

Senate Bill 248

By: Senators Brush of the 24th, Lee of the 29th and Stephens of the 51st

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for the comprehensive revision of provisions regarding education accountability; to
3 eliminate the Office of Education Accountability; to create the Office of Student
4 Achievement of the Department of Education; to change certain provisions regarding
5 alternative education programs; to change certain provisions regarding enrollment in
6 postsecondary courses; to change certain provisions regarding increasing teachers' salaries
7 in shortage areas; to change certain provisions regarding capital outlay funds; to change
8 certain provisions regarding effectiveness assessment; to change certain provisions regarding
9 implementation of certain criteria; to change certain provisions regarding creation of the
10 Georgia Closing the Achievement Gap Commission; to change certain provisions regarding
11 the Education Steering Committee; to change certain provisions regarding cooperation of
12 school officials with respect to attendance; to change certain provisions regarding grounds
13 and proceedings for terminating or suspending employment contracts; to change certain
14 provisions regarding nonrenewal procedures; to change certain provisions regarding certain
15 regulatory authority; to change certain provisions regarding powers and duties of the
16 Professional Standards Commission; to change certain provisions regarding local tribunals
17 with respect to school law controversies; to provide for the comprehensive revision of
18 provisions regarding the Education Coordinating Council; to transfer powers, duties, and
19 responsibilities of education accountability and the accountability division; to provide for the
20 comprehensive revision of accountability assessment; to change certain provisions regarding
21 postsecondary accountability assessment; to change certain provisions regarding
22 pre-kindergarten accountability assessment; to change certain provisions regarding education
23 work force accountability; to repeal certain provisions regarding the Education Information
24 Steering Committee; to provide for related matters; to provide for an effective date; to repeal
25 conflicting laws; and for other purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
4 striking subsection (l) of Code Section 20-2-154.1, relating to alternative education
5 programs, and inserting in its place a new subsection (l) to read as follows:

6 "(l) The State Board of Education shall adopt rules necessary to administer the provisions
7 of this Code section. Academically, the mission of alternative education programs shall be
8 to enable students to perform at grade level. Annually, the ~~Office of Education~~
9 ~~Accountability~~ State Board of Education shall define for alternative education programs
10 acceptable performance and performance indicating a need for peer review, based
11 principally on standards defined by the ~~Office of Education Accountability~~ State Board of
12 Education that measure the academic progress of students toward performing at grade level
13 while attending an alternative education program."

14 **SECTION 2.**

15 Said title is further amended by striking subsection (g) of Code Section 20-2-161.1, relating
16 to enrollment in postsecondary courses, and inserting in its place a new subsection (g) to read
17 as follows:

18 "(g) The department shall pay the fees charged for advanced placement tests ~~taken by any~~
19 ~~eligible high school student who successfully completes an approved advanced placement~~
20 ~~course~~ according to rules set by the State Board of Education subject to appropriation by
21 the General Assembly. ~~The local high school principal shall certify to the department the~~
22 ~~number of students taking the advanced placement tests, the total fees charged, and such~~
23 ~~additional information as the department requires regarding advanced placement tests, and~~
24 ~~the department shall make payments directly to the testing service from funds dedicated~~
25 ~~to this purpose within the secondary option grant account."~~

26 **SECTION 3.**

27 Said title is further amended by striking Code Section 20-2-212.3, relating to increasing
28 teachers' salaries in shortage areas, and inserting in its place a new Code Section 20-2-212.3
29 to read as follows:

30 "20-2-212.3.

31 (a) The State Board of Education shall identify schools and local school systems in the
32 state where an insufficient supply of qualified teachers is available to deliver instruction
33 in the fields of mathematics, science, special education, or foreign language, based on

1 criteria defined by the State Board of Education; and the Professional Standards
 2 Commission; ~~and the Office of Education Accountability~~. Upon determination of shortages
 3 each year, the State Board of Education shall request funds sufficient to provide for salary
 4 increases not to exceed one additional step on the state salary schedule for which the
 5 teacher would otherwise have been entitled for positions contracted for in those locations
 6 and fields during the school year. Funding shall be based on the number of eligible
 7 positions identified for the previous school year, subject to appropriation by the General
 8 Assembly. Upon receiving three such salary increases, a teacher shall become ineligible
 9 for additional salary increases under this Code section.

10 (b) The criteria used for assessing whether or not an insufficient supply of qualified
 11 teachers is available and the data used in making the determination that a shortage exists
 12 shall be submitted by the ~~Office of Education Accountability~~ State Board of Education to
 13 the chairpersons of the Education Committees of the House of Representatives and the
 14 Senate no later than December 1 of each year."

15 SECTION 4.

16 Said title is further amended by striking subsection (m) of Code Section 20-2-260, relating
 17 to capital outlay funds, and inserting in its place a new subsection (m) to read as follows:

18 "(m) The State Board of Education shall implement a computerized student projection
 19 program for each school system in Georgia as a component of the ~~state-wide~~
 20 ~~comprehensive~~ kindergarten through grade 12 educational information system. The
 21 program shall be used in this subsection to forecast facility needs in each system by
 22 projecting full-time equivalent student counts for each grade level and shall be written in
 23 the educational facilities survey. The projection program methodology at least must
 24 correlate live-birth data to full-time equivalent student counts and project full-time
 25 equivalent student counts for each of the grades, including kindergarten, for each of the
 26 next five years using cohort survival."

27 SECTION 5.

28 Said title is further amended by striking Code Section 20-2-281, relating to effectiveness
 29 assessment, and inserting in its place a new Code Section 20-2-281 to read as follows:

30 "20-2-281.

31 (a) The State Board of Education shall adopt a student assessment program consisting of
 32 instruments, procedures, and policies necessary to implement the program and shall fund
 33 all costs of providing and scoring such instruments, subject to appropriation by the General
 34 Assembly. Nationally norm-referenced instruments in reading, mathematics, science, and
 35 social studies shall be administered to students in grades three, five, and eight. The State

1 Board of Education shall review, revise, and upgrade the quality core curriculum.
2 Following the adoption of this revised curriculum, the State Board of Education shall
3 contract for development of criterion-referenced competency tests to measure the quality
4 core curriculum. Such tests in English and language arts, mathematics, and reading shall
5 be administered annually to students in grades one through eight, and such tests in science
6 and social studies shall be administered annually to students in grades three through eight.
7 This action shall be completed according to a schedule established by the State Board of
8 Education. A curriculum-based assessment shall be administered in grade 11 for
9 graduation purposes. Writing assessments shall be administered to students in grades three,
10 five, eight, and 11. The writing assessments shall provide students and their parents with
11 performance outcome measures resulting from the administration of such tests.

12 (b) The nationally normed assessments provided for in subsection (a) of this Code section
13 shall provide students and their parents with grade equivalencies and percentile ranks
14 which result from the administration of such tests. Criterion-referenced tests and the high
15 school graduation test provided for in subsection (a) of this Code section shall provide for
16 results that reflect student achievement at the individual student, classroom, school,
17 system, and state levels. The State Board of Education shall participate in the National
18 Assessment of Educational Progress (NAEP) and may participate in any other tests that
19 will allow benchmarking this state's performance against national or international
20 performance. The results of such testing shall be provided to the Governor, the General
21 Assembly, and the State Board of Education and shall be reported to the citizens of
22 Georgia. Further, the state board shall adopt a school readiness assessment for students
23 entering first grade and shall administer such assessment pursuant to paragraph (2) of
24 subsection (b) of Code Section 20-2-151. One of the components in the awarding of salary
25 supplements as part of a pay for performance or related plan pursuant to Code Section
26 20-2-213 or other Code sections under this article may be assessments of student
27 achievement.

28 (b.1) The State Board of Education shall notify local school systems and individual
29 schools of the results of the assessment instruments administered under this Code section
30 at the earliest possible date determined by the state board, but not later than the beginning
31 of the subsequent school year.

32 (c) The State Board of Education shall have the authority to condition the awarding of a
33 high school diploma to a student upon achievement of satisfactory scores on instruments
34 or tests adopted and administered by the state board pursuant to subsection (a) of this Code
35 section. The state board is authorized and directed to adopt regulations providing that any
36 disabled child, as defined by the provisions of this article, shall be afforded opportunities
37 to take any test adopted by the state board as a condition for the awarding of a high school

1 diploma. Said regulations shall further provide for appropriate accommodations in the
2 administration of such test. Said regulations shall further provide for the awarding of a
3 special education diploma to any disabled student who is lawfully assigned to a special
4 education program and who does not achieve a passing score on said test or who has not
5 completed all of the requirements for a high school diploma but who has nevertheless
6 completed his or her Individualized Education Program.

7 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
8 administered to each student receiving special education services pursuant to Code
9 Section 20-2-152 who does not receive instruction in the essential knowledge and skills
10 identified in the quality core curriculum developed pursuant to Code Section 20-2-140
11 and for whom the assessment instruments adopted under subsection (a) of this Code
12 section, even with allowable modifications, would not provide an appropriate measure
13 of student achievement, as determined by the student's Individualized Education
14 Program team. A student's Individualized Education Program may serve as an alternate
15 assessment for that student. ~~Students with alternate assessments shall not be counted for
16 the state accountability purposes provided for in this article.~~

17 (2) A student's Individualized Education Program team shall determine appropriate
18 participation in assessment and identify necessary accommodations in accordance with
19 the federal Individuals with Disabilities Education Act.

