

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 provide for the comprehensive revision of
13 provisions regarding the Education Coordinating Council; to transfer powers, duties, and
14 responsibilities of education accountability and the accountability division; to provide for the
15 comprehensive revision of accountability assessment; to change certain provisions regarding
16 postsecondary accountability assessment; to change certain provisions regarding
17 pre-kindergarten accountability assessment; to change certain provisions regarding education
18 work force accountability; to repeal certain provisions regarding the Education Information
19 Steering Committee; to provide for related matters; to provide for an effective date; to repeal
20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

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

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

9 **SECTION 2.**

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

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

21 **SECTION 3.**

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

25 "20-2-212.3.

26 (a) The State Board of Education shall identify schools and local school systems in the
 27 state where an insufficient supply of qualified teachers is available to deliver instruction
 28 in the fields of mathematics, science, special education, or foreign language, based on
 29 criteria defined by the State Board of Education; and the Professional Standards
 30 Commission; ~~and the Office of Education Accountability~~. Upon determination of shortages
 31 each year, the State Board of Education shall request funds sufficient to provide for salary
 32 increases not to exceed one additional step on the state salary schedule for which the
 33 teacher would otherwise have been entitled for positions contracted for in those locations
 34 and fields during the school year. Funding shall be based on the number of eligible
 35 positions identified for the previous school year, subject to appropriation by the General

1 Assembly. Upon receiving three such salary increases, a teacher shall become ineligible
 2 for additional salary increases under this Code section.
 3 (b) The criteria used for assessing whether or not an insufficient supply of qualified
 4 teachers is available and the data used in making the determination that a shortage exists
 5 shall be submitted by the ~~Office of Education Accountability~~ State Board of Education to
 6 the chairpersons of the Education Committees of the House of Representatives and the
 7 Senate no later than December 1 of each year."

8 **SECTION 4.**

9 Said title is further amended by striking subsection (m) of Code Section 20-2-260, relating
 10 to capital outlay funds, and inserting in its place a new subsection (m) to read as follows:
 11 "(m) The State Board of Education shall implement a computerized student projection
 12 program for each school system in Georgia as a component of the ~~state-wide~~
 13 ~~comprehensive~~ kindergarten through grade 12 educational information system. The
 14 program shall be used in this subsection to forecast facility needs in each system by
 15 projecting full-time equivalent student counts for each grade level and shall be written in
 16 the educational facilities survey. The projection program methodology at least must
 17 correlate live-birth data to full-time equivalent student counts and project full-time
 18 equivalent student counts for each of the grades, including kindergarten, for each of the
 19 next five years using cohort survival."

20 **SECTION 5.**

21 Said title is further amended by striking Code Section 20-2-281, relating to effectiveness
 22 assessment, and inserting in its place a new Code Section 20-2-281 to read as follows:
 23 "20-2-281.
 24 (a) The State Board of Education shall adopt a student assessment program consisting of
 25 instruments, procedures, and policies necessary to implement the program and shall fund
 26 all costs of providing and scoring such instruments, subject to appropriation by the General
 27 Assembly. Nationally norm-referenced instruments in reading, mathematics, science, and
 28 social studies shall be administered to students in grades three, five, and eight. The State
 29 Board of Education shall review, revise, and upgrade the quality core curriculum.
 30 Following the adoption of this revised curriculum, the State Board of Education shall
 31 contract for development of criterion-referenced competency tests to measure the quality
 32 core curriculum. Such tests in English and language arts, mathematics, and reading shall
 33 be administered annually to students in grades one through eight, and such tests in science
 34 and social studies shall be administered annually to students in grades three through eight.
 35 This action shall be completed according to a schedule established by the State Board of

1 Education. A curriculum-based assessment shall be administered in grade 11 for
2 graduation purposes. Writing assessments shall be administered to students in grades three,
3 five, eight, and 11. The writing assessments shall provide students and their parents with
4 performance outcome measures resulting from the administration of such tests.

