

The Senate Education Committee offered the following substitute to SB 429:

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:

SECTION 1.

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

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. Local
 10 boards of education may by board policy allow an alternative to a school council at a
 11 charter school, an alternative school, or a psychoeducation center if another advisory body
 12 or advisory council exists that performs a comparable function.

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

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 27 school councilmembers determine that a member of the council is no longer active in the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

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

- 35 (1) ~~Two~~ A number of parents or guardians of students enrolled in the school, excluding
 36 employees who are parents or guardians of such students, so that such parents or

1 guardians make up a majority of the council and at least two of whom shall be
2 businesspersons;

3 (2) ~~Two businesspersons, one of whom shall be selected by the local board of education~~
4 ~~and one of whom~~ Other businesspersons may serve on the council and shall be selected
5 by the other ~~five nonbusiness~~ members of the school council from the business partners
6 of the school or, if there are no business partners, from the local business community;

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

10 (4) The school principal.

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

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

21 (1) If a member shall resign;

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

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

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

28 (f) All meetings of the school council shall be held at the school site and be open to the
29 public. The council shall meet ~~once a month, at the call of the chairperson, or at the request~~
30 ~~of a majority of the members of the council~~ at least four times annually and the number of
31 meetings shall be specified in the bylaws of the council. Notice by mail shall be sent to
32 school councilmembers ~~at least seven days prior to a meeting of the council.~~ before the
33 start of the academic year. Public notice to parents shall be sent as provided in subsection

34 (g) of this Code section. School councils shall be subject to Chapter 14 of Title 50, relating
35 to open and public meetings, in the same manner as local boards of education. Each
36 member is authorized to exercise one vote. A quorum must be present in order to conduct

1 official council business. Members of the council shall not receive remuneration to serve
2 on the council or its committees.

3 (g) After providing written public notice to all parents and teachers by a mode reasonably
4 calculated to be delivered at least two weeks before the meeting of each electing body, the
5 principal of each school shall call a meeting of electing bodies during the month of May
6 each year for the purpose of selecting members of the school council by secret ballot as
7 required by this Code section. The electing body for the ~~parent~~ members under paragraph
8 (1) of subsection (d) of this Code section shall consist of all parents and guardians eligible
9 to serve as a ~~parent~~ member of the school council, and the electing body for the teacher
10 members shall consist of all certificated personnel eligible to serve as a teacher member of
11 the school council.

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

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

18 (j)(1) The officers of the council shall be a chairperson, vice chairperson, and secretary.
19 Officers of the council, ~~other than the chairperson,~~ shall be ~~appointed by resolution of~~
20 elected by the council at the first meeting of the council following the election of school
21 councilmembers. The officers of the council shall hold office concurrently with the term
22 of members of the council.

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

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

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

32 ~~(6)~~(1) Work to improve student achievement and performance;

33 ~~(5)~~(2) Encourage the participation of parents and others within the school community;
34 and

35 ~~(4)~~(3) Maintain a school-wide perspective on issues;

36 ~~(2)~~(4) Regularly participate in council meetings;

1 ~~(3)~~(5) Participate in information and training programs; and

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

3 (l) The minutes of the council shall be made available to the public, for inspection at the
4 school office, and shall be provided to the councilmembers, each of whom shall receive a
5 copy of such minutes within 20 days following each council meeting. All school councils
6 shall be subject to Article 4 of Chapter 18 of Title 50, relating to the inspection of public
7 records, in the same manner as local boards of education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 ~~(4)~~(3) Communicate all council requests for information and assistance to the local
11 school superintendent and inform the council of responses or actions of the local school
12 superintendent;

13 ~~(5)~~(4) Develop the school improvement plan and school operation plan and submit the
14 plans to the school council for its review, comments, recommendations, and approval;
15 and

16 ~~(6)~~(5) Aid in the development of ~~Develop~~ the agenda for each meeting of the council
17 after taking into consideration suggestions of councilmembers and the urgency of school
18 matters. An item may be added to the agenda at the request of three or more
19 councilmembers; ~~and~~ and

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

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

25 (1) School calendar;

26 (2) School codes for conduct and dress;

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

28 (4) The school's improvement plan;

29 ~~(4)~~(5) The responses of the school to audits of the school as conducted by the Office of
30 ~~Education Accountability~~ Student Achievement;