20 (e) The State Board of Education shall adopt end-of-course assessments for students in
21 grades nine through 12 for all core subjects to be determined by the state board. For those
22 students with an Individualized Education Program, the student's Individualized Education
23 Program team shall determine appropriate participation in assessments and identify
24 necessary accommodations in accordance with the federal Individuals with Disabilities
25 Education Act.

26 (f) Under rules adopted by the State Board of Education, the Department of Education
27 shall release the questions and answer keys of all state mandated tests solely for Georgia
28 students ~~to each criterion-referenced competency test administered under subsection (a)~~
29 ~~of this Code section and each end-of-course test administered under subsection (e) of this~~
30 ~~Code section after the last time the instrument is administered for a school year. To ensure~~
31 ~~a valid bank of questions for use each year, the department is not required to release a~~
32 ~~question that is being field tested and was not used to compute the student's score on the~~
33 ~~instrument.~~

34 (g) The State Board of Education, through the Department of Education, shall administer
35 the end-of-course assessments for core subject areas as defined by state board policy. ~~The~~
36 ~~state board shall promulgate a schedule for the development and administration of all~~
37 ~~end-of-course tests by December 1, 2000.~~

1 (h) The Department of Education shall develop study guides for the criterion-referenced
 2 tests and ~~end-of-course assessments~~ other state-wide tests administered solely for Georgia
 3 students pursuant to subsections (a) and (e) of this Code section. Each school system shall
 4 ~~distribute~~ The State Board of Education shall establish rules regarding the distribution of
 5 the study guides to students who do not perform satisfactorily on one or more parts of an
 6 assessment instrument administered under this Code section and to the parents or guardians
 7 of such students.

8 (i)(1) The high school graduation test provided for in subsection (a) of this Code section
 9 shall continue in effect until all high school core subject end-of-course assessments have
 10 been developed and implemented, at which time the state board shall discontinue the test
 11 according to a schedule to be determined by the state board the State Board of Education
 12 implements one or more tests that supersede the high school graduation test.

13 (2) The State Board of Education shall adopt rules regarding course exit requirements
 14 in regard to the implemented core subject end-of-course assessments before
 15 discontinuing the high school graduation test.

16 (3) Local boards of education shall have the option of allowing scores on end-of-course
 17 assessments to be counted as part of a student's grade in the course.

18 (j)(1) In addition to the assessment instruments adopted by the State Board of Education
 19 and administered by the Department of Education, a local school system may adopt and
 20 administer criterion-referenced or norm-referenced assessment instruments, or both, at
 21 any grade level. Such locally adopted assessment instruments may not replace the state's
 22 adopted assessment instruments for purposes of the state accountability programs, except
 23 as otherwise provided in paragraph (2) of this subsection program. A local school system
 24 shall be responsible for all costs and expenses incurred for locally adopted assessment
 25 instruments. Students with Individualized Education Programs must be included in the
 26 locally adopted assessments or provided an alternate assessment in accordance with the
 27 federal Individuals with Disabilities Education Act.

28 (2) ~~The State Board of Education shall have the authority to grant waivers until Fiscal~~
 29 ~~Year 2003 to local boards of education exempting said boards from the administration~~
 30 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~
 31 ~~grade levels for which the local board of education implements a locally developed~~
 32 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum~~
 33 ~~which increases the expectations for student achievement beyond that of the applicable~~
 34 ~~state criterion-referenced competency test or tests and meets all other requirements of this~~
 35 ~~Code section, including reliability and validity requirements, with the exception of~~
 36 ~~subsection (f) of this Code section. Local boards of education with such waivers shall~~

1 ~~submit to the State Board of Education school and local school system score reports of~~
 2 ~~the locally developed criterion-referenced competency tests.~~

3 (k) In adopting academic skills assessment instruments under this Code section, the State
 4 Board of Education or local school system shall ensure the security of the instruments in
 5 their preparation, administration, and scoring. Notwithstanding any other provision of law,
 6 meetings or portions of meetings held by the state board or a local board of education at
 7 which individual assessment instruments or assessment instrument items are discussed or
 8 adopted shall not be open to the public, and the assessment instruments or assessment
 9 instrument items shall be confidential.

10 (l) The results of individual student performance on academic skills assessment
 11 instruments administered under this Code section shall be confidential and may be released
 12 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
 13 20 U.S.C. Section 1232g.

14 (m) Overall student performance data shall be disaggregated by ethnicity, sex,
 15 socioeconomic status, disability, language proficiency, grade level, subject area, school,
 16 and system and other categories determined by rules of the State Board of Education.

17 (n) Student performance data shall be made available to the public, with appropriate
 18 interpretations, by the State Board of Education, ~~the Office of Education Accountability,~~
 19 and local school system. The information made available to the public shall not contain the
 20 names of individual students or teachers.

21 (o) Teachers in grades one through 12 shall be offered the opportunity to participate
 22 annually in a staff development program on the use of tests within the instructional
 23 program designed to improve students' academic achievement. This program shall instruct
 24 teachers on curriculum alignment related to tests, disaggregated student test data to identify
 25 student academic weaknesses by subtests, and other appropriate applications as determined
 26 by the State Board of Education."

27 **SECTION 6.**

28 Said title is further amended by striking subsection (b) of Code Section 20-2-283, relating
 29 to implementation of certain criteria, and inserting in its place a new subsection (b) to read
 30 as follows:

31 "(b) Such criteria as adopted by the State Board of Education shall require the following
 32 for students in grades three, five, and eight:

33 (1) No student shall be promoted, except as provided in this Code section, to:

34 (A) The fourth grade program to which the student would otherwise be assigned if the
 35 student does not achieve grade level as defined ~~by the Office of Education~~
 36 ~~Accountability~~ in accordance with Code Section 20-14-31 on the third grade

1 criterion-referenced reading assessment developed in accordance with subsection (a)
2 of Code Section 20-2-281 and meet the promotional standards and criteria established
3 by the State Board of Education and by the local school board for the school that the
4 student attends;

5 (B) The sixth grade program to which the student would otherwise be assigned if the
6 student does not achieve grade level as defined by ~~the Office of Education~~
7 ~~Accountability~~ in accordance with Code Section 20-14-31 on the fifth grade
8 criterion-referenced mathematics assessment and fifth grade criterion-referenced
9 reading assessment developed in accordance with subsection (a) of Code Section
10 20-2-281 and meet the promotional standards and criteria established by the State
11 Board of Education and by the local school board for the school that the student attends;
12 or

13 (C) The ninth grade program to which the student would otherwise be assigned if the
14 student does not achieve grade level as defined by ~~the Office of Education~~
15 ~~Accountability~~ in accordance with Code Section 20-14-31 on the eighth grade
16 criterion-referenced mathematics assessment and eighth grade criterion-referenced
17 reading assessment developed in accordance with subsection (a) of Code Section
18 20-2-281 and meet the promotional standards and criteria established by the State
19 Board of Education and by the local school board for the school that the student attends;

20 (2) When a student does not perform at grade level on any criterion-referenced
21 assessment specified in paragraph (1) of this subsection then the following shall occur:

22 (A) The parent or guardian of the student shall be notified in writing by first-class mail
23 by the school principal or such official's designee regarding the student's performance
24 below grade level on the assessment instrument, the retest to be given the student, the
25 accelerated, differentiated, or additional instruction program to which the student is
26 assigned, and the possibility that the student might be retained at the same grade level
27 for the next school year;

28 (B) The student shall be retested with a criterion-referenced assessment or an
29 alternative assessment instrument that is appropriate for the student's grade level as
30 provided for by the State Board of Education and the local board of education; and

31 (C) The student shall be given an opportunity for accelerated, differentiated, or
32 additional instruction in the applicable subject; and

33 (3) When a student does not perform at grade level on any criterion-referenced
34 assessment specified in paragraph (1) of this subsection and also does not perform at
35 grade level on a second additional opportunity as provided for in paragraph (2) of this
36 subsection then the following shall occur:

1 (A) The school principal or the principal's designee shall retain the student for the next
2 school year except as otherwise provided in this subsection;

3 (B) The school principal or the principal's designee shall notify in writing by first-class
4 mail the parent or guardian of the student and the teacher regarding the decision to
5 retain the student. The notice shall describe the option of the parent, guardian, or
6 teacher to appeal the decision to retain the student and shall further describe the
7 composition and functions of the placement committee as provided for in this
8 subsection, including the requirement that a decision to promote the student must be a
9 unanimous decision of the committee;

10 (C) If the parent, guardian, or teacher appeals the decision to retain the student, then
11 the school principal or designee shall establish a placement committee composed of the
12 principal or the principal's designee, the student's parent or guardian, and the teacher
13 of the subject of the assessment instrument on which the student failed to perform at
14 grade level and shall notify in writing by first-class mail the parent or guardian of the
15 time and place for convening the placement committee;

16 (D) The placement committee shall:

17 (i) Review the overall academic achievement of the student in light of the
18 performance on the criterion-referenced assessment and the standards and criteria as
19 adopted by the local board of education and make a determination to promote or
20 retain. A decision to promote must be a unanimous decision and must determine that
21 if promoted and given accelerated, differentiated, or additional instruction during the
22 next year, the student is likely to perform at grade level as defined by the Office of
23 ~~Education Accountability~~ in accordance with Code Section 20-14-31 by the
24 conclusion of the school year; and

25 (ii) Prescribe for the student, whether the student is retained or promoted, such
26 accelerated, differentiated, or additional instruction as needed to perform at grade
27 level by the conclusion of the subsequent school year, prescribe such additional
28 assessments as may be appropriate in addition to assessments administered to other
29 students at the grade level during the year, and provide for a plan of continuous
30 assessment during the subsequent school year in order to monitor the progress of the
31 student;

32 (E) For students receiving special education or related services, the Individualized
33 Education Plan Committee shall serve as the placement committee; and

34 (F) The decision of the placement committee may be appealed only as provided for by
35 the local board of education."

