

Senate Bill 429

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

**AS PASSED SENATE**

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. 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;

37 ~~(3)~~(5) Participate in information and training programs; and

1 ~~(4)~~(6) Act as a link between the school council and the community;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ~~(4)~~(3) Communicate all council requests for information and assistance to the local  
9 school superintendent and inform the council of responses or actions of the local school  
10 superintendent;

11 ~~(5)~~(4) Develop the school improvement plan and school operation plan and submit the  
12 plans to the school council for its review, comments, recommendations, and approval;  
13 and

14 ~~(6)~~(5) Aid in the development of ~~Develop~~ the agenda for each meeting of the council  
15 after taking into consideration suggestions of councilmembers and the urgency of school  
16 matters. An item may be added to the agenda at the request of three or more  
17 councilmembers; and.

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

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

23 (1) School calendar;

24 (2) School codes for conduct and dress;

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

26 (4) The school's improvement plan;

27 ~~(4)~~(5) The responses of the school to audits of the school as conducted by the Office of  
28 ~~Education Accountability~~ Student Achievement;

29 ~~(5)~~(6) Preparation and distribution to the community of a school profile which shall  
30 contain data as identified by the council to describe the academic performance, academic  
31 progress, services, awards, interventions, environment, and other such data as the council  
32 deems appropriate;

33 ~~(6)~~(7) In the case of a vacancy in the position of school principal due to transfer,  
34 retirement, resignation, or termination, the recommendation of a school principal from  
35 a list of qualified applicants submitted by the local board of education and local school  
36 superintendent to the council;

37 ~~(7)~~(8) School budget priorities, including ~~school~~ capital improvement plans;



1 indicators are known. The school shall provide timely notice and an opportunity for a  
2 conference with the student and his or her parents or guardians to discuss the student's  
3 academic performance and the role of the early intervention program.

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

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

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

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

### 25 SECTION 3.

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

29 "20-2-167.

30 (a)(1) The State Board of Education shall annually compute, based upon the initial  
31 allotment of funds to each local school system, the total funds needed for direct  
32 instructional costs for each program identified in Code Section 20-2-161, specifying the  
33 number of positions earned and salaries and operational costs portions. 'Direct  
34 instructional costs' is defined as those components of the program weights which are  
35 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total  
36 funds needed for direct instructional costs for each program, the state board shall apply

1 the percentage that these costs represent of the total costs used in developing the program  
 2 weights. The direct instructional costs for the five instructional programs for disabled  
 3 students shall be summed into one amount for special education. Following the midterm  
 4 adjustment, the state board shall issue allotment sheets for each local school system ~~and~~  
 5 ~~each school~~ reflecting the total amount of earnings, initial earnings, and midterm  
 6 adjustment, if any, for each program authorized by Code Section 20-2-161. ~~For each~~  
 7 ~~such program, each local school system shall spend a minimum of 90 percent of funds~~  
 8 ~~designated for direct instructional costs on the direct instructional costs of such program~~  
 9 ~~at the school site in which the funds were earned, except that funds earned for special~~  
 10 ~~education programs shall be summed for the purposes of this expenditure control. For the~~  
 11 ~~purposes of this expenditure control, funds earned for counselors and technology~~  
 12 ~~specialists shall each be summed to the school level. Only the state salary amounts~~  
 13 ~~resulting from the amount earned on the state-wide salary schedule as approved by the~~  
 14 ~~State Board of Education pursuant to Code Section 20-2-212 plus associated benefits~~  
 15 ~~funded by the state and the salaries and any state earned benefits or comparable state~~  
 16 ~~earned benefits of technology specialists and classroom aides may be applied to the salary~~  
 17 ~~cost components for the purpose of meeting this expenditure control. Except as otherwise~~  
 18 ~~provided by law or rule and regulation of the state board, local school systems may~~  
 19 ~~decide whether direct instructional funds shall be used for teacher salaries, aide salaries,~~  
 20 ~~instructional material or equipment, or any other appropriate direct instructional expense;~~  
 21 ~~provided, however, that 100 percent of funds earned for direct instructional salaries shall~~  
 22 ~~be expended for salaries of direct instructional personnel and classroom aides. The total~~  
 23 ~~number of positions earned for direct instruction as specified in Code Section 20-2-182,~~  
 24 ~~adjusted for maximum class size, shall be employed for the delivery of services for which~~  
 25 ~~the funds were earned. This position control shall be for the kindergarten program, the~~  
 26 ~~kindergarten early intervention program, the primary grades program, and the primary~~  
 27 ~~grades early intervention program combined and the combined total for all other~~  
 28 ~~programs; provided, however, that positions earned for art, music, foreign language, and~~  
 29 ~~physical education, technology specialists, and counselors shall be totaled for all~~  
 30 ~~programs. Fractional amounts may be combined and used for any direct instructional~~  
 31 ~~position. Funds earned for any fractional amounts may be used for any direct instructional~~  
 32 ~~expense. Quality Basic Education Formula funds in excess of the amount required by this~~  
 33 ~~paragraph to be expended by a local school system for the direct instructional costs of an~~  
 34 ~~instructional program specified by Code Section 20-2-161 which are not expended for~~  
 35 ~~direct instructional costs must be returned to the state treasury instruction shall be~~  
 36 ~~expended for direct instruction at the system level; and provided, further, that 100 percent~~  
 37 ~~of direct instructional funds for the kindergarten early intervention program, the primary~~

