

The Senate Education Committee offered the following substitute to SB 248:

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  
13 nonrenewal procedures; to change certain provisions regarding certain regulatory authority;  
14 to change certain provisions regarding powers and duties of the Professional Standards  
15 Commission; to provide for the comprehensive revision of provisions regarding the  
16 Education Coordinating Council; to transfer powers, duties, and responsibilities of education  
17 accountability and the accountability division; to provide for the comprehensive revision of  
18 accountability assessment; to change certain provisions regarding postsecondary  
19 accountability assessment; to change certain provisions regarding pre-kindergarten  
20 accountability assessment; to change certain provisions regarding education work force  
21 accountability; to repeal certain provisions regarding the Education Information Steering  
22 Committee; to provide for related matters; to provide for an effective date; to repeal  
23 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, subject to appropriations by the General Assembly, release the questions and answer  
28 keys of all state mandated tests solely for Georgia students ~~to each criterion-referenced~~  
29 ~~competency test administered under subsection (a) of this Code section and each~~  
30 ~~end-of-course test administered under subsection (e) of this Code section after the last time~~  
31 ~~the instrument is administered for a school year. To ensure a valid bank of questions for~~  
32 ~~use each year, the department is not required to release a question that is being field tested~~  
33 ~~and was not used to compute the student's score on the 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 (d) of Code Section 20-2-942, relating  
 31 to certain nonrenewal procedures, and inserting in its place new subsections (d) and (e) to  
 32 read as follows:

33 "(d) A person who first becomes a teacher on or after July 1, 2000, shall not acquire any  
 34 rights under subsections (a) through (c) of this Code section to continued employment with  
 35 respect to any position as a teacher. A teacher who had acquired any rights to continued

1 employment under subsections (a) through (c) of this Code section prior to July 1, 2000,  
2 shall retain such rights.

3 (e)(1) A person who first becomes a teacher on or after July 1, 2000, and accepts a  
4 school year contract for the fourth consecutive school year from the same local board of  
5 education or who satisfies the terms of paragraph (4) of subsection (b) of this Code  
6 section, if he or she is to be demoted or his or her contract is not to be renewed, the  
7 executive officer of the local board of education shall present such decision to the local  
8 board of education for such procedural action as the local board deems appropriate.  
9 Such teacher has the procedural right to petition the Professional Standards Commission  
10 to hear one review relating to any nonrenewal of such teacher's contract or demotion. If  
11 such a review is granted, then it shall be heard by the Professional Standards Commission  
12 within 30 days after the petition is granted. Notwithstanding any powers or duties  
13 provided to the Professional Standards Commission under Code Sections 20-2-981  
14 through 20-2-989.1, any decision of the Professional Standards Commission to uphold  
15 or overturn the action of the local board of education shall not affect the certificate of the  
16 teacher.

17 (2) The Professional Standards Commission shall promulgate procedural rules to govern  
18 the procedural reviews under this subsection.

19 (3) Notwithstanding any other provision of law to the contrary, the decision of the  
20 Professional Standards Commission in a review under this subsection shall be final, and  
21 neither party shall have the right to appeal the decision of the Professional Standards  
22 Commission to any court or to any other reviewing entity.

23 (4) Nothing in this subsection shall be construed to establish any claim of entitlement to  
24 any rights that would be reviewable in any court, including without limitation any rights  
25 that would operate as a basis for establishing due process claims under the United States  
26 Constitution or the Constitution of the State of Georgia.

27 (5) In the event any court of competent jurisdiction holds that this subsection or any  
28 procedure or decision under this subsection confers upon any teacher any right  
29 establishing the basis for a due process claim, this subsection shall become null and void.

30 (6) This subsection shall become effective beginning October 1, 2003."

### 31 **SECTION 11.**

32 Said title is further amended by striking Code Section 20-2-945, relating to regulatory  
33 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 12.**

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 reviews  
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 13.**

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

17 "ARTICLE 1

18 20-14-1.