SECTION 7.

Said title is further amended by striking subsections (c) and (g) of Code Section 20-2-286, relating to creation of the Georgia Closing the Achievement Gap Commission, and inserting in their place new subsections (c) and (g) to read as follows:

"(c) The commission shall be authorized to:

(1) Gather accurate and reliable data and research information pertaining to the status of at-risk students in the Georgia public school system;

(2) Identify and visit education programs and other efforts within and outside Georgia that appear to be successful in yielding significant positive results for at-risk students;

(3) Consult with higher education faculty members and other persons who have been engaged in extensive research and observation related to these issues and encourage their direct involvement in the activities of the commission;

(4) Conduct hearings throughout the state for the purpose of obtaining meaningful information regarding successful education programs and efforts related to those concerns;

(5) Identify, consult, and meet with representatives of national, regional, and state-level organizations and agencies that could be particularly helpful in addressing the concerns of at-risk student achievement;

(6) Devise recommendations regarding steps that should be taken to address the concerns of at-risk student achievement and the steps that should be taken separately and collectively by:

(A) State government agencies;

(B) Local government agencies;

(C) Public schools and higher education institutions;

(D) Nonprofit organizations;

(E) Professional educational organizations;

(F) Foundations;

(G) Faith based organizations or institutions;

(H) Civic organizations;

(I) The business community; and

(J) Other entities; and

(7) Receive reports from and consult with the ~~Office of Education Accountability~~ Department of Education regarding the student achievement results including all disaggregated student achievement data."

"(g) The commission shall be provided staff and administrative support by the ~~Office of Education Accountability to carry out the authority described in this Code section~~ Office of Planning and Budget and the Department of Education."

1 ~~committee shall issue appropriate requests for proposals to implement a state-wide~~
 2 ~~comprehensive educational information system, subject to appropriation by the General~~
 3 ~~Assembly. The State Data and Research Center, at the direction of the Education~~
 4 ~~Coordinating Council and working through the steering committee, shall initiate contracts~~
 5 ~~with appropriate vendors and local units of administration for the procurement of services,~~
 6 ~~purchase of hardware and software, and for any other purpose as directed by the Education~~
 7 ~~Coordinating Council, consistent with appropriation by the General Assembly.~~

8 (b) The State Board of Education, the Board of Technical and Adult Education, the Board
 9 of Regents of the University System of Georgia, and the Office of School Readiness shall
 10 require develop and maintain an individual student record for each student enrolled which
 11 at a minimum includes the data sufficient to assess performance for accountability purposes
 12 and conduct research related to school improvement and shall report to the Education
 13 Coordinating Council ~~specifications recommended by the steering committee and approved~~
 14 ~~by the Education Coordinating Council.~~ The Professional Standards Commission shall
 15 maintain an individual data record for each certificated person employed in a public school.

16 (c) For the purpose of this article, authorized educational agencies shall be the Department
 17 of Education; the Office of School Readiness; the Board of Regents of the University
 18 System of Georgia; the Department of Technical and Adult Education; the Education
 19 Coordinating Council; the Professional Standards Commission; ~~the State Data and~~
 20 ~~Research Center and units under contract to the State Data and Research Center; the Office~~
 21 ~~of Education Accountability;~~ the education policy and research components of the office
 22 of the Governor; the Office of Planning and Budget; the Legislative Budget Office; the
 23 House Research Office; and the Senate Research Office. Any information collected over
 24 the ~~state-wide comprehensive~~ kindergarten through grade 12 educational information
 25 system, including individual student records and individual personnel records, shall be
 26 accessible by authorized educational agencies, provided that any information which is
 27 planned for collection over the system but which is temporarily being collected by other
 28 means shall also be accessible by authorized educational agencies and provided, further,
 29 that adequate security provisions are employed to protect the privacy of individuals. All
 30 data maintained for this system shall be used for educational purposes only. In no case shall
 31 information be released by an authorized educational agency which would violate the
 32 privacy rights of any individual student or employee. Any information collected over the
 33 ~~state-wide comprehensive~~ kindergarten through grade 12 educational information system
 34 which is not stored in an individual student or personnel record format shall be made
 35 available to the Governor and the House and Senate Appropriations, Education, and Higher
 36 Education committees, except information otherwise prohibited by statute. Data which are
 37 included in an individual student record or individual personnel record format shall be

1 extracted from such records and made available in nonindividual record format for use by
 2 the Governor, committees of the General Assembly, and agencies other than authorized
 3 educational agencies.

4 ~~(d) The State Data and Research Center through the Board of Regents of the University~~
 5 ~~System of Georgia shall request sufficient funds annually for the development, operation,~~
 6 ~~training of appropriate personnel, and maintenance of the system. The State Data and~~
 7 ~~Research Center shall submit quarterly reports to the Education Coordinating Council that~~
 8 ~~include budgetary data reflecting expenditures related to the state-wide comprehensive~~
 9 ~~educational information system.~~

10 ~~(e)~~(d) The ~~state-wide comprehensive~~ kindergarten through grade 12 educational
 11 information system shall be ~~fully completed by July 1, 2003,~~ completed and implemented
 12 on a schedule determined by the State Board of Education subject to appropriation by the
 13 General Assembly for this purpose; ~~provided, however, that the steering committee shall~~
 14 ~~have the authority to specify components which, in its judgment, cannot be completed until~~
 15 ~~July 1, 2004. During the phased implementation of the system, highest priority shall be~~
 16 ~~given to the electronic transmission of complete full-time equivalent counts, the uniform~~
 17 ~~budgeting and accounting system, and complete salary data for each local school system.~~
 18 ~~All pre-kindergarten programs, local units of administration for grades kindergarten~~
 19 ~~through 12, technical schools and colleges, public libraries, public colleges and~~
 20 ~~universities, and regional educational service agencies shall provide data to the State Data~~
 21 ~~and Research Center as required by their respective boards and agencies. Notwithstanding~~
 22 ~~any provision of this Code section~~ article to the contrary, ~~no~~ the State Board of Education
 23 may withhold funds a local school system ~~shall earn~~ earns funds under Code Section
 24 20-2-186 for superintendents, assistant superintendents, or principals central administration
 25 if the local unit of administration fails to comply with the provisions of this Code section.
 26 ~~(f)~~(e) Notwithstanding any other provision of law, the ~~State Data and Research Center~~
 27 State Board of Education is authorized to and shall obtain and provide to the Department
 28 of ~~Public Safety~~ Motor Vehicle Safety, in a form to be agreed upon between the ~~State Data~~
 29 ~~and Research Center~~ Department of Education and the Department of ~~Public Safety~~ Motor
 30 Vehicle Safety, enrollment, attendance, and suspension information regarding minors 15
 31 through 17 years of age reported pursuant to Code Sections 20-2-690 and 20-2-697, to be
 32 used solely for the purposes set forth in subsection (a.1) of Code Section 40-5-22."

33 SECTION 9.

34 Said title is further amended by striking Code Section 20-2-697, relating to cooperation of
 35 school officials regarding attendance, and inserting in its place a new Code Section 20-2-697
 36 to read as follows:

1 "20-2-697.

2 (a) Visiting teachers and attendance officers shall receive the cooperation and assistance
 3 of all teachers and principals of public schools in the local school systems within which
 4 they are appointed to serve. It shall be the duty of the principals or local school site
 5 administrators and of the teachers of all public schools to report, in writing, to the visiting
 6 teacher or attendance officer of the local school system the names, ages, and residences of
 7 all students in attendance at their schools and classes within 30 days after the beginning of
 8 the school term or terms and to make such other reports of attendance in their schools or
 9 classes as may be required by rule or regulation of the State Board of Education. All public
 10 schools shall keep daily records of attendance, verified by the teachers certifying such
 11 records. Such reports shall be open to inspection by the visiting teacher, attendance officer,
 12 or duly authorized representative at any time during the school day. Any such attendance
 13 records and reports which identify students by name shall be used only for the purpose of
 14 providing necessary attendance information required by the state board or by law, except
 15 with the permission of the parent or guardian of a child, pursuant to the subpoena of a court
 16 of competent jurisdiction, or for verification of attendance by the Department of ~~Public~~
 17 ~~Safety~~ Motor Vehicle Safety for the purposes set forth in subsection (a.1) of Code Section
 18 40-5-22. Such attendance records shall also be maintained in a format which does not
 19 identify students by name, and in this format shall be a part of the data collected for the
 20 student record component of the ~~state-wide comprehensive~~ kindergarten through grade 12
 21 educational information system pursuant to subsection (b) of Code Section 20-2-320.