31 ~~(5)~~(6) Preparation and distribution to the community of a school profile which shall
32 contain data as identified by the council to describe the academic performance, academic
33 progress, services, awards, interventions, environment, and other such data as the council
34 deems appropriate;

35 ~~(6)~~(7) In the case of a vacancy in the position of school principal due to transfer,
36 retirement, resignation, or termination, the recommendation of a school principal from

1 a list of qualified applicants submitted by the local board of education and local school
 2 superintendent to the council;
 3 ~~(7)~~(8) School budget priorities, including ~~school~~ capital improvement plans;
 4 ~~(8)~~(9) School-community communication strategies;
 5 ~~(9)~~(10) Methods of reporting to parents and communities other than through the school
 6 profile;
 7 ~~(10)~~(11) Extracurricular activities in the school;
 8 ~~(11)~~(12) School-based and community services;
 9 ~~(12)~~(13) Community use of school facilities;
 10 ~~(13)~~(14) ~~Recommendations concerning school~~ School board policies;
 11 ~~(14)~~(15) ~~Receiving and reviewing reports~~ Reports from the school principal regarding
 12 progress toward the school's student achievement goals, including progress within
 13 specific grade levels and subject areas ~~and by school personnel~~; and
 14 ~~(15)~~(16) The method and specifications for the delivery of early intervention services or
 15 other appropriate services for underachieving students."

16 SECTION 2.

17 Said title is further amended by striking Code Section 20-2-153, relating to early intervention
 18 programs, and inserting in its place a new Code Section 20-2-153 to read as follows:

19 "20-2-153.

20 (a) The State Board of Education shall create and each local board of education shall
 21 provide an early intervention program to serve students in kindergarten through grade five.
 22 The kindergarten early intervention program shall serve students enrolled in kindergarten.
 23 The primary grades early intervention program shall serve students enrolled in grades one
 24 through three. The upper elementary grades early intervention program shall serve students
 25 in grades four through five.

26 (b) The early intervention program shall serve students who are at risk of not reaching or
 27 maintaining academic grade level, including but not limited to students who are identified
 28 through the first grade readiness assessment required by Code Sections 20-2-151 and
 29 20-2-281 and students with identified academic performance below grade levels defined
 30 by the Office of ~~Education Accountability~~ Student Achievement in Code Section 20-14-31
 31 for any criterion-referenced assessment administered in accordance with Code Section
 32 20-2-281 for grades one through five. Local school systems shall devise a process for the
 33 identification of such students at the beginning of each school year and also during the
 34 school year as a continuous process of early identification and monitoring. School systems
 35 may use indicators such as but not limited to the student's scores on previous assessments,

1 the student's classroom performance in the same or previous years, and other reliable
 2 indicators to identify such students. A student shall be assigned to the early intervention
 3 program as soon as is practicable after the student is identified as at risk or after the results
 4 of the first-grade readiness assessment, or the criterion-referenced assessment, or other
 5 indicators are known. The school shall provide timely notice and an opportunity for a
 6 conference with the student and his or her parents or guardians to discuss the student's
 7 academic performance and the role of the early intervention program.

8 (c) The State Board of Education shall describe by rules and regulations such additional
 9 services, resources, support, or strategies as may be provided by the local school system.
 10 The specifications for delivery of early intervention services shall be the responsibility of
 11 local boards of education except that the program rules and regulations adopted by the
 12 State Board of Education shall be followed in designing the program delivery models.
 13 Delivery models may include, but are not limited to, class augmentation, pull-out or
 14 self-contained classes, and the Reading Recovery Program delivered by certificated
 15 personnel.

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

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

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

29 SECTION 3.

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

33 "20-2-167.

34 (a)(1) The State Board of Education shall annually compute, based upon the initial
 35 allotment of funds to each local school system, the total funds needed for direct

