

Senate Bill 429

By: Senators Lee of the 29th, Shafer of the 48th, Smith of the 52nd and Brush of the 24th

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 revision of certain provisions regarding education flexibility and
3 accountability; to change certain provisions regarding school councils; to change certain
4 provisions regarding early intervention programs; to change certain provisions regarding
5 budgeting, funding, and accounting; to change certain provisions regarding program weights;
6 to change certain provisions regarding effectiveness assessment; to change certain provisions
7 regarding organization of schools; to change certain provisions regarding legislative intent
8 with respect to charter schools; to change certain provisions regarding petitions to establish
9 charter schools; to change certain provisions regarding operation, control, and management
10 requirements for charter schools; to change certain provisions regarding the powers and
11 duties of the Office of Education Accountability; to provide for changes to the accountability
12 assessment; to amend the Official Code of Georgia Annotated so as to change the name
13 "Office of Education Accountability" to "Office of Student Achievement"; to provide for
14 related matters; to provide an effective date; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
19 striking Code Section 20-2-86, relating to school councils, and inserting in its place a new
20 Code Section 20-2-86 to read as follows:

21 "20-2-86.

22 (a) By October 1, 2001, each local board of education that elects to participate in the
23 Quality Basic Education Program provided for in Article 6 of this chapter shall have a
24 school council operational at a minimum of one high school, one middle school, and one
25 elementary school, except that if a school system does not have its schools organized in this
26 manner the system shall designate schools for a school council as closely to the intent of

1 this Code section as possible. By October 1, 2002, each local board of education shall have
 2 a school council operational in a minimum of 50 percent of the schools under its
 3 jurisdiction. Such school council shall operate pursuant to this Code section, and the local
 4 board of education shall assist all councils in their creation and operation. After two years
 5 of successful operation, and upon receiving a high performance designation by the Office
 6 of ~~Education Accountability~~ Student Achievement, the local board of education shall
 7 devolve to the school council such additional authority in matters of school operation as
 8 the local board deems appropriate. By October 1, 2003, each local board of education shall
 9 have a school council operational in each of the schools under its jurisdiction.

10 (b) The local board of education shall provide a training program to assist schools in
 11 forming a school council and to assist school councilmembers in the performance of their
 12 duties. Such program shall address the organization of councils, their purpose and
 13 responsibilities, applicable laws, rules, regulations and meeting procedures, and important
 14 state and local school system program requirements and shall provide a model school
 15 council organization plan. The training program shall be offered to school councilmembers
 16 at least twice per school year, except that this program shall be offered during the month
 17 of July should there be members of the school council with a term commencing on July 1
 18 who have not previously received this training. The State Board of Education shall develop
 19 and make available a model school council training program.

20 (c) Membership on the council shall be open to teachers, parents, and business
 21 representatives selected from all businesses that are designated school business partners.
 22 Any member may withdraw from the council by delivering to the council a written
 23 resignation and submitting a copy to the secretary of the council or school principal. Should
 24 school councilmembers determine that a member of the council is no longer active in the
 25 council as defined by the bylaws of the council, the council may, by a majority vote of ~~five~~
 26 ~~members~~ of the council, withdraw such person's membership status, effective as of a date
 27 determined by the council.

28 (d) The property and business of the council shall be managed by a minimum of seven
 29 school councilmembers of whom a majority shall constitute a quorum. School
 30 councilmembers must be individuals who are 18 years of age or older. Members of the
 31 school council shall include:

32 (1) ~~Two~~ A number of parents or guardians of students enrolled in the school, excluding
 33 employees who are parents or guardians of such students, so that such parents or
 34 guardians make up a majority of the council and at least two of whom shall be
 35 businesspersons;

36 (2) ~~Two businesspersons, one of whom shall be selected by the local board of education~~
 37 ~~and one of whom~~ Other businesspersons may serve on the council and shall be selected

1 by the other ~~five nonbusiness~~ members of the school council from the business partners
2 of the school or, if there are no business partners, from the local business community;

3 (3) At least two ~~Two~~ certificated teachers, excluding any personnel employed in
4 administrative positions, who are employed at least four of the six school segments at the
5 school; and

6 (4) The school principal.

7 An employee of the local school system may serve as a parent representative on the council
8 of a school in which his or her child is enrolled if such employee works at a different
9 school. With the exception of the principal and the business representatives, members shall
10 be elected by, and from among, the group they represent. ~~The chairperson of the council~~
11 ~~shall be the school principal.~~

12 (e) Members of the council shall serve for a term of two years except that local schools
13 may appoint or elect as prescribed in this Code section councilmembers for a one-year term
14 to provide for staggered terms. Members of the council shall be eligible to be reappointed
15 or reelected to succeeding terms. The office of school councilmember shall be
16 automatically vacated:

17 (1) If a member shall resign;

18 (2) If the person holding the office is removed as a member by an action of the council
19 pursuant to this Code section; or

20 (3) If a member no longer meets the qualifications specified in this Code section.

21 An election within the electing body for a replacement to fill the remainder of an unexpired
22 term shall be held within 30 days, unless there are 90 days or less remaining in the term in
23 which case the vacancy shall remain unfilled.

24 (f) All meetings of the school council shall be held at the school site and be open to the
25 public. The council shall meet ~~once a month, at the call of the chairperson, or at the request~~
26 ~~of a majority of the members of the council~~ at least four times annually and the number of
27 meetings shall be specified in the bylaws of the council. Notice by mail shall be sent to
28 school councilmembers ~~at least seven days prior to a meeting of the council.~~ before the
29 start of the academic year. Public notice to parents shall be sent as provided in subsection
30 (g) of this Code section. School councils shall be subject to Chapter 14 of Title 50, relating
31 to open and public meetings, in the same manner as local boards of education. Each
32 member is authorized to exercise one vote. A quorum must be present in order to conduct
33 official council business. Members of the council shall not receive remuneration to serve
34 on the council or its committees.

