

House Bill 1636

By: Representatives Rice of the 64<sup>th</sup>, Fludd of the 48<sup>th</sup>, Post 4, Smith of the 76<sup>th</sup>, Willard of the 40<sup>th</sup>, Bunn of the 63<sup>rd</sup>, and others

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 numerous exemptions from statutory requirements for schools that are  
3 determined to be high-performing; to provide that high-performing schools are exempt from  
4 designated provisions relating to school councils; to provide that high-performing schools  
5 are exempt from designated provisions relating to the early intervention program; to provide  
6 that high-performing schools are exempt from designated provisions relating to the remedial  
7 education program; to provide that high-performing schools are exempt from designated  
8 provisions relating to the program for limited-English-proficient students; to provide that  
9 high-performing schools shall not be required to submit additional documentation relating  
10 to staff development costs; to provide that high-performing schools are exempt from  
11 designated provisions relating to maximum class sizes; to provide that high-performing  
12 schools are exempt from designated provisions relating to funding for additional days of  
13 instruction and programs for low-performing students; to provide that high-performing  
14 schools are exempt from designated provisions relating to assessment of effectiveness of  
15 educational programs; to provide for definitions relating to high-performing schools; to  
16 provide for criteria to attain and retain high-performing school status; to provide for  
17 procedures for high-performing schools to opt-out of designated statutory requirements; to  
18 provide for a probationary status for high-performing schools that fail to meet minimum  
19 standards; to provide for an annual report by the State Board of Education to the General  
20 Assembly on the evaluation of high-performing schools that opt-out; to provide that  
21 high-performing schools are exempt from designated provisions relating to organization of  
22 schools; to provide that high-performing schools are exempt from designated provisions  
23 relating to indicators of quality of learning in individual schools, comparison to state  
24 standards, and rating schools; to provide that high-performing schools are exempt from  
25 designated provisions relating to school report cards; to provide for related matters; to  
26 provide an effective date; to repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1636



1 Except as provided for in subsection (c.1) of this Code section, should school  
 2 councilmembers determine that a member of the council is no longer active in the council  
 3 as defined by the bylaws of the council, the council may, by a vote of five members of the  
 4 council, withdraw such person's membership status, effective as of a date determined by  
 5 the council.

6 (c.1) For high-performing schools as defined in Code Section 20-2-287, should school  
 7 councilmembers determine that a member of the council is no longer active in the council  
 8 as defined by the bylaws of the council, the council may, by a majority vote of a quorum  
 9 of the council, withdraw such person's membership status effective as of a date determined  
 10 by the council.

11 (d) The Except as provided for in subsection (d.1) of this Code section, the property and  
 12 business of the council shall be managed by seven school councilmembers of whom a  
 13 majority shall constitute a quorum. School councilmembers must be individuals who are  
 14 18 years of age or older. ~~Members~~ Except as provided for in subsection (d.1) of this Code  
 15 section, members of the school council shall include:

16 (1) Two parents or guardians of students enrolled in the school, excluding employees  
 17 who are parents or guardians of such students;

18 (2) Two businesspersons, one of whom shall be selected by the local board of education  
 19 and one of whom shall be selected by the other five nonbusiness members of the school  
 20 council from the business partners of the school or, if there are no business partners, from  
 21 the local business community;

22 (3) Two certificated teachers, excluding any personnel employed in administrative  
 23 positions, who are employed at least four of the six school segments at the school; and

24 (4) The school principal.

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

30 (d.1) For high-performing schools as defined in Code Section 20-2-287, the property and  
 31 business of the council shall be managed by a minimum of seven school councilmembers  
 32 of whom a majority shall constitute a quorum. Members of the school council shall include  
 33 a representative group of parents or guardians of students enrolled in the school, a  
 34 representative group of community and business individuals, certificated teachers, and the  
 35 school principal who shall be the chairperson of the council. The representative group of  
 36 parents or guardians of students and the representative group of community and business  
 37 individuals shall comprise a majority of the council.