1 instructional costs for each program identified in Code Section 20-2-161, specifying the
2 number of positions earned and salaries and operational costs portions. 'Direct
3 instructional costs' is defined as those components of the program weights which are
4 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total
5 funds needed for direct instructional costs for each program, the state board shall apply
6 the percentage that these costs represent of the total costs used in developing the program
7 weights. The direct instructional costs for the five instructional programs for disabled
8 students shall be summed into one amount for special education. Following the midterm
9 adjustment, the state board shall issue allotment sheets for each local school system ~~and~~
10 ~~each school~~ reflecting the total amount of earnings, initial earnings, and midterm
11 adjustment, if any, for each program authorized by Code Section 20-2-161. ~~For each~~
12 ~~such program, each local school system shall spend a minimum of 90 percent of funds~~
13 ~~designated for direct instructional costs on the direct instructional costs of such program~~
14 ~~at the school site in which the funds were earned, except that funds earned for special~~
15 ~~education programs shall be summed for the purposes of this expenditure control. For the~~
16 ~~purposes of this expenditure control, funds earned for counselors and technology~~
17 ~~specialists shall each be summed to the school level. Only the state salary amounts~~
18 ~~resulting from the amount earned on the state-wide salary schedule as approved by the~~
19 ~~State Board of Education pursuant to Code Section 20-2-212 plus associated benefits~~
20 ~~funded by the state and the salaries and any state earned benefits or comparable state~~
21 ~~earned benefits of technology specialists and classroom aides may be applied to the salary~~
22 ~~cost components for the purpose of meeting this expenditure control. Except as otherwise~~
23 ~~provided by law or rule and regulation of the state board, local school systems may~~
24 ~~decide whether direct instructional funds shall be used for teacher salaries, aide salaries,~~
25 ~~instructional material or equipment, or any other appropriate direct instructional expense;~~
26 ~~provided, however, that 100 percent of funds earned for direct instructional salaries shall~~
27 ~~be expended for salaries of direct instructional personnel and classroom aides. The total~~
28 ~~number of positions earned for direct instruction as specified in Code Section 20-2-182,~~
29 ~~adjusted for maximum class size, shall be employed for the delivery of services for which~~
30 ~~the funds were earned. This position control shall be for the kindergarten program, the~~
31 ~~kindergarten early intervention program, the primary grades program, and the primary~~
32 ~~grades early intervention program combined and the combined total for all other~~
33 ~~programs; provided, however, that positions earned for art, music, foreign language, and~~
34 ~~physical education, technology specialists, and counselors shall be totaled for all~~
35 ~~programs. Fractional amounts may be combined and used for any direct instructional~~
36 ~~position. Funds earned for any fractional amounts may be used for any direct instructional~~

1 ~~expense. Quality Basic Education Formula funds in excess of the amount required by this~~
 2 ~~paragraph to be expended by a local school system for the direct instructional costs of an~~
 3 ~~instructional program specified by Code Section 20-2-161 which are not expended for~~
 4 ~~direct instructional costs must be returned to the state treasury instruction shall be~~
 5 ~~expended for direct instruction at the system level; and provided, further, that 100 percent~~
 6 ~~of direct instructional funds for the kindergarten early intervention program, the primary~~
 7 ~~grades early intervention program, and the upper elementary grades early intervention~~
 8 ~~program shall be expended on one or more of these programs at the system level, with~~
 9 ~~no requirement that the school system spend any specific portion of such funds at the site~~
 10 ~~where such funds were earned. Only the state salary amounts resulting from the amount~~
 11 ~~earned on the state-wide salary schedule as approved by the State Board of Education~~
 12 ~~pursuant to Code Section 20-2-212 plus associated benefits funded by the state and the~~
 13 ~~salaries and any state earned benefits or comparable state earned benefits of technology~~
 14 ~~specialists and classroom aides may be applied to the salary cost components for the~~
 15 ~~purpose of meeting this expenditure control. In the event any local school system should~~
 16 ~~fail to expend funds earned for direct instruction on direct instructional costs, the state~~
 17 ~~board shall increase the local five mill share for an ensuing year by the difference.~~

18 (2) 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 media center costs,
 20 specifying the salaries and materials cost portions. In computing the total funds needed
 21 for media center costs, the state board shall apply the percentage that these costs represent
 22 of the total costs used in developing program weights. Following the midterm adjustment,
 23 the state board shall issue allotment sheets for each local school system ~~and each school~~
 24 reflecting the total amount of earnings, initial earnings, and midterm adjustment, if any,
 25 for each program authorized by Code Section 20-2-161. ~~Each local school system shall~~
 26 ~~spend 100 percent of the funds designated for media center costs for such costs, and a~~
 27 ~~minimum of 90 percent of such funds shall be spent at the school site in which such funds~~
 28 ~~were earned.~~

