

House Bill 244 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Nix of the 69th, Coleman of the 97th, Dickson of the 6th, Maxwell of the 17th, Morgan of the 39th, and others

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 revise certain provisions relating to annual
3 performance evaluations; to provide for the development of evaluation systems for teachers
4 of record, assistant principals, and principals; to provide for confidentiality and exceptions;
5 to provide for the reporting of certain evaluation results to the Professional Standards
6 Commission; to revise provisions relating to annual contracts; to revise provisions for
7 purposes of conformity; to provide for related matters; to provide for an effective date and
8 applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

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

26 **SECTION 2.**

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

29 "20-2-210.

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

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

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

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

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

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

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

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

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

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

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

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

110 (3) The evaluation system adopted by the State Board of Education shall give every
111 teacher of record, assistant principal, and principal one of four rating levels that are
112 designated as 'Exemplary,' 'Proficient,' 'Needs Development,' or 'Ineffective,' as further
113 defined by the State Board of Education. A rating of 'Ineffective' shall constitute
114 evidence of incompetency as provided by paragraph (1) of subsection (a) of Code Section
115 20-2-940.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

189 **SECTION 3.**

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

192 "(b) Any other provisions of this article or any other laws to the contrary notwithstanding,
 193 each local governing board shall, by not later than ~~April 15~~ May 15 of the current school
 194 year, tender a new contract for the ensuing school year to each teacher and other
 195 professional employee certificated by the Professional Standards Commission on the
 196 payroll of the local unit of administration at the beginning of the current school year,
 197 except those who have resigned or who have been terminated as provided in Part 7 of
 198 Article 17 of this chapter, or shall notify in writing each such teacher or other certificated
 199 professional employee of the intention of not renewing his or her contract for the ensuing
 200 school year; ~~provided, however, that for school years 2010-2011, 2011-2012, 2012-2013,~~
 201 ~~2013-2014, and 2014-2015 only, each local governing board shall have until May 15 of the~~
 202 ~~current school year to tender such new contracts or provide such written notice. Such~~
 203 ~~contracts when tendered to each teacher or other professional employee shall be complete~~
 204 ~~in all terms and conditions of the contract, including the amount of compensation to be paid~~
 205 ~~to such teacher or other professional employee during the ensuing school year, and shall~~
 206 ~~not contain blanks or leave any terms and conditions of the contract open. A letter of intent~~
 207 ~~or similar document shall not constitute a contract and shall not be construed to require or~~
 208 ~~otherwise legally bind the teacher or other professional employee to return to such school~~
 209 ~~system. Upon request, a written explanation for failure to renew such contract shall be~~

210 made available to such certificated personnel by the executive officer. When such notice
 211 of intended termination has not been given by ~~April 15, or by May 15 for school years~~
 212 ~~2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only~~, the employment of
 213 such teacher or other certificated professional employee shall be continued for the ensuing
 214 school year unless the teacher or certificated professional employee elects not to accept
 215 such employment by notifying the local governing board or executive officer in writing not
 216 later than ~~May 1, or by June 1 for school years 2010-2011, 2011-2012, 2012-2013,~~
 217 ~~2013-2014, and 2014-2015 only.~~"

218 **SECTION 4.**

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

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

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

- 256 (1) An educator who possessed a leadership degree prior to July 1, 2010; or
 257 (2) An educator who possessed:
 258 (A) A master's level leadership degree prior to July 1, 2012;
 259 (B) An education specialist level leadership degree prior to July 1, 2013; or
 260 (C) A doctoral level leadership degree prior to July 1, 2014,
 261 so long as he or she was enrolled in such leadership preparation program on or before
 262 April 1, 2009."

263 **SECTION 5.**

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

266 "(a) The performance ratings contained in personnel evaluations conducted pursuant to
 267 Code Section 20-2-210, and professional development plans, ~~pursuant to Code Section~~
 268 ~~20-2-210~~ and job performance shall not be subject to complaint under the provisions of this
 269 part. The termination, nonrenewal, demotion, suspension, or reprimand of any employee,
 270 as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of
 271 certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject
 272 to complaint under the provisions of this part."

273 **SECTION 6.**

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

276 **SECTION 7.**

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