

160-5-1-.37 TEACHER AND LEADER EVALUATIONS.

(1) DEFINITIONS.

(a) **Annual Evaluation** – an evaluation of job performance based on ~~performance assessed through~~ multiple measures, including student and professional growth and classroom observations~~where applicable~~, that yields a cumulative rating of Exemplary, Proficient, Needs Development, or Ineffective.

(b) **Assistant principal** – a person charged with assisting the principal in the overall administration of a school, including coordinating and directing school activities.

(c) **Flexibility Contract** – a performance-based contract between the State Board of Education and the Local Board of Education or among the State Board of Education, Local Board of Education, and charter school that permits the waiver of certain provisions of Title 20 and State Board of Education Rules.

~~(d)~~(e) **Formative Assessment**– rubric-based evaluation method, by which performance related to quality performance standards can be evaluated, that is conducted multiple times during the school year that are used to inform the final score achieved on the annual evaluation.

~~(e)~~(f) **Georgia Department of Education (GaDOE)** – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education

(f) **Governor’s Office of Student Achievement (GOSA)** – the state agency mandated by O.C.G.A. § 20-14-26 to create a uniform performance-based accountability system for K-12 public schools that incorporates both state and federal mandates, including student and school performance standards.

~~(g)~~(e) **Georgia Professional Standards Commission (GaPSC)** – the state agency created by O.C.G.A. § 20-2-983 and authorized to assume full responsibility for the certification, preparation and conduct of certified, licensed or permitted personnel employed in Georgia, and the development and administration of teacher certification testing.

~~(h)~~(f) **Local Educational Agency (LEA)** – local school system, charter system, state charter school authorized by the State Charter Schools Commission of Georgia or a state chartered special school approved by the Georgia State Board of Education.

~~(i)~~(g) **Local Unit of Administration (LUA)** – a local education agency or a regional educational service agency.

(j) Other Agreement – The required two-party agreement between the State Board of Education and a Local Board of Education that is a Title 20/ No Waiver school system, which defines the measures required to fulfill the requirements of the teacher and leader evaluations.

(k)(h) Principal – the person who serves as administrative head of a school, and who is responsible for the coordination and direction of all school activities.

(l) Regional Education Service Agency (RESA) - an agency established to provide shared services to improve the effectiveness of educational programs and services of LEAs and to provide direct instructional programs to selected public school students.

(m) School Climate – the quality and character of school life as measured by the School Climate Star Rating.

(n)(i) State Board of Education – the constitutional authority which defines education policy for public K-12 education agencies in Georgia

(o)(j) Summative Performance Evaluation – Performance standards and appraisal rubric based method of evaluation for teachers, principals, and assistant principals conducted throughout the year resulting in a single score.

(p)(k) Teacher of Record – any GaPSC certificate holding educator, who is responsible for a specified portion of a student’s learning activities that are within a subject/course and are aligned to performance measures.

(2) REQUIREMENTS.

(a) ~~The Georgia Department of Education (GaDOE)~~ shall develop a system to evaluate teachers, assistant principals, and principals. The evaluation system developed by GaDOE shall use multiple measures aligned with impacts on student achievement and prioritize growth in student achievement and professional growth.

~~(1)~~1. All teachers shall receive orientation regarding the requirements of the state-adopted teacher and leader evaluation system prior to the individual being observed using the evaluation system.

~~(2)~~2. All charter system, strategic waiver system, Title 20/No Waivers system, and charter school teachers, assistant principals, and principals shall be evaluated pursuant to this rule to the same extent as other public school teachers, assistant principals and principals.

3. Student growth shall not include the test scores of any student who has not been in attendance for at least 90% of the instructional days of the assessed course.

(b) ~~Local school systems~~ Local Education Agencies shall adhere to the processes, guidelines and procedures as set forth in the latest versions of the Teacher Keys Effectiveness System Implementation Handbook and the Leader Keys Effectiveness

System Implementation Handbook promulgated by the Georgia Department of Education. However, whenever a procedural ~~violation-deficiency~~ of this rule, the Teacher Keys Effectiveness System Implementation Handbook, or the Leader Keys Effectiveness System Implementation Handbook is alleged, a hearing officer, Local Board of Education, or other appropriate official may find that an employee received a fair and adequate evaluation if the procedural inadequacies did not substantially or materially affect the employee's final rating.