29 (3) The state board shall annually compute, based upon the initial allotment of funds to
 30 each local school system, the total funds needed system wide for staff development costs.
 31 In computing the total funds needed for these categories, the state board shall apply the
 32 percentage that these costs represent of the total costs used in developing the program
 33 weights. Following the midterm adjustment, the state board shall issue allotment sheets
 34 for each local school system ~~and each school~~ reflecting the total amount, initial earnings,
 35 and midterm adjustment, if any, of earnings for each program specified in subsection (b)
 36 of Code Section 20-2-161. Each local school system shall spend ~~100~~ a minimum of 90

1 percent of the funds designated for staff and professional development costs, as allowed
 2 by State Board of Education policy, for such costs at the system level. For each local
 3 school system which is granted an additional allotment for the midterm adjustment
 4 pursuant to Code Section 20-2-162, these amounts shall be increased by the portion of
 5 the midterm adjustment allotment which is applied to staff development. In the event a
 6 local school system does not actually enroll the full-time equivalent count that was
 7 anticipated by its initial allocation and it elects to return a portion of its allocation for staff
 8 development and professional development costs to the state, the 100 percent amount for
 9 staff development shall be reduced by that returned amount. Quality Basic Education
 10 Formula funds in excess of the amount required by this paragraph to be expended by a
 11 local school system for staff development and professional development of certificated
 12 and instructional personnel which are not expended for this purpose may be expended
 13 only for staff development of noncertificated personnel employed by the local school
 14 system and the members of the local school board, for meeting certification requirements
 15 of personnel, and for administration and operation of the staff development and
 16 professional development programs authorized pursuant to subsection (h) of Code
 17 Section 20-2-182.

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

20 (5) The budget of each local school system shall reflect all anticipated revenues from
 21 each source. The budget of each local school system shall designate all of such
 22 anticipated revenues among the several funds or accounts of the system and shall not
 23 leave any anticipated revenues undesignated. Except as otherwise provided in this
 24 paragraph, all amounts allocated to each fund or account and any existing balance in each
 25 fund or account shall be intended for expenditure within the budget year for the purposes
 26 of that fund or account. There shall be no fund or account in the nature of a 'surplus' or
 27 'unobligated surplus' fund or account. Each local school system may, however, establish
 28 a single reserve fund or reserve account intended to cover unanticipated deficiencies in
 29 revenue or unanticipated expenditures, provided that the budget for any year shall not
 30 allocate to such reserve fund or reserve account any amounts which, when combined with
 31 the existing balance in such fund or account, exceed 15 percent of that year's total
 32 budget. A local school system may also establish one or more capital accumulation funds
 33 or accounts, and amounts may be allocated to such capital accumulation funds or
 34 accounts for expenditure in future budget years only if the purpose for which such
 35 amounts will be expended and the anticipated date of expenditure of such amounts are
 36 clearly and specifically identified. The purpose of this paragraph is to prohibit local

1 school systems from accumulating surplus funds through taxation without accounting to
2 the taxpayers for how such funds will be expended, and this paragraph shall be liberally
3 construed to accomplish this purpose.

4 (b)(1) The State Board of Education shall establish a computerized uniform budget and
5 accounting system as a component of the state-wide comprehensive educational
6 information system established pursuant to Code Section 20-2-320 and shall establish
7 uniform regulations to be implemented by local units of administration. The
8 computerized uniform budget and accounting system shall conform to generally accepted
9 governmental accounting principles which shall include, but not be limited to, the
10 following costing information:

11 (A) Instructional program involved;

12 (B) Whether basic education or enrichment in purpose;

13 (C) Fund source or sources; and

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

17 (2) The state board shall prescribe information that must be submitted to the state board
18 and the time it must be submitted. In determining the information needed and the time for
19 submission, the state board shall take into consideration the information and times
20 ~~identified by the Office of Education Accountability as necessary to the~~ necessary for
21 ~~implementation of the accountability program provided for in Part 3 of Article 2 of~~
22 ~~Chapter 14 of this title.~~ The state board is authorized to establish a financial review
23 section for the limited purpose of reviewing financial records and accounting of local
24 governing boards and assisting local units of administration in training personnel in
25 financial and budgetary accounting.

26 (c) The State Board of Education is authorized to prescribe a date by which each local unit
27 of administration must submit a budget to the state board. The regulations developed by
28 the state board must make adequate provision for local review and modification prior to
29 local approval and submittal to the State School Superintendent. The State School
30 Superintendent shall provide for the examination and preparation of a written report on the
31 budget of each local unit and submit a copy to the state board and to the respective local
32 unit of administration. The state board shall either accept or reject the budget of a local
33 unit.

