

The House Committee on Education offers the following substitute to HB 244:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise certain provisions relating to annual performance evaluations; to provide for the development of evaluation systems for teachers of record, assistant principals, and principals; to provide for confidentiality and exceptions; to provide for the reporting of certain evaluation results to the Professional Standards Commission; to revise provisions relating to annual contracts; to revise provisions for purposes of conformity; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Code Section 20-2-200, relating to regulation of certificated professional personnel by the Professional Standards Commission, by revising subsection (c) as follows:

"(c) An individual who has received any combination of two unsatisfactory, ineffective, or needs development annual summative performance evaluations in the previous five-year period pursuant to Code Section 20-2-210 shall not be entitled to a renewable certificate prior to demonstrating that such performance deficiency has been satisfactorily addressed, but such individual may apply to the commission for a nonrenewable certificate, as defined by the commission. Each local school system and charter school shall report all unsatisfactory, ineffective, and needs development ratings of all performance evaluations as provided in 20-2-210 for certificated personnel in their employ in a manner, format, and frequency determined by the commission. The commission is authorized to release such data provided it cannot be personally identifiable to any currently or formerly certificated person."

SECTION 2.

Said chapter is further amended by revising Code Section 20-2-210, relating to an annual performance evaluation, as follows:

"20-2-210.

(a) All personnel employed by local units of administration, including school superintendents, shall have their performance evaluated annually by appropriately trained evaluators. All such performance evaluation records shall be part of the personnel evaluation file and shall be confidential as provided pursuant to subsection (e) of this Code section. In the case of local school superintendents, such evaluations shall be performed by the local board of education. ~~Certificated professional personnel who have deficiencies and other needs shall have professional development plans designed to mitigate such deficiencies and other needs as may have been identified during the evaluation process. Progress relative to completing the annual professional development plan shall be assessed during the annual evaluation process.~~ The state board ~~shall develop~~ may provide a model annual evaluation instrument for each classification of professional personnel certificated by the Professional Standards Commission. Unless otherwise provided by law, ~~The~~ local units of administration are authorized to use the models developed by the State Board of Education.

(b) ~~Annual teacher evaluations shall at a minimum take into consideration the following:~~

- ~~(1) The role of the teacher in meeting the school's student achievement goals, including the academic gains of students assigned to the teacher;~~
- ~~(2) Observations of the teacher by the principal and assistant principals during the delivery of instruction and at other times as appropriate;~~
- ~~(3) Participation in professional development opportunities and the application of concepts learned to classroom and school activities;~~
- ~~(4) Communication and interpersonal skills as they relate to interaction with students, parents, other teachers, administrators, and other school personnel;~~
- ~~(5) Timeliness and attendance for assigned responsibilities;~~
- ~~(6) Adherence to school and local school system procedures and rules; and~~
- ~~(7) Personal conduct while in performance of school duties.~~

~~(c)(1) In making a determination of the academic gains of the students assigned to a teacher, evaluators should make every effort to have available and to utilize the results of a wide range of student achievement assessments, including those utilized by the teacher, set by the local board of education, or required under this article. It is recognized that in some instances a determination of the academic gains of the students assigned to a teacher is dependent upon student assessments which have not yet been administered at the time of the annual evaluation or, if they have been administered, the results of~~

~~which are not yet available at the time of the annual evaluation. In such instances, the annual teacher evaluation shall be performed on the basis of information available at the time and shall be considered as the annual evaluation for the purposes of this article. As results of student assessments subsequently become available, an addendum to the annual evaluation shall be completed and become part of the teacher's cumulative evaluative record which may be used in a teacher's subsequent annual evaluations.~~

(1) No later than the 2014-2015 school year, each local school system and all charter schools shall implement an evaluation system as adopted and defined by the State Board of Education for elementary and secondary school teachers of record, assistant principals, and principals. The evaluation system shall be developed by the department in consultation with stakeholders, such as teachers and principals. The evaluation system shall use multiple measures, prioritizing growth in student achievement. For purposes of the evaluation system established pursuant to this subsection, the state board shall define and designate teachers of record, assistant principals, and principals.

(2) Teachers of record, assistant principals, and principals shall be evaluated using multiple, rigorous, and transparent measures. Beginning with the 2014-2015 school year, teachers of record, assistant principals, and principals shall be given written notice in advance of the school year of the evaluation measures and any specific indicators that will be used to evaluate them. Evaluation measures shall include the following elements:

(A) For teachers of record who teach courses that are subject to annual state assessments aligned with state standards and the principals and assistant principals of elementary or secondary schools that are subject to such assessments, growth in student achievement on such assessments shall count for at least 50 percent of the evaluation, using the student growth and academic achievement measures identified in the evaluation system;

