

ROSALIA HUGGINS,

Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL
COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 19-13

OPINION

INTRODUCTION

Appellant challenges the decision of the Baltimore City Board of School Commissioners (“local board”) upholding her overall annual rating of “Developing” on her 2017-2018 end of year Teacher Effectiveness Evaluation. The local board filed a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable or illegal. The Appellant responded to the motion and the local board replied.

FACTUAL BACKGROUND

Appellant is employed as a teacher for Baltimore City Public Schools. She has worked at Furley Elementary School (“Furley”) for the past several years, during which time she has served as a kindergarten teacher, 3rd grade teacher, and a 1st grade teacher. Appellant was teaching the first grade at Furley during the 2017-2018 school year.

On her 2017-2018 end of year Teacher Effectiveness Evaluation, Appellant received a composite score of 59.21 resulting in an overall annual rating of “Developing.” The end of year rating is determined by a composite score calculated from individual scores on several different components. The components are: (1) Professional practice – formal classroom observations/Instructional Framework (40% of score); (2) Professional practice-professional expectations measure (10% of score); (3) Student growth - student learning objectives (35% of score); (4) Student growth – school performance measure (15% of score). Teachers can receive one of the four following ratings in their annual evaluation: Ineffective (composite score of 54 and below); Developing (composite score of 55 to 69); Effective (Composite score of 70-85); and Highly Effective (composite score of 86 and above). Teachers earn achievement units if they are rated as developing, effective, and highly effective. They earn none for an ineffective rating. The achievement units affect teacher advancement along their career path and their salary. (Motion, Ex. C, Attach. 1; <https://www.baltimorecityschools.org/performance-evaluations-btu>).

On October 31, 2017, Greta Cephas, the Principal of Furley, conducted a pre-observation conference with the Appellant during which they discussed the lesson Principal Cephas would be

observing. (Cephas Affidavit; Pre-observation Conference Form). In November 2017, Principal Cephas conducted the 1st formal observation of the Appellant. (Motion, Ex. C, Attach. 2). Appellant received a developing rating in the following areas: (1) Communicating standards-based lesson objectives; (2) Presenting content clearly; (3) Using strategies and tasks to engage all students in rigorous work; (4) Checking for understanding and providing specific, academic feedback; (5) Implementing routines to maximize instructional time; and (6) Building a positive, learning-focused classroom culture. Appellant received an ineffective rating for reinforcing positive behavior, redirecting off-task behavior, and de-escalating challenging behavior. Principal Cephas commented on each of these areas. She also made overall comments advising the Appellant to be “cognizant of the fact that special needs students may need additional time to complete specific activities,” that she should “encourage all of [her] students to do their best at all times,” and to “identify students’ strengths and areas of need in order to motivate them to remain focused on task.” (Motion, Ex. C, Attach. 2b).

After the observation, Principal Cephas discussed the observation with the Appellant during which Principal Cephas advised Appellant of her areas of strength and areas for improvement as noted on the observation report. (Cephas Affidavit). Principal Cephas, however, did not give the Appellant a copy of the observation form until March 29, 2018, five months after the observation. *Id.* In addition, due to a personal emergency, Principal Cephas was unable to upload the 1st formal observation onto the OPMS computer system before it closed. *Id.* When she eventually uploaded it onto the system, she uploaded it into the slot for data from the 3rd formal observation.¹ (Hearing Examiner Decision).

Prior to the 2nd formal observation, Principal Cephas conducted a pre-observation conference with the Appellant during which they discussed the lesson Principal Cephas would be observing. (Cephas Affidavit; Pre-observation Conference Form). On March 15, 2018, Principal Cephas conducted the 2nd formal observation. (Motion, Ex. C, Attach. 1). Appellant received a developing rating in the areas of (1) Using strategies and tasks to engage all students in rigorous work; and (2) Reinforcing positive behavior, redirecting off-task behavior, and de-escalating challenging behavior. In addition to commenting on these areas, Principal Cephas commented that the Appellant should “continue to plan and implement lessons that adhere to school and district-wide initiatives” that included daily intervention, small group instruction, and the Cycles of Professional learning. She also stated that the Appellant should continue to work with support staff and colleagues “to motivate and challenge students in order to increase student achievement.” (Motion, Ex. C, Attach. 2a).

After the observation, Principal Cephas discussed the observation with the Appellant during which time Principal Cephas advised on the Appellant’s areas of strength and areas of weakness as noted on the observation report. (Cephas Affidavit). Principal Cephas uploaded the data from the 2nd formal observation into the appropriate slot for data from the 2nd formal observation. (Hearing Examiner Decision). Principal Cephas provided the observation forms from both observations with the Appellant on March 29, 2018.

¹There is some confusion in the appeal documents regarding which observation data was uploaded into which observation slot on the computer system. We agree with the local board’s Hearing Examiner that data from the 1st formal observation was uploaded into the slot for the 3rd formal observation and the data from the 2nd observation was uploaded in to the slot for data for the 2nd observation. This is based on corresponding references to the books and subject matter in the observation notes and pre-observation conference reports.