34 (d) The standards set forth in this article shall be construed as setting out a basic plan for
35 the direction of the State Board of Education in planning a program and presenting
36 proposals to the Governor and to the General Assembly. Nothing in this article shall be

1 construed as amending or modifying in any way Part 1 of Article 4 of Chapter 12 of Title
2 45, known as the 'Budget Act.' The state board shall, in all of its programs involving
3 allocation or expenditure of funds, be governed and controlled by Part 1 of Article 4 of
4 Chapter 12 of Title 45 and all other laws of general application pertaining to the handling
5 and expenditure of state funds, none of which ~~are~~ is amended, modified, or repealed by this
6 article unless specifically so provided in this article."

7 SECTION 4.

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

10 "(i) The State Board of Education shall adopt for each instructional program authorized
11 pursuant to Part 3 of this article and the middle school program provided for in Code
12 Section 20-2-290 the maximum number of students which may be taught by a teacher in
13 an instructional period. ~~Such maximum class sizes shall be equal to or greater than the~~
14 ~~teacher-student ratios used in the calculation of the program weights as set forth in~~
15 ~~subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by~~
16 ~~more than 20 percent, unless specifically authorized by the State Board of Education;~~
17 ~~provided, however, that in no case shall the 20 percent maximum be exceeded for~~
18 ~~mathematics, science, social studies, or English classes; provided, further, that the~~ The
19 State Board of Education shall provide for a system average maximum class size that shall
20 not exceed the funding class size by more than 20 percent for mathematics, science, social
21 studies, or language arts classes, unless specifically authorized by the State Board of
22 Education. The system average maximum class size for kindergarten and grades one
23 through three shall not exceed 20 percent over the funding ratio except for art, music, or
24 physical education classes; provided, further, that the system average maximum class size
25 for special education, gifted, and English for speakers of other languages classes shall be
26 set by the State Board of Education. For each instructional program, the maximum number
27 of students who may be taught by a teacher in an instructional period shall not exceed the
28 system average maximum class size for the program by more than two students; provided,
29 however, that a system average maximum class size which results in a fractional full-time
30 equivalent shall be rounded up to the nearest whole number. For a period not to exceed
31 ~~four~~ five years, beginning with the 2000-2001 school year, local school systems shall be
32 allowed to exceed the maximum class sizes set forth in this subsection in a manner
33 consistent with State Board of Education rules and subsection (k) of this Code section. The
34 State Board of Education shall lower the current maximum class sizes set by state board
35 rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school year,

1 by a ~~proportional amount each school year~~ an amount so that, beginning with the
 2 ~~2003-2004~~ 2005-2006 school year, State Board of Education rules are in compliance with
 3 this subsection ~~except as otherwise provided in subsection (k) of this Code section for the~~
 4 ~~2003-2004 school year only~~. An aide may be used in programs to increase class size as
 5 allowed by State Board of Education rule and subsection (k) of this Code section, except
 6 that, beginning with the 2005-2006 school year, an aide shall not be used to increase the
 7 maximum class size in kindergarten or grades one through three, ~~except as otherwise~~
 8 ~~provided in subsection (k) of this Code section for the 2003-2004 school year only~~. The
 9 maximum class size for the kindergarten and primary grades programs is defined as the
 10 number of students in a physical classroom. Maximum class sizes that result in a fractional
 11 full-time equivalent shall be rounded up to the nearest whole number as needed. The
 12 middle school program shall use the teacher-student ratio of the middle grades program for
 13 the purpose of this subsection. The number of students taught by a teacher at any time after
 14 the first 15 school days of a school year may not exceed the maximum such number unless
 15 authorization for a specific larger number is requested of the state board, along with the
 16 educational justification for granting the requested exemption, and the state board has
 17 approved said request. The state board shall not reduce class sizes without the
 18 authorization of the General Assembly if this reduction necessitates added costs for
 19 facilities, personnel, and other program needs. Local boards of education may reduce class
 20 sizes, build additional facilities, and provide other resources at local cost if such actions are
 21 in the best interest of the local school systems' programs as determined by the local boards
 22 of education."