1 grades early intervention program, and the upper elementary grades early intervention  
 2 program shall be expended on one or more of these programs at the system level, with  
 3 no requirement that the school system spend any specific portion of such funds at the site  
 4 where such funds were earned. Only the state salary amounts resulting from the amount  
 5 earned on the state-wide salary schedule as approved by the State Board of Education  
 6 pursuant to Code Section 20-2-212 plus associated benefits funded by the state and the  
 7 salaries and any state earned benefits or comparable state earned benefits of technology  
 8 specialists and classroom aides may be applied to the salary cost components for the  
 9 purpose of meeting this expenditure control. In the event any local school system should  
 10 fail to expend funds earned for direct instruction on direct instructional costs, the state  
 11 board shall increase the local five mill share for an ensuing year by the difference.

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

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

1 ~~development and professional development costs to the state, the 100 percent amount for~~  
 2 ~~staff development shall be reduced by that returned amount. Quality Basic Education~~  
 3 ~~Formula funds in excess of the amount required by this paragraph to be expended by a~~  
 4 ~~local school system for staff development and professional development of certificated~~  
 5 ~~and instructional personnel which are not expended for this purpose may be expended~~  
 6 ~~only for staff development of noncertificated personnel employed by the local school~~  
 7 ~~system and the members of the local school board, for meeting certification requirements~~  
 8 ~~of personnel, and for administration and operation of the staff development and~~  
 9 ~~professional development programs authorized pursuant to subsection (h) of Code~~  
 10 ~~Section 20-2-182.~~

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

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

33 (b)(1) The State Board of Education shall establish a computerized uniform budget and  
 34 accounting system as a component of the state-wide comprehensive educational  
 35 information system established pursuant to Code Section 20-2-320 and shall establish  
 36 uniform regulations to be implemented by local units of administration. The  
 37 computerized uniform budget and accounting system shall conform to generally accepted

1 governmental accounting principles which shall include, but not be limited to, the  
2 following costing information:

3 (A) Instructional program involved;

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

5 (C) Fund source or sources; and

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

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

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

26 (d) The standards set forth in this article shall be construed as setting out a basic plan for  
27 the direction of the State Board of Education in planning a program and presenting  
28 proposals to the Governor and to the General Assembly. Nothing in this article shall be  
29 construed as amending or modifying in any way Part 1 of Article 4 of Chapter 12 of Title  
30 45, known as the 'Budget Act.' The state board shall, in all of its programs involving  
31 allocation or expenditure of funds, be governed and controlled by Part 1 of Article 4 of  
32 Chapter 12 of Title 45 and all other laws of general application pertaining to the handling  
33 and expenditure of state funds, none of which ~~are~~ is amended, modified, or repealed by this  
34 article unless specifically so provided in this article."



1 maximum class size for the kindergarten and primary grades programs is defined as the  
 2 number of students in a physical classroom. Maximum class sizes that result in a fractional  
 3 full-time equivalent shall be rounded up to the nearest whole number as needed. The  
 4 middle school program shall use the teacher-student ratio of the middle grades program for  
 5 the purpose of this subsection. The number of students taught by a teacher at any time after  
 6 the first 15 school days of a school year may not exceed the maximum such number unless  
 7 authorization for a specific larger number is requested of the state board, along with the  
 8 educational justification for granting the requested exemption, and the state board has  
 9 approved said request. The state board shall not reduce class sizes without the  
 10 authorization of the General Assembly if this reduction necessitates added costs for  
 11 facilities, personnel, and other program needs. Local boards of education may reduce class  
 12 sizes, build additional facilities, and provide other resources at local cost if such actions are  
 13 in the best interest of the local school systems' programs as determined by the local boards  
 14 of education."