1 (e) Members of the council shall serve for a term of two years. The office of school  
2 councilmember shall be automatically vacated:

3 (1) If a member shall resign;

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

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

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

10 (f) All meetings of the council shall be held at the school site. ~~The~~ Except as provided for  
11 in subsection (f.1) of this Code section, the council shall meet once a month, at the call of  
12 the chairperson, or at the request of a majority of the members of the council. Notice by  
13 mail shall be sent to school councilmembers at least seven days prior to a meeting of the  
14 council. School councils shall be subject to Chapter 14 of Title 50, relating to open and  
15 public meetings, in the same manner as local boards of education. Each member is  
16 authorized to exercise one vote. A quorum must be present in order to conduct official  
17 council business. Members of the council shall not receive remuneration to serve on the  
18 council or its committees.

19 (f.1) For high-performing schools as defined in Code Section 20-2-287, the council shall  
20 meet a minimum of four times per year or at the call of the chairperson.

21 (g) After providing public notice at least two weeks before the meeting of each electing  
22 body, the principal of each school shall call a meeting of electing bodies during the month  
23 of May each year, except as provided for in subsection (g.1) of this Code section, for the  
24 purpose of selecting members of the school council as required by this Code section. The  
25 electing body for the parent members shall consist of all parents and guardians eligible to  
26 serve as a parent member of the school council, and the electing body for the teacher  
27 members shall consist of all certificated personnel eligible to serve as a teacher member of  
28 the school council.

29 (g.1) For high-performing schools as defined in Code Section 20-2-287, the principal of  
30 each school shall call a meeting of electing bodies each year.

31 (h) The school council shall adopt such bylaws as it deems appropriate to conduct the  
32 business of the council. ~~The~~ Except as provided for in subsection (h.1) of this Code  
33 section, the adoption of bylaws or changes thereto requires five affirmative votes. The State  
34 Board of Education shall develop and make available model school council bylaws.

35 (h.1) For high-performing schools as defined in Code Section 20-2-287, the adoption of  
36 bylaws or changes thereto requires a vote of a majority of a quorum.

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

3 (j)(1)(A) The officers of the council shall be a chairperson, vice chairperson, and  
4 secretary. ~~Officers~~ Except as provided for in subparagraph (B) of this paragraph,  
5 officers of the council, other than the chairperson, shall be appointed by resolution of  
6 the council at the first meeting of the council following the election of school  
7 councilmembers. The officers of the council shall hold office concurrently with the  
8 term of members of the council.

9 (B) For high-performing schools as defined in Code Section 20-2-287, officers of the  
10 council, other than the chairperson, shall be appointed by resolution of the council no  
11 later than the second meeting of the council following the election of school  
12 councilmembers.

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

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

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

- 22 (1) Maintain a school-wide perspective on issues;
- 23 (2) Regularly participate in council meetings;
- 24 (3) Participate in information and training programs;
- 25 (4) Act as a link between the school council and the community;
- 26 (5) Encourage the participation of parents and others within the school community; and
- 27 (6) Work to improve student achievement and performance.

28 (l) ~~The~~ Except as provided for in subsection (l.1) of this Code section, the minutes of the  
29 council shall be made available to the public, for inspection at the school office, and shall  
30 be provided to the councilmembers, each of whom shall receive a copy of such minutes  
31 within 20 days following each council meeting. All school councils shall be subject to  
32 Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, in the same  
33 manner as local boards of education.

34 (l.1) For high-performing schools as defined in Code Section 20-2-287, the minutes of the  
35 council shall be made available to the public for inspection at the school office.

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

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

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

4 (p) The local board of education shall provide all information not specifically made  
5 confidential by law, including budget information, to the council as requested. The local  
6 board shall also designate an employee or employees of the school system to attend council  
7 meetings as requested by a school council for the purpose of responding to questions the  
8 council may have concerning information provided to it by the local board or actions taken  
9 by the local board.