23 SECTION 5.

24 Said title is further amended by striking subsections (f), (i), and (m) of Code Section
 25 20-2-281, relating to effectiveness assessment, and inserting in lieu thereof the following:

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

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

(2) The State Board of Education shall adopt rules ~~regarding course exit requirements in regard to the implemented~~ and regulations requiring the results of core subject end-of-course assessments ~~before discontinuing the high school graduation test to be included as a factor in a student's final grade in the core subject course for which the end-of-course assessment is given.~~

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

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

SECTION 6.

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

"20-2-290.

(a) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. Local school systems which have organized their schools in such a manner that facilities house grades six, seven, and eight or grades seven and eight shall qualify for the middle school program for students in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below the middle school grades; provided, however, that such schools also meet all other provisions of this Code section. Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

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

(1) A minimum of ~~five~~ 4.5 hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe. For students not performing on grade level, as defined by the Office of ~~Education Accountability~~ Student Achievement, the minimum of ~~five~~ 4.5

1 hours shall include such remedial academic instruction in English and language arts,
 2 reading, mathematics, science, or social studies as required to bring such students to
 3 grade level performance with the priority for such remediation being placed on reading
 4 and mathematics or as otherwise determined by the student's team of academic teachers;
 5 provided that, in making such a determination the team shall consider the student's
 6 performance on the criterion-referenced assessments authorized in Code Section
 7 20-2-181. The State Board of Education shall have the authority to require five hours of
 8 instruction in English and language arts, reading, mathematics, science, social studies,
 9 and such other academic subjects as the State Board of Education shall prescribe for
 10 schools that have received an unacceptable rating for two consecutive years or more,
 11 pursuant to Code Section 20-14-33, unless otherwise specified in the school's
 12 improvement plan which has been approved by the State Board of Education;

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

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

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

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

25 SECTION 7.

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

29 "20-2-2061.

30 It is the intent of the General Assembly to provide a means whereby a petitioner may seek
 31 a performance based contract called a charter, which ~~ties improved performance to the~~
 32 ~~waiver of specifically identified state and local rules, regulations, policies, procedures, and~~
 33 ~~identified provisions of this title other than the provisions of this article~~ exempts the
 34 petitioner from the provisions of this title, except as provided in this article, or any state or
 35 local rule, regulation, policy, or procedure relating to schools within an applicable school

1 system regardless of whether such rule, regulation, policy, or procedure is established by
 2 the local board, the State Board of Education, or the Department of Education; provided,
 3 however, that the state board may establish rules, regulations, policies, or procedures
 4 consistent with this article relating to charter schools. In exchange for such a waiver, the
 5 school agrees to meet or exceed the performance based goals included in the petition and
 6 approved by the local board, including but not limited to raising student achievement."

7 SECTION 8.

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

11 "20-2-2063.

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

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

19 ~~(2) The state board shall require that a petition describe how it will measure the~~
 20 ~~improvement in such performance and over what period of time, provided that such~~
 21 ~~requirement shall not waive the accountability provisions of Part 3 of Article 2 of Chapter~~
 22 ~~14 of this title; and~~

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

26 SECTION 9.

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

30 "20-2-2065.

31 (a) Except as provided in this article and in the charter, a charter school shall not be subject
 32 to the provisions of this title or any state or local rule, regulation, policy, or procedure
 33 relating to schools within an applicable school system regardless of whether such rule,
 34 regulation, policy, or procedure is established by the local board, the state board, or the

1 Department of Education; provided, however, that the state board may establish rules,
 2 regulations, policies, or procedures consistent with this article relating to charter schools.

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

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

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

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

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

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

21 (6) Subject to all laws relating to unlawful conduct in or near a public school;

22 (7) Subject to an annual financial audit in the manner specified in the charter;

23 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such
 24 provisions shall apply with respect to charter schools whose charters are granted or
 25 renewed on or after July 1, 2000;

26 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of
 27 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

28 (10) Subject to the requirement that it shall not charge tuition or fees to its students
 29 except as may be authorized for local boards by Code Section 20-2-133; and

30 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of
 31 quiet reflection."

32 SECTION 10.

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

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

5 20-14-31.

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

12 20-14-32.

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

18 20-14-33.