(B) For teachers of record who teach courses not subject to annual state assessments, growth in student achievement shall be assessed through measures of student achievement growth developed at the school system level and approved by the Department of Education. When sufficient data becomes available from the department to calculate student achievement growth measures, such measures of student achievement growth shall count for at least 50 percent of the evaluation, using student growth and academic achievement measures developed by the school system in a process approved by the State Board of Education;

(C) For teachers of record, the annual evaluation shall also include multiple additional measures that shall be correlated with impacts on student achievement results. These measures shall include multiple classroom observations each year by appropriately trained and credentialed evaluators, using clear, consistent observation rubrics, and

supplemented by other measures aligned with student achievement, including student perception data and documentation of practice; and

(D) For assistant principals and principals, the annual evaluation shall also include multiple additional measures that shall be aligned with impacts on student achievement results. These measures shall include multiple school observations each year by appropriately trained and credentialed evaluators. When sufficient data becomes available from the department to calculate performance measures, these measures shall also include the principal's ability to attract and retain highly effective teachers, effectively manage the school, and establish a positive climate for learning, and other measures aligned with student achievement for students in all subgroups.

(3) The evaluation system adopted by the State Board of Education shall give every teacher of record, assistant principal, and principal one of four rating levels that are designated as 'Exemplary,' 'Proficient,' 'Needs Development,' or 'Ineffective,' as further defined by the State Board of Education. A rating of 'Ineffective' shall constitute evidence of incompetency as provided by paragraph (1) of subsection (a) of Code Section 20-2-940.

(4) All teachers of record, assistant principals, and principals shall have a pre-evaluation conference, midyear evaluation conference, and a summative evaluation conference, in accordance with state board rules. All teachers of record, assistant principals, and principals shall be notified of and have access to the results of the annual summative performance evaluation and any formative observations conducted throughout the school year pursuant to this subsection within five working days of such evaluation or observations. A teacher of record, assistant principal, or principal, or an evaluator of any such individuals, may request a conference within ten working days of notice of results of a formative observation and such conference shall be provided within ten working days of the request. Conferences shall include the individual being evaluated, his or her supervisor, and the evaluator, unless otherwise agreed upon.

(5) In order to ensure proper implementation of the evaluation system developed pursuant to this Code section, the Department of Education shall:

(A) Establish processes and requirements to determine the teacher of record for purposes of assigning student achievement scores to a teacher in evaluating the teacher's performance;

(B) Establish processes for roster verification and student teacher linkages in order to assign the student's achievement scores to the teacher for the purposes of evaluating the teacher's performance;

(C) Establish minimum training and credentialing requirements for evaluators of teachers and principals; and

(D) Provide data systems to support the professional growth of teachers and leaders and facilitate human capital management.

(c)(1) Except as otherwise provided in Code Section 20-2-948, local school systems shall base decisions regarding retention, promotion, compensation, dismissals, and other staffing decisions, including transfers, placements, and preferences in the event of reductions in force, primarily on the results of the evaluations developed as required by this subsection. Such evaluation results shall also be used to provide high-quality, job embedded, and ongoing mentoring, support, and professional development for teachers, assistant principals, and principals, as appropriate, aligned to the teacher's, assistant principal's, or principal's needs as identified in his or her evaluation.

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

(d) The superintendent of each local school system shall identify an appropriately trained evaluator for each person employed by the local unit of administration for the purposes of completing an annual evaluation as required in subsections (a) and (b) of by this Code section. The superintendent of each local school system shall be responsible for ensuring compliance with this Code section.

(e)(1) All records, including surveys and evaluation instruments, associated with individual performance evaluations conducted pursuant to this Code section shall be confidential and not subject to public disclosure. Each local school system and charter school shall report performance data to the Georgia Department of Education in a format approved by the State Board of Education. The department is authorized to release performance data, except to the extent it is personally identifiable to any public school employee.

(2) Any current or former public school employee may execute a release authorizing the release of his or her individual performance data to a third party.

(3) The department may by agreement share individual data with the Office of Student Achievement for the purposes of improving postsecondary educator preparation so long as the office agrees that it will not disclose personally identifiable information about any public school employee.

(f) The State Board of Education is authorized to promulgate rules and regulations to carry out the provisions of this Code section.

~~(e) In addition to the evaluation by a trained evaluator provided for in subsection (a) of this Code section, the local school system may require each principal and assistant principal of a school to have his or her performance evaluated annually by the teachers in the school. Such evaluations by teachers shall be confidential, solicited and recorded on an anonymous basis, and made available only to the local school superintendent and the local board of education. Such evaluations shall not be subject to Article 4 of Chapter 18 of Title 50.~~

~~(f) Any teacher who removes more than two students from his or her total class enrollment in any school year under subsection (b) of Code Section 20-2-738 who are subsequently returned to the class by a placement review committee because such class is the best available alternative may be required to complete professional development to improve classroom management skills, other skills on the identification and remediation of academic and behavioral student needs, or other instructional skills as identified in a plan derived by the principal of the school in consultation with the teacher."~~

SECTION 3.

