

_____ offers the following
 substitute to SB 364:

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 provisions relating to annual teacher,
 3 principal, and assistant principal evaluations; to provide for complaints on procedural
 4 deficiencies in conducting evaluations; to revise provisions relating to student assessments;
 5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
 8 secondary education, is amended by revising subsection (b) of Code Section 20-2-210,
 9 relating to annual performance evaluations, as follows:
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11 "(b)(1) No later than the 2014-2015 school year, each local school system and all charter
 12 schools shall implement an evaluation system as adopted and defined by the State Board
 13 of Education for elementary and secondary school teachers of record, assistant principals,
 14 and principals. The evaluation system shall be developed by the department in
 15 consultation with stakeholders, such as teachers and principals. The evaluation system
 16 shall use multiple measures, prioritizing growth in student achievement as specified in
 17 this subsection. For purposes of the evaluation system established pursuant to this
 18 subsection, the state board shall define and designate teachers of record, assistant
 19 principals, and principals; provided, however, that growth in student achievement shall
 20 not include the test scores of any student who has not been in attendance for a specific
 21 course for at least 90 percent of the instructional days for such course.

22 ~~(2) Teachers of record, assistant principals, and principals shall be evaluated using~~
 23 ~~multiple, rigorous, and transparent measures. Beginning with the 2014-2015 school year,~~
 24 ~~teachers of record, assistant principals, and principals shall be given written notice in~~
 25 ~~advance of the school year of the evaluation measures and any specific indicators that~~
 26 ~~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:

63 (i) Student growth, based on student scores on the annual state assessment, shall
 64 count for 30 percent of the evaluation;

65 (ii) Professional growth shall count for 20 percent of the evaluation. Professional
 66 growth shall be measured by progress toward or attainment of professional growth
 67 goals within an academic school year or across academic school years. Professional
 68 growth goals may include measurements based on multiple student growth indicators,
 69 evaluations and observations, standards of practice, and any additional professional
 70 growth measures allowed by the local school system's or charter school's flexibility
 71 contract or other agreement with the State Board of Education for local school
 72 systems that are not under a flexibility contract; and

73 (iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this
 74 subsection shall count for 50 percent of the evaluation.

75 (B) For teachers of record who teach courses that are not subject to annual state
 76 assessments aligned with state standards, the evaluation shall be composed of the
 77 following:

78 (i) Student growth shall count for 30 percent of the evaluation. Student growth shall
 79 include at least one student growth measure for at least one classroom for each teacher
 80 of record who teaches courses that are not subject to annual state assessments aligned
 81 with state standards. This provision shall not be construed to require the measurement
 82 of student growth for every student taking courses that are not subject to annual state
 83 assessments aligned with state standards;

84 (ii) Professional growth shall count for 20 percent of the evaluation. Professional
 85 growth shall be measured by progress toward or attainment of professional growth
 86 goals within an academic school year or across academic school years. Professional
 87 growth goals may include measurements based on multiple student growth indicators,
 88 evaluations and observations, standards of practice, and any additional professional
 89 growth measures allowed by the local school system's or charter school's flexibility
 90 contract or other agreement with the State Board of Education for local school
 91 systems that are not under a flexibility contract; and

92 (iii) Teacher evaluations and observations conducted pursuant to paragraph (5) of this
 93 subsection shall count for 50 percent of the evaluation.

94 (C) For principals and assistant principals, the evaluation shall be composed of the
 95 following:

96 (i) Student growth, based on the school score on annual state assessments, shall count
 97 for 40 percent of the evaluation;

98 (ii) School climate shall count for 10 percent of the evaluation;

99 (iii) A combination of achievement gap closure, Beat the Odds, and College and
 100 Career Readiness Performance Index data, as allowed by the flexibility contract or
 101 other agreement with the State Board of Education for local school systems that are
 102 not under a flexibility contract, shall count for 20 percent of the evaluation; and

103 (iv) The results of evaluations, observations, and standards of practice shall count for
 104 30 percent of the evaluation.