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

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

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

26 (2) Dropout rates for each school;

27 (3) Student attendance rates for each school;

28 (4) School completion rates for each school;

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

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

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

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

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

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

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

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

14 (c) Performance on the indicator shall be compared to state standards, progress on
15 improved student achievement, and comparable performance. The state standard standards
16 for comparison shall be established by the office as provided in Code Section 20-14-31.
17 ~~Required improvement is defined as the progress necessary for the school or local school~~
18 ~~system to meet state standards and for its students to meet exit requirements as defined by~~
19 ~~the office pursuant to Code Section 20-14-31. Comparable improvement is derived by~~
20 ~~measuring schools and local school systems against a profile developed from a total state~~
21 ~~student performance data base which exhibits substantial equivalence to the characteristics~~
22 ~~of students served by the school or system, including past academic performance,~~
23 ~~socioeconomic status, ethnicity, sex, disability, mobility, and language proficiency. Data~~
24 ~~and information regarding the standard shall be included in the annual report provided for~~
25 ~~in paragraph (2) of subsection (a) of Code Section 20-14-27.~~

26 (d) The office shall establish individual school ratings for each school in this state for
27 annual academic performance on the assessment instruments required under Code Section
28 20-2-281, ~~with:~~

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

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

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

35 (e) ~~Annually, the office shall define exemplary, acceptable, and unacceptable performance~~
36 ~~for each academic excellence indicator included under in paragraphs (2) through (12) of~~

1 ~~subsection (b) of this Code section and shall project the standards for each of those levels~~
 2 ~~of performance for succeeding years. Data and information regarding the establishment of~~
 3 ~~the standard shall be included in the annual report provided for in paragraph (2) of~~
 4 ~~subsection (a) of Code Section 20-14-27.~~

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

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

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

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

27 20-14-34.

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

- 32 (1) Previous school and local school system performance;
- 33 (2) Current school and local school system performance in relation to the absolute
 34 student achievement standards and progress on improved student achievement; ~~and~~
- 35 (3) Comparable school group performance; and

1 (4) Any other indicators adopted by the State Board of Education.

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

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

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

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

10 (3) Teacher-student ratios; and

11 (4) Administrative and instructional costs per student and other financial accounting
12 information as may be required.

13 (c) Each school year, the office shall prepare and distribute a state-wide report card,
14 aggregated by school systems and disaggregated by student groups, reporting on the
15 student performance and school completion results of each school in the state and a rating
16 for each school ~~based on the definitions~~ as provided for in subsection (d) of Code Section
17 20-14-33.

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

25 20-14-35.

26 (a) The office may:

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

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

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

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

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

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

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

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

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

18 20-14-36.

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

24 20-14-37.

25 The Office of Student Achievement shall develop and the State Board of Education shall
 26 approve a Georgia schools awards system is created to recognize those schools and school
 27 systems that demonstrate progress or success in achieving the education goals of the state
 28 and achieving excellence on the ~~office~~ school rating system as ~~defined~~ provided for in
 29 Code Section 20-14-33. The State Board of Education shall, no later than August 1, 2004,
 30 develop and disseminate rules and regulations specifying the designated provisions of this
 31 title and of rules and regulations of the State Board of Education which will be eligible for
 32 exemption for high-performing schools. Such rules and regulations shall include, at a
 33 minimum, exemptions from expenditure controls, maximum class size requirements,

1 reporting requirements, and any other provisions the State Board of Education deems
2 appropriate.

3 20-14-38.

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

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

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

30 20-14-39.

31 The financial award system may be funded by donations, grants, or appropriation by the
32 General Assembly or as otherwise provided. The State Board of Education may solicit and
33 receive grants and donations for the purpose of making awards under this part. Award
34 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 under
2 this part. The donations, grants, or appropriations by the General Assembly shall be
3 accounted for and distributed by the State Board of Education. The awards are subject to
4 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 received
7 by the office, the Department of Education, and the State Board of Education under this
8 part from schools or school systems shall be deemed confidential and may not be disclosed.

9 20-14-41.