22 (b) Any person failing to carry out the duties required by subsection (a) of this Code
 23 section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished
 24 by a fine not to exceed \$100.00.

25 (c) The provisions of this Code section shall not apply to private schools or home study
 26 programs, and enrollment and attendance information required for private schools or home
 27 study programs and penalties for failure to comply with such requirements shall be as
 28 provided in Code Section 20-2-690."

29 SECTION 10.

30 Said title is further amended by striking subsection (f) of Code Section 20-2-940, relating to
 31 grounds and procedure for terminating or suspending employment contracts, and inserting
 32 in its place a new subsection (f) to read as follows:

33 "(f) *Decision; appeals.* The local board shall render its decision at the hearing or within
 34 five days thereafter. Where the hearing is before a tribunal, the tribunal shall file its
 35 findings and recommendations with the local board within five days of the conclusion of
 36 the hearing, and the local board shall render its decision thereon within ten days after the

1 receipt of the transcript. Appeals may be taken to the state board, or in cases governed by
 2 subsection (e) of Code Section 20-2-942, relating to teachers hired on or after July 1, 2000,
 3 must be taken to the Professional Standards Commission, and such appeals must be taken
 4 in accordance with Code Section 20-2-1160, as now or hereafter amended, and the rules
 5 and regulations of the state board or Professional Standards Commission, as appropriate,
 6 governing appeals."

7 **SECTION 11.**

8 Said title is further amended by striking subsection (d) of Code Section 20-2-942, relating
 9 to certain nonrenewal procedures, and inserting in its place new subsections (d) and (e) to
 10 read as follows:

11 "(d) A person who first becomes a teacher on or after July 1, 2000, shall not acquire any
 12 rights under this Code section to continued employment with respect to any position as a
 13 teacher, except as provided for in subsection (e) of this Code section. A teacher who had
 14 acquired any rights to continued employment under this Code section prior to July 1, 2000,
 15 shall retain such rights.

16 (e) A person who first becomes a teacher on or after July 1, 2000, and accepts a school
 17 year contract for the fourth consecutive school year from the same local board of education
 18 or who satisfies the terms of paragraph (4) of subsection (b) of this Code section has the
 19 right to the procedures set forth in subsections (b) through (f) of Code Section 20-2-940
 20 prior to any action being taken if he or she is to be demoted or his or her contract is not
 21 renewed. With regard to subsection (f) of such Code section, such teacher shall have the
 22 right to petition the Professional Standards Commission to hear one appeal relating to any
 23 nonrenewal of such teacher's contract or demotion. The Professional Standards
 24 Commission shall determine if there are grounds for such an appeal. If such an appeal is
 25 granted, then this appeal shall be heard by the Professional Standards Commission within
 26 30 days after the petition is granted. Notwithstanding any powers or duties provided to the
 27 Professional Standards Commission under Code Sections 20-2-981 through 20-2-989.1,
 28 any decision of the Professional Standards Commission to uphold or overturn the action
 29 of the local board of education shall not affect the certificate of the teacher. The appeals
 30 process under this subsection shall be effective beginning October 1, 2003, for suspensions,
 31 terminations, and nonrenewals beginning with the 2003-2004 school year."

32 **SECTION 12.**

33 Said title is further amended by striking Code Section 20-2-945, relating to regulatory
 34 authority, and inserting in its place a new Code Section 20-2-945 to read as follows:

1 "20-2-945.
 2 The State Board of Education, ~~and~~ local boards of education, and the Professional
 3 Standards Commission may adopt rules and regulations to implement this part not
 4 inconsistent with this part."

5 SECTION 13.

6 Said title is further amended by adding a new subsection at the end of Code Section
 7 20-2-988, relating to duties and authority of the Professional Standards Commission, to be
 8 designated as subsection (e), to read as follows:

9 "(e) The commission shall have the authority to review petitions and conduct appeals
 10 regarding teachers hired on or after July 1, 2000, as provided in subsection (e) of Code
 11 Section 20-2-942, including cases in which there has also been a breach of the Code of
 12 Ethics."

13 SECTION 14.

14 Said title is further amended by striking Code Section 20-2-1160, relating to local tribunals
 15 regarding school law controversies, and inserting in its place a new Code Section 20-2-1160
 16 to read as follows:

17 "20-2-1160.

18 (a) Every county, city, or other independent board of education shall constitute a tribunal
 19 for hearing and determining any matter of local controversy in reference to the construction
 20 or administration of the school law, with power to summon witnesses and take testimony
 21 if necessary. When such local board has made a decision, it shall be binding on the parties;
 22 provided, however, that the board shall notify the parties in writing of the decision and of
 23 their right to appeal the decision to the State Board of Education or, in cases governed by
 24 subsection (e) of Code Section 20-2-942, to the Professional Standards Commission, and
 25 shall clearly describe the procedure and requirements for such an appeal which are
 26 provided in subsection (b) of this Code section.

27 (b) Any party aggrieved by a decision of the local board rendered on a contested issue after
 28 a hearing shall have the right to appeal therefrom to the State Board of Education or to the
 29 Professional Standards Commission in cases governed by subsection (e) of Code Section
 30 20-2-942. The appeal shall be in writing and shall distinctly set forth the question in
 31 dispute, the decision of the local board, and a concise statement of the reasons why the
 32 decision is complained of; and the party taking the appeal shall also file with the appeal a
 33 transcript of testimony certified as true and correct by the local school superintendent. The
 34 appeal shall be filed with the superintendent within 30 days of the decision of the local
 35 board, and within ten days thereafter it shall be the duty of the superintendent to transmit

1 a copy of the appeal together with the transcript of evidence and proceedings, the decision
 2 of the local board, and other matters in the file relating to the appeal to the state board or
 3 to the Professional Standards Commission for cases governed by subsection (e) of Code
 4 Section 20-2-942. The state board and the Professional Standards Commission shall each
 5 adopt regulations governing the procedure for hearings before the local board and
 6 proceedings before it.

7 (c) Where an appeal is taken to the state board or the Professional Standards Commission,
 8 the state board or the Professional Standards Commission, as appropriate, shall notify the
 9 parties in writing of its decision within 25 days after hearing thereon and of their right to
 10 appeal the decision to the superior court of the county wherein the local board of education
 11 is located and shall clearly describe the procedure and requirements for such an appeal
 12 which are provided in this subsection and in subsection (d) of this Code section. Any party
 13 aggrieved thereby may appeal to the superior court of the county wherein the local board
 14 of education is situated. Such appeal shall be filed in writing within 30 days after the
 15 decision of the state board or the Professional Standards Commission, as appropriate.
 16 Within ten days after filing of such appeal, it shall be the duty of the State School
 17 Superintendent or the executive secretary of the Professional Standards Commission, as
 18 appropriate, to transmit to the superior court a copy of the record and transcript sent up
 19 from the local board as well as the decision and any order of the state board, certified as
 20 true and correct.

21 (d) The following form shall be sufficient for an appeal:

22 'In re _____

23 _____

24 _____

25 _____ hereby appeals to the _____ from the
 26 decision of _____ rendered in the above-stated matter on
 27 _____.

28 This _____ day of _____, ____.'

29 (e) Neither the state board, the Professional Standards Commission, nor the superior court
 30 shall consider any question in matters before the local board nor consider the matter de
 31 novo, and the review by the state board, the Professional Standards Commission, or the
 32 superior court shall be confined to the record. In the superior court, the appeal shall be
 33 determined by the judge sitting without a jury.

34 (f) The procedures provided in subsections (a) through (e) of this Code section shall not
 35 be applicable to disabled children when a hearing is necessary to decide a complaint made
 36 under the federal Education for All Handicapped Children Act of 1975. The state board
 37 shall promulgate by rules and regulations an impartial due process procedure for hearing

1 and determining any matter of local controversy in reference to the construction or
 2 administration of the school law with respect to disabled children as such term is defined
 3 by the state board. Any tribunal which the state board shall empower to hear such cases
 4 shall have the power to summon witnesses and take testimony as such tribunal deems it
 5 necessary. In promulgating such rules and regulations, the state board shall consult with
 6 local boards of education and other local school officials in order to establish procedures
 7 required by this subsection which will coordinate, to the extent practicable, with the
 8 administrative practices of such local boards."

9 **SECTION 15.**

10 Said title is further amended by striking Article 1 of Chapter 14, relating to general
 11 provisions regarding the Education Coordinating Council, and inserting in its place a new
 12 Article 1 to read as follows:

13 "ARTICLE 1

14 20-14-1.