#### 15 SECTION 5.

16 Said title is further amended by striking subsections (f), (i), and (m) of Code Section  
 17 20-2-281, relating to effectiveness assessment, and inserting in lieu thereof the following:

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

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

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

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

35 "(m) Overall student performance data shall be disaggregated by ethnicity, sex,  
 36 socioeconomic status, disability, language proficiency, grade level, subject area, school,

1 ~~and system, and other categories determined by policies established by the Office of~~  
2 Student Achievement."

3 **SECTION 6.**

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

6 "20-2-290.

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

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

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

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

1 pursuant to Code Section 20-14-33, unless otherwise specified in the school's  
 2 improvement plan which has been approved by the State Board of Education;

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

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

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

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

#### 15 SECTION 7.

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

19 "20-2-2061.

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

#### 32 SECTION 8.

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

1 "20-2-2063.

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

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

9 ~~(2) The state board shall require that a petition describe how it will measure the~~  
10 ~~improvement in such performance and over what period of time, provided that such~~  
11 ~~requirement shall not waive the accountability provisions of Part 3 of Article 2 of Chapter~~  
12 ~~14 of this title; and~~

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

#### 16 SECTION 9.

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

20 "20-2-2065.

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

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

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

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

- 1 (3) Subject to the supervision of the state board, as provided in the charter and in a  
 2 manner consistent with the Constitution, if a state chartered special school;
- 3 (4) Organized and operated as a nonprofit corporation under the laws of this state;  
 4 provided, however, that this paragraph shall not apply to conversion charter schools;
- 5 (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes  
 6 relating to civil rights; insurance; the protection of the physical health and safety of  
 7 school students, employees, and visitors; conflicting interest transactions; and the  
 8 prevention of unlawful conduct;
- 9 (6) Subject to all laws relating to unlawful conduct in or near a public school;
- 10 (7) Subject to an annual financial audit in the manner specified in the charter;
- 11 (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such  
 12 provisions shall apply with respect to charter schools whose charters are granted or  
 13 renewed on or after July 1, 2000;
- 14 (9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of  
 15 Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
- 16 (10) Subject to the requirement that it shall not charge tuition or fees to its students  
 17 except as may be authorized for local boards by Code Section 20-2-133; and
- 18 (11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of  
 19 quiet reflection."

#### 20 SECTION 10.

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

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

- 25 (1) ~~To develop accountability systems with components that include but are not limited~~  
 26 ~~to expectations of student achievement, measurement of student achievement, data bases~~  
 27 ~~of such measurements, analysis of such data for trends in achievement, interventions,~~  
 28 ~~awards, the intended and efficient expenditure of allotted education funds, and public~~  
 29 ~~awareness of all such components; To create, with the approval of the State Board of~~  
 30 Education, a performance-based accountability system, establish indicators of  
 31 performance, rate schools and school systems, develop annual report cards for  
 32 elementary, middle, and secondary schools, and formulate a system of school rewards  
 33 and interventions. The State Board of Education shall approve no later than December  
 34 31, 2004, a single state-wide accountability system for local schools and school systems  
 35 that incorporates federal law, rules, and regulations relating to accountability;

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

5 ~~(3)~~(2) To audit and inspect or cause to be audited or inspected for the purpose of  
 6 verification, research, analysis, reporting, or for other purposes related to the performance  
 7 of its powers and duties as provided in this article and for the purposes of auditing  
 8 pre-kindergarten, elementary, middle grades, and secondary education, postsecondary  
 9 education, and education work force programs and schools, local school systems,  
 10 institutes, colleges, universities, regional educational service agencies, and other public  
 11 education programs and entities as defined by the council;

12 ~~(4)~~(3) To assist the council in the development of a state-wide education student  
 13 information system;

14 ~~(5)~~(4) To serve as staff to the council; and

15 ~~(6)~~(5) To exercise the powers and discharge duties of the council, as set forth in Code  
 16 Section 20-14-8, under the supervision and oversight of the council."

