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 provisions relating to annual teacher, principal, and assistant principal evaluations; to provide for complaints on procedural deficiencies in conducting evaluations; to revise provisions relating to student assessments; to provide for related matters; 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 by revising subsection (b) of Code Section 20-2-210, relating to annual performance evaluations, as follows:

"(b)(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 as specified in this subsection. 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; provided, however, that growth in student achievement shall not include the test scores of any student who has not been in attendance for a specific course for at least 90 percent of the instructional days for such course.

(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. Reserved.

(3) Teachers of record, assistant principals, and principals shall be evaluated using multiple, rigorous, and transparent measures. 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. Beginning with the 2016-2017 school year, 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, the evaluation shall be composed of the following:
(i) Student growth, based on student scores on the annual state assessment, shall count for 30 percent of the evaluation;
(ii) Professional growth shall count for 20 percent of the evaluation. Professional growth shall be measured by progress toward or attainment of professional growth goals within an academic school year or across academic school years. Professional growth goals may include measurements based on multiple student growth indicators, evaluations and observations, standards of practice, and any additional professional growth measures allowed by the local school system's or charter school's flexibility contract or other agreement with the State Board of Education for local school systems that are not under a flexibility contract; and
(iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this subsection shall count for 50 percent of the evaluation.
(B) For teachers of record who teach courses that are not subject to annual state assessments aligned with state standards, the evaluation shall be composed of the following:
(i) Student growth shall count for 30 percent of the evaluation. Student growth shall include at least one student growth measure for at least one classroom for each teacher of record who teaches courses that are not subject to annual state assessments aligned with state standards. This provision shall not be construed to require the measurement of student growth for every student taking courses that are not subject to annual state assessments aligned with state standards;
(ii) Professional growth shall count for 20 percent of the evaluation. Professional growth shall be measured by progress toward or attainment of professional growth goals within an academic school year or across academic school years. Professional growth goals may include measurements based on multiple student growth indicators, evaluations and observations, standards of practice, and any additional professional growth measures allowed by the local school system's or charter school's flexibility contract or other agreement with the State Board of Education for local school systems that are not under a flexibility contract; and
(iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this subsection shall count for 50 percent of the evaluation.
(C) For principals and assistant principals, the evaluation shall be composed of the following:
(i) Student growth, based on the school score on annual state assessments, shall count for 40 percent of the evaluation;
(ii) School climate shall count for 10 percent of the evaluation;
(iii) A combination of achievement gap closure, Beat the Odds, and College and Career Readiness Performance Index data, as allowed by the flexibility contract or other agreement with the State Board of Education for local school systems that are not under a flexibility contract, shall count for 20 percent of the evaluation; and

(iv) The results of evaluations, observations, and standards of practice shall count for 30 percent of the evaluation.

(4)(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. Each teacher of record, assistant principal, and principal shall be evaluated on his or her own individual merits and no local school system or charter school shall impose or require any quota system or predetermined distribution of ratings for teachers of record, assistant principals, or principals.

(5)(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 ten 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. For teachers of record, the annual evaluation shall include multiple classroom observations conducted each year by appropriately trained and credentialed evaluators, using clear, consistent observation rubrics, and supplemented by other measures aligned with student achievement and professional growth. A local school system or charter school may include in its flexibility contract, or other agreement with the State Board of Education for local school systems that are not under a flexibility contract, a provision for a tiered evaluation system, in which reduced observations of certain teachers of record may be conducted to provide additional time for evaluators to coach and mentor new teachers and teachers with a performance rating of 'Needs Development' or 'Ineffective' pursuant to paragraph (4) of this subsection on a pathway of continuous improvement. For the evaluation of teachers of record with a minimum of three years' teaching experience and
a performance rating of 'Proficient' or 'Exemplary' pursuant to paragraph (4) of this subsection in the previous school year, the local school system or charter school, in its discretion, may require only two classroom observations and one summative evaluation for the school year.

(5)(6) 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.

(7) As used in this subsection, the term 'flexibility contract' means a charter for a charter school or a contract entered into with the State Board of Education for a strategic waivers school system.

SECTION 2.

Said chapter is further amended by revising subsections (a) and (q) and by adding new subsections to Code Section 20-2-281, relating to student assessments, as follows:

"(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such instruments. Each local school system is strongly encouraged to implement a program of formative assessment and intervention in reading for kindergarten through third grade and mathematics for kindergarten through fifth grade to ensure that students are on track to meet grade-level expectations. The State Board of Education shall review, revise, and upgrade the content standards. Following the adoption of such content standards, the State Board of Education shall contract for development of end-of-grade assessments to measure the content
standards. Such assessments in English, language arts/reading, and mathematics shall be administered annually to students in grades three through eight, and such tests in science and social studies shall be administered annually to students in grades three through five and eight. These tests shall contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. Writing performance shall be assessed, at a minimum, for students in grades three, five, eight, and 11 and may be assessed for students in additional grade levels as designated by the State Board of Education. Writing performance results shall be provided to students and their parents.

(q) The State Board of Education shall consider the passage by a student of an industry certification examination or a state licensure examination which is approved by the State Board of Education or a COMPASS an ACCUPLACER score approved by the State Board of Education when considering whether to grant such student a variance or a waiver of one or more end-of-course assessments required by the State Board of Education pursuant to subsection (c) of this Code section in order to obtain a Georgia high school diploma; provided, however, that the state board shall not grant a variance to a student unless the student has attempted and failed to pass the relevant end-of-course assessment or assessments at least four times.

(r) In order to maximize classroom instruction time, the State Board of Education shall study and adopt policies beginning with the 2017-2018 school year that will move the end-of-grade and end-of-course assessment testing windows as close to the end of the school year or semester as possible. The Department of Education shall prepare and submit a report to the House Committee on Education and the Senate Education and Youth Committee no later than December 31, 2016, regarding proposed policies and obstacles that prevent testing windows from being scheduled later in the school year or semester. Local school systems are strongly encouraged to administer end-of-grade and end-of-course assessments within the testing window as late in the semester or school year as possible.

(s) All assessments adopted or developed by the State Board of Education pursuant to this Code section shall be verified for reliability and validity by a nationally recognized, research based, third-party evaluator.
SECTION 3.

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

“(a) The performance ratings contained in personnel evaluations conducted pursuant to Code Section 20-2-210, professional development plans, and job performance shall not be subject to complaint under the provisions of this part; provided, however, this shall not apply to procedural deficiencies on the part of the local school system or charter school in conducting an evaluation pursuant to Code Section 20-2-210. 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 4.

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