15 The General Assembly finds in regard to the creation of an Education Coordinating
 16 Council that said council should:

- 17 (1) Provide a forum for interagency communication regarding educational policy and
 18 programs;
- 19 (2) Provide for the effective and efficient coordination and seamlessness of public
 20 education programs and components within the education system of Georgia;
- 21 (3) Prevent unnecessary duplication of services within the education system of Georgia;
 22 and
- 23 (4) ~~Oversee and review~~ Review all education accountability programs from
 24 pre-kindergarten through postsecondary education in Georgia.

25 20-14-2.

26 There is created an education council to be known as the 'Education Coordinating Council'
 27 or 'council' and as used in this chapter, the term 'council' shall mean the Education
 28 Coordinating Council.

29 20-14-3.

30 (a) The council shall consist of the Governor, the State School Superintendent, the
 31 chairperson of the State Board of Education, the chancellor of the University System of
 32 Georgia, the chairperson of the Board of Regents of the University System of Georgia, the

1 commissioner of technical and adult education, the chairperson of the State Board of
 2 Technical and Adult Education, the executive secretary of the Professional Standards
 3 Commission, the chairperson of the Professional Standards Commission, and the director
 4 of the Office of School Readiness.

5 (b) The Governor shall be the chairperson of the council. A vice chairperson and a
 6 secretary shall be selected by the members of the council as prescribed in the council's
 7 bylaws.

8 (c) Meetings of the council shall be held quarterly, or more frequently, on the call of the
 9 chairperson. Meetings of the council shall be held with no less than five ~~days~~ days' public
 10 notice for regular meetings and with such notice as the bylaws may prescribe for special
 11 meetings. Each member shall be given written notice of all meetings. All meetings of the
 12 council shall be subject to the provisions of Chapter 14 of Title 50. Minutes or transcripts
 13 shall be kept of all meetings of the council and shall include a record of the votes of each
 14 member, specifying the yea or nay vote or absence of each member, on all questions and
 15 matters coming before the council. No member may abstain from a vote other than for
 16 reasons constituting disqualification to the satisfaction of a majority of a quorum of the
 17 council on a recorded vote. No member of the council shall be represented by a delegate
 18 or agent.

19 20-14-4.

20 (a) Except as otherwise provided in this part, a majority of the members of the council then
 21 in office shall constitute a quorum for the transaction of business. No vacancy on the
 22 council shall impair the right of the quorum to exercise the powers and perform the duties
 23 of the council. The vote of a majority of the members of the council present at the time of
 24 the vote, if a quorum is present at such time, shall be the act of the council unless the vote
 25 of a greater number is required by law or by the bylaws of the council.

26 (b) The chairperson may designate from among the members of the council one or more
 27 committees, each consisting of two or more members of the council, which shall have and
 28 exercise such authority as the council may delegate to it under such procedures as the
 29 council may provide by resolution establishing such committee or committees.

30 20-14-5.

31 The council shall issue an annual report. ~~Copies shall be distributed to each member of the~~
 32 ~~General Assembly not later than the first Monday in December of every year, commencing~~
 33 ~~December 2001.~~ The report shall include:

34 (1) A summary of the council's activities, findings, recommendations, and decisions over
 35 the past year; and

1 (2) Such other matters as the council shall determine to include.

2 20-14-6.

3 All departments, boards, and offices represented on the council; and the Office of Planning
4 and Budget, ~~and the Office of Education Accountability~~ shall select and appoint such
5 personnel as each such department, board, or office shall determine to be necessary to
6 support the council in the performance of its duties, with the approval of the council. Such
7 personnel shall serve at the direction of the council. Payment for all costs and salaries of
8 such personnel shall come from funds appropriated to the respective departments, boards,
9 and offices.

10 20-14-7.

11 The council shall have the following powers:

12 (1) To have a seal and alter the same at its pleasure;

13 (2) To adopt bylaws for its internal government and procedures;

14 (3) To make and execute contracts, lease agreements, and all other instruments necessary
15 or convenient to exercise the powers of the council or to further the public purpose for
16 which the council is created;

17 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or
18 property or financial or other aid in any form from the federal government or any agency
19 or instrumentality thereof or from the state or any agency or instrumentality thereof or
20 from any other source for any or all of the purposes specified in this article and to
21 comply, subject to the provisions of this article, with the terms and conditions thereof;

22 (5) To fix and collect fees and charges for data, information, and incidental services
23 furnished by it to any private individual or entity;

24 (6) To deposit or invest funds held by it in any state depository or in any investment
25 which is authorized for the investment of proceeds of state general obligation bonds; and
26 to use for its corporate purposes or redeposit or reinvest interest earned on such funds;
27 and

28 (7) To promulgate rules and regulations for the purposes and pursuant to the powers
29 enumerated in this article.

30 20-14-8.

31 The council shall have the following general powers and duties, in addition to any and all
32 other powers enumerated in this article, any or all of which may be exercised by the council
33 ~~directly or by the Office of Education Accountability under the direction and supervision~~
34 ~~of the council:~~

- 1 (1) To foster coordination and cooperation among the chief officers of the departments,
 2 boards, and offices represented on the council;
- 3 (2) To develop a seamless and integrated public education system;
- 4 (3) To ~~require~~ foster the shared and efficient expenditures for and utilization of facilities,
 5 personnel, and other resources;
- 6 (4) To ~~require~~ facilitate the seamless coordination of curriculum among the departments,
 7 boards, and offices represented on the council;
- 8 (5) To ~~require~~ facilitate reasonable ease of transition for students among the educational
 9 institutions represented on the council;
- 10 (6) To ~~establish and require~~ recommend high and necessary levels of student
 11 achievement at all levels of education;
- 12 (7) To ~~exercise oversight of~~ review accountability systems that are within or among the
 13 departments, boards, and offices represented on the council ~~and develop overlay~~
 14 ~~accountability systems through the Office of Education Accountability~~ to include hearing
 15 annual accountability reports from the Office of School Readiness, Department of
 16 Education, Department of Technical and Adult Education, and the Board of Regents of
 17 the University System of Georgia;
- 18 (8) ~~To exercise supervision and oversight over the Office of Education Accountability~~
 19 ~~created in Part 2 of Article 2 of this chapter~~;
- 20 (9)(8) To coordinate the activities of state, regional, and local cooperative public
 21 education agencies, offices, or councils, including, but not limited to, the state's regional
 22 educational service agencies or other such groups that may be created in addition or in
 23 their place;
- 24 (10) ~~To ensure the availability and quality of the education work force through~~
 25 ~~preparation, professional development, and nontraditional routes to employment~~;
- 26 (11)(9) To ~~oversee~~ facilitate the development and implementation of a comprehensive
 27 system-wide education student information system that will support the implementation
 28 of an education accountability system and improve the seamless operation of public
 29 education;
- 30 (12) ~~To simplify rules and regulations by all departments, boards, and offices represented~~
 31 ~~on the council~~;
- 32 (13)(10) To develop a state-wide mentoring program that enhances student achievement
 33 at all levels of public education;
- 34 (14)(11) To establish and coordinate a school safety collaborative with representation
 35 from agencies and organizations designated by the council to improve the school climate
 36 and enhance school safety; and

1 ~~(15)~~(12) To mediate disputes among the Department of Education, the University
 2 System of Georgia, the Department of Technical and Adult Education, the Professional
 3 Standards Commission, and the Office of School Readiness, ~~and the Office of Education~~
 4 ~~Accountability~~ in matters regarding accountability or education system seamlessness.

5 20-14-9.

6 All state departments, agencies, boards, bureaus, commissions, and authorities are
 7 authorized and required to make available to the council access to records or data which
 8 are available in electronic format or, if electronic format is unavailable, in whatever format
 9 is available. The judicial and legislative branches are authorized to likewise provide such
 10 access to the council.

11 20-14-10.

12 Any decision or action by the council directing action by any department, board, or office
 13 represented on the council shall be placed on the agenda of the next regularly scheduled
 14 meeting of the governing body of the affected department, board, or office for immediate
 15 action. The action taken by the affected department, board, or office shall be reported to
 16 the council at the next regularly scheduled meeting of the council.

17 20-14-11.

18 (a) The Governor, as chairperson of the council, may appoint such study commissions as
 19 he or she shall deem appropriate to the purposes of this chapter to study education
 20 questions, issue findings, and make recommendations to the council. Such study
 21 commissions shall be composed of such number of residents of Georgia, with recognized
 22 interest or expertise in the field of education, as the Governor deems advisable and shall
 23 include the appointment of members of the House of Representatives, in consultation with
 24 the Speaker of the House, and members of the Senate, in consultation with the President
 25 of the Senate. The findings and recommendations of such commissions shall also be
 26 reported to the Governor, all members of the General Assembly, and the public.

27 (b) Staff to such commissions shall be provided in the same manner as staff to the council
 28 is provided under this article. Expenses related to such personnel shall be attributed to their
 29 respective office or agency, and expenses for other commission members shall be paid
 30 through funds appropriated to the office of the Governor or in the case of members of the
 31 General Assembly through funds appropriated to the House of Representatives and the
 32 Senate."