10 ~~(a) If a school has a grade of D or F~~ The State Board of Education shall by policies, rules,
11 or regulations establish a coherent and sustained system of assistance and support for
12 schools not meeting identified levels of achievement or not showing specified levels of
13 progress as determined by the office. The State Board of Education shall by policies, rules,
14 or regulations specify appropriate levels of assistance and intervention for schools that
15 receive an unacceptable rating on student performance for the absolute student achievement
16 standard or on progress on improved student achievement, ~~as determined by the office, the~~
17 ~~office, in the audit report on an individual school, shall report findings and recommend~~
18 ~~appropriate levels of interventions for that school, based on a scale of increasingly severe~~
19 ~~interventions, to the State Board of Education. The~~ In specifying levels of assistance and
20 intervention, the State Board of Education shall ~~prescribe the appropriate level of~~
21 ~~intervention and~~ consider the number of years a school has received an unacceptable rating
22 and may include one or more of the following ~~increasingly severe~~ interventions:

- 23 (1) Issuing public notice of the deficiency to the local board of education;
- 24 (2) Ordering a hearing to be conducted at the school by the local board of education with
25 the participation of the school council for the purpose of notifying the public of the
26 unacceptable performance, the improvements in performance expected by the office, and
27 the interventions that may be imposed under this Code section if the performance does
28 not improve within a designated period of time and of soliciting public comment on the
29 initial steps being taken to improve performance;
- 30 (3) Ordering the preparation of an intensive student achievement improvement plan that
31 addresses each academic excellence indicator for which the school's performance is
32 unacceptable, the submission of the plan to the ~~director~~ State Board of Education for
33 approval, and implementation of the plan;
- 34 (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~~ professional learning
 7 focused on student achievement for instructional and administrative staff, intervention
 8 for individual administrators or teachers, instructional strategies based on scientifically
 9 based research, waivers from state statutes or rules, adoption of policies and practices
 10 to ensure all groups of students meet the state's proficiency level, extended instruction
 11 time for low-performing students, strategies for parental involvement, incorporation of
 12 a teacher mentoring program, smaller class size for low-performing students, or other
 13 actions the team considers appropriate;

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

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

18 (5) 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) If a school has received a ~~grade of D or F~~ an unacceptable rating for a period of three
 24 consecutive years or more, the State Board of Education shall implement one or more of
 25 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 and which may be secured through contract;

6 (F) Continue the intensive student achievement improvement plan provided for in
7 paragraph (3) of this subsection; or

8 (G) Mandate a complete restructuring of the school's governance arrangement and
9 internal organization of the school.

10 (b) If a school has received an unacceptable rating for a period of two consecutive years
11 or more, the following interventions shall be imposed automatically in accordance with
12 rules and regulations established by the State Board of Education and in addition to any
13 other interventions imposed by the State Board of Education pursuant to this subsection or
14 subsection (a) of this Code section:

15 (1) Mandated public school choice;

16 (2) Specified maximum class sizes; and

17 (3) Site based expenditure controls.

18 At its discretion, the State Board of Education shall also be authorized to impose additional
19 restrictions or mandates on schools subject to this subsection, as deemed appropriate by the
20 State Board of Education and in accordance with its rules and regulations.

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

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

28 ~~(d)~~(e) The State Board of Education shall annually report by ~~June 30~~ October 31 of each
29 year the status of the interventions imposed on low-performing schools to the office with
30 recommendations regarding ending, extending, or upgrading the interventions on those
31 schools. The director shall review and respond to the report."

32 SECTION 12.

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

- 1 (1) Code Section 20-2-154.1, relating to alternative education programs;
- 2 (2) Code Section 20-2-167, relating to funding for direct instructional, media center, and
3 staff development costs;
- 4 (3) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage
5 and criteria for determining shortage;
- 6 (4) Code Section 20-2-281, relating to assessment of effectiveness of educational
7 programs;
- 8 (5) Code Section 20-2-283, relating to criteria and specific requirements for the
9 development of a placement and promotion policy;
- 10 (6) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap
11 Commission;
- 12 (7) Code Section 20-2-320, relating to the Education Information Steering Committee
13 and identification of data to implement the Quality Basic Education Program;
- 14 (8) Code Section 20-14-6, relating to selection of personnel to support the Education
15 Coordinating Council;
- 16 (9) Code Section 20-14-8, relating to general powers and duties of the Education
17 Coordinating Council;
- 18 (10) Code Section 20-14-20, relating to definitions regarding education accountability
19 assessment programs;
- 20 (11) Code Section 20-14-25, relating to the creation of the Office of Education
21 Accountability;
- 22 (12) Code Section 47-3-127.1, relating to employment of retired teacher as full-time
23 teacher; and
- 24 (13) Code Section 50-18-72, relating to when public disclosure of government records
25 is not required.

26 **SECTION 13.**

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

29 **SECTION 14.**

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