

House Bill 692 (AS PASSED HOUSE AND SENATE)

By: Representative Mitchell of the 88<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to provide for the automatic decrease in the salary  
3 of a teacher or other certificated professional personnel for any salary increase or bonus  
4 provided based, in whole or in part, on the results of standardized test scores which were  
5 falsified or known or caused to be falsified by such teacher or professional; to provide for  
6 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
11 secondary education is amended by revising subsection (c) of Code Section 20-2-210,  
12 relating to annual performance evaluations of personnel employed by local education units  
13 for purposes of quality basic education, as follows:

14 "(c)(1) In making a determination of the academic gains of the students assigned to a  
15 teacher, evaluators should make every effort to have available and to utilize the results  
16 of a wide range of student achievement assessments, including those utilized by the  
17 teacher, set by the local board of education, or required under this article. It is recognized  
18 that in some instances a determination of the academic gains of the students assigned to  
19 a teacher is dependent upon student assessments which have not yet been administered  
20 at the time of the annual evaluation or, if they have been administered, the results of  
21 which are not yet available at the time of the annual evaluation. In such instances, the  
22 annual teacher evaluation shall be performed on the basis of information available at the  
23 time and shall be considered as the annual evaluation for the purposes of this article. As  
24 results of student assessments subsequently become available, an addendum to the annual  
25 evaluation shall be completed and become part of the teacher's cumulative evaluative  
26 record which may be used in a teacher's subsequent annual evaluations.

27 (2) A teacher or other certificated professional personnel's salary increase or bonus that  
28 is based in whole or in part on an evaluation which included student assessment results,  
29 standardized test scores, or standardized test answers that were falsified by such teacher  
30 or professional or known or caused by such teacher or professional to have been falsified  
31 shall be automatically forfeited. A teacher or other certificated professional personnel  
32 shall forfeit his or her right or interest in such salary increase or bonus and shall be liable  
33 for the repayment of any and all amounts previously paid to him or her based, in whole  
34 or in part, on the results of falsified student assessment results, falsified standardized test  
35 scores, or falsified standardized test answers."

36 **SECTION 2.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law  
38 without such approval.

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.