critical mass of economically disadvantaged students in light of federal regulations that require the equitable distribution of effective teachers.

(c) (1) On or before ~~September~~ November 1, 2016, the Department shall submit ~~a~~ an interim report regarding the recommendations of the workgroup established under this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before November 1, 2017, the Department shall submit a final report regarding the recommendations of the workgroup established under this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect. ~~Section 2~~ Section 3 of this Act shall remain effective for a period of 6 years and, at the end of June 30, 2022, with no further action required by the General Assembly, ~~Section 2~~ Section 3 of this Act shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 28, 2016.