1 establish indicators of performance, rate schools and school systems, develop annual
 2 report cards for elementary, middle, and secondary schools, and formulate a system of
 3 school rewards and interventions. The State Board of Education shall approve no later
 4 than December 31, 2003, a single state-wide accountability system for local schools and
 5 school systems that incorporates federal law, rules, and regulations relating to
 6 accountability; and

7 ~~(2) To create, develop, and recommend to the departments, boards, and offices~~
 8 ~~represented on the council such additions, deletions, changes, or other modifications that~~
 9 ~~will improve accountability systems that exist or may be created within or among the~~
 10 ~~departments, boards, and offices represented on the council;~~

11 ~~(3)(2) To audit and inspect or cause to be audited or inspected for the purpose of~~
 12 ~~verification, research, analysis, reporting, or for other purposes related to the performance~~
 13 ~~of its powers and duties as provided in this article and for the purposes of auditing~~
 14 ~~pre-kindergarten, elementary, middle grades, and secondary education, postsecondary~~
 15 ~~education, and education work force programs and schools, local school systems,~~
 16 ~~institutes, colleges, universities, regional educational service agencies, and other public~~
 17 ~~education programs and entities as defined by the council; State Board of Education.~~

18 ~~(4) To assist the council in the development of a state-wide education student~~
 19 ~~information system;~~

20 ~~(5) To serve as staff to the council; and~~

21 ~~(6) To exercise the powers and discharge duties of the council, as set forth in Code~~
 22 ~~Section 20-14-8, under the supervision and oversight of the council.~~

23 ~~(b) The member agencies of the council and other departments, boards, and offices of this~~
 24 ~~state shall cooperate fully with the office and shall provide the office with all information~~
 25 ~~that the council deems necessary for the office to discharge its accountability duties under~~
 26 ~~this article regarding the education programs and units governed by such member agencies~~
 27 ~~or other departments, boards, or offices.~~

28 20-14-27.

29 (a)(1) The office shall submit the following reports to the council:

30 ~~(1) An annual report regarding pre-kindergarten education shall be submitted no later~~
 31 ~~than December 1 of each year, commencing December 1, 2002. The pre-kindergarten~~
 32 ~~report shall be an evaluation of the progress made on performance indicators identified~~
 33 ~~and defined by the office and approved by the council for all pre-kindergarten and child~~
 34 ~~care programs under the administrative control of the Office of School Readiness. The~~
 35 ~~pre-kindergarten report shall include information concerning results of the state's~~
 36 ~~investment in each pre-kindergarten program;~~

1 ~~(2) An an annual report regarding elementary and secondary education shall be~~
 2 ~~submitted no later than December 1 of each year, commencing December 1, 2001.~~ The
 3 elementary and secondary education report shall be an evaluation of the progress made
 4 on performance indicators identified and defined by the office and approved by the
 5 ~~council~~ State Board of Education for all elementary and secondary education programs
 6 administered by the Department of Education. The elementary and secondary education
 7 report shall include information concerning results of the state's investment in each
 8 public school and each public school system;

9 ~~(3) An annual report regarding postsecondary education shall be submitted no later than~~
 10 ~~December 1 of each year, commencing December 1, 2002.~~ The postsecondary education
 11 ~~report shall be an evaluation of the progress made on performance indicators identified~~
 12 ~~and defined by the office and approved by the council for all universities, colleges,~~
 13 ~~institutes, and schools in the University System of Georgia and under the governance of~~
 14 ~~the Department of Technical and Adult Education.~~ The postsecondary education report
 15 shall include information concerning results of the state's investment in each university,
 16 college, institute, and school; and

17 ~~(4)~~ (2) An The Professional Standards Commission shall submit to the office an annual
 18 report regarding the Georgia education work force shall be submitted no later than
 19 December 1 of each year, commencing December 1, ~~2002~~ 2003. The Georgia education
 20 work force report shall be an evaluation of the progress made on performance indicators
 21 identified and defined by the office Professional Standards Commission and approved by
 22 submitted to the council for the education work force status under the administrative
 23 control of the Professional Standards Commission. The Georgia education work force
 24 report shall ~~contain~~ be prepared by the Professional Standards Commissions information
 25 on the results of the state's investments in teacher preparation, educators' professional
 26 development, education leadership development, in-field teaching, geographic teacher
 27 shortages, alternative routes to teacher certification, and other general information and
 28 indicators on the quality of the education work force.

29 (b) ~~Each report~~ The reports provided for in this Code section shall be published in a format
 30 that can be easily understood by parents and other members of the community who are not
 31 professional educators. Such reports shall be distributed to the Governor, Lieutenant
 32 Governor, the Speaker of the House of Representatives, the chairpersons of the Education
 33 and Higher Education committees of the Senate and House of Representatives, members
 34 of the General Assembly, members of the state education governing boards or
 35 commissions, and members of the ~~council~~ Education Coordinating Council. In addition,
 36 such reports shall be posted on the website of the office.

1 20-14-28.

2 When the ~~state-wide comprehensive~~ kindergarten through grade 12 educational information
 3 system provided for in Code Section 20-2-320 becomes functional, the ~~office~~ Professional
 4 Standards Commission shall conduct a longitudinal study of the effect of nationally
 5 certified teachers on student performance in Georgia. Thereafter, the ~~office~~ Professional
 6 Standards Commission shall prepare an annual report addressing the question of whether
 7 nationally certified and Teacher Alternative Preparation Program teachers have improved
 8 student performance in Georgia and submit such report to the members of the General
 9 Assembly and the State Board of Education."

10 SECTION 17.

11 Said title is further amended by striking Part 3 of Article 2 of Chapter 14, relating to
 12 accountability assessment, and inserting in its place a new Part 3 to read as follows:

13 "Part 3

14 20-14-30.

15 The ~~office~~ State Board of Education shall create and implement, ~~with the approval of the~~
 16 ~~council,~~ a state-wide ~~grades~~ kindergarten through grade 12 accountability assessment
 17 program that is performance based to ensure school accountability for the goals of
 18 improved student achievement and improved school completion.

19 20-14-31.

20 Except as otherwise provided in this article, the ~~office~~ State Board of Education shall
 21 establish the ~~level~~ levels of performance ~~considered to be satisfactory~~ on each assessment
 22 instrument administered under Code Section 20-2-281 by establishing the standard that
 23 should be achieved by students in each subject area at each grade level. Data and
 24 information regarding the establishment of the standard shall be included in the annual
 25 report provided for in ~~paragraph (2)~~ of subsection (a) of Code Section 20-14-27.

26 20-14-32.

27 The office's state education accountability analysis and reporting program shall obtain
 28 nationally comparative results and benchmarks for the subject areas and grade levels for
 29 which criterion-referenced and nationally normed reference assessment instruments are
 30 adopted, compare Georgia results to such results, and include the findings in the ~~reports~~
 31 report required of the office.

1 20-14-33.

2 (a) The office shall adopt and biennially review, and revise as necessary, indicators of the
3 quality of learning by students in an individual school.

4 (b) The performance indicators of student achievement and school performance must be
5 based on information that is disaggregated with respect to ethnicity, sex, disability,
6 language proficiency, and socioeconomic status, and ~~must include:~~ other indicators
7 approved by the State Board of Education.

8 ~~(1) The results of assessment instruments required under Code Section 20-2-281,~~
9 ~~aggregated by grade level and subject area;~~

10 ~~(2) Dropout rates for each school;~~

11 ~~(3) Student attendance rates for each school;~~

12 ~~(4) School completion rates for each school;~~

13 ~~(5) The percentage of graduating students who attain scores on the Georgia high school~~
14 ~~graduation test required under Code Section 20-2-281 that are equivalent to a passing~~
15 ~~score on the test instrument until such time as the Georgia high school graduation test is~~
16 ~~discontinued as provided in Code Section 20-2-281;~~

17 ~~(6) The percentage of graduating students who meet the course requirements established~~
18 ~~for the recommended high school program by State Board of Education rule;~~

19 ~~(7) The percentage of students taking end-of-course assessment instruments under Code~~
20 ~~Section 20-2-281;~~

21 ~~(8) The percentage of high school students who pass the end-of-course assessment~~
22 ~~instrument in core subjects;~~

23 ~~(9) The results of the Scholastic Assessment Test or the ACT Assessment;~~

24 ~~(10) The percentage of students taking alternate assessments under subsection (d) of~~
25 ~~Code Section 20-2-281;~~

26 ~~(11) The average time that a student placed in an early intervention program remains~~
27 ~~before attaining grade level status and returning to regular status; and~~

28 ~~(12) Any other indicator the office recommends, the council approves, and the State~~
29 ~~Board of Education adopts.~~

30 (c) Performance on the indicator shall be compared to state standards, progress on
31 improved student achievement, and comparable performance. The state standard standards
32 for comparison shall be established by the office as provided in Code Section 20-14-31
33 State Board of Education. ~~Required improvement is defined as the progress necessary for~~
34 ~~the school or local school system to meet state standards and for its students to meet exit~~
35 ~~requirements as defined by the office pursuant to Code Section 20-14-31. Comparable~~
36 ~~improvement is derived by measuring schools and local school systems against a profile~~
37 ~~developed from a total state student performance data base which exhibits substantial~~

1 ~~equivalence to the characteristics of students served by the school or system, including past~~
2 ~~academic performance, socioeconomic status, ethnicity, sex, disability, mobility, and~~
3 ~~language proficiency.~~ Data and information regarding the standard shall be included in the
4 annual report provided for in ~~paragraph (2)~~ of subsection (a) of Code Section 20-14-27.

