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EDUCATION Elementary and Secondary Education: Amend the "Quality Basic Education Act"; Provide for Legislative Findings; Provide for the Establishment of the "Georgia Master Teacher Program"; Provide for the Establishment of Criteria for Master Teacher Certification; Provide for the Establishment of Rules and Regulations by the Professional Standards Commission; Revise Certain Provisions Relating to Salary Increases for Persons Receiving Certification From the National Board of Professional Teaching Standards; Provide for the Establishment of the "Academic Coach Program"; Provide for the Establishment of Rules

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## EDUCATION

***Elementary and Secondary Education: Amend the "Quality Basic Education Act"; Provide for Legislative Findings; Provide for the Establishment of the "Georgia Master Teacher Program"; Provide for the Establishment of Criteria for Master Teacher Certification; Provide for the Establishment of Rules and Regulations by the Professional Standards Commission; Revise Certain Provisions Relating to Salary Increases for Persons Receiving Certification From the National Board for Professional Teaching Standards; Provide for the Establishment of the "Academic Coach Program"; Provide for the Establishment of Rules and Regulations by the State Board of Education; Provide for the Employment of an Academic Coach by a Public School in Accordance with a School Improvement Plan; Provide for Monetary and Other Incentives for Academic Coaches; Provide for the Establishment of a Master Teacher and Academic Coach Implementation Committee; Provide for the Composition, Duties, and Duration of the Committee; Provide for Automatic Repeal; Provide an Additional Benefit and Support for Teachers and Other School Personnel by Providing Professional Liability Insurance Coverage for Teachers, Principals, Other Certificated Personnel, and Student Teachers by the State; Provide for Related Matters; Provide an Effective Date; Repeal Conflicting Laws; and for Other Purposes***

CODE SECTIONS:	O.C.G.A. §§ 20-2-205 (new); 20-2-212.2 (amended); 20-2-212.5 to -212.6 (new); 20-2-930 (new)
BILL NUMBER:	SB 34
ACT NUMBER:	142
GEORGIA LAWS:	2005 Ga. Laws 717
SUMMARY:	The Act establishes a statewide Master Teacher Program to identify and recognize certain teachers who have exhibited professional excellence. The Act rewards teachers through professional recognition and potential monetary incentives in conjunction

with an eligible master teacher's involvement with the Academic Coach Program. Further, the Act limits the incentive associated with obtaining certification from the National Board for Professional Teaching Standards, offering a monetary incentive only to nationally certified teachers who opt to teach in "needs improvement" schools. The Act also provides for state-sponsored professional liability insurance for teachers and other school personnel.

EFFECTIVE DATE:

May 3, 2005<sup>1</sup>

### *History*

After speaking with teachers and school board members, Governor Sonny Perdue worked in concert with members of the Georgia Senate, House of Representatives, and the Department of Education toward developing legislative policy that would impact schools and students through identification and recognition of the state's best teachers.<sup>2</sup> Because national board certification cost the State of Georgia \$11 million during fiscal year 2004, the Governor intended the Act to better correlate such expenditures with actual school performance.<sup>3</sup> Under the Act, only those teachers who go through the certification process and choose to work in "needs improvement" schools will be granted an automatic salary increase.<sup>4</sup> Further, the Act establishes the Master Teacher Program, which serves to make teachers "mentors" who can "pass on their outstanding teaching skills to their colleagues."<sup>5</sup>

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1. See 2005 Ga. Laws 717, §4, at 723. The Act became effective upon approval by the Governor. *Id.*

2. See Telephone Interview with Rep. Brooks Coleman, House District No. 97 (April 12, 2005) [hereinafter Coleman Interview].

3. See Telephone Interview with Dr. F.D. Toth, Executive Secretary of the Professional Standards Commission for the State of Georgia (May 17, 2005) [hereinafter Toth Interview].

4. O.C.G.A. § 20-2-212.2 (Supp. 2005); see Coleman Interview, *supra* note 2.

5. Senator Bill Heath, SENATE INFORMATION OFFICE WEEKLY COLUMN: NOTES FROM THE GEORGIA STATE SENATE, 2 (Feb. 25, 2005); O.C.G.A. § 20-2-205 (Supp. 2005).