#### 17 SECTION 11.

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

#### 20 "Part 3

21 20-14-30.

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

26 20-14-31.

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

1 20-14-32.

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

7 20-14-33.

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

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

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

15 (2) Dropout rates for each school;

16 (3) Student attendance rates for each school;

17 (4) School completion rates for each school;

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

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

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

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

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

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

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

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

35 (c) Performance on the indicator shall be compared to state standards, progress on  
36 improved student achievement, and comparable performance. The ~~state standard~~ standards

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

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

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

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

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

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

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

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

1 definition and the tracking of dropout and school completion data shall be included in the  
2 annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

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

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

12 20-14-34.

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

- 17 (1) Previous school and local school system performance;
- 18 (2) Current school and local school system performance in relation to the absolute  
19 student achievement standards and progress on improved student achievement; ~~and~~
- 20 (3) Comparable school group performance; and
- 21 (4) Any other indicators adopted by the State Board of Education.

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

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

- 26 (1) The individual school grades ratings as ~~defined~~ provided for in subsection (d) of  
27 Code Section 20-14-33;
- 28 (2) The academic excellence indicators ~~identified in paragraphs (2) through (12) of~~  
29 subsection (b) of Code Section 20-14-33;
- 30 (3) Teacher-student ratios; and
- 31 (4) Administrative and instructional costs per student and other financial accounting  
32 information as may be required.

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

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

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

10 20-14-35.

11 (a) The office may:

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

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

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

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

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

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

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

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

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

4 20-14-36.

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

10 20-14-37.

11 The Office of Student Achievement shall develop and the State Board of Education shall  
12 approve a Georgia schools awards system ~~is created~~ to recognize those schools and school  
13 systems that demonstrate progress or success in achieving the education goals of the state  
14 and achieving excellence on the ~~office~~ school rating system as ~~defined~~ provided for in  
15 Code Section 20-14-33. The State Board of Education shall, no later than August 1, 2004,  
16 develop and disseminate rules and regulations specifying the designated provisions of this  
17 title and of rules and regulations of the State Board of Education which will be eligible for  
18 exemption for high-performing schools. Such rules and regulations shall include, at a  
19 minimum, exemptions from expenditure controls, maximum class size requirements,  
20 reporting requirements, and any other provisions the State Board of Education deems  
21 appropriate.

22 20-14-38.

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

28 (b) Financial awards will be provided to each school that is identified by the director  
29 ~~achieves a grade of A or B as defined in Code Section 20-14-33~~ for performance on either  
30 or both ~~the absolute student achievement standard~~ excellence in student achievement and  
31 progress on student achievement. The certificated personnel in a school that ~~achieves the~~  
32 ~~grade of A or B~~ is identified by the director as either a best performing school or better  
33 performing school in either or both categories will be provided a bonus for the year the  
34 school ~~achieved those grades~~ was identified of \$1,000.00 for each ~~grade of A~~ best

1 performing school designation and \$500.00 for each ~~grade of B~~ better performing school  
 2 designation. The maximum individual annual bonus for certificated personnel shall not  
 3 exceed \$2,000.00 and shall be provided subject to appropriation by the General Assembly  
 4 or as otherwise may be provided. An additional financial award will be provided to each  
 5 school for noncertificated personnel in the amount of \$10,000.00 for each ~~A grade for the~~  
 6 ~~school~~ designation of best performing school and \$5,000.00 for each ~~B grade for the school~~  
 7 designation of better performing school, provided that the total lump sum noncertificated  
 8 personnel award for an individual school shall not exceed \$20,000.00; provided, further,  
 9 that funds for this purpose are appropriated by the General Assembly or as otherwise may  
 10 be provided. The ~~local school council of the~~ school receiving this noncertificated personnel  
 11 award shall determine the distribution of the award among such personnel of its school.

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

15 20-14-39.

16 The financial award system may be funded by donations, grants, or appropriation by the  
 17 General Assembly or as otherwise provided. The State Board of Education may solicit and  
 18 receive grants and donations for the purpose of making awards under this part. Award  
 19 funds may be used by the State Board of Education to pay for the costs associated with  
 20 sponsoring a ceremony to recognize or present awards to schools or school systems under  
 21 this part. The donations, grants, or appropriations by the General Assembly shall be  
 22 accounted for and distributed by the State Board of Education. The awards are subject to  
 23 audit requirements established by the ~~office~~ State Board of Education.