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

21 (1) Provide a forum for interagency communication regarding educational policy and  
22 programs;

23 (2) Provide for the effective and efficient coordination and seamlessness of public  
24 education programs and components within the education system of Georgia;

25 (3) Prevent unnecessary duplication of services within the education system of Georgia;  
26 and

27 (4) ~~Oversee and review~~ Review all education accountability programs from  
28 pre-kindergarten through postsecondary education in Georgia.

29 20-14-2.

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

1 20-14-3.

2 (a) The council shall consist of the Governor, the State School Superintendent, the  
3 chairperson of the State Board of Education, the chancellor of the University System of  
4 Georgia, the chairperson of the Board of Regents of the University System of Georgia, the  
5 commissioner of technical and adult education, the chairperson of the State Board of  
6 Technical and Adult Education, the executive secretary of the Professional Standards  
7 Commission, the chairperson of the Professional Standards Commission, and the director  
8 of the Office of School Readiness.

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

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

23 20-14-4.

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

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

1 20-14-5.

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

- 5 (1) A summary of the council's activities, findings, recommendations, and decisions over  
6 the past year; and  
7 (2) Such other matters as the council shall determine to include.

8 20-14-6.

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

16 20-14-7.

17 The council shall have the following powers:

- 18 (1) To have a seal and alter the same at its pleasure;  
19 (2) To adopt bylaws for its internal government and procedures;  
20 (3) To make and execute contracts, lease agreements, and all other instruments necessary  
21 or convenient to exercise the powers of the council or to further the public purpose for  
22 which the council is created;  
23 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or  
24 property or financial or other aid in any form from the federal government or any agency  
25 or instrumentality thereof or from the state or any agency or instrumentality thereof or  
26 from any other source for any or all of the purposes specified in this article and to  
27 comply, subject to the provisions of this article, with the terms and conditions thereof;  
28 (5) To fix and collect fees and charges for data, information, and incidental services  
29 furnished by it to any private individual or entity;  
30 (6) To deposit or invest funds held by it in any state depository or in any investment  
31 which is authorized for the investment of proceeds of state general obligation bonds; and  
32 to use for its corporate purposes or redeposit or reinvest interest earned on such funds;  
33 and  
34 (7) To promulgate rules and regulations for the purposes and pursuant to the powers  
35 enumerated in this article.

1 20-14-8.

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

6 (1) To foster coordination and cooperation among the chief officers of the departments,  
7 boards, and offices represented on the council;

8 (2) To develop a seamless and integrated public education system;

9 (3) To ~~require~~ foster the shared and efficient expenditures for and utilization of facilities,  
10 personnel, and other resources;

11 (4) To ~~require~~ facilitate the seamless coordination of curriculum among the departments,  
12 boards, and offices represented on the council;

13 (5) To ~~require~~ facilitate reasonable ease of transition for students among the educational  
14 institutions represented on the council;

15 (6) To ~~establish and require~~ recommend high and necessary levels of student  
16 achievement at all levels of education;

17 (7) To ~~exercise oversight of~~ review accountability systems that are within or among the  
18 departments, boards, and offices represented on the council ~~and develop overlay~~  
19 ~~accountability systems through the Office of Education Accountability~~ to include hearing  
20 annual accountability reports from the Office of School Readiness, Department of  
21 Education, Department of Technical and Adult Education, and the Board of Regents of  
22 the University System of Georgia;

23 (8) ~~To exercise supervision and oversight over the Office of Education Accountability~~  
24 ~~created in Part 2 of Article 2 of this chapter;~~

25 (9)(8) To coordinate the activities of state, regional, and local cooperative public  
26 education agencies, offices, or councils, including, but not limited to, the state's regional  
27 educational service agencies or other such groups that may be created in addition or in  
28 their place;

29 (10) ~~To ensure the availability and quality of the education work force through~~  
30 ~~preparation, professional development, and nontraditional routes to employment;~~

31 (11)(9) To ~~oversee~~ facilitate the development and implementation of a comprehensive  
32 system-wide education student information system that will support the implementation  
33 of an education accountability system and improve the seamless operation of public  
34 education;

35 (12) ~~To simplify rules and regulations by all departments, boards, and offices represented~~  
36 ~~on the council;~~

1       ~~(13)~~(10) To develop a state-wide mentoring program that enhances student achievement  
2       at all levels of public education;

3       ~~(14)~~(11) To establish and coordinate a school safety collaborative with representation  
4       from agencies and organizations designated by the council to improve the school climate  
5       and enhance school safety; and

6       ~~(15)~~(12) To mediate disputes among the Department of Education, the University  
7       System of Georgia, the Department of Technical and Adult Education, the Professional  
8       Standards Commission, and the Office of School Readiness, ~~and the Office of Education~~  
9       Accountability in matters regarding accountability or education system seamlessness.