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

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

25 (c) The State Board of Education shall have the authority to condition the awarding of a
26 high school diploma to a student upon achievement of satisfactory scores on instruments
27 or tests adopted and administered by the state board pursuant to subsection (a) of this Code
28 section. The state board is authorized and directed to adopt regulations providing that any
29 disabled child, as defined by the provisions of this article, shall be afforded opportunities
30 to take any test adopted by the state board as a condition for the awarding of a high school
31 diploma. Said regulations shall further provide for appropriate accommodations in the
32 administration of such test. Said regulations shall further provide for the awarding of a
33 special education diploma to any disabled student who is lawfully assigned to a special
34 education program and who does not achieve a passing score on said test or who has not
35 completed all of the requirements for a high school diploma but who has nevertheless
36 completed his or her Individualized Education Program.

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

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

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

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

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

32 (h) The Department of Education shall develop study guides for the criterion-referenced
 33 tests and ~~end-of-course assessments~~ other state-wide tests administered solely for Georgia
 34 students pursuant to subsections (a) and (e) of this Code section. Each school system shall
 35 ~~distribute~~ The State Board of Education shall establish rules regarding the distribution of
 36 the study guides ~~to students who do not perform satisfactorily on one or more parts of an~~

1 assessment instrument administered under this Code section and to the parents or guardians
2 of such students.

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

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

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

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

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

34 (k) In adopting academic skills assessment instruments under this Code section, the State
35 Board of Education or local school system shall ensure the security of the instruments in
36 their preparation, administration, and scoring. Notwithstanding any other provision of law,
37 meetings or portions of meetings held by the state board or a local board of education at

1 which individual assessment instruments or assessment instrument items are discussed or
 2 adopted shall not be open to the public, and the assessment instruments or assessment
 3 instrument items shall be confidential.

4 (l) The results of individual student performance on academic skills assessment
 5 instruments administered under this Code section shall be confidential and may be released
 6 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
 7 20 U.S.C. Section 1232g.

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

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

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

21 SECTION 6.

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

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

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

28 (A) The fourth grade program to which the student would otherwise be assigned if the
 29 student does not achieve grade level as defined ~~by the Office of Education~~
 30 ~~Accountability~~ in accordance with Code Section 20-14-31 on the third grade
 31 criterion-referenced reading assessment developed in accordance with subsection (a)
 32 of Code Section 20-2-281 and meet the promotional standards and criteria established
 33 by the State Board of Education and by the local school board for the school that the
 34 student attends;

35 (B) The sixth grade program to which the student would otherwise be assigned if the
 36 student does not achieve grade level as defined ~~by the Office of Education~~

1 ~~Accountability~~ in accordance with Code Section 20-14-31 on the fifth grade
2 criterion-referenced mathematics assessment and fifth grade criterion-referenced
3 reading assessment developed in accordance with subsection (a) of Code Section
4 20-2-281 and meet the promotional standards and criteria established by the State
5 Board of Education and by the local school board for the school that the student attends;
6 or

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

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

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

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

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

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

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

33 (B) The school principal or the principal's designee shall notify in writing by first-class
34 mail the parent or guardian of the student and the teacher regarding the decision to
35 retain the student. The notice shall describe the option of the parent, guardian, or
36 teacher to appeal the decision to retain the student and shall further describe the
37 composition and functions of the placement committee as provided for in this

1 subsection, including the requirement that a decision to promote the student must be a
2 unanimous decision of the committee;

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

9 (D) The placement committee shall:

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

18 (ii) Prescribe for the student, whether the student is retained or promoted, such
19 accelerated, differentiated, or additional instruction as needed to perform at grade
20 level by the conclusion of the subsequent school year, prescribe such additional
21 assessments as may be appropriate in addition to assessments administered to other
22 students at the grade level during the year, and provide for a plan of continuous
23 assessment during the subsequent school year in order to monitor the progress of the
24 student;

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

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

29 SECTION 7.

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

33 "(c) The commission shall be authorized to:

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

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

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

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

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

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

15 (A) State government agencies;

16 (B) Local government agencies;

17 (C) Public schools and higher education institutions;

18 (D) Nonprofit organizations;

19 (E) Professional educational organizations;

20 (F) Foundations;

21 (G) Faith based organizations or institutions;

22 (H) Civic organizations;

23 (I) The business community; and

24 (J) Other entities; and

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

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

31 SECTION 8.

32 Said title is further amended by striking Code Section 20-2-320, relating to the Education
33 Information Steering Committee, and inserting in its place a new Code Section 20-2-320 to
34 read as follows:

35 "20-2-320.