(c) The evaluation system developed by GaDOE for teachers of record shall include:

1. Growth in student achievement on annual state assessments for teachers of record who teach courses that are subject to annual state assessments, which shall count for ~~at least 50%~~ 30% of the evaluation for such teachers, ~~pursuant to O.C.G.A. § 20-2-210;~~

2. Growth in student achievement for teachers of record who teach courses that are not subject to annual state assessments shall count for 30% of the evaluation. Student growth shall include at least one student growth measure and may utilize other student growth indicators, including the school or LEA total score on state assessments as allowed by the Flexibility Contract or Other Agreement; Growth in student achievement assessed through measures of student achievement growth developed by the LEA and approved by GaDOE for teachers of record who teach courses that are not subject to annual state assessments, which shall count for at least 50% of the evaluation for such teachers once sufficient data becomes available from GaDOE to calculate student achievement growth, pursuant to O.C.G.A. § 20-2-210; and

(i) This does not require a student growth measurement for every student taking a course not subject to annual state assessments aligned with state standards.

3. For teachers who teach ~~both~~ courses that are subject to annual state assessment and also courses that are not subject to annual state assessments, ~~a combined the~~ student growth measure for the course subject to annual state assessments shall count for ~~at least 50%~~ 30% of the evaluation for such teachers, ~~pursuant to O.C.G.A. § 20-2-210.~~

4. Professional growth shall count for 20% of the evaluation for all teachers. Professional growth shall be measured by progress toward or attainment of professional growth goals as determined by the results of the pre-evaluation conference, midyear evaluation conference and the summative conference; and Multiple additional measures that are correlated with impact on student achievement results, including, but not limited to, multiple classroom observations conducted by appropriately trained and credentialed evaluators who use clear and consistent observation rubrics, student perception data, and documentation of practice.

5. Multiple classroom observations shall count for 50% of evaluation for all teachers. ~~Formative assessments and summative performance evaluations that shall rate all performance standards.~~

(i) Observations shall be conducted by an appropriately trained and credentialed evaluator, using clear and consistent observation rubrics;

(ii) Classroom observations may be supplemented with additional measures aligned with student achievement and professional growth.

(d) The evaluation system developed by GaDOE for assistant principals and principals shall include:

1. Growth in student achievement on annual state assessments ~~and/or growth in student achievement assessed through measures developed by the LEA and approved by the Georgia Department of Education~~ shall count for ~~at least 50%~~ 40% of the evaluation; ~~for principals and assistant principals.~~

2. School climate shall count for 10% of the evaluation; ~~Multiple school observations each year by appropriately trained and credentialed evaluators;~~

3. A combination of achievement gap closure, Beat the Odds, and College and Career Readiness Performance Index (CCRPI) data shall count for 20% of the evaluation as allowed by the Flexibility Contract or Other Agreement; and Measures of the ability to attract and retain highly effective teachers once sufficient data becomes available from GaDOE to calculate such ability;

4. The results of multiple school observations, evaluations and standards of practice shall count for 30% of the evaluation. ~~Measures of the ability to effectively manage the school and establish a positive climate for learning once sufficient data becomes available from GaDOE to calculate such ability; and~~

~~—5. Other measures aligned with student achievement for students in all subgroups.~~

(e) To ensure proper implementation of the evaluation system, GaDOE shall:

1. 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;

2. 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;

3. Establish minimum training and credentialing requirements for evaluators of teachers and principals; and

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

(f) The evaluation system, as set forth in ~~section~~ Section (2)(a), shall annually culminate in a final rating that categorizes every teacher of record, assistant principal, and principal on one of four levels designated as “Exemplary,” “Proficient,” “Needs Development,” or “Ineffective.”

(g) A rating of “Ineffective” constitutes evidence of incompetency. However a rating other than “ineffective” does not preclude a finding of cause based on incompetency under O.C.G.A. § 20-2-940(a)(1).

(h) All personnel employed by an LUA, including LEA superintendents, shall have their performance evaluated annually by appropriately trained and credentialed evaluators.

1. The evaluation of the LEA superintendent shall be conducted by the local board of education.

2. Each annual evaluation shall be included in the respective individual’s personnel file and be confidential as provided by paragraph (2)(~~s~~)(~~+~~) of this rule and O.C.G.A. § 20-2-210.