10       20-14-9.

11       All state departments, agencies, boards, bureaus, commissions, and authorities are  
12       authorized and required to make available to the council access to records or data which  
13       are available in electronic format or, if electronic format is unavailable, in whatever format  
14       is available. The judicial and legislative branches are authorized to likewise provide such  
15       access to the council.

16       20-14-10.

17       Any decision or action by the council directing action by any department, board, or office  
18       represented on the council shall be placed on the agenda of the next regularly scheduled  
19       meeting of the governing body of the affected department, board, or office for immediate  
20       action. The action taken by the affected department, board, or office shall be reported to  
21       the council at the next regularly scheduled meeting of the council.

22       20-14-11.

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

32       (b) Staff to such commissions shall be provided in the same manner as staff to the council  
33       is provided under this article. Expenses related to such personnel shall be attributed to their  
34       respective office or agency, and expenses for other commission members shall be paid

1 through funds appropriated to the office of the Governor or in the case of members of the  
 2 General Assembly through funds appropriated to the House of Representatives and the  
 3 Senate."

#### 4 SECTION 14.

5 Said title is further amended by striking Part 2 of Article 2 of Chapter 14, relating to the  
 6 Office of Education Accountability, and inserting in its place a new Part 2 to read as follows:

#### 7 "Part 2

8 20-14-25.

9 (a) ~~There is created the Office of Education Accountability~~ The State Board of Education  
 10 shall establish within the Department of Education the Office of Student Achievement to  
 11 be referred to as the 'office' for the purposes of this chapter.

12 (b) ~~The chief administrative and executive officer of the office shall be the director, who~~  
 13 ~~shall be appointed by the Governor with the advice and consent of the Senate. Subject to~~  
 14 ~~the general policy established by the Education Coordinating Council, the~~ The director  
 15 of the office shall be responsible for the performance and exercise of the duties,  
 16 responsibilities, and functions, powers, and authority imposed upon granted to the director  
 17 and the office as provided by law. ~~The director shall receive a salary to be determined by~~  
 18 ~~the Governor~~ the State Board of Education.

19 (c) The director shall be nominated by the State School Superintendent and approved by  
 20 the State Board of Education and can only be removed on the recommendation of the  
 21 superintendent with the approval of the State Board of Education or without the  
 22 recommendation of the superintendent by a two-thirds' vote of the board.

23 (c) ~~The director shall have the authority to employ all personnel of the office, subject to~~  
 24 ~~the provisions of this part and all applicable provisions of other laws governing public~~  
 25 ~~employment.~~

26 (d) ~~The office may adopt a seal for its use and shall be authorized to enter into contracts~~  
 27 ~~to fulfill its duties under this article.~~

28 (e) ~~The office shall be assigned for administrative purposes only, as that term is defined~~  
 29 ~~in Code Section 50-4-3, to the Office of Planning and Budget.~~

30 20-14-26.

31 (a) The office, with the approval of the State Board of Education and without limitation,  
 32 shall have the following powers and duties:

1 (1) ~~To develop accountability systems with components that include but are not limited~~  
 2 ~~to expectations of student achievement, measurement of student achievement, data bases~~  
 3 ~~of such measurements, analysis of such data for trends in achievement, interventions,~~  
 4 ~~awards, the intended and efficient expenditure of allotted education funds, and public~~  
 5 ~~awareness of all such components; To create performance-based accountability system,~~  
 6 ~~establish indicators of performance, rate schools and school systems, develop annual~~  
 7 ~~report cards for elementary, middle, and secondary schools, and formulate a system of~~  
 8 ~~school rewards and interventions. The State Board of Education shall approve no later~~  
 9 ~~than December 31, 2003, a single state-wide accountability system for local schools and~~  
 10 ~~school systems that incorporates federal law, rules, and regulations relating to~~  
 11 ~~accountability; and~~

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

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

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

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

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

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

33 20-14-27.