1 (a) The Governor shall appoint a steering an advisory committee, which shall be named
2 the Education Information Steering Advisory Committee, composed of representatives
3 from the Department of Education, the Department of Technical and Adult Education, the
4 Board of Regents of the University System of Georgia, the office of the Governor, the
5 Office of Planning and Budget, the Department of Audits and Accounts, the Georgia
6 Technology Authority, the Office of School Readiness, the Professional Standards
7 Commission, the Office of Education Accountability, the State Data and Research Center
8 at the Georgia Institute of Technology, the Georgia Public Telecommunications
9 Commission, the Legislative Budget Office, and local school systems. The steering
10 advisory committee, with the approval of the State Board of Education, shall identify the
11 data required to implement the Quality Basic Education Program on a fiscally sound basis
12 and the data required to evaluate the effectiveness of the components of public education
13 in Georgia. The steering advisory committee, with the approval of the State Board of
14 Education, shall identify data that shall be required from local units of administration;
15 ~~public libraries, public colleges and universities through the Board of Regents of the~~
16 ~~University System of Georgia, pre-kindergarten programs, the Professional Standards~~
17 ~~Commission, and postsecondary technical colleges and schools for the implementation of~~
18 ~~this article.~~ Further, the steering advisory committee shall ~~develop a~~ provide advice to the
19 State Board of Education related to the design for a state-wide comprehensive of a
20 kindergarten through grade 12 educational information system which will provide for the
21 accurate, seamless, and timely flow of information from local and regional education
22 agencies, ~~units of the University System of Georgia, and technical schools and colleges to~~
23 the state. The design shall include hardware, software, data, collection methods and times,
24 training, maintenance, communications, security of data, and installation specifications and
25 any other relevant specifications needed for the successful implementation of this system.
26 No student shall be identifiable by name in that portion of the ~~pre-kindergarten~~
27 kindergarten through grade 12 record stored at the state level unless encoded, and any
28 identification number shall be encoded to prevent unauthorized use of a student's
29 information; provided, however, that full-time equivalent student data collected pursuant
30 to Code Section 20-2-160 shall be identifiable for audit purposes in separate files. ~~The~~
31 ~~steering committee shall present such recommendations to the Education Coordinating~~
32 ~~Council. Upon approval of the boards of the respective education agencies, the steering~~
33 ~~committee shall issue appropriate requests for proposals to implement a state-wide~~
34 ~~comprehensive educational information system, subject to appropriation by the General~~
35 ~~Assembly. The State Data and Research Center, at the direction of the Education~~
36 ~~Coordinating Council and working through the steering committee, shall initiate contracts~~
37 ~~with appropriate vendors and local units of administration for the procurement of services;~~

1 ~~purchase of hardware and software, and for any other purpose as directed by the Education~~
2 ~~Coordinating Council, consistent with appropriation by the General Assembly.~~

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

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

36 ~~(d) The State Data and Research Center through the Board of Regents of the University~~
37 ~~System of Georgia shall request sufficient funds annually for the development, operation,~~

1 ~~training of appropriate personnel, and maintenance of the system. The State Data and~~
 2 ~~Research Center shall submit quarterly reports to the Education Coordinating Council that~~
 3 ~~include budgetary data reflecting expenditures related to the state-wide comprehensive~~
 4 ~~educational information system.~~

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

28 SECTION 9.

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

32 "20-2-697.