Said chapter is further amended in Code Section 20-2-211, relating to annual contracts, disqualifying acts, and job descriptions, by revising subsection (b) as follows:

"(b) Any other provisions of this article or any other laws to the contrary notwithstanding, each local governing board shall, by not later than ~~April 15~~ May 15 of the current school year, tender a new contract for the ensuing school year to each teacher and other professional employee certificated by the Professional Standards Commission on the payroll of the local unit of administration at the beginning of the current school year, except those who have resigned or who have been terminated as provided in Part 7 of Article 17 of this chapter, or shall notify in writing each such teacher or other certificated professional employee of the intention of not renewing his or her contract for the ensuing school year; ~~provided, however, that for school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, each local governing board shall have until May 15 of the current school year to tender such new contracts or provide such written notice.~~ Such contracts when tendered to each teacher or other professional employee shall be complete in all terms and conditions of the contract, including the amount of compensation to be paid to such teacher or other professional employee during the ensuing school year, and shall not contain blanks or leave any terms and conditions of the contract open. A letter of intent or similar document shall not constitute a contract and shall not be construed to require or otherwise legally bind the teacher or other professional employee to return to such school system. Upon request, a written explanation for failure to renew such contract shall be

made available to such certificated personnel by the executive officer. When such notice of intended termination has not been given by ~~April 15, or by May 15 for school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only,~~ the employment of such teacher or other certificated professional employee shall be continued for the ensuing school year unless the teacher or certificated professional employee elects not to accept such employment by notifying the local governing board or executive officer in writing not later than ~~May 1, or by June 1 for school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only."~~

SECTION 4.

Said chapter is further amended in Code Section 20-2-212, relating to salary schedules, by revising subsection (a) as follows:

"(a) The State Board of Education shall establish a schedule of minimum salaries for services rendered which shall be on a ten-month basis and which shall be paid by local units of administration to the various classifications of professional personnel required to be certificated by the Professional Standards Commission. The minimum salary schedule shall provide a minimum salary base for each classification of professional personnel required to be certificated; shall provide for increment increases above the minimum salary base of each classification based upon individual experience and length of satisfactory service; and shall include such other uniformly applicable factors as the state board may find relevant to the establishment of such a schedule. The minimum salary base for certificated professional personnel with bachelor's degrees and no experience, when annualized from a ten-month basis to a 12 month basis, shall be comparable to the beginning salaries of the recent graduates of the University System of Georgia holding bachelor's degrees and entering positions, excluding professional educator teaching positions, in Georgia having educational entry requirements comparable to the requirements for entry into Georgia public school teaching. The placement of teachers on the salary schedule shall be based on certificate level and years of creditable experience, except that a teacher shall not receive credit for any year of experience in which the teacher received an unsatisfactory or ineffective annual summative performance evaluation or for the second year in which a teacher receives two consecutive annual summative needs development ratings pursuant to Code Section 20-2-210. The General Assembly shall annually appropriate funds to implement a salary schedule for certificated professional personnel. For each state fiscal year, the state board shall adopt the salary schedule for which funding has been appropriated by the General Assembly. A local unit of administration shall not pay to any full-time certificated professional employee a salary less than that prescribed by the schedule of minimum salaries, except as required by this Code

section; nor shall a local unit of administration pay to any part-time certificated professional employee less than a pro rata portion of the respective salary prescribed by the schedule of minimum salaries, except as required by this Code section. For purposes of this subsection, an educator's placement on the salary schedule shall not be based on a leadership degree, which shall mean a degree earned in conjunction with completion of an educator leadership preparation program approved by the Professional Standards Commission, unless the educator is employed in a leadership position as defined by the State Board of Education, but shall be placed on the salary schedule position attributable to the educator but for the leadership degree; provided, however, that this shall not apply, regardless of whether or not he or she is in a leadership position, to:

(1) An educator who possessed a leadership degree prior to July 1, 2010; or

(2) An educator who possessed:

(A) A master's level leadership degree prior to July 1, 2012;

(B) An education specialist level leadership degree prior to July 1, 2013; or

(C) A doctoral level leadership degree prior to July 1, 2014,

so long as he or she was enrolled in such leadership preparation program on or before April 1, 2009."

SECTION 5.

Said chapter is further amended in Code Section 20-2-989.7, relating to matters not subject to complaint, by revising subsection (a) as follows:

"(a) The performance ratings contained in personnel evaluations conducted pursuant to Code Section 20-2-210, and professional development plans, ~~pursuant to Code Section 20-2-210~~ and job performance shall not be subject to complaint under the provisions of this part. The termination, nonrenewal, demotion, suspension, or reprimand of any employee, as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject to complaint under the provisions of this part."

SECTION 6.

This Act shall become effective on July 1, 2014, and shall be applicable beginning in school year 2014-2015.

SECTION 7.

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