105 ~~(3)~~(4) The evaluation system adopted by the State Board of Education shall give every
 106 teacher of record, assistant principal, and principal one of four rating levels that are
 107 designated as 'Exemplary,' 'Proficient,' 'Needs Development,' or 'Ineffective,' as further
 108 defined by the State Board of Education. A rating of 'Ineffective' shall constitute
 109 evidence of incompetency as provided by paragraph (1) of subsection (a) of Code Section
 110 20-2-940. Each teacher of record, assistant principal, and principal shall be evaluated on
 111 his or her own individual merits and no local school system or charter school shall
 112 impose or require any quota system or predetermined distribution of ratings for teachers
 113 of record, assistant principals, or principals.

114 ~~(4)~~(5) All teachers of record, assistant principals, and principals shall have a
 115 pre-evaluation conference, midyear evaluation conference, and a summative evaluation
 116 conference, in accordance with state board rules. All teachers of record, assistant
 117 principals, and principals shall be notified of and have access to the results of the annual
 118 summative performance evaluation and any formative observations conducted throughout
 119 the school year pursuant to this subsection within ~~five~~ ten working days of such
 120 evaluation or observations. A teacher of record, assistant principal, or principal, or an
 121 evaluator of any such individuals, may request a conference within ten working days of
 122 notice of results of a formative observation and such conference shall be provided within
 123 ten working days of the request. Conferences shall include the individual being
 124 evaluated, his or her supervisor, and the evaluator, unless otherwise agreed upon. For
 125 teachers of record, the annual evaluation shall include multiple classroom observations
 126 conducted each year by appropriately trained and credentialed evaluators, using clear,
 127 consistent observation rubrics, and supplemented by other measures aligned with student
 128 achievement and professional growth. A local school system or charter school may
 129 include in its flexibility contract, or other agreement with the State Board of Education
 130 for local school systems that are not under a flexibility contract, a provision for a tiered
 131 evaluation system, in which reduced observations of certain teachers of record may be
 132 conducted to provide additional time for evaluators to coach and mentor new teachers and
 133 teachers with a performance rating of 'Needs Development' or 'Ineffective' pursuant to
 134 paragraph (4) of this subsection on a pathway of continuous improvement. For the
 135 evaluation of teachers of record with a minimum of three years' teaching experience and

136 a performance rating of 'Proficient' or 'Exemplary' pursuant to paragraph (4) of this
 137 subsection in the previous school year, the local school system or charter school, in its
 138 discretion, may require only two classroom observations and one summative evaluation
 139 for the school year.

140 ~~(5)~~(6) In order to ensure proper implementation of the evaluation system developed
 141 pursuant to this Code section, the Department of Education shall:

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

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

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

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

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

155 **SECTION 2.**

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

158 "(a) The State Board of Education shall adopt a student assessment program consisting of
 159 instruments, procedures, and policies necessary to implement the program and shall fund
 160 all costs of providing and scoring such instruments, subject to appropriation by the General
 161 Assembly. Each local school system may elect to administer, with state funding, nationally
 162 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 163 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 164 with assistance to such school systems by the State Board of Education with regard to
 165 administration guidance, scoring, and reporting of such instruments. Each local school
 166 system is strongly encouraged to implement a program of formative assessment and
 167 intervention in reading for kindergarten through third grade and mathematics for
 168 kindergarten through fifth grade to ensure that students are on track to meet grade-level
 169 expectations. The State Board of Education shall review, revise, and upgrade the content
 170 standards. Following the adoption of such content standards, the State Board of Education
 171 shall contract for development of end-of-grade assessments to measure the content

172 standards. Such assessments in English, language arts/reading, and mathematics shall be
 173 administered annually to students in grades three through eight, and such tests in science
 174 and social studies shall be administered annually to students in grades ~~three through five~~
 175 and eight. These tests shall contain features that allow for comparability to other states
 176 with whom establishing such comparison would be statistically sound; provided, however,
 177 that no such comparison shall be conducted which would relinquish any measure of control
 178 over assessments to any individual or entity outside the state. This action shall be
 179 completed according to a schedule established by the State Board of Education. Writing
 180 performance shall be assessed, at a minimum, for students in grades three, five, eight, and
 181 11 and may be assessed for students in additional grade levels as designated by the State
 182 Board of Education. Writing performance results shall be provided to students and their
 183 parents."

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

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

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

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SECTION 3.

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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:

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"(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."

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SECTION 4.

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