33 (a) Visiting teachers and attendance officers shall receive the cooperation and assistance
 34 of all teachers and principals of public schools in the local school systems within which
 35 they are appointed to serve. It shall be the duty of the principals or local school site
 36 administrators and of the teachers of all public schools to report, in writing, to the visiting

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

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

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

24 SECTION 10.

25 Said title is further amended by striking subsections (g) of Code Section 20-2-940, relating
 26 to grounds and procedure for terminating or suspending employment contracts, and inserting
 27 in their place new subsection (g) to read as follows:

28 ~~"(g) Superintendent's power to relieve from duty temporarily. The superintendent of a~~
 29 ~~local school system may temporarily relieve from duty any teacher, principal, or other~~
 30 ~~employee having a contract for a definite term for any reason specified in subsection (a)~~
 31 ~~of this Code section, pending hearing by the local board in those cases where the charges~~
 32 ~~are of such seriousness or other circumstances exist which indicate that such teacher or~~
 33 ~~employee could not be permitted to continue to perform his duties pending hearing~~
 34 ~~without danger of disruption or other serious harm to the school, its mission, pupils, or~~
 35 ~~personnel. In any such case, the superintendent shall notify the teacher or employee in~~
 36 ~~writing of such action, which notice shall state the grounds thereof and shall otherwise~~

~~comply with the requirements of the notice set forth in subsection (b) of this Code section. Such action by the superintendent shall not extend for a period in excess of ten working days, and during such period it shall be the duty of the local board to conduct a hearing on the charges in the same manner provided for in subsections (e) and (f) of this Code section, except that notice of the time and place of hearing shall be given at least three days prior to the hearing. During the period that the teacher or other employee is relieved from duty prior to the decision of the local board, the teacher or employee shall be paid all sums to which he is otherwise entitled. If the hearing is delayed after the ten-day period as set out in this subsection at the request of the teacher or employee, then the teacher or employee shall not be paid beyond the ten-day period unless he is reinstated by the local board, in which case he shall receive all compensation to which he is otherwise entitled. Board or superintendent's power to relieve from duty temporarily. The local board or the superintendent of a local school system may temporarily relieve from duty with pay any employee having a contract for a definite term who may have committed an act that would be grounds for termination or other discipline as specified in this Code section. The superintendent may relieve from duty an employee until the next meeting of the local board. The local board may continue the employee on administrative leave with pay until such time as the allegations of misconduct have been resolved favorably for the employee or until the expiration of the contract of employment, whichever first occurs. The employee shall be considered to be on administrative leave with pay during such time.~~

SECTION 11.

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

"ARTICLE 1

20-14-1.

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

- (1) Provide a forum for interagency communication regarding educational policy and programs;
- (2) Provide for the effective and efficient coordination and seamlessness of public education programs and components within the education system of Georgia;

- 1 (3) Prevent unnecessary duplication of services within the education system of
 2 Georgia; and
 3 (4) ~~Oversee and review~~ Review all education accountability programs from
 4 pre-kindergarten through postsecondary education in Georgia.

5 20-14-2.

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

9 20-14-3.

10 (a) The council shall consist of the Governor, the State School Superintendent, the
 11 chairperson of the State Board of Education, the chancellor of the University System of
 12 Georgia, the chairperson of the Board of Regents of the University System of Georgia,
 13 the commissioner of technical and adult education, the chairperson of the State Board of
 14 Technical and Adult Education, the executive secretary of the Professional Standards
 15 Commission, the chairperson of the Professional Standards Commission, and the
 16 director of the Office of School Readiness.

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

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

31 20-14-4.

32 (a) Except as otherwise provided in this part, a majority of the members of the council
 33 then in office shall constitute a quorum for the transaction of business. No vacancy on
 34 the council shall impair the right of the quorum to exercise the powers and perform the

1 duties of the council. The vote of a majority of the members of the council present at the
 2 time of the vote, if a quorum is present at such time, shall be the act of the council
 3 unless the vote of a greater number is required by law or by the bylaws of the council.

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

9 20-14-5.

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

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

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

16 20-14-6.