24 20-14-40.

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

28 20-14-41.

29 (a) ~~If a school has a grade of D or F~~ The State Board of Education shall by policies, rules,  
 30 or regulations establish a coherent and sustained system of assistance and support for  
 31 schools not meeting identified levels of achievement or not showing specified levels of  
 32 progress as determined by the office. The State Board of Education shall by policies, rules,  
 33 or regulations specify appropriate levels of assistance and intervention for schools that  
 34 receive an unacceptable rating on student performance for the absolute student achievement

1 standard or on progress on improved student achievement, ~~as determined by the office, the~~  
 2 ~~office, in the audit report on an individual school, shall report findings and recommend~~  
 3 ~~appropriate levels of interventions for that school, based on a scale of increasingly severe~~  
 4 ~~interventions, to the State Board of Education. The In specifying levels of assistance and~~  
 5 ~~intervention, the State Board of Education shall ~~prescribe the appropriate level of~~~~  
 6 ~~intervention and consider the number of years a school has received an unacceptable rating~~  
 7 ~~and may include one or more of the following ~~increasingly severe~~ interventions:~~

- 8 (1) Issuing public notice of the deficiency to the local board of education;
- 9 (2) Ordering a hearing to be conducted at the school by the local board of education with  
 10 the participation of the school council for the purpose of notifying the public of the  
 11 unacceptable performance, the improvements in performance expected by the office, and  
 12 the interventions that may be imposed under this Code section if the performance does  
 13 not improve within a designated period of time and of soliciting public comment on the  
 14 initial steps being taken to improve performance;
- 15 (3) Ordering the preparation of an intensive student achievement improvement plan that  
 16 addresses each academic excellence indicator for which the school's performance is  
 17 unacceptable, the submission of the plan to the ~~director~~ State Board of Education for  
 18 approval, and implementation of the plan;
- 19 (4) Appointing a Department of Education school improvement team to:
  - 20 (A) Conduct a comprehensive on-site evaluation of each low-performing school to  
 21 determine the cause for the school's low performance and lack of progress that includes  
 22 presentations by the chairperson of the local board of education, the school principal,  
 23 a parent member of the local school council, and other school personnel;
  - 24 (B) Recommend actions, including reallocation of resources and technical assistance,  
 25 changes in school procedures or operations, ~~staff development~~ professional learning  
 26 focused on student achievement for instructional and administrative staff, intervention  
 27 for individual administrators or teachers, instructional strategies based on scientifically  
 28 based research, waivers from state statutes or rules, adoption of policies and practices  
 29 to ensure all groups of students meet the state's proficiency level, extended instruction  
 30 time for low-performing students, strategies for parental involvement, incorporation of  
 31 a teacher mentoring program, smaller class size for low-performing students, or other  
 32 actions the team considers appropriate;
  - 33 (C) Assist in the development of an intensive school improvement plan focused on  
 34 student achievement required by paragraph (3) of this subsection; and
  - 35 (D) ~~Assist the director in monitoring~~ Monitor the progress of the school in  
 36 implementing the intensive school improvement plan focused on student achievement;

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

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

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

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

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

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

22 (E) Mandate a monitor, master, or management team in the school that shall be paid  
 23 by the district and which may be secured through contract;

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

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

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

33 (1) Mandated public school choice;

34 (2) Specified maximum class sizes; and

35 (3) Site based expenditure controls.

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

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

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

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

## 15 SECTION 12.

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

19 (1) Code Section 20-2-154.1, relating to alternative education programs;

20 (2) Code Section 20-2-167, relating to funding for direct instructional, media center, and  
 21 staff development costs;

22 (3) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage  
 23 and criteria for determining shortage;

24 (4) Code Section 20-2-281, relating to assessment of effectiveness of educational  
 25 programs;

26 (5) Code Section 20-2-283, relating to criteria and specific requirements for the  
 27 development of a placement and promotion policy;

28 (6) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap  
 29 Commission;

30 (7) Code Section 20-2-320, relating to the Education Information Steering Committee  
 31 and identification of data to implement the Quality Basic Education Program;

32 (8) Code Section 20-14-6, relating to selection of personnel to support the Education  
 33 Coordinating Council;

34 (9) Code Section 20-14-8, relating to general powers and duties of the Education  
 35 Coordinating Council;

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

9 **SECTION 13.**

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

12 **SECTION 14.**

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