During the entire school year, Barbara A. Fagan, the Staff Developer at Furley, who provided professional development and academic support, had daily and weekly communication with the Appellant. During their meetings, Ms. Fagan discussed in-depth data analysis, district and school wide initiatives, and created plans on how to improve student work and accelerate learning. In addition, Ms. Fagan, other team members and colleagues provided a good deal of modeling for the Appellant. (Fagan Affidavit). Ms. Fagan noted that, although the Appellant participated in the development of the plans, the Appellant did not always fully implement them and did not follow through with the initiatives. *Id.* She also noted that Appellant had some consistency in her instruction, but that it was not always standards-based. *Id.* She further noted that the Appellant did not follow all of the District’s curriculum to deliver instruction and that instructional rigor was absent. *Id.*

On her 2017-2018 end of year Teacher Effectiveness Evaluation, the Appellant received a composite score of 59.21 resulting in an overall annual rating of “Developing.” Through her union representative, Appellant appealed the decision to the local board alleging errors in the evaluation process. The Hearing Examiner for the local board recommended that the local board uphold the CEO’s decision to issue the overall annual rating of “Developing.” (Hearing Examiner Report). Relying on the Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Examiner, the local board affirmed the CEO’s decision. (Local Bd. Decision).

This appeal followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

The State Board shall exercise its independent judgment on the record before it in the explanation and interpretation of public school laws and State Board regulations. COMAR 13A.01.05.05E.

LEGAL ANALYSIS

The Appellant maintains that Principal Cephas failed to follow appropriate procedure in conducting the formal classroom evaluations that were a component of the year-end evaluation. Specifically, in her appeal to the local board, the Appellant argued that Principal Cephas violated COMAR 13A.07.09.04(B)(4)(a), (c), (g) and (h), which contain minimum requirements for classroom observations used to evaluate teachers. (Appeal Information Form). Because these were the procedural issues raised by the Appellant and addressed by the local board in the local board appeal, we confine our review to these arguments. *See Jenai B. v. Prince George’s County Bd. of Educ.*, MSBE Op. No. 08-52 (2008) (and cases cited therein)(State Board has consistently declined to address issues that have not been reviewed initially by the local board).

Requirement for Qualified Observer

COMAR 13A.07.09.04(B)(4)(a) provides that “[c]lassroom observations of teachers’ professional practice shall be conducted by certificated individuals who have completed training that includes identification of teaching behaviors that result in student growth and the use of the selected standards in the observation.” Principal Cephas conducted the classroom observations and is a qualified observer.

Requirement for Different Observers

COMAR 13A.07.09.04(B)(4)(c) provides that “[a]n evaluation report that evaluates a teacher as ineffective shall include at least one observation by an individual other than the immediate supervisor.” The Appellant did not receive an ineffective rating and, thus, was not entitled to an observation by someone other than Principal Cephas.

Requirements for Comments/Guidance

COMAR 13A.07.09.04(B)(4)(g) states that “[a]n observation shall provide for written comments and reactions by the teacher being observed, which shall be attached to the observation report.” COMAR 13A.07.09.04(B)(4)(h) states that “[a]n observation shall provide specific guidance in areas needing improvement and supports as well as a reasonable timeline to demonstrate improvement in areas marked as ineffective.” Although Principal Cephas did not provide the official written reports for both classroom observations until March 29, 2018, she spoke with the Appellant after each observation and shared with her all of the information that she wrote in the reports, including information in areas that needed improvement. (*See Cephas Affidavit*). This was sufficient to place the Appellant on notice of her areas of deficiency. In addition, throughout the school year, both before and after the observations, the Appellant was receiving feedback, modeling, training and guidance for development and improvement. (*See Fagan Affidavit*). In fact, by the time of Appellant’s 2nd formal classroom observation, the Appellant had improved in almost all of the rating components.

Other Claims

The Appellant also claimed in her appeal to the local board that her low Student Learning Objectives (“SLO”) component score on the evaluation was based on testing that was disrupted and skewed because of building conditions following the flooding in the school due to a burst pipe. The local board did not address this issue, likely because the Appellant never fully developed the argument and failed to produce sufficient evidence to support it other than her own allegation. For these reasons, we decline to address it here.

To the extent that the Appellant makes various other claims regarding procedural and substantive matters not addressed in the local board’s decision, we decline to review them. As stated above, in most cases we will not review issues that have not initially been reviewed by the local board. *See Jenai B. v. Prince George’s County Bd. of Educ.*, *supra*, and cases cited therein.

CONCLUSION

For the reasons stated above, we find that the local board’s decision was not arbitrary, unreasonable or illegal. Accordingly, we affirm the “Developing” rating on the Appellant’s 2017-2018 end of year Teacher Effectiveness Evaluation.

Signatures on File:

Justin M. Hartings
President

Gail H. Bates

Vermelle D. Greene

Jean C. Halle

Rose Maria Li

Joan Mele-McCarthy

Michael Phillips

David Steiner

Warner I. Sumpter

Absent:

Stephanie R. Iszard
Vice-President

March 26, 2019