17 All departments, boards, and offices represented on the council; and the Office of
 18 Planning and Budget; ~~and the Office of Education Accountability~~ shall select and
 19 appoint such personnel as each such department, board, or office shall determine to be
 20 necessary to support the council in the performance of its duties, with the approval of
 21 the council. Such personnel shall serve at the direction of the council. Payment for all
 22 costs and salaries of such personnel shall come from funds appropriated to the
 23 respective departments, boards, and offices.

24 20-14-7.

25 The council shall have the following powers:

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

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

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

31 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds
 32 or property or financial or other aid in any form from the federal government or any
 33 agency or instrumentality thereof or from the state or any agency or instrumentality
 34 thereof or from any other source for any or all of the purposes specified in this article

1 and to comply, subject to the provisions of this article, with the terms and conditions
2 thereof;

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

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

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

11 20-14-8.

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

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

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

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

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

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

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

27 (7) To ~~exercise oversight of~~ review accountability systems that are within or among
28 the departments, boards, and offices represented on the council ~~and develop overlay~~
29 ~~accountability systems through the Office of Education Accountability to include~~
30 hearing annual accountability reports from the Office of School Readiness,

31 Department of Education, Department of Technical and Adult Education, and the
32 Board of Regents of the University System of Georgia;

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

35 ~~(9)~~(8) To coordinate the activities of state, regional, and local cooperative public
36 education agencies, offices, or councils, including, but not limited to, the state's

1 regional educational service agencies or other such groups that may be created in
2 addition or in their place;

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

5 ~~(11)~~(9) To ~~oversee~~ facilitate the development and implementation of a comprehensive
6 system-wide education student information system that will support the
7 implementation of an education accountability system and improve the seamless
8 operation of public education;

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

11 ~~(13)~~(10) To develop a state-wide mentoring program that enhances student
12 achievement at all levels of public education;

13 ~~(14)~~(11) To establish and coordinate a school safety collaborative with representation
14 from agencies and organizations designated by the council to improve the school
15 climate and enhance school safety; and

16 ~~(15)~~(12) To mediate disputes among the Department of Education, the University
17 System of Georgia, the Department of Technical and Adult Education, the
18 Professional Standards Commission, and the Office of School Readiness, ~~and the~~
19 ~~Office of Education Accountability~~ in matters regarding accountability or education
20 system seamlessness.

21 20-14-9.

22 All state departments, agencies, boards, bureaus, commissions, and authorities are
23 authorized and required to make available to the council access to records or data which
24 are available in electronic format or, if electronic format is unavailable, in whatever
25 format is available. The judicial and legislative branches are authorized to likewise
26 provide such access to the council.

27 20-14-10.

28 Any decision or action by the council directing action by any department, board, or
29 office represented on the council shall be placed on the agenda of the next regularly
30 scheduled meeting of the governing body of the affected department, board, or office
31 for immediate action. The action taken by the affected department, board, or office shall
32 be reported to the council at the next regularly scheduled meeting of the council.

33 20-14-11.

1 (a) The Governor, as chairperson of the council, may appoint such study commissions
 2 as he or she shall deem appropriate to the purposes of this chapter to study education
 3 questions, issue findings, and make recommendations to the council. Such study
 4 commissions shall be composed of such number of residents of Georgia, with
 5 recognized interest or expertise in the field of education, as the Governor deems
 6 advisable and shall include the appointment of members of the House of
 7 Representatives, in consultation with the Speaker of the House, and members of the
 8 Senate, in consultation with the President of the Senate. The findings and
 9 recommendations of such commissions shall also be reported to the Governor, all
 10 members of the General Assembly, and the public.

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

17 SECTION 12.

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

21 "Part 2

22 20-14-25.

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

26 (b) ~~The chief administrative and executive officer of the office shall be the director,~~
 27 ~~who shall be appointed by the Governor with the advice and consent of the Senate.~~
 28 ~~Subject to the general policy established by the Education Coordinating Council, the~~
 29 The director of the office shall be responsible for the performance and exercise of the
 30 duties, responsibilities, and functions, powers, and authority imposed upon granted to
 31 the director and the office as provided by law. ~~The director shall receive a salary to be~~
 32 ~~determined by the Governor~~ the State Board of Education.