5 (d) The office State Board of Education shall establish individual school ratings for each
6 school in this state for annual academic performance on the assessment instruments
7 required under Code Section 20-2-281, with:

8 (1) A school grade of A, B, C, D, or F on the established absolute student achievement
9 standard;

10 (2) A school grade of A, B, C, D, or F for the school on the progress on improved student
11 achievement; and

12 (3) A school performance status on other school performance indicators as defined in
13 subsection (b) of this Code section.

14 (e) Annually, the office shall define exemplary, acceptable, and unacceptable performance
15 for each academic excellence indicator included ~~under~~ in paragraphs (2) through (12) of
16 subsection (b) of this Code section and shall project the standards for each of those levels
17 of performance for succeeding years. Data and information regarding the establishment of
18 the standard shall be included in the annual report provided for in ~~paragraph (2)~~ of
19 subsection (a) of Code Section 20-14-27.

20 (f) Each school system shall provide all student performance data and all other student
21 school completion and attendance data to the Department of Education's educational
22 information system in accordance with rules and timelines established by the office State
23 Board of Education.

24 (g) The office shall develop, ~~the council shall approve,~~ and the State Board of Education
25 shall adopt a uniform definition of 'dropout.' All schools and school systems shall report
26 student dropout information to the Department of Education's educational information
27 system in accordance with rules and timelines established by the state board as provided
28 in subsection (b) of Code Section 20-2-167. Each school system shall cooperate with the
29 office in determining whether a student is a dropout under this subsection and shall adopt
30 the uniform definition of 'dropout.' Data and information regarding the establishment of the
31 definition and the tracking of dropout and school completion data shall be included in the
32 annual report provided for in ~~paragraph (2)~~ of subsection (a) of Code Section 20-14-27.

33 (h) The office shall develop, ~~the council shall approve,~~ and the State Board of Education
34 shall adopt a uniform definition of a 'below grade level' student for purposes of placing
35 students in the early intervention program under Code Section 20-2-153 and for purposes
36 of tracking these students for accountability purposes. Data and information regarding the

1 establishment of the definition shall be included in the annual report provided for in
2 ~~paragraph (2)~~ of subsection (a) of Code Section 20-14-27.

3 (i) The office shall annually review the performance of each school on the indicators
4 ~~identified~~ in subsection (b) of this Code section and determine whether a change in the
5 school rating status of the school is warranted.

6 20-14-34.

7 (a) Each school year, the office shall prepare and distribute to each school system a report
8 card for each school in the State of Georgia. The school report cards must be based on the
9 most current data available disaggregated by student groups. School performance ~~must be~~
10 ~~compared to:~~ and ratings shall be based on performance indicators approved by the State
11 Board of Education.

12 ~~(1) Previous school and local school system performance;~~

13 ~~(2) Current school and local school system performance in relation to the absolute~~
14 ~~student achievement standards and progress on improved student achievement; and~~

15 ~~(3) Comparable school group performance.~~

16 This report card on schools shall be the official state education performance report and
17 supersedes all other reports that may be issued by departments of the state government for
18 matters of funding, awards, and interventions.

19 (b) The report card shall include the following information, where applicable:

20 (1) The individual school grades as defined in subsection (d) of Code Section 20-14-33;
21 and

22 (2) The academic excellence indicators ~~identified in paragraphs (2) through (12)~~ of
23 subsection (b) of Code Section 20-14-33;

24 ~~(3) Teacher-student ratios; and~~

25 ~~(4) Administrative and instructional costs per student and other financial accounting~~
26 ~~information as may be required.~~

27 (c) Each school year, the office shall prepare and distribute a state-wide report card,
28 aggregated by school systems and disaggregated by student groups, ~~reporting on the~~
29 ~~student performance and school completion results of each school in the state and a rating~~
30 ~~for each school based on the definitions as provided in subsection (d) of Code Section~~
31 ~~20-14-33.~~

32 (d) The State Board of Education shall adopt rules requiring dissemination of appropriate
33 student performance and school completion performance portions of school report cards
34 annually to the parent, guardian, conservator, or other person having lawful control of each
35 student at the school. On written request, the local school system shall provide a copy of
36 a school report card to any other party. These reports shall be posted on a website at both

1 ~~the state and~~ the Department of Education website and the existing website of a local
 2 school system level.

3 20-14-35.

4 (a) The ~~office~~ State Board of Education may authorize the office to:

5 (1) Conduct on-site audits of any school at any time, subject to the approval of the
 6 director;

7 (2) Raise or lower any performance rating as a result of the audit; and

8 (3) Review school fund accounting information and records to determine effective and
 9 efficient expenditure of state funds as allocated.

10 (b) The ~~director~~ State Board of Education shall determine the frequency of on-site audits
 11 by the office according to annual comprehensive analyses of student performance and
 12 equity ~~in relation to the academic excellence indicators and fund accounting assessments~~
 13 ~~as adopted under subsection (b) of Code Section 20-14-34.~~

14 (c) In making an on-site school ~~performance~~ audit, the auditor ~~shall~~ may obtain
 15 information from administrators, teachers, and parents of students enrolled in the local
 16 school system. ~~The audit may not be closed until information is obtained from each of~~
 17 ~~those sources.~~ The ~~office~~ State Board of Education shall adopt rules regarding obtaining
 18 information from parents and using that information in the auditor's report and obtaining
 19 information from teachers in a manner that prevents a school or school system from
 20 screening the information.

21 (d) The auditors shall report to the local board of education, the local school council, and
 22 appropriate school administrators and shall report findings and recommendations
 23 concerning any necessary improvements or intervention strategies. School audit reports
 24 shall be provided to the council and the State Board of Education.

25 (e) The ~~director~~ State Board of Education may authorize other school audits to be
 26 conducted under the following circumstances:

27 (1) When excessive numbers of absences of students eligible to be tested on state
 28 assessment instruments are determined; or

29 (2) When a school or school system has not provided student performance information
 30 to the Department of Education's educational information system as required under
 31 subsection (b) of Code Section 20-2-167.

32 20-14-36.

33 The office shall recommend, and the ~~council~~ State Board of Education shall adopt, written
 34 procedures for conducting on-site audits under this part. The office shall make the
 35 procedures available to the schools, school councils, local boards of education, and the

1 public. Office staff shall be trained in audit procedures and shall follow such procedures
2 in conducting the audit.

3 20-14-37.

4 The State Board of Education shall approve a Georgia schools awards system ~~is created~~ to
5 recognize those schools and school systems that demonstrate progress or success in
6 achieving the education goals of the state and achieving excellence on the ~~office~~ school
7 rating system ~~as defined in Code Section 20-14-33~~.

8 20-14-38.

9 (a) Financial awards will be provided to the schools that the ~~office~~ State Board of
10 Education determines have demonstrated the greatest improvement in achieving the
11 education goals of improved student achievement and improved school completion, subject
12 to appropriation by the General Assembly and any limitation set by the ~~director~~ State Board
13 of Education on the total amount that may be awarded to a school or local school system.

14 (b) Financial awards will be provided to each school that achieves a grade of A or B as
15 defined in Code Section 20-14-33 for performance on either or both the absolute student
16 achievement standard and progress on student achievement. The certificated personnel in
17 a school that achieves the grade of A or B in either or both categories will be provided a
18 bonus for the year the school achieved those grades of \$1,000.00 for each grade of A and
19 \$500.00 for each grade of B. The maximum individual annual bonus for certificated
20 personnel shall not exceed \$2,000.00 and shall be provided subject to appropriation by the
21 General Assembly or as otherwise may be provided. An additional financial award will be
22 provided to each school for noncertificated personnel in the amount of \$10,000.00 for each
23 A grade for the school and \$5,000.00 for each B grade for the school, provided that the
24 total lump sum noncertificated personnel award for an individual school shall not exceed
25 \$20,000.00; provided, further, that funds for this purpose are appropriated by the General
26 Assembly or as otherwise may be provided. The ~~local school council of the~~ school
27 receiving this noncertificated personnel award shall determine the distribution of the award
28 among such personnel of its school.

29 (c) The Governor may present proclamations or certificates to schools and school systems
30 determined to have met or exceeded the state's education goals under Code Section
31 20-14-30.

32 20-14-39.

33 The award system may be funded by donations, grants, or appropriation by the General
34 Assembly or as otherwise provided. The State Board of Education may solicit and receive

1 grants and donations for the purpose of making awards under this part. Award funds may
 2 be used by the State Board of Education to pay for the costs associated with sponsoring a
 3 ceremony to recognize or present awards to schools or school systems under this part. The
 4 donations, grants, or appropriations by the General Assembly shall be accounted for and
 5 distributed by the State Board of Education. The awards are subject to audit requirements
 6 established by the ~~office~~ State Board of Education.