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

35 (1) ~~An annual report regarding pre-kindergarten education shall be submitted no later~~  
 36 ~~than December 1 of each year, commencing December 1, 2002. The pre-kindergarten~~

1 ~~report shall be an evaluation of the progress made on performance indicators identified~~  
 2 ~~and defined by the office and approved by the council for all pre-kindergarten and child~~  
 3 ~~care programs under the administrative control of the Office of School Readiness. The~~  
 4 ~~pre-kindergarten report shall include information concerning results of the state's~~  
 5 ~~investment in each pre-kindergarten program;~~

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

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

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

34 (b) ~~Each report~~ The reports provided for in this Code section shall be published in a format  
 35 that can be easily understood by parents and other members of the community who are not  
 36 professional educators. Such reports shall be distributed to the Governor, Lieutenant  
 37 Governor, President Pro Tempore of the Senate, the Speaker of the House of

1 Representatives, the chairpersons of the Education and Higher Education committees of  
 2 the Senate and House of Representatives, members of the General Assembly, members of  
 3 the state education governing boards or commissions, and members of the ~~council~~  
 4 Education Coordinating Council. In addition, such reports shall be posted on the website  
 5 of the office.

6 20-14-28.

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

#### 15 SECTION 15.

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

#### 18 "Part 3

19 20-14-30.

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

24 20-14-31.

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

1 20-14-32.

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

7 20-14-33.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) Performance on the indicator shall be compared to state standards, progress on  
2 improved student achievement, and comparable performance. The ~~state standard~~ standards  
3 for comparison shall be established by the ~~office as provided in Code Section 20-14-31~~  
4 State Board of Education. ~~Required improvement is defined as the progress necessary for~~  
5 ~~the school or local school system to meet state standards and for its students to meet exit~~  
6 ~~requirements as defined by the office pursuant to Code Section 20-14-31. Comparable~~  
7 ~~improvement is derived by measuring schools and local school systems against a profile~~  
8 ~~developed from a total state student performance data base which exhibits substantial~~  
9 ~~equivalence to the characteristics of students served by the school or system, including past~~  
10 ~~academic performance, socioeconomic status, ethnicity, sex, disability, mobility, and~~  
11 ~~language proficiency.~~ Data and information regarding the standard shall be included in the  
12 annual report provided for in ~~paragraph (2) of~~ subsection (a) of Code Section 20-14-27.

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

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

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

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

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

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

32 (g) The office shall develop, ~~the council shall approve,~~ and the State Board of Education  
33 shall adopt a uniform definition of 'dropout.' All schools and school systems shall report  
34 student dropout information to the Department of Education's educational information  
35 system in accordance with rules and timelines established by the state board as provided  
36 in subsection (b) of Code Section 20-2-167. Each school system shall cooperate with the  
37 office in determining whether a student is a dropout under this subsection and shall adopt

1 the uniform definition of 'dropout.' Data and information regarding the establishment of the  
 2 definition and the tracking of dropout and school completion data shall be included in the  
 3 annual report provided for in ~~paragraph (2) of~~ subsection (a) of Code Section 20-14-27.

4 (h) The office shall develop, ~~the council shall approve,~~ and the State Board of Education  
 5 shall adopt a uniform definition of a 'below grade level' student for purposes of placing  
 6 students in the early intervention program under Code Section 20-2-153 and for purposes  
 7 of tracking these students for accountability purposes. Data and information regarding the  
 8 establishment of the definition shall be included in the annual report provided for in  
 9 ~~paragraph (2) of~~ subsection (a) of Code Section 20-14-27.

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

13 20-14-34.