35 (g) After providing written public notice to all parents and teachers by a mode reasonably
36 calculated to be delivered at least two weeks before the meeting of each electing body, the
37 principal of each school shall call a meeting of electing bodies during the month of May

1 each year for the purpose of selecting members of the school council by secret ballot as
 2 required by this Code section. The electing body for the ~~parent~~ members under paragraph
 3 (1) of subsection (d) of this Code section shall consist of all parents and guardians eligible
 4 to serve as a ~~parent~~ member of the school council, and the electing body for the teacher
 5 members shall consist of all certificated personnel eligible to serve as a teacher member of
 6 the school council.

7 (h) The school council shall adopt such bylaws as it deems appropriate to conduct the
 8 business of the council. The adoption of bylaws or changes thereto requires ~~five~~ a majority
 9 of affirmative votes. The State Board of Education shall develop and make available model
 10 school council bylaws.

11 (i) The school council shall have the same immunity as the local board of education in all
 12 matters directly related to the functions of the council.

13 (j)(1) The officers of the council shall be a chairperson, vice chairperson, and secretary.
 14 Officers of the council, ~~other than the chairperson,~~ shall be ~~appointed by resolution of~~
 15 elected by the council at the first meeting of the council following the election of school
 16 councilmembers. The officers of the council shall hold office concurrently with the term
 17 of members of the council.

18 (2) The vice chairperson shall, in the absence or disability of the chairperson, perform
 19 the duties and exercise the powers of the chairperson and shall perform such other duties
 20 as shall from time to time be ~~imposed upon him or her~~ prescribed by the council.

21 (3) The secretary shall attend all meetings, act as clerk of the council, and be responsible
 22 for recording all votes and minutes of all proceedings in the books to be kept for that
 23 purpose. The secretary shall give or cause to be given notice of all meetings of the
 24 council and shall perform such other duties as may be prescribed by the council or the
 25 chairperson, under whose supervision the secretary shall be.

26 (k) The members of the council are accountable to the constituents they serve and shall:

27 ~~(6)~~(1) Work to improve student achievement and performance;₂

28 ~~(5)~~(2) Encourage the participation of parents and others within the school community;

29 ~~and~~

30 ~~(1)~~(3) Maintain a school-wide perspective on issues;

31 ~~(2)~~(4) Regularly participate in council meetings;

32 ~~(3)~~(5) Participate in information and training programs; and

33 ~~(4)~~(6) Act as a link between the school council and the community;₂

34 (l) The minutes of the council shall be made available to the public, for inspection at the
 35 school office, and shall be provided to the councilmembers, each of whom shall receive a
 36 copy of such minutes within 20 days following each council meeting. All school councils

1 shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public
2 records, in the same manner as local boards of education.

3 (m) At all meetings of the council every question shall be determined by a majority vote
4 of members present, representing a quorum.

5 (n) The term of office of all councilmembers shall begin on July 1 and end on June 30.

6 (o) The council may appoint committees, study groups, or task forces for such purposes
7 as it deems helpful and may utilize existing or new school advisory groups.

8 (p) The local board of education shall provide all information not specifically made
9 confidential by law, including school site budget and expenditure information and site
10 average class sizes by grade, to the council ~~as requested~~ and other information as provided
11 in state board rules. The local board shall also designate an employee of the school system
12 to attend council meetings as requested by a school council for the purpose of responding
13 to questions the council may have concerning information provided to it by the local board
14 or actions taken by the local board.

15 (q) The local board of education shall receive ~~all~~ and consider recommendations of the
16 school council, including the annual report, ~~and shall have the authority to overturn any~~
17 ~~decision of the school council~~ as follows:

18 (1) Public notice shall be given to the community of the local board's intent to consider
19 school council reports, recommendations, appointments, or any other decision of a school
20 council;

21 (2) Written notice shall be given to the members of the school council at least seven days
22 prior to ~~such a~~ a local board meeting, along with a notice of intent to consider a council
23 report, ~~recommendation, appointment, or any other decision of the council;~~ or
24 recommendation; and

25 (3) The members of the school council shall be afforded an opportunity to present
26 information in support of the school council's action; ~~and~~ .

27 (4) ~~A majority of the board members present, representing a quorum, vote to overturn~~
28 ~~the council decision.~~

29 The local board of education shall respond to ~~each recommendation~~ recommendations of
30 the school council within 60 days after being notified in writing of the recommendation.

31 (r) The school principal shall have the following duties pertaining to school council
32 activities:

33 (1) Cause to be created a school council pursuant to this Code section by convening the
34 appropriate bodies to select school councilmembers; setting the initial agenda, meeting
35 time, and location; and notifying all school councilmembers of the same;

36 (2) ~~Serve as chairperson of the school council and perform~~ Perform all of the duties
37 required by law and the bylaws of the council;

1 ~~(3) Speak for and represent the council in all school council matters before the local~~
 2 ~~board of education;~~

3 ~~(4)~~(3) Communicate all council requests for information and assistance to the local
 4 school superintendent and inform the council of responses or actions of the local school
 5 superintendent;

6 ~~(5)~~(4) Develop the school improvement plan and school operation plan and submit the
 7 plans to the school council for its review, comments, recommendations, and approval;
 8 and

9 ~~(6)~~(5) Aid in the development of ~~Develop~~ the agenda for each meeting of the council
 10 after taking into consideration suggestions of councilmembers and the urgency of school
 11 matters. An item may be added to the agenda at the request of three or more
 12 councilmembers; ~~and~~.

