

KROKIDAS & BLUESTEIN

ATTORNEYS

CLIENT ALERT

ADOPTION OF THE MODEL SYSTEM FOR EVALUATING EDUCATORS: POTENTIAL EMPLOYMENT LAW IMPLICATIONS

As you know, on June 28, 2011, the Board of Elementary and Secondary Education (“BESE”) adopted new regulations for the evaluation of Massachusetts educators (the “Educator Evaluation Regulations”), found at 603 CMR 35.00. **Although the Educator Evaluation Regulations do not apply to all charter schools, they do apply to your school if you are receiving this message.** Pursuant to the Regulations, the Department of Elementary and Secondary Education developed a comprehensive educator evaluation system (commonly known as the “Model System”) for the boards of trustees of charter schools to use as an example, which they might elect to adopt in its entirety, or adapt to their particular needs and circumstances. Alternatively, charter school boards were permitted to develop their own systems provided that the system conforms with the Educator Evaluation Regulations and is consistent with the principles of the Model System. As of September 2013, all charter school boards subject to the Educator Evaluation Regulations should have adopted an evaluation system, although the Educator Evaluation Regulations permit a charter school board to phase in implementation of its new evaluation system over a two-year period as long as at least half of its educators are evaluated under the new system in the first year, and BESE has recently amended the Educator Evaluation Regulations to permit the Commissioner of Education to modify these deadlines in certain circumstances.

The manner in which your school complies with the Educator Evaluation Regulations **may have employment law implications.** For example, the Educator Evaluation Regulations require the adoption of an evaluation cycle, which may extend over more than one year. Your school should take care to insure that the evaluation cycle you adopt does not limit your ability to dismiss or not renew educators in compliance with applicable law.

If you have any questions regarding the potential employment law implications that may arise under the Model System or other evaluation system in place at your school, please contact Attorney Elka Sachs (esachs@kb-law.com) Paul Holtzman (pholtzman@kb-law.com) or Anjali Waikar (awaikar@kb-law.com). For more information on the Educator Evaluation Regulations, please [click here](#).

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