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

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

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

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

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

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

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

28 and

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

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

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

34 (c) Each school year, the office shall prepare and distribute a state-wide report card,  
 35 aggregated by school systems and disaggregated by student groups, ~~reporting on the~~  
 36 ~~student performance and school completion results of each school in the state and a rating~~

1 ~~for each school based on the definitions as provided in subsection (d) of Code Section~~  
 2 ~~20-14-33.~~

3 (d) The State Board of Education shall adopt rules requiring dissemination of appropriate  
 4 student performance and school completion performance portions of school report cards  
 5 annually to the parent, guardian, conservator, or other person having lawful control of each  
 6 student at the school. On written request, the local school system shall provide a copy of  
 7 a school report card to any other party. These reports shall be posted on ~~a website at both~~  
 8 ~~the state and~~ the Department of Education website and the existing website of a local  
 9 school system level.

10 20-14-35.

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

- 12 (1) Conduct on-site audits of any school at any time, subject to the approval of the
- 13 director;
- 14 (2) Raise or lower any performance rating as a result of the audit; and
- 15 (3) Review school fund accounting information and records to determine effective and
- 16 efficient expenditure of state funds as allocated.

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

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

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

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

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

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

4 20-14-36.

5 The office shall recommend, and the ~~council~~ State Board of Education shall adopt, written  
 6 procedures for conducting on-site audits under this part. The office shall make the  
 7 procedures available to the schools, school councils, local boards of education, and the  
 8 public. Office staff shall be trained in audit procedures and shall follow such procedures  
 9 in conducting the audit.

10 20-14-37.

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

15 20-14-38.

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

21 (b) Financial awards will be provided to each school that achieves a grade of A or B as  
 22 defined in Code Section 20-14-33 for performance on either or both the absolute student  
 23 achievement standard and progress on student achievement. The certificated personnel in  
 24 a school that achieves the grade of A or B in either or both categories will be provided a  
 25 bonus for the year the school achieved those grades of \$1,000.00 for each grade of A and  
 26 \$500.00 for each grade of B. The maximum individual annual bonus for certificated  
 27 personnel shall not exceed \$2,000.00 and shall be provided subject to appropriation by the  
 28 General Assembly or as otherwise may be provided. An additional financial award will be  
 29 provided to each school for noncertificated personnel in the amount of \$10,000.00 for each  
 30 A grade for the school and \$5,000.00 for each B grade for the school, provided that the  
 31 total lump sum noncertificated personnel award for an individual school shall not exceed  
 32 \$20,000.00; provided, further, that funds for this purpose are appropriated by the General  
 33 Assembly or as otherwise may be provided. The ~~local school council of the school~~

1 receiving this noncertificated personnel award shall determine the distribution of the award  
2 among such personnel of its school.

3 (c) The Governor may present proclamations or certificates to schools and school systems  
4 determined to have met or exceeded the state's education goals under Code Section  
5 20-14-30.

6 20-14-39.

7 The award system may be funded by donations, grants, or appropriation by the General  
8 Assembly or as otherwise provided. The State Board of Education may solicit and receive  
9 grants and donations for the purpose of making awards under this part. Award funds may  
10 be used by the State Board of Education to pay for the costs associated with sponsoring a  
11 ceremony to recognize or present awards to schools or school systems under this part. The  
12 donations, grants, or appropriations by the General Assembly shall be accounted for and  
13 distributed by the State Board of Education. The awards are subject to audit requirements  
14 established by the ~~office~~ State Board of Education.

15 20-14-40.

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

19 20-14-41.

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

- 27 (1) Issuing public notice of the deficiency to the local board of education;
- 28 (2) Ordering a hearing to be conducted at the school by the local board of education with  
29 the participation of the school council for the purpose of notifying the public of the  
30 unacceptable performance, the improvements in performance expected by the ~~office~~ State  
31 Board of Education, and the interventions that may be imposed under this Code section  
32 if the performance does not improve within a designated period of time and of soliciting  
33 public comment on the initial steps being taken to improve performance;