Quantitatively, the state's best teachers are those who consistently produce "good" test scores, with "good" being relative to the particular teacher's overall school results.<sup>6</sup> While legislators have previously introduced legislation to build the teaching career ladder and bring superior teachers into "needs improvement" schools, the Act is the first piece of legislation to take a combined approach.<sup>7</sup>

A primary objective of the Act is to bring dedicated and proven teachers into the schools with the greatest needs.<sup>8</sup> Currently, of 1,780 national board certified teachers in the state, 432 work in schools that have been on the "needs improvement" list for one year, and 254 work in schools that have been on the "needs improvement" list for two years.<sup>9</sup>

### *Bill Tracking of SB 34*

#### *Consideration by the Senate*

Senators Dan Moody, Daniel Weber, Eric Johnson, Tommie Williams, and Don Thomas of the 56th, 40th, 1st, 19th, and 54th districts, respectively, sponsored SB 34.<sup>10</sup> The Senate first read the bill on January 24, 2005, and the Senate Education and Youth Committee favorably reported the bill, by substitute, on January 26, 2005.<sup>11</sup>

#### *The Bill, As Introduced*

As introduced, the bill provided only for the establishment of the Georgia "Master Teacher Program" and "Academic Coach Program," coupled with the formation and regulation of attendant policies and selection criteria.<sup>12</sup>

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6. See Coleman Interview, *supra* note 2. Constantly improving test scores are the fundamental criteria by which the Master Teacher Program will judge teachers. *Id.*

7. See Coleman Interview, *supra* note 2; Toth Interview, *supra* note 3.

8. See Coleman Interview, *supra* note 2; Toth Interview, *supra* note 3.

9. See Toth Interview, *supra* note 3.

10. See SB 34, as introduced, 2005 Ga. Gen. Assem.

11. See State of Georgia Final Composite Sheet, SB 34, Jan. 24, 2005 (May 11, 2005); State of Georgia Final Composite Status Sheet, SB 34, Jan. 26, 2005 (May 11, 2005).

12. See SB 34, as introduced, 2005 Ga. Gen. Assem.

In its earliest form, SB 34 inserted a new Code section amending the Quality Basic Education Act to: (a) recognize public school teachers for professional excellence; (b) authorize and direct the Professional Standards Commission to establish the “Georgia Master Teacher Program” to provide that recognition; (c) authorize the Professional Standards Commission to create criteria for Master Teacher Certification, with the stipulation that such criteria must include evidence of student progress; and (d) authorized the commission to receive applications for Master Teacher Certification from teachers with three or more years of experience.<sup>13</sup>

SB 34 also further sought to amend the Quality Basic Education Act with the insertion of legislation that would: (a) recognize that some teachers wish to spend their entire careers in the classroom, and that they should develop new opportunities for career advancement for those teachers to encourage them to continue teaching and contribute to the professional development of other teachers; (b) authorize and direct the State Board of Education to establish and regulate the “Academic Coach Program” to give certain qualified public school teachers monetary incentives for mentoring other teachers; (c) direct local school systems desiring the assistance of an academic coach to develop a school improvement plan identifying deficiencies in school performance that an academic coach could address; (d) stipulate that before working as an academic coach, a teacher must obtain Master Teacher Certification; (e) grant to each school council the right to review the school improvement plan goals in connection with the Academic Coach Program; and (f) vest the state board with the ability to fund the program, compensate academic coaches commensurate with schoolwide gains in student performance, and release master teachers from certain regular classroom hours in order to work as academic coaches.<sup>14</sup>

SB 34 in its earliest iteration also vested power in the Governor to appoint a Master Teacher and Academic Coach Implementation Committee to advise the State Board of Education and the Professional Standards Committee in developing rules governing the Master Teacher Program.<sup>15</sup> SB 34 stated that the Implementation

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13. *See id.*

14. *Id.*

15. *Id.*

Committee would include, among others, Department of Education members, Professional Standards Commission members, teachers, principals, and parents.<sup>16</sup> Under SB 34, the Implementation Committee would hold statewide hearings in order to get parent, teacher and other educator feedback in determining guidelines for the Master Teacher and Academic Coach Programs.<sup>17</sup>

