

505-2-.43 ANNUAL PERFORMANCE EVALUATION

Nature of Amendment(s):

- Substantive
 Clarification
 Further Definition

Discussion:

It is proposed that GaPSC Rule 505-2-.43 ANNUAL PERFORMANCE EVALUATION, dated October 15, 2016, be AMENDED to include Clearance certificate holders in the definition of certificated personnel.

Current/Amended Sections(s):

(Additions are underlined in bold type; deletions are marked through.)

(1) Purpose. Georgia Code 20-2-210 requires that all personnel employed by local units of administration (LUAs) shall have their performance reviewed annually. The purpose of this rule is to define the process for reporting "Unsatisfactory," "Ineffective" and "Needs Development" annual performance evaluations for certificated personnel; the process for reporting successful completion of remediation plans; and the effect of two (2) or more unremediated "Unsatisfactory," "Ineffective" or "Needs Development" annual performance evaluations in a five (5)-year period on certification eligibility, issuance and renewal.

(2) Definitions.

(a) Certificated personnel include all individuals holding any Renewable or Non-Renewable license or certificate issued by the Georgia Professional Standards Commission (GaPSC), ~~excluding~~ **including** the Clearance certificate.

(b) Unsatisfactory performance ratings include any annual summative performance rating of "Unsatisfactory," "Ineffective," "Needs Development," or the equivalent.

(c) Satisfactory performance ratings include any annual summative performance rating of "Satisfactory," "Proficient," "Exemplary," or the equivalent.

(3) Requirements.

(a) Each LUA shall report all unsatisfactory ratings of all annual performance evaluations.

1. An educator who receives an unsatisfactory performance evaluation must be reported to the GaPSC by the employing LUA using the procedures established by the GaPSC and no later than June 30 of the academic year in which the annual performance evaluation was conducted.

2. The employing LUA is responsible for establishing a remediation plan for an educator who receives an unsatisfactory annual performance evaluation. An evaluation component shall be part of the remediation plan and shall be used to assess performance during the time period since the evaluation. The remediation plan must also include a professional learning component.

(i) An LUA that employs an educator who has received an unremediated unsatisfactory annual performance rating during the current validity period of his or her certificate is responsible for supervising the completion of that educator's remediation plan, even if the unsatisfactory rating was issued by a different employing LUA [see section (6) below]. If the educator successfully completes the remediation plan, as determined by the educator's supervisor, the performance evaluation is considered remediated. Remediation based on successful completion of a plan shall be reported to the GaPSC by the employing LUA using the established procedures and no later than June 30 of the academic year in which the remediation took place.

(ii) It is the responsibility of the educator to complete the remediation plan to the satisfaction of his or her supervisor.

(iii) An educator may also remediate an unsatisfactory annual performance rating without completing a remediation plan by receiving a satisfactory evaluation on a subsequent annual performance evaluation, subject to the following conditions:

(I) The satisfactory performance rating must be earned while employed in a similar field to the one in which the unsatisfactory performance rating was earned. If the unsatisfactory rating was earned while working in a teaching field, a satisfactory rating earned while working in any teaching field within the same grade range (P-5, 4-8, or 6-12) is acceptable. If the unsatisfactory rating was earned while working in a leadership or service field, only a satisfactory rating earned while working in the same field is acceptable for remediation of the unsatisfactory rating;

(II) A single annual satisfactory performance rating may be used to remediate only one (1) unsatisfactory annual performance rating; and

(III) A remediation based on a subsequent satisfactory evaluation must be reported to the GaPSC by the employing LUA using the established procedures and no later than June 30 of the academic year in which the remediation took place.

(4) Renewable Certificate Holders. An educator holding a Renewable license or certificate who has received two (2) or more unremediated unsatisfactory performance evaluations in the preceding five (5)-year certificate validity period will not be eligible for renewal.

(a) At the request of an employing LUA, a Waiver license or certificate may be issued to an educator with two (2) unremediated unsatisfactory ratings in the preceding five (5)-year certificate validity period to allow for remediation of the performance deficiency. Upon successful remediation, the educator may apply for the Renewable license or certificate provided all other certification requirements are met. Upon issuance of the Renewable license or certificate, the validity period will be decreased by the length of time for which the Waiver license or certificate was held. An educator who has received three (3) or more unremediated unsatisfactory ratings in the preceding five (5)-year certificate validity period may not be issued any type of certificate, including a Waiver.

(b) A Renewable license or certificate holder with one (1) unremediated unsatisfactory evaluation shall not be eligible for renewal until the performance evaluation has been remediated; or a "Satisfactory," "Proficient" or "Exemplary" evaluation has been earned on the current year's annual performance evaluation; or the employer attests that a second unsatisfactory performance evaluation was not earned in the renewal year; or the performance evaluation period has ended for the renewal year, and the LUA has attested that all unsatisfactory performance evaluations have been reported to the GaPSC for the renewal year.

(5) Non-Renewable Certificate Holders. An educator holding a Non-Renewable license or certificate who has received two (2) or more unremediated unsatisfactory performance evaluations during the validity period of the certificate shall not be entitled to a Non-Renewable or Renewable license or certificate, with the following exception:

(a) At the request of an employing LUA, a Waiver license or certificate may be issued to an educator with two (2) or more unremediated unsatisfactory ratings during the validity period of the Non-Renewable license or certificate to allow for remediation of the performance deficiency. Upon successful remediation and provided all other certification requirements are met, the educator may apply for Renewable certification. Upon issuance of the Renewable license or certificate, the validity period will be decreased by the length of time for which the Waiver license or certificate was held.

(6) Remediation by a New Employing LUA. If an educator who has received one (1) or more unremediated unsatisfactory annual performance evaluations during the current validity period of his or her certificate is no longer employed by the reporting LUA, he or she may gain employment in another LUA willing to assist with the remediation process.

(a) An educator may authorize the release of his or her individual performance data for remediation purposes.

(b) At the request of an employing LUA, a Waiver license or certificate may be requested to allow for remediation of the performance deficiency.

(c) The educator is responsible for disclosing their remediation plan to the new employer in order to pursue remediation of the unsatisfactory rating. The new employer may choose to revise the remediation plan.

(7) Privacy. All local school systems and charter schools are required to report all unsatisfactory ratings of all annual performance evaluations to the Professional Standards Commission. The Commission is authorized to release such data provided it cannot be personally identified to any currently or formerly certificated individual.

(8) Information Clearinghouse. The GaPSC shall maintain a central clearinghouse of information on Georgia educators receiving annual "Unsatisfactory," "Ineffective" or "Needs Development" performance evaluations and/or annual performance remediation. Each LUA is required to report this information to the GaPSC on or before June 30 of the academic year in which the evaluation or remediation occurred. The LUA superintendent or authorized official is responsible for ensuring that this information is provided in an accurate and timely manner, and shall attest to the completeness of reporting on or before June 30 of each academic year. If the information is not provided in an accurate and timely manner as established in this rule, the GaPSC reserves the right to report the superintendent or designee responsible for reporting performance to the Ethics Division.

(9) Correction of Reporting Errors. Erroneously reported unsatisfactory annual performance evaluations and/or remediation will be removed upon request from the reporting LUA using the procedures established by the GaPSC.

Authority O.C.G.A. 20-2-200