7 20-14-40.

8 All identifiable individual student performance data and information and reports received
 9 by ~~the office~~, the Department of Education, and the State Board of Education under this
 10 part from schools or school systems shall be deemed confidential and may not be disclosed.

11 20-14-41.

12 (a) If a school has a grade of D or F on student performance for the absolute student
 13 achievement standard or on progress on improved student achievement as determined by
 14 the ~~office~~ State Board of Education, the office, in the audit report on an individual school,
 15 shall report findings and recommend appropriate levels of interventions for that school,
 16 based on a scale of increasingly severe interventions, to the State Board of Education. The
 17 State Board of Education shall prescribe the appropriate level of intervention and may
 18 include one or more of the following increasingly severe interventions:

19 (1) Issuing public notice of the deficiency to the local board of education;

20 (2) Ordering a hearing to be conducted at the school by the local board of education with
 21 the participation of the school council for the purpose of notifying the public of the
 22 unacceptable performance, the improvements in performance expected by the ~~office~~ State
 23 Board of Education, and the interventions that may be imposed under this Code section
 24 if the performance does not improve within a designated period of time and of soliciting
 25 public comment on the initial steps being taken to improve performance;

26 (3) Ordering the preparation of an intensive student achievement improvement plan that
 27 addresses each academic excellence indicator for which the school's performance is
 28 unacceptable, the submission of the plan to the ~~director~~ State Board of Education for
 29 approval, and implementation of the plan;

30 (4) Appointing a Department of Education school improvement team to:

31 (A) Conduct a comprehensive on-site evaluation of each low-performing school to
 32 determine the cause for the school's low performance and lack of progress ~~that includes~~
 33 ~~presentations by the chairperson of the local board of education, the school principal,~~
 34 ~~a parent member of the local school council, and other school personnel;~~

- 1 (B) Recommend actions, including reallocation of resources and technical assistance,
2 changes in school procedures or operations, staff development focused on student
3 achievement for instructional and administrative staff, intervention for individual
4 administrators or teachers, waivers from state statutes or rules, extended instruction
5 time for low-performing students, smaller class size for low-performing students, or
6 other actions the team considers appropriate;
- 7 (C) Assist in the development of an intensive school improvement plan focused on
8 student achievement required by paragraph (3) of this subsection; and
- 9 (D) Assist the ~~director~~ State Board of Education in monitoring the progress of the
10 school in implementing the intensive school improvement plan focused on student
11 achievement;
- 12 (5) If a school has received a grade of D or F for a period of two consecutive years or
13 more, appointing a school master or management team to oversee and direct the duties
14 of the principal of the school in relation to the school until school performance improves
15 and the school is released from intervention by the ~~director~~ State Board of Education,
16 with the cost of the master or management team to be paid by the state; or
- 17 (6) If a school has received a grade of D or F for a period of three consecutive years or
18 more, the State Board of Education shall implement one or more of the following
19 interventions or sanctions, in order of severity:
- 20 (A) Removal of school personnel on recommendation of the master or the school
21 improvement team, including the principal and personnel whose performance has
22 continued not to produce student achievement gains over a three-year period as a
23 condition for continued receipt of state funds for administration;
- 24 (B) Allow for the implementation of a state charter school through the designation by
25 the State Board of Education;
- 26 (C) Mandate the complete reconstitution of the school, removing all personnel,
27 appointing a new principal, and hiring all new staff. Existing staff may reapply for
28 employment at the newly reconstituted school but shall not be rehired if their
29 performance regarding student achievement has been negative for the past three years;
- 30 (D) Mandate that the parents have the option to relocate the student to other public
31 schools in the local school system to be chosen by the parents of the student with
32 transportation costs borne by the system; or
- 33 (E) Mandate a monitor, master, or management team in the school that shall be paid
34 by the district.
- 35 (b) The State Board of Education shall clearly define the powers and duties of a master or
36 management team appointed to oversee the operations of a school.

1 (c) A school improvement team appointed under this Code section may consist of
 2 currently employed or retired teachers, principals, other educational professionals,
 3 Department of Education school improvement employees, or local ~~school superintendents~~
 4 individuals recognized for excellence in their roles and appointed by the State Board of
 5 Education to serve as members of a team.

6 (d) ~~The State Board of Education office~~ shall annually report by June 30 of each year the
 7 status of the interventions imposed on low-performing schools to the ~~office~~ State Board of
 8 Education with recommendations regarding ending, extending, or upgrading the
 9 interventions on those schools. ~~The director shall review and respond to the report."~~

10 SECTION 18.

11 Said title is further amended by striking Code Section 20-14-50, relating to postsecondary
 12 accountability assessment, and inserting in its place a new Code Section 20-14-50 to read as
 13 follows:

14 "20-14-50.

15 (a) ~~The office~~ The Board of Regents of the University System of Georgia and the State
 16 Board of Technical and Adult Education shall create and ~~the council shall~~ adopt the rules
 17 and policies that support a postsecondary accountability assessment program that is
 18 primarily performance based.

19 (b) ~~The office~~ The Board of Regents of the University System of Georgia and the State
 20 Board of Technical and Adult Education shall develop and ~~the council shall~~ adopt
 21 performance measures and indicators that provide the basis for an accountability report
 22 card annually on the University System of Georgia and the Department of Technical and
 23 Adult Education.

24 (c) ~~The office and the board of regents~~ The Board of Regents of the University System of
 25 Georgia shall identify, define, and develop such performance indicators and measures by
 26 December 1, ~~2001~~ 2003. ~~The first report card~~ Report cards on universities and colleges
 27 shall be implemented and annually produced by the ~~office~~ by December 1, 2002 Board of
 28 Regents of the University System of Georgia by December 1 of each year.

29 (d) ~~The office and the~~ The State Board of Technical and Adult Education shall identify,
 30 define, and develop such performance indicators and measures by December 1, ~~2001~~ 2003.
 31 The ~~office~~ State Board of Technical and Adult Education shall implement and annually
 32 produce ~~the first report card~~ report cards on the department, institutes, and schools by
 33 December 1, ~~2002~~ of each year.

34 (e) ~~After December 1, 2002, the office~~ The entity having administrative control over the
 35 particular postsecondary institutions, schools, colleges, or programs shall audit those

1 postsecondary institutions, schools, colleges, or programs as necessary in implementing the
2 education accountability system described in this part."

3 SECTION 19.

4 Said title is further amended by striking Code Section 20-14-60, relating to pre-kindergarten
5 accountability assessment, and inserting in its place a new Code Section 20-14-60 to read as
6 follows:

7 "20-14-60.

8 (a) ~~The office, with the approval of the council, shall create and the~~ The Office of School
9 Readiness shall adopt the rules and policies that support a pre-kindergarten accountability
10 assessment program that is primarily performance based.

11 (b) ~~The office shall develop and the~~ The Office of School Readiness shall adopt
12 performance measures and indicators that provide the basis for an accountability report
13 card annually on ~~the Office of School Readiness~~ pre-kindergarten programs.

14 (c) ~~The office and the Office of School Readiness shall identify, define, and develop such~~
15 ~~performance indicators and measures by December 1, 2001. The office~~ The Office of
16 School Readiness shall implement and annually produce ~~the first report card~~ report cards
17 ~~on the Office of School Readiness and pre-kindergarten programs by December 1, 2002~~
18 of each year.

19 (d) ~~After December 1, 2002, the office~~ The Office of School Readiness shall audit those
20 pre-kindergarten programs as necessary in implementing the education accountability
21 system described in this part."

22 SECTION 20.

23 Said title is further amended by striking Code Section 20-14-70, relating to education work
24 force accountability assessment, and inserting in its place a new Code Section 20-14-70 to
25 read as follows:

26 "20-14-70.

27 (a) ~~The office, with the approval of the council, shall create and the Professional Standards~~
28 ~~Commission shall adopt the rules and policies that support an education work force~~
29 ~~accountability assessment program that is primarily performance based:~~

30 (b) ~~The office shall develop and recommend and the~~ The Professional Standards
31 Commission shall adopt performance measures and indicators that provide the basis for an
32 accountability report card annually on the Professional Standards Commission and the
33 Georgia education work force.

34 (c) ~~The office and the Professional Standards Commission shall identify, define, and~~
35 ~~develop such performance indicators and measures by December 1, 2001. The office shall~~

1 ~~implement and produce the first report card on the Professional Standards Commission and~~
2 ~~the Georgia education work force by December 1, 2002.~~
3 ~~(d) After December 1, 2002, the office shall audit the education work force practicing in~~
4 ~~this state and all teacher preparation and professional development programs as necessary~~
5 ~~in implementing the education accountability system described in this part."~~

6 **SECTION 21.**

7 Said title is further amended by striking Code Section 20-14-80, relating to the Education
8 Information Steering Committee, in its entirety.

9 **SECTION 22.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 23.**

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