33 (c) The director shall be nominated by the State School Superintendent and approved
 34 by the State Board of Education and can only be removed on the recommendation of the

1 superintendent with the approval of the State Board of Education or without the
 2 recommendation of the superintendent by a two-thirds' vote of the board.

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

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

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

10 20-14-26.

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

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

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

28 ~~(3)~~(2) To audit and inspect or cause to be audited or inspected for the purpose of
 29 verification, research, analysis, reporting, or for other purposes related to the
 30 performance of its powers and duties as provided in this article and for the purposes of
 31 auditing ~~pre-kindergarten, elementary, middle grades, and secondary education,~~
 32 ~~postsecondary education, and education work force programs and schools, local~~
 33 ~~school systems, institutes, colleges, universities, regional educational service agencies,~~
 34 ~~and other public education programs and entities as defined by the council; State~~
 35 Board of Education.

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

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

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

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

11 20-14-27.

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

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

20 ~~(2) An an annual report regarding elementary and secondary education shall be~~
 21 ~~submitted no later than December 1 of each year, commencing December 1, 2001.~~

22 The elementary and secondary education report shall be an evaluation of the progress
 23 made on performance indicators identified and defined by the office and approved by
 24 the ~~council~~ State Board of Education for all elementary and secondary education
 25 programs administered by the Department of Education. The elementary and
 26 secondary education report shall include information concerning results of the state's
 27 investment in each public school and each public school system;

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

1 ~~(4)(2)~~ An The Professional Standards Commission shall submit to the council an
 2 annual report regarding the Georgia education work force ~~shall be submitted~~ no later
 3 than December 1 of each year, commencing December 1, ~~2002~~ 2003. The Georgia
 4 education work force report shall be an evaluation of the progress made on
 5 performance indicators identified and defined by the ~~office~~ Professional Standards
 6 Commission and ~~approved by~~ submitted to the council for the education work force
 7 status under the administrative control of the Professional Standards Commission. The
 8 Georgia education work force report shall ~~contain~~ be prepared by the Professional
 9 Standards Commissions information on the results of the state's investments in
 10 teacher preparation, educators' professional development, education leadership
 11 development, in-field teaching, geographic teacher shortages, alternative routes to
 12 teacher certification, and other general information and indicators on the quality of the
 13 education work force.

14 (b) ~~Each report~~ The reports provided for in this Code section shall be published in a
 15 format that can be easily understood by parents and other members of the community
 16 who are not professional educators. Such reports shall be distributed to the Governor,
 17 Lieutenant Governor, President Pro Tempore of the Senate, the Speaker of the House of
 18 Representatives, the chairpersons of the Education and Higher Education committees of
 19 the Senate and House of Representatives, members of the General Assembly, members
 20 of the state education governing boards or commissions, and members of the ~~council~~
 21 Education Coordinating Council. In addition, such reports shall be posted on the
 22 website of the office.

23 20-14-28.

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

33 SECTION 13.

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

"Part 3

1

2 20-14-30.

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

7 20-14-31.

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

15 20-14-32.

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

21 20-14-33.

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

24 (b) The performance indicators of student achievement and school performance must
 25 be based on information that is disaggregated with respect to ethnicity, sex, disability,
 26 language proficiency, and socioeconomic status and must include:

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

29 (2) Dropout rates for each school;

30 (3) Student attendance rates for each school;

31 (4) School completion rates for each school;

32 (5) The percentage of graduating students who attain scores on the Georgia high

33 school graduation test required under Code Section 20-2-281 that are equivalent to a

1 passing score on the test instrument until such time as the Georgia high school
2 graduation test is discontinued as provided in Code Section 20-2-281;

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

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

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

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

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

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

15 ~~(12)(9) Any other indicator the office recommends, the council approves, and the~~
16 ~~State Board of Education adopts.~~

17 ~~Section 20-2-281;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 20-14-34.