### *Floor Debate and Amendments*

During floor debate, Senator Moody of the 56th district introduced SB 34, addressing both the Master Teacher and Academic Coach Program portions of the Act.<sup>18</sup> Senator Joseph Carter of the 13th district spoke to the merits of SB 34, clarifying that the Academic Coach Program will bring more experience and professionalism into Georgia's classrooms.<sup>19</sup> Senator Sam Zamarripa of the 36th district clarified that the legislation is intended for the public school system.<sup>20</sup> Senator John Douglas of the 17th district addressed the benefits of public recognition for public school teachers.<sup>21</sup> Senator Ed Harbison of the 15th district questioned how the program deals with prior legislation concerning teachers in failing school systems.<sup>22</sup> Senator Moody stressed that the program expands any previous legislation intended to bring assistance to failing schools.<sup>23</sup> Further, in explaining the costs of the Academic Coach Program, Senator Moody addressed the reasonableness of a \$1.1 million expenditure included for appropriation in the fiscal year 2006 budget.<sup>24</sup> Senator Brian Kemp from the 46th district addressed sharing master teachers among smaller school systems.<sup>25</sup> Senator Terrell Starr of the 44th district questioned the reasoning behind the legislation's sunset provision of June 30, 2009.<sup>26</sup> Senator Moody suggested that the

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16. *Id.*

17. *Id.*

18. See Audio Recording of Senate Proceedings, Jan. 28, 2005 (remarks by Sen. Dan Moody), [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33091490,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33091490,00.html) [hereinafter Senate Audio].

19. *Id.* (remarks by Sen. Joseph Carter).

20. *Id.* (remarks by Sen. Sam Zamarripa).

21. *Id.* (remarks by Sen. John Douglas).

22. *Id.* (remarks by Sen. Ed Harbison).

23. *Id.* (remarks by Sen. Dan Moody).

24. See Senate Audio, *supra* note 18 (remarks by Sen. Dan Moody).

25. *Id.* (remarks by Sen. Brian Kemp).

26. *Id.* (remarks by Sen. Terrell Star).

sunset provision will not be necessary because the General Assembly will likely extend the legislation, but included the provision nonetheless.<sup>27</sup>

There was considerable debate in the Senate regarding state-provided professional liability insurance coverage for teaching professionals.<sup>28</sup> Senator David Shafer of the 48th district, who proposed an amendment to the bill to include such insurance, spoke to teachers' needs to feel safe in the classroom, given an increasingly litigious society and the frequency of frivolous lawsuits.<sup>29</sup> Because some teachers expend their own funds to hedge against liability, and because the state already offers (either through purchase or self-insurance) liability insurance for other state personnel, Senator Shafer argued that teachers should have the same coverage.<sup>30</sup> Senator Ed Harbison of the 15th district questioned the costs associated with the insurance amendment, which will require appropriation by the General Assembly, but not a fiscal note.<sup>31</sup> Senator Shafer addressed the economies of scale inherent in Florida's group liability insurance plan for teachers at a cost of roughly five dollars per teacher.<sup>32</sup> Senator David Adelman of the 42nd district clarified that private insurance companies would provide coverage for state employees.<sup>33</sup> Upon questioning by Senator Sam Zamarripa from the 36th district, Senator Shafer detailed situations in which state-provided liability coverage would benefit teachers, such as when a teacher disciplines a child and his parents later file a lawsuit against the teacher.<sup>34</sup>

The Senate did not adopt the amendment because it was nongermane as to subject matter.<sup>35</sup> The Senate then adopted SB 34, by Committee substitute, by a vote of 51 to 0.<sup>36</sup>

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27. *Id.* (remarks by Sen. Dan Moody).

28. *See id.* (remarks by Sen. David Shafer).

29. *See id.*; Failed House Floor Amendment to SB 34, introduced by Sen. David Shafer, Jan. 28, 2005.

30. *See* Senate Audio, *supra* note 18 (remarks by Sen. David Shafer).