13 ~~(7) Provide to the council the initial and midterm allotment sheets for the school that are~~
 14 ~~provided by the Department of Education pursuant to Article 6 of this chapter.~~

15 (s) School councils are advisory bodies. The councils shall provide advice and
 16 recommendations to the school principal and, where appropriate, the local board of
 17 education on any matter, including but not limited to, the following:

18 (1) School calendar;

19 (2) School codes for conduct and dress;

20 (3) Curriculum, program goals, and priorities;

21 (4) The school's improvement plan;

22 ~~(4)~~(5) The responses of the school to audits of the school as conducted by the Office of
 23 ~~Education Accountability~~ Student Achievement;

24 ~~(5)~~(6) Preparation and distribution to the community of a school profile which shall
 25 contain data as identified by the council to describe the academic performance, academic
 26 progress, services, awards, interventions, environment, and other such data as the council
 27 deems appropriate;

28 ~~(6)~~(7) In the case of a vacancy in the position of school principal due to transfer,
 29 retirement, resignation, or termination, the recommendation of a school principal from
 30 a list of qualified applicants submitted by the local board of education and local school
 31 superintendent to the council;

32 ~~(7)~~(8) School budget priorities, including ~~school~~ capital improvement plans;

33 ~~(8)~~(9) School-community communication strategies;

34 ~~(9)~~(10) Methods of reporting to parents and communities other than through the school
 35 profile;

36 ~~(10)~~(11) Extracurricular activities in the school;

37 ~~(11)~~(12) School-based and community services;

1 The specifications for delivery of early intervention services shall be the responsibility of
 2 local boards of education except that the program rules and regulations adopted by the
 3 State Board of Education shall be followed in designing the program delivery models.
 4 Delivery models may include, but are not limited to, class augmentation, pull-out or
 5 self-contained classes, and the Reading Recovery Program delivered by certificated
 6 personnel.

7 (d) The early intervention program shall be designed with the intent of helping the student
 8 to perform at expectations and exit the program in the shortest possible time. Students shall
 9 be moved into this program, provided assistance, and moved out of this program upon
 10 reaching grade level performance. It is not the intent of the General Assembly that students
 11 be assigned to this program on a continuing or permanent basis. ~~In developing~~
 12 ~~accountability standards for schools, the Office of Education Accountability shall consider~~
 13 ~~the length of time that students spend in the early intervention program as one of the~~
 14 ~~determinants of performing and nonperforming schools.~~

15 (e) Funding for the early intervention program shall have a full-time equivalent
 16 teacher-student ratio of one teacher to 11 students.

17 (f) Each local school system shall annually report the number of students served in the
 18 early intervention program as part of the full-time equivalent program count conducted
 19 pursuant to Code Section 20-2-160."

20

SECTION 3.

21 Said title is further amended by striking Code Section 20-2-167, relating to funding,
 22 budgeting, and accounting, and inserting in its place a new Code Section 20-2-167 to read
 23 as follows:

24 "20-2-167.

25 (a)(1) The State Board of Education shall annually compute, based upon the initial
 26 allotment of funds to each local school system, the total funds needed for direct
 27 instructional costs for each program identified in Code Section 20-2-161, specifying the
 28 number of positions earned and salaries and operational costs portions. 'Direct
 29 instructional costs' is defined as those components of the program weights which are
 30 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total
 31 funds needed for direct instructional costs for each program, the state board shall apply
 32 the percentage that these costs represent of the total costs used in developing the program
 33 weights. The direct instructional costs for the five instructional programs for disabled
 34 students shall be summed into one amount for special education. Following the midterm
 35 adjustment, the state board shall issue allotment sheets for each local school system ~~and~~
 36 ~~each school~~ reflecting the total amount of earnings, initial earnings, and midterm

1 adjustment, if any, for each program authorized by Code Section 20-2-161. For each
2 such program, each local school system shall spend a minimum of 90 percent of funds
3 designated for direct instructional costs on the direct instructional costs of such program
4 at the school site in which the funds were earned, except that funds earned for special
5 education programs shall be summed for the purposes of this expenditure control. For the
6 purposes of this expenditure control, funds earned for counselors and technology
7 specialists shall each be summed to the school level. Only the state salary amounts
8 resulting from the amount earned on the state-wide salary schedule as approved by the
9 State Board of Education pursuant to Code Section 20-2-212 plus associated benefits
10 funded by the state and the salaries and any state earned benefits or comparable state
11 earned benefits of technology specialists and classroom aides may be applied to the salary
12 cost components for the purpose of meeting this expenditure control. Except as otherwise
13 provided by law or rule and regulation of the state board, local school systems may
14 decide whether direct instructional funds shall be used for teacher salaries, aide salaries,
15 instructional material or equipment, or any other appropriate direct instructional expense;
16 provided, however, that 100 percent of funds earned for direct instructional salaries shall
17 be expended for salaries of direct instructional personnel and classroom aides. The total
18 number of positions earned for direct instruction as specified in Code Section 20-2-182,
19 adjusted for maximum class size, shall be employed for the delivery of services for which
20 the funds were earned. This position control shall be for the kindergarten program, the
21 kindergarten early intervention program, the primary grades program, and the primary
22 grades early intervention program combined and the combined total for all other
23 programs; provided, however, that positions earned for art, music, foreign language, and
24 physical education, technology specialists, and counselors shall be totaled for all
25 programs. Fractional amounts may be combined and used for any direct instructional
26 position. Funds earned for any fractional amounts may be used for any direct instructional
27 expense. Quality Basic Education Formula funds in excess of the amount required by this
28 paragraph to be expended by a local school system for the direct instructional costs of an
29 instructional program specified by Code Section 20-2-161 which are not expended for
30 direct instructional costs must be returned to the state treasury instruction shall be
31 expended for direct instruction at the system level; and provided, further, that 100 percent
32 of direct instructional funds for the kindergarten early intervention program, the primary
33 grades early intervention program, and the upper elementary grades early intervention
34 program shall be expended on one or more of these programs at the system level, with
35 no requirement that the school system spend any specific portion of such funds at the site
36 where such funds were earned. Only the state salary amounts resulting from the amount
37 earned on the state-wide salary schedule as approved by the State Board of Education

1 pursuant to Code Section 20-2-212 plus associated benefits funded by the state and the
 2 salaries and any state earned benefits or comparable state earned benefits of technology
 3 specialists and classroom aides may be applied to the salary cost components for the
 4 purpose of meeting this expenditure control. In the event any local school system should
 5 fail to expend funds earned for direct instruction on direct instructional costs, the state
 6 board shall increase the local five mill share for an ensuing year by the difference.