- 1 (3) Ordering the preparation of an intensive student achievement improvement plan that  
2 addresses each academic excellence indicator for which the school's performance is  
3 unacceptable, the submission of the plan to the ~~director~~ State Board of Education for  
4 approval, and implementation of the plan;
- 5 (4) Appointing a Department of Education school improvement team to:
- 6 (A) Conduct a comprehensive on-site evaluation of each low-performing school to  
7 determine the cause for the school's low performance and lack of progress ~~that includes~~  
8 ~~presentations by the chairperson of the local board of education, the school principal,~~  
9 ~~a parent member of the local school council, and other school personnel;~~
- 10 (B) Recommend actions, including reallocation of resources and technical assistance,  
11 changes in school procedures or operations, staff development focused on student  
12 achievement for instructional and administrative staff, intervention for individual  
13 administrators or teachers, waivers from state statutes or rules, extended instruction  
14 time for low-performing students, smaller class size for low-performing students, or  
15 other actions the team considers appropriate;
- 16 (C) Assist in the development of an intensive school improvement plan focused on  
17 student achievement required by paragraph (3) of this subsection; and
- 18 (D) Assist the ~~director~~ State Board of Education in monitoring the progress of the  
19 school in implementing the intensive school improvement plan focused on student  
20 achievement;
- 21 (5) If a school has received a grade of D or F for a period of two consecutive years or  
22 more, appointing a school master or management team to oversee and direct the duties  
23 of the principal of the school in relation to the school until school performance improves  
24 and the school is released from intervention by the ~~director~~ State Board of Education,  
25 with the cost of the master or management team to be paid by the state; or
- 26 (6) If a school has received a grade of D or F for a period of three consecutive years or  
27 more, the State Board of Education shall implement one or more of the following  
28 interventions or sanctions, in order of severity:
- 29 (A) Removal of school personnel on recommendation of the master or the school  
30 improvement team, including the principal and personnel whose performance has  
31 continued not to produce student achievement gains over a three-year period as a  
32 condition for continued receipt of state funds for administration;
- 33 (B) Allow for the implementation of a state charter school through the designation by  
34 the State Board of Education;
- 35 (C) Mandate the complete reconstitution of the school, removing all personnel,  
36 appointing a new principal, and hiring all new staff. Existing staff may reapply for

1 employment at the newly reconstituted school but shall not be rehired if their  
2 performance regarding student achievement has been negative for the past three years;

3 (D) Mandate that the parents have the option to relocate the student to other public  
4 schools in the local school system to be chosen by the parents of the student with  
5 transportation costs borne by the system; or

6 (E) Mandate a monitor, master, or management team in the school that shall be paid  
7 by the district.

8 (b) The State Board of Education shall clearly define the powers and duties of a master or  
9 management team appointed to oversee the operations of a school.

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

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

## 19 SECTION 16.

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

23 "20-14-50.

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

28 (b) ~~The office~~ The Board of Regents of the University System of Georgia and the State  
29 Board of Technical and Adult Education shall develop and ~~the council shall~~ adopt  
30 performance measures and indicators that provide the basis for an accountability report  
31 card annually on the University System of Georgia and the Department of Technical and  
32 Adult Education.

33 (c) ~~The office and the board of regents~~ The Board of Regents of the University System of  
34 Georgia shall identify, define, and develop such performance indicators and measures by  
35 December 1, 2001 2003. ~~The first report card~~ Report cards on universities and colleges

1 shall be implemented and annually produced by the office by December 1, 2002 Board of  
2 Regents of the University System of Georgia by December 1 of each year.

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

8 (e) ~~After December 1, 2002, the office~~ The entity having administrative control over the  
9 particular postsecondary institutions, schools, colleges, or programs shall audit those  
10 postsecondary institutions, schools, colleges, or programs as necessary in implementing the  
11 education accountability system described in this part."

### 12 SECTION 17.

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

16 "20-14-60.

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

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

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

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

### 31 SECTION 18.

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

1 "20-14-70.

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

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

9 ~~(c) The office and the Professional Standards Commission shall identify, define, and~~  
10 ~~develop such performance indicators and measures by December 1, 2001. The office shall~~  
11 ~~implement and produce the first report card on the Professional Standards Commission and~~  
12 ~~the Georgia education work force by December 1, 2002.~~

13 ~~(d) After December 1, 2002, the office shall audit the education work force practicing in~~  
14 ~~this state and all teacher preparation and professional development programs as necessary~~  
15 ~~in implementing the education accountability system described in this part."~~

16 **SECTION 19.**

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

19 **SECTION 20.**

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

22 **SECTION 21.**

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