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

9 (1) Previous school and local school system performance;

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

12 (3) Comparable school group performance; and

13 (4) Other indicators adopted by the State Board of Education.

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

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

18 (1) The individual school grades as defined in subsection (d) of Code Section
 19 20-14-33; and

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

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

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

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

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

1 20-14-35.

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

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

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

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

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

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

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

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

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

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

30 20-14-36.

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

1 20-14-37.

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

6 20-14-38.

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

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

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

31 20-14-39.

32 The award system may be funded by donations, grants, or appropriation by the General
33 Assembly or as otherwise provided. The State Board of Education may solicit and
34 receive grants and donations for the purpose of making awards under this part. Award
35 funds may be used by the State Board of Education to pay for the costs associated with

1 sponsoring a ceremony to recognize or present awards to schools or school systems
 2 under this part. The donations, grants, or appropriations by the General Assembly shall
 3 be accounted for and distributed by the State Board of Education. The awards are
 4 subject to audit requirements established by the ~~office~~ State Board of Education.

5 20-14-40.

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

10 20-14-41.

11 (a) If a school has a grade of D or F on student performance for the absolute student
 12 achievement standard or on progress on improved student achievement as determined
 13 by the ~~office~~ State Board of Education, the office, in the audit report on an individual
 14 school, shall report findings and recommend appropriate levels of interventions for that
 15 school, based on a scale of increasingly severe interventions, to the State Board of
 16 Education. The State Board of Education shall prescribe the appropriate level of
 17 intervention and may include one or more of the following increasingly severe
 18 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
 21 with the participation of the school council for the purpose of notifying the public of
 22 the unacceptable performance, the improvements in performance expected by the
 23 ~~office~~ State Board of Education, and the interventions that may be imposed under this
 24 Code section if the performance does not improve within a designated period of time
 25 and of soliciting public comment on the initial steps being taken to improve
 26 performance;

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

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

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

1 (B) Recommend actions, including reallocation of resources and technical
 2 assistance, changes in school procedures or operations, staff development focused
 3 on student achievement for instructional and administrative staff, intervention for
 4 individual administrators or teachers, waivers from state statutes or rules, extended
 5 instruction time for low-performing students, smaller class size for low-performing
 6 students, or 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
 15 improves and the school is released from intervention by the ~~director~~ State Board of
 16 Education, 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
 18 or 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
 25 by 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
 30 years;

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

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

36 (b) The State Board of Education shall clearly define the powers and duties of a master
 37 or 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
 4 ~~superintendents~~ individuals recognized for excellence in their roles and appointed by
 5 the State Board of 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
 7 the status of the interventions imposed on low-performing schools to the ~~office~~ State
 8 Board of Education with recommendations regarding ending, extending, or upgrading
 9 the interventions on those schools. ~~The director shall review and respond to the report."~~

10 SECTION 14.

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
 13 as 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
 17 rules and policies that support a postsecondary accountability assessment program that
 18 is 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
 23 and Adult Education.

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

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

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

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

3 SECTION 15.

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

7 "20-14-60.

8 (a) ~~The office, with the approval of the council, shall create and the~~ The Office of
9 School Readiness shall adopt the rules and policies that support a pre-kindergarten
10 accountability 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~~
15 ~~such performance indicators and measures by December 1, 2001. The office~~ The Office
16 of School Readiness shall implement and annually produce ~~the first report card report~~
17 ~~cards on the Office of School Readiness and~~ pre-kindergarten programs by December 1;
18 2002 of each year.

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

22 SECTION 16.

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

26 "20-14-70.

27 (a) ~~The office, with the approval of the council, shall create and the Professional~~
28 ~~Standards Commission shall adopt the rules and policies that support an education work~~
29 ~~force 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
32 an accountability report card annually on the Professional Standards Commission and
33 the 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~~

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

6 **SECTION 17.**

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 18.**

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

12 **SECTION 19.**

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