7 (2) The state board shall annually compute, based upon the initial allotment of funds to
 8 each local school system, the total funds needed system wide for media center costs,
 9 specifying the salaries and materials cost portions. In computing the total funds needed
 10 for media center costs, the state board shall apply the percentage that these costs represent
 11 of the total costs used in developing program weights. Following the midterm adjustment,
 12 the state board shall issue allotment sheets for each local school system ~~and each school~~
 13 reflecting the total amount of earnings, initial earnings, and midterm adjustment, if any,
 14 for each program authorized by Code Section 20-2-161. ~~Each local school system shall~~
 15 ~~spend 100 percent of the funds designated for media center costs for such costs, and a~~
 16 ~~minimum of 90 percent of such funds shall be spent at the school site in which such funds~~
 17 ~~were earned.~~

18 (3) The state board shall annually compute, based upon the initial allotment of funds to
 19 each local school system, the total funds needed system wide for staff development costs.
 20 In computing the total funds needed for these categories, the state board shall apply the
 21 percentage that these costs represent of the total costs used in developing the program
 22 weights. Following the midterm adjustment, the state board shall issue allotment sheets
 23 for each local school system ~~and each school~~ reflecting the total amount, initial earnings,
 24 and midterm adjustment, if any, of earnings for each program specified in subsection (b)
 25 of Code Section 20-2-161. Each local school system shall spend ~~100~~ a minimum of 90
 26 percent of the funds designated for staff and professional development costs, as allowed
 27 by State Board of Education policy, for such costs at the system level. ~~For each local~~
 28 ~~school system which is granted an additional allotment for the midterm adjustment~~
 29 ~~pursuant to Code Section 20-2-162, these amounts shall be increased by the portion of~~
 30 ~~the midterm adjustment allotment which is applied to staff development. In the event a~~
 31 ~~local school system does not actually enroll the full-time equivalent count that was~~
 32 ~~anticipated by its initial allocation and it elects to return a portion of its allocation for staff~~
 33 ~~development and professional development costs to the state, the 100 percent amount for~~
 34 ~~staff development shall be reduced by that returned amount. Quality Basic Education~~
 35 ~~Formula funds in excess of the amount required by this paragraph to be expended by a~~
 36 ~~local school system for staff development and professional development of certificated~~
 37 ~~and instructional personnel which are not expended for this purpose may be expended~~

1 ~~only for staff development of noncertificated personnel employed by the local school~~
 2 ~~system and the members of the local school board, for meeting certification requirements~~
 3 ~~of personnel, and for administration and operation of the staff development and~~
 4 ~~professional development programs authorized pursuant to subsection (h) of Code~~
 5 ~~Section 20-2-182.~~

6 (4) All funds earned pursuant to this article may be expended only for the operation of
 7 educational programs and services explicitly authorized under this article.

8 (5) The budget of each local school system shall reflect all anticipated revenues from
 9 each source. The budget of each local school system shall designate all of such
 10 anticipated revenues among the several funds or accounts of the system and shall not
 11 leave any anticipated revenues undesignated. Except as otherwise provided in this
 12 paragraph, all amounts allocated to each fund or account and any existing balance in each
 13 fund or account shall be intended for expenditure within the budget year for the purposes
 14 of that fund or account. There shall be no fund or account in the nature of a 'surplus' or
 15 'unobligated surplus' fund or account. Each local school system may, however, establish
 16 a single reserve fund or reserve account intended to cover unanticipated deficiencies in
 17 revenue or unanticipated expenditures, provided that the budget for any year shall not
 18 allocate to such reserve fund or reserve account any amounts which, when combined with
 19 the existing balance in such fund or account, exceed 15 percent of that year's total
 20 budget. A local school system may also establish one or more capital accumulation funds
 21 or accounts, and amounts may be allocated to such capital accumulation funds or
 22 accounts for expenditure in future budget years only if the purpose for which such
 23 amounts will be expended and the anticipated date of expenditure of such amounts are
 24 clearly and specifically identified. The purpose of this paragraph is to prohibit local
 25 school systems from accumulating surplus funds through taxation without accounting to
 26 the taxpayers for how such funds will be expended, and this paragraph shall be liberally
 27 construed to accomplish this purpose.

28 (b)(1) The State Board of Education shall establish a computerized uniform budget and
 29 accounting system as a component of the ~~state-wide comprehensive~~ kindergarten through
 30 grade 12 educational information system established pursuant to Code Section 20-2-320
 31 and shall establish uniform regulations to be implemented by local units of
 32 administration. The computerized uniform budget and accounting system shall conform
 33 to generally accepted governmental accounting principles which shall include, but not be
 34 limited to, the following costing information:

- 35 (A) Instructional program involved;
- 36 (B) Whether basic education or enrichment in purpose;
- 37 (C) Fund source or sources; and

1 (D) Major program components such as instructional personnel, instructional
 2 operations, facility maintenance and operation, media center operation, school
 3 administration, system administration, staff development, or professional development.

4 (2) The state board shall prescribe information that must be submitted to the state board
 5 and the time it must be submitted. In determining the information needed and the time for
 6 submission, the state board shall take into consideration the information and times
 7 ~~identified by the Office of Education Accountability as necessary to the~~ necessary for
 8 implementation of the accountability program ~~provided for in Part 3 of Article 2 of~~
 9 ~~Chapter 14 of this title.~~ The state board is authorized to establish a financial review
 10 section for the limited purpose of reviewing financial records and accounting of local
 11 governing boards and assisting local units of administration in training personnel in
 12 financial and budgetary accounting.

13 (c) The State Board of Education is authorized to prescribe a date by which each local unit
 14 of administration must submit a budget to the state board. The regulations developed by
 15 the state board must make adequate provision for local review and modification prior to
 16 local approval and submittal to the State School Superintendent. The State School
 17 Superintendent shall provide for the examination and preparation of a written report on the
 18 budget of each local unit and submit a copy to the state board and to the respective local
 19 unit of administration. The state board shall either accept or reject the budget of a local
 20 unit.

21 (d) The standards set forth in this article shall be construed as setting out a basic plan for
 22 the direction of the State Board of Education in planning a program and presenting
 23 proposals to the Governor and to the General Assembly. Nothing in this article shall be
 24 construed as amending or modifying in any way Part 1 of Article 4 of Chapter 12 of Title
 25 45, known as the 'Budget Act.' The state board shall, in all of its programs involving
 26 allocation or expenditure of funds, be governed and controlled by Part 1 of Article 4 of
 27 Chapter 12 of Title 45 and all other laws of general application pertaining to the handling
 28 and expenditure of state funds, none of which ~~are~~ is amended, modified, or repealed by this
 29 article unless specifically so provided in this article."