(i) ~~No later than the 2014-2015 school year, e~~Each LEA and all charter schools shall implement the evaluation system developed by GaDOE and adopted by the State Board of Education in accordance with this rule and O.C.G.A. § 20-2-210 for all teachers of record, assistant principals, and principals.

(j) Each LEA shall provide written notice in advance of each school year to each teacher of record, assistant principal, and principal of the evaluation measures and any specific indicators that will be used for such evaluation.

(k) Each LEA shall ensure that all teachers of record, assistant principals, and principals have a pre-evaluation conference, midyear evaluation conference, and a summative evaluation conference. The conference shall include the individual being evaluated, his or her supervisor, and the evaluator, unless otherwise agreed upon by the individual being evaluated and the LEA. The conference shall inform the individual being evaluated of the expected level of performance specific indicators that will be used to measure progress of the individual on formative and summative performance evaluations.

(l) All teachers of record, assistant principals, and principals shall be notified by the LEA of and have access to the results of the annual evaluation and any formative and summative observations conducted through the school year conducted as part of the evaluation system. This notification and access must be provided within ~~five (5)~~ten (10) working days of the evaluation or observation.

(m) A teacher of record, assistant principal, or principal, or an evaluator of any such individuals, may request a conference within ten working days of the notice of results

of a formative observation. This conference must be provided within ten working days of the request.

(n) An LEA may include a tiered observation system.

1. The LEA may reduce the observations of teachers of record who provide assistance in coaching or mentoring new teachers and teachers with a performance rating of “Need Development” or “Ineffective”

2. The LEA may also reduce the observations for teachers with a minimum of three (3) years’ of teaching experience and a performance rating of “Proficient” or “Exemplary” in the previous year.

3. No teacher of record shall have less than two classroom observations and one summative evaluation for a school year.

~~(o)~~ Each LEA, including all charter schools, shall report, in a manner to be determined by the ~~Georgia Professional Standards Commission, GaPSC~~ the evaluation status of a teacher of record, assistant principal, or principal to the ~~Georgia Professional Standards Commission GaPSC~~ for any teacher, assistant principal or principal who receives an “Ineffective” or “Needs Development” rating on his or her annual evaluation.

~~(p)~~ Any individual who receives a combination of “Ineffective” or “Needs Development” on the annual evaluation for any two years in a five-year certificate period shall not be eligible to receive a renewable certificate issued by the ~~Georgia Professional Standards Commission GaPSC~~ until he or she demonstrates that the performance deficiency has been satisfactorily addressed. The ~~Georgia Professional Standards Commission GaPSC~~ may issue a nonrenewable certificate to an individual that receives an “Ineffective” or “Needs Development” rating in accordance with its rules, practices, and procedures.

~~(q)~~ Each superintendent shall identify an appropriately trained and credentialed evaluator for each person for which an annual evaluation must be conducted.

~~(r)~~ Except as otherwise provided in O.C.G.A. § 20-2-948, each LEA 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 rule and O.C.G.A. § 20-2-210.

1. Such evaluation results shall also be used by the LEA 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.

~~(s)~~ All records, including surveys and evaluation instruments, associated with individual performance evaluations conducted pursuant to this rule and O.C.G.A. §

20-2-210 shall be confidential and not subject to public disclosure, including under the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.).

1. Each LEA shall report performance data to the Georgia Department of Education in a format approved by the State Board of Education.

2. Any current or former public school employee may execute a release authorizing the LEA/LUA to release his or individual performance data or evaluation data to a third party as specified in the release.

~~(t)(s)~~ GaDOE may release employee performance data, except to the extent data is personally identifiable to any public school employee. However, GaDOE may, through an agreement with the ~~Governor's Office of Student Achievement~~GOSA, share individual employee data with the ~~Governor's Office of Student Achievement~~GOSA for the purposes of improving postsecondary educator preparation so long as the ~~Governor's Office of Student Achievement~~GOSA agrees that it will not disclose personally identifiable information about any public school employee.

~~—(t) This rule shall become effective July 1, 2014.~~

Adopted: ~~April 3, 2014~~

Effective: ~~July 1, 2014~~

Authority: O.C.G.A. §§ 20-2-200; 210; 240.