31. *Id.* (remarks by Sen. Ed Harbison).

32. *Id.* (remarks by Sen. David Shafer).

33. *Id.* (remarks by Sen. David Shafer).

34. *See id.* (remarks by Sens. David Shafer and Sam Zamarripa).

35. *See* Failed House Floor Amendment to SB 34, introduced by Sen. David Shafer, Jan. 28, 2005.

36. Georgia Senate Voting Record, SB 34 (Jan. 28, 2005).



### *Consideration by the House*

The House first read SB 34 on January 31, 2005.<sup>37</sup> The Speaker assigned the bill to the House Education Committee, which favorably reported on the bill, by substitute, on February 16, 2005.<sup>38</sup> The House Committee substitute added the provision relating to the salary increase for persons receiving certification from the National Board for Professional Teaching Standards.<sup>39</sup>

The House of Representatives adopted two floor amendments regarding (i) the date limiting "grandfathering" of those in the process of obtaining national certification and (ii) increasing the number of teachers that would participate as members of the Master Teacher and Academic Coach Implementation Committee.<sup>40</sup>

Though the Senate did not add professional liability coverage, the Rules Committee proposed an amendment adding language to allow the Department of Administrative Services to purchase or provide professional liability insurance coverage for teachers, principals, and other certificated educational personnel.<sup>41</sup> The amendment further defined covered educators and insurance policy procurement procedures.<sup>42</sup> The House agreed to the Rules Committee amendment by vote of 110 to 59, and SB 34 passed the House by a vote of 169 to 0.<sup>43</sup> The Senate then agreed to the House version of the bill, including the provision for professional liability insurance, by a vote of 38 to 14.<sup>44</sup>

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37. See State of Georgia Final Composite Status Sheet, SB 34, Jan. 31, 2005 (May 11, 2005).

38. See State of Georgia Final Composite Status Sheet, SB 34, Feb. 16, 2005 (May 11, 2005).

39. See SB 34 (HCS), 2005 Ga. Gen. Assem.

40. Compare SB 34 (HCS), 2005 Ga. Gen. Assem., with SB 34 (HCSFA), 2005 Ga. Gen. Assem. Representative David Casas of the 103rd district proposed the amendment grandfathering more teachers seeking national certification. See SB 34 (HCSFA1), 2005 Ga. Gen. Assem. Representative Darryl Jordan of the 77th district proposed the addition of two more teachers on the implementation committee. See SB 34 (HCSFA2), 2005 Ga. Gen. Assem.

41. See SB 34 (HCSRCA1), 2005 Ga. Gen. Assem.

42. *Id.*

43. Georgia House of Representatives Voting Record, SB 34 (Feb. 23, 2005).

44. See Georgia Senate Voting Record, SB 34 (Feb. 24, 2005); State of Georgia Final Composite Status Sheet, SB 34, Feb. 24, 2005 (May 11, 2005).

*Analysis*

While the effects of the legislation will be contentious among teachers, the actual figures suggest the debate will not actually be that lively.<sup>45</sup> Of the 1,780 current nationally certified teachers, roughly half already teach in “needs improvement” schools.<sup>46</sup> Further, under the Act, teachers who do not have national certification will still be able to garner monetary incentives through the Academic Coach Program, provided that they are first able to prove themselves and qualify as master teachers.<sup>47</sup> Perhaps the lingering downside to the legislation is that some administrators may advocate against teachers pursuing national certification because higher performing schools would automatically lose good teachers to “needs improvement” schools where the certified teacher would be eligible for the salary increase.<sup>48</sup> However, the legislation’s provisions for master teachers working within the Academic Coach Program mitigate such results, as those teachers would qualify for paid time away from the classroom as well as salary increases and bonuses by virtue of their participation.<sup>49</sup>

*Suzanne Smith Williams*

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45. See Toth Interview, *supra* note 3.

46. See *id.*

47. See Coleman Interview, *supra* note 2; Toth Interview, *supra* note 3.

48. See Toth Interview, *supra* note 3.

49. See *id.*; Coleman Interview, *supra* note 2; O.C.G.A. § 20-2-212.5 (Supp. 2005).