30 SECTION 4.

31 Said title is further amended in Code Section 20-2-182, relating to program weights, by
 32 striking subsection (i) and inserting in its place a new subsection (i) to read as follows:

33 "(i) The State Board of Education shall adopt for each instructional program authorized
 34 pursuant to Part 3 of this article and the middle school program provided for in Code
 35 Section 20-2-290 the maximum number of students which may be taught by a teacher in
 36 an instructional period. ~~Such maximum class sizes shall be equal to or greater than the~~

1 ~~teacher-student ratios used in the calculation of the program weights as set forth in~~
2 ~~subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by~~
3 ~~more than 20 percent, unless specifically authorized by the State Board of Education;~~
4 ~~provided, however, that in no case shall the 20 percent maximum be exceeded for~~
5 ~~mathematics, science, social studies, or English classes; provided, further, that the The~~
6 ~~State Board of Education shall provide for a system average maximum class size that shall~~
7 ~~not exceed the funding class size by more than 20 percent for mathematics, science, social~~
8 ~~studies, or language arts classes, unless specifically authorized by the State Board of~~
9 ~~Education. The system average~~ maximum class size for kindergarten and grades one
10 through three shall not exceed 20 percent over the funding ratio except for art, music, or
11 physical education classes; provided, further, that the system average maximum class size
12 for special education, gifted, and English for speakers of other languages classes shall be
13 set by the State Board of Education. For each instructional program, the maximum number
14 of students who may be taught by a teacher in an instructional period shall not exceed the
15 system average maximum class size for the program by more than two students; provided,
16 however, that a system average maximum class size which results in a fractional full-time
17 equivalent shall be rounded up to the nearest whole number. For a period not to exceed
18 ~~four~~ five years, beginning with the 2000-2001 school year, local school systems shall be
19 allowed to exceed the maximum class sizes set forth in this subsection in a manner
20 consistent with State Board of Education rules and subsection (k) of this Code section. The
21 State Board of Education shall lower the current maximum class sizes set by state board
22 rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school year,
23 by a ~~proportional amount each school year~~ an amount so that, beginning with the
24 ~~2003-2004~~ 2005-2006 school year, State Board of Education rules are in compliance with
25 this subsection ~~except as otherwise provided in subsection (k) of this Code section for the~~
26 ~~2003-2004 school year only~~. An aide may be used in programs to increase class size as
27 allowed by State Board of Education rule and subsection (k) of this Code section, except
28 that, beginning with the 2005-2006 school year, an aide shall not be used to increase the
29 maximum class size in kindergarten or grades one through three, ~~except as otherwise~~
30 ~~provided in subsection (k) of this Code section for the 2003-2004 school year only~~. The
31 maximum class size for the kindergarten and primary grades programs is defined as the
32 number of students in a physical classroom. Maximum class sizes that result in a fractional
33 full-time equivalent shall be rounded up to the nearest whole number as needed. The
34 middle school program shall use the teacher-student ratio of the middle grades program for
35 the purpose of this subsection. The number of students taught by a teacher at any time after
36 the first 15 school days of a school year may not exceed the maximum such number unless
37 authorization for a specific larger number is requested of the state board, along with the

1 educational justification for granting the requested exemption, and the state board has
 2 approved said request. The state board shall not reduce class sizes without the
 3 authorization of the General Assembly if this reduction necessitates added costs for
 4 facilities, personnel, and other program needs. Local boards of education may reduce class
 5 sizes, build additional facilities, and provide other resources at local cost if such actions are
 6 in the best interest of the local school systems' programs as determined by the local boards
 7 of education."

8 SECTION 5.

9 Said title is further amended by striking subsections (f), (i), and (m) of Code Section
 10 20-2-281, relating to effectiveness assessment, and inserting in lieu thereof the following:

11 "(f) Under rules adopted by the State Board of Education, the Department of Education
 12 shall, subject to appropriations by the General Assembly, release some or all of the
 13 questions and answers to each criterion-referenced competency test administered under
 14 subsection (a) of this Code section and each end-of-course assessment administered under
 15 subsection (e) of this Code section after the last time the instrument is administered for a
 16 school year."

17 "(i)(1) The high school graduation test provided for in subsection (a) of this Code section
 18 shall continue in effect until all high school core subject end-of-course assessments have
 19 been developed and implemented, at which time the state board shall discontinue the test
 20 according to a schedule to be determined by the state board.

21 (2) The State Board of Education shall adopt rules regarding ~~course exit~~ student grades
 22 and course-exit requirements in regard to the implemented core subject end-of-course
 23 assessments ~~before discontinuing the high school graduation test.~~

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

26 "(m) Overall student performance data shall be disaggregated by ethnicity, sex,
 27 socioeconomic status, disability, language proficiency, grade level, subject area, school,
 28 ~~and system,~~ and other categories determined by policies established by the Office of
 29 Student Achievement."

30 SECTION 6.

31 Said title is further amended by striking Code Section 20-2-290, relating to organization of
 32 schools, and inserting in its place a new Code Section 20-2-290 to read as follows:

33 "20-2-290.

34 (a) The board of education of any local school system is authorized to organize or
 35 reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction.

1 Local school systems which have organized their schools in such a manner that facilities
 2 house grades six, seven, and eight or grades seven and eight shall qualify for the middle
 3 school program for students in grade levels so housed. A school which houses grades other
 4 than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven
 5 and eight or six, seven, and eight and another full-time principal for grades above or below
 6 the middle school grades; provided, however, that such schools also meet all other
 7 provisions of this Code section. Schools with students in the sixth grade shall not be
 8 eligible for the middle school program if the sixth grades are not housed in middle schools
 9 which also contain both grades seven and eight. Further, two or more adjacent local school
 10 systems shall qualify for the middle school program if through their contractual
 11 arrangement they jointly meet the requirements of this Code section and the criteria and
 12 standards prescribed by the state board.

13 (b) ~~Beginning with the 2001-2002 school year, local~~ Local boards of education shall
 14 schedule each middle school so as to provide the following:

15 (1) A minimum of ~~five~~ 4.5 hours of instruction in English and language arts, reading,
 16 mathematics, science, social studies, and such other academic subjects as the State Board
 17 of Education shall prescribe. For students not performing on grade level, as defined by
 18 the Office of ~~Education Accountability~~ Student Achievement, the minimum of ~~five~~ 4.5
 19 hours shall include such remedial academic instruction in English and language arts,
 20 reading, mathematics, science, or social studies as required to bring such students to
 21 grade level performance with the priority for such remediation being placed on reading
 22 and mathematics or as otherwise determined by the student's team of academic teachers;
 23 provided that, in making such a determination the team shall consider the student's
 24 performance on the criterion-referenced assessments authorized in Code Section
 25 20-2-181. The State Board of Education shall have the authority to require five hours of
 26 instruction in English and language arts, reading, mathematics, science, social studies,
 27 and such other academic subjects as the State Board of Education shall prescribe for
 28 schools that have received an unacceptable rating for two consecutive years or more,
 29 pursuant to Code Section 20-14-33, unless otherwise specified in the school's
 30 improvement plan which has been approved by the State Board of Education;

31 (2) Beyond the minimum of ~~five~~ 4.5 hours of academic instruction, the local board shall
 32 have the authority to schedule for the remainder of the day such academic or exploratory
 33 classes as the State Board of Education shall prescribe; provided, however, that a student
 34 shall be allowed to take additional academic classes instead of exploratory classes if the
 35 parent or guardian of such a student requests such assignment, subject to availability; and

36 (3) An interdisciplinary team of academic teachers with common planning time of a
 37 minimum of 55 minutes.

1 (c) Local school systems shall comply with subsection (b) of this Code section in order to
2 qualify for the middle school program.

3 (d) If a local school system has a combination of qualified and nonqualified schools, it
4 shall qualify for the middle school program only for those students counted in the full-time
5 equivalent count for the middle school program in qualified middle schools."

6 SECTION 7.

7 Said title is further amended by striking Code Section 20-2-2061, relating to legislative intent
8 regarding charter schools, and inserting in its place a new Code Section 20-2-2061 to read
9 as follows:

10 "20-2-2061.

11 It is the intent of the General Assembly to provide a means whereby a petitioner may seek
12 a performance based contract called a charter, which ~~ties improved performance to the~~
13 ~~waiver of specifically identified state and local rules, regulations, policies, procedures, and~~
14 ~~identified provisions of this title other than the provisions of this article~~ exempts the
15 petitioner from the provisions of this title, except as provided in this article, or any state or
16 local rule, regulation, policy, or procedure relating to schools within an applicable school
17 system regardless of whether such rule, regulation, policy, or procedure is established by
18 the local board, the State Board of Education, or the Department of Education; provided,
19 however, that the state board may establish rules, regulations, policies, or procedures
20 consistent with this article relating to charter schools. In exchange for such a waiver, the
21 school agrees to meet or exceed the performance based goals included in the petition and
22 approved by the local board, including but not limited to raising student achievement."

23 SECTION 8.

24 Said title is further amended by striking Code Section 20-2-2063, relating to petitions to
25 establish charter schools, and inserting in its place a new Code Section 20-2-2063 to read as
26 follows:

27 "20-2-2063.

28 The State Board of Education shall promulgate rules, regulations, policies, and procedures
29 to govern the contents of a charter petition, ~~provided that the following shall be required~~
30 ~~at a minimum:~~

31 (1) ~~The state board shall require that a petition designate the performance to be improved~~
32 ~~and how it will be improved through the waiver of specifically identified state and local~~
33 ~~rules, regulations, policies, and procedures, or provisions of this title other than the~~
34 ~~provisions of this article;~~

1 ~~(2) The state board shall require that a petition describe how it will measure the~~
 2 ~~improvement in such performance and over what period of time, provided that such~~
 3 ~~requirement shall not waive the accountability provisions of Part 3 of Article 2 of Chapter~~
 4 ~~14 of this title; and~~

5 ~~(3) The state board shall require that a petition demonstrate how any such waiver does~~
 6 ~~not undermine and is consistent with the intent of the waived state and local rules,~~
 7 ~~regulations, policies, and procedures, or the provisions of this title."~~

8 SECTION 9.

9 Said title is further amended by striking Code Section 20-2-2065, relating to operation,
 10 control, and management requirements for charter schools, and inserting in its place a new
 11 Code Section 20-2-2065 to read as follows:

12 "20-2-2065.

13 (a) Except as provided in this article and in the charter, a charter school shall not be subject
 14 to the provisions of this title or any state or local rule, regulation, policy, or procedure
 15 relating to schools within an applicable school system regardless of whether such rule,
 16 regulation, policy, or procedure is established by the local board, the state board, or the
 17 Department of Education; provided, however, that the state board may establish rules,
 18 regulations, policies, or procedures consistent with this article relating to charter schools.

19 (b) In determining whether to waive, as sought by the petitioner, specifically identified
 20 state and local rules, regulations, policies, and procedures, and provisions of this title other
 21 than the provisions of this article to approve a charter petition or renew an existing charter,
 22 the local board and state board shall ensure that a charter school shall be:

23 (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based,
 24 provided that a charter school's nonprofit status shall not prevent the school from
 25 contracting for the services of a for profit entity;

26 (2) Subject to the control and management of the local board of the local school system
 27 in which the charter school is located, as provided in the charter and in a manner
 28 consistent with the Constitution, if a local charter school;

29 (3) Subject to the supervision of the state board, as provided in the charter and in a
 30 manner consistent with the Constitution, if a state chartered special school;

31 (4) Organized and operated as a nonprofit corporation under the laws of this state;
 32 provided, however, that this paragraph shall not apply to conversion charter schools;

33 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes
 34 relating to civil rights; insurance; the protection of the physical health and safety of
 35 school students, employees, and visitors; conflicting interest transactions; and the
 36 prevention of unlawful conduct;

- 1 (6) Subject to all laws relating to unlawful conduct in or near a public school;
- 2 (7) Subject to an annual financial audit in the manner specified in the charter;
- 3 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
4 provisions shall apply with respect to charter schools whose charters are granted or
5 renewed on or after July 1, 2000;
- 6 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
7 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
- 8 (10) Subject to the requirement that it shall not charge tuition or fees to its students
9 except as may be authorized for local boards by Code Section 20-2-133; and
- 10 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
11 quiet reflection."

12 SECTION 10.

13 Said title is further amended by striking subsection (a) of Code Section 20-14-26, relating
14 to powers and duties of the Office of Education Accountability, and inserting in its place a
15 new subsection (a) to read as follows:

16 "(a) The office shall have the following ~~powers and~~ duties:

17 (1) ~~To develop accountability systems with components that include but are not limited~~
18 ~~to expectations of student achievement, measurement of student achievement, data bases~~
19 ~~of such measurements, analysis of such data for trends in achievement, interventions,~~
20 ~~awards, the intended and efficient expenditure of allotted education funds, and public~~
21 ~~awareness of all such components; To create, with the approval of the State Board of~~
22 ~~Education, a performance-based accountability system, establish indicators of~~
23 ~~performance, rate schools and school systems, develop annual report cards for~~
24 ~~elementary, middle, and secondary schools, and formulate a system of school rewards~~
25 ~~and interventions. The State Board of Education shall approve no later than December~~
26 ~~31, 2004, a single state-wide accountability system for local schools and school systems~~
27 ~~that incorporates federal law, rules, and regulations relating to accountability;~~

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

32 ~~(3)~~(2) To audit and inspect or cause to be audited or inspected for the purpose of
33 verification, research, analysis, reporting, or for other purposes related to the performance
34 of its powers and duties as provided in this article and for the purposes of auditing
35 pre-kindergarten, elementary, middle grades, and secondary education, postsecondary
36 education, and education work force programs and schools, local school systems,

1 institutes, colleges, universities, regional educational service agencies, and other public
 2 education programs and entities as defined by the council;
 3 ~~(4)~~(3) To assist the council in the development of a state-wide education student
 4 information system;
 5 ~~(5)~~(4) To serve as staff to the council; and
 6 ~~(6)~~(5) To exercise the powers and discharge duties of the council, as set forth in Code
 7 Section 20-14-8, under the supervision and oversight of the council."

8 **SECTION 11.**

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

11 "Part 3

12 20-14-30.

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

17 20-14-31.

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

24 20-14-32.

25 The office's state education accountability analysis and reporting program shall obtain
 26 nationally comparative results and benchmarks for the subject areas and grade levels for
 27 which criterion-referenced and nationally normed reference assessment instruments are
 28 adopted, compare Georgia results to such results, and include the findings in the ~~reports~~
 29 report required of the office in paragraph (2) of subsection (a) of Code Section 20-14-27.

- 1 20-14-33.
- 2 (a) The office shall adopt and biennially review, and revise as necessary, indicators of the
- 3 quality of learning by students in an individual school.
- 4 (b) The performance indicators of student achievement and school performance must be
- 5 based on information that is disaggregated with respect to ethnicity, sex, disability,
- 6 language proficiency, and socioeconomic status and must include:
- 7 (1) The results of assessment instruments required under Code Section 20-2-281,
- 8 aggregated by grade level and subject area;
- 9 (2) Dropout rates for each school;
- 10 (3) Student attendance rates for each school;
- 11 (4) School completion rates for each school;
- 12 (5) The percentage of graduating students who attain scores on the Georgia high school
- 13 graduation test required under Code Section 20-2-281 that are equivalent to a passing
- 14 score on the test instrument until such time as the Georgia high school graduation test is
- 15 discontinued as provided in Code Section 20-2-281;
- 16 (6) The percentage of graduating students who meet the course requirements established
- 17 for the recommended high school program by State Board of Education rule;
- 18 (7) The percentage of students taking end-of-course assessment instruments under Code
- 19 Section 20-2-281;
- 20 (8) The percentage of high school students who pass the end-of-course assessment
- 21 instrument in core subjects;
- 22 (9) The results of the Scholastic Assessment Test or the ACT Assessment;
- 23 (10) The percentage of students taking alternate assessments under subsection (d) of
- 24 Code Section 20-2-281;
- 25 (11) The average time that a student placed in an early intervention program remains
- 26 before attaining grade level status and returning to regular status; and
- 27 (12) Any other ~~indicator the office recommends, the council approves, and~~ indicators the
- 28 State Board of Education adopts.
- 29 (c) Performance on the indicator shall be compared to state standards, progress on
- 30 improved student achievement, and comparable performance. ~~The state standard~~ standards
- 31 for comparison shall be established by the office as provided in Code Section 20-14-31.
- 32 ~~Required improvement is defined as the progress necessary for the school or local school~~
- 33 ~~system to meet state standards and for its students to meet exit requirements as defined by~~
- 34 ~~the office pursuant to Code Section 20-14-31. Comparable improvement is derived by~~
- 35 ~~measuring schools and local school systems against a profile developed from a total state~~
- 36 ~~student performance data base which exhibits substantial equivalence to the characteristics~~
- 37 ~~of students served by the school or system, including past academic performance,~~

1 ~~socioeconomic status, ethnicity, sex, disability, mobility, and language proficiency. Data~~
 2 ~~and information regarding the standard shall be included in the annual report provided for~~
 3 ~~in paragraph (2) of subsection (a) of Code Section 20-14-27.~~

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

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

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

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

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

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

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

32 ~~(h)~~(g) 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 of
 34 placing students in the early intervention program under Code Section 20-2-153 and for
 35 purposes of tracking these students for accountability purposes. Data and information
 36 regarding the establishment of the definition shall be included in the annual report provided
 37 for in paragraph (2) of subsection (a) of Code Section 20-14-27.

1 ~~(i)~~(h) 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 report
 6 card for each school in the State of Georgia. The school report cards must be based on the
 7 most current data available disaggregated by student groups. School performance must be
 8 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) Any 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 for
 16 matters of funding, awards, and interventions.

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

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

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 rating~~
 28 ~~for each school based on the definitions as provided in subsection (d) of Code Section~~
 29 ~~20-14-33.~~

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

1 20-14-35.

2 (a) The office may:

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 and
7 efficient expenditure of state funds as allocated.

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

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

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

22 (e) The director may authorize other school audits to be conducted under the following
23 circumstances:

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

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

29 20-14-36.

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

1 20-14-37.

2 The Office of Student Achievement shall develop and the State Board of Education shall
3 approve a Georgia schools awards system is created to recognize those schools and school
4 systems that demonstrate progress or success in achieving the education goals of the state
5 and achieving excellence on the ~~office~~ school rating system as ~~defined~~ provided for in
6 Code Section 20-14-33. The Georgia school awards system may include, at the discretion
7 of the State Board of Education, exemptions from certain mandated programs and other
8 expenditure controls and from designated rules and regulations as determined by the State
9 Board of Education.

10 20-14-38.

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

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

34 (c) The Governor may present proclamations or certificates to schools and school systems
35 determined to have met or exceeded the state's education goals under Code Section
36 20-14-30.

1 20-14-39.

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

10 20-14-40.

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

14 20-14-41.

15 (a) ~~If a school has a grade of D or F~~ The office, with the approval of the State Board of
 16 Education, shall establish rules and regulations specifying appropriate levels of
 17 interventions for schools that received an unacceptable rating on student performance for
 18 the absolute student achievement standard or on progress on improved student achievement
 19 as determined by the office; ~~the office, in the audit report on an individual school, shall~~
 20 ~~report findings and recommend appropriate levels of interventions for that school, based~~
 21 ~~on a scale of increasingly severe interventions, to the State Board of Education.~~ The State
 22 Board of Education shall prescribe the appropriate level of intervention and which may
 23 include one or more of the following increasingly severe interventions:

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

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

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

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

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

5 (B) Recommend actions, including reallocation of resources and technical assistance,
 6 changes in school procedures or operations, staff development focused on student
 7 achievement for instructional and administrative staff, intervention for individual
 8 administrators or teachers, waivers from state statutes or rules, extended instruction
 9 time for low-performing students, smaller class size for low-performing students, or
 10 other actions the team considers appropriate;

11 (C) Assist in the development of an intensive school improvement plan focused on
 12 student achievement required by paragraph (3) of this subsection; and

13 (D) ~~Assist the director in monitoring~~ Monitor the progress of the school in
 14 implementing the intensive school improvement plan focused on student achievement;

15 (5) Requiring the school and the local school system in which the school is located to
 16 implement specific program and school site based expenditure controls, as designated by
 17 the State Board of Education.

18 (6) If a school has received a grade of D or F an unacceptable rating for a period of two
 19 consecutive years or more, appointing a school master or management team to oversee
 20 and direct the duties of the principal of the school in relation to the school until school
 21 performance improves and the school is released from intervention by the director, with
 22 the cost of the master or management team to be paid by the state; or

23 ~~(6)~~(7) If a school has received a grade of D or F an unacceptable rating for a period of
 24 three consecutive years or more, the State Board of Education shall implement one or
 25 more of the following interventions or sanctions, in order of severity:

26 (A) Removal of school personnel on recommendation of the master or the school
 27 improvement team, including the principal and personnel whose performance has
 28 continued not to produce student achievement gains over a three-year period as a
 29 condition for continued receipt of state funds for administration;

30 (B) Allow for the implementation of a state charter school through the designation by
 31 the State Board of Education;

32 (C) Mandate the complete reconstitution of the school, removing all personnel,
 33 appointing a new principal, and hiring all new staff. Existing staff may reapply for
 34 employment at the newly reconstituted school but shall not be rehired if their
 35 performance regarding student achievement has been negative for the past three years;

- 1 (D) Mandate that the parents have the option to relocate the student to other public
 2 schools in the local school system to be chosen by the parents of the student with
 3 transportation costs borne by the system; or
- 4 (E) Mandate a monitor, master, or management team in the school that shall be paid
 5 by the district.
- 6 (b) The State Board of Education shall clearly define the powers and duties of a master or
 7 management team appointed to oversee the operations of a school.
- 8 (c) A school improvement team appointed under this Code section may consist of
 9 currently employed or retired teachers, principals, other educational professionals,
 10 Department of Education school improvement employees, or local school superintendents
 11 recognized for excellence in their roles and appointed by the State Board of Education to
 12 serve as members of a team.
- 13 (d) The State Board of Education shall annually report by June 30 of each year the status
 14 of the interventions imposed on low-performing schools to the office with
 15 recommendations regarding ending, extending, or upgrading the interventions on those
 16 schools. The director shall review and respond to the report."

17 **SECTION 12.**

18 The Official Code of Georgia Annotated is amended by striking from the following Code
 19 sections the name "Office of Education Accountability" wherever the same shall occur and
 20 inserting in lieu thereof the name "Office of Student Achievement":

- 21 (1) Code Section 20-2-154.1, relating to alternative education programs;
- 22 (2) Code Section 20-2-167, relating to funding for direct instructional, media center, and
 23 staff development costs;
- 24 (3) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage
 25 and criteria for determining shortage;
- 26 (4) Code Section 20-2-281, relating to assessment of effectiveness of educational
 27 programs;
- 28 (5) Code Section 20-2-283, relating to criteria and specific requirements for the
 29 development of a placement and promotion policy;
- 30 (6) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap
 31 Commission;
- 32 (7) Code Section 20-2-320, relating to the Education Information Steering Committee
 33 and identification of data to implement the Quality Basic Education Program;
- 34 (8) Code Section 20-14-6, relating to selection of personnel to support the Education
 35 Coordinating Council;

- 1 (9) Code Section 20-14-8, relating to general powers and duties of the Education
2 Coordinating Council;
- 3 (10) Code Section 20-14-20, relating to definitions regarding education accountability
4 assessment programs;
- 5 (11) Code Section 20-14-25, relating to the creation of the Office of Education
6 Accountability;
- 7 (12) Code Section 47-3-127.1, relating to employment of retired teacher as full-time
8 teacher; and
- 9 (13) Code Section 50-18-72, relating to when public disclosure of government records
10 is not required.

11 **SECTION 13.**

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

14 **SECTION 14.**

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