10 (q) The local board of education shall receive all recommendations of the school council,  
11 including the annual report, and shall have the authority to overturn any decision of the  
12 school council as follows:

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

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

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

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

23 The local board of education shall respond to each recommendation of the school council  
24 within ~~60~~ 90 days after being notified in writing of the recommendation.

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

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

30 (2) Serve as chairperson of the school council and perform all of the duties required by  
31 law and the bylaws of the council;

32 (3) Speak for and represent the council in all school council matters before the local  
33 board of education or designate a representative;

34 (4) Communicate all council requests for information and assistance to the local school  
35 superintendent and inform the council of responses or actions of the local school  
36 superintendent;

1 (5) Develop the school improvement plan and school operation plan and submit the plans  
2 to the school council for its review, comments, recommendations, and approval;

3 (6)(A) Except as provided for in subparagraph (B) of this paragraph, develop Develop  
4 the agenda for each meeting of the council after taking into consideration suggestions  
5 of councilmembers and the urgency of school matters. An item may be added to the  
6 agenda at the request of three or more councilmembers;

7 (B) For high-performing schools as defined in Code Section 20-2-287, develop the  
8 agenda for each meeting of the council after taking into consideration requests for  
9 agenda items, suggestions of councilmembers, and the urgency of school matters; and

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

12 (s) School councils are advisory bodies. ~~The~~ Except as provided for in subsection (s.1) of  
13 this paragraph, the councils shall provide advice and recommendations to the school  
14 principal and, where appropriate, the local board of education on any matter, including but  
15 not limited to, the following:

16 (1) School calendar;

17 (2) School codes for conduct and dress;

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

19 (4) The responses of the school to audits of the school as conducted by the Office of  
20 Education Accountability;

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

25 (6) In the case of a vacancy in the position of school principal, the recommendation of  
26 a school principal from a list of qualified applicants submitted by the local board of  
27 education and local school superintendent to the council;

28 (7) School budget priorities, including school capital improvement plans;

29 (8) School-community communication strategies;

30 (9) Methods of reporting to parents and communities other than through the school  
31 profile;

32 (10) Extracurricular activities in the school;

33 (11) School-based and community services;

34 (12) Community use of school facilities;

35 (13) Recommendations concerning school board policies;

1 (14) Receiving and reviewing reports from the school principal regarding progress  
 2 toward the school's student achievement goals, including progress within specific grade  
 3 levels and subject areas and by school personnel; and

4 (15) The method and specifications for the delivery of early intervention services.

5 (s.1) For high-performing schools as defined in Code Section 20-2-287, councils shall  
 6 provide advice and recommendations to the school principal and, where appropriate, the  
 7 local board of education on any matter with a focus on the school's student achievement  
 8 improvement plans and results."

## 9 SECTION 2.

10 Said title is further amended by striking subsection (c) of Code Section 20-2-153, relating  
 11 to early intervention programs, and inserting in its place a new subsection (c) to read as  
 12 follows:

13 " (c)(1) Except as provided for in paragraph (2) of this subsection, the ~~The~~ State Board of  
 14 Education shall describe by rules and regulations such additional services, resources,  
 15 support, or strategies as may be provided by the local school system. The specifications  
 16 for delivery of early intervention services shall be the responsibility of local boards of  
 17 education except that the program rules and regulations adopted by the State Board of  
 18 Education shall be followed in designing the program delivery models. Delivery models  
 19 may include, but are not limited to, class augmentation, pull-out or self-contained classes,  
 20 and the Reading Recovery Program delivered by certificated personnel.

21 (2) High-performing schools as defined in Code Section 20-2-287, shall not be required  
 22 to follow State Board of Education rules and regulations for additional services,  
 23 resources, support, or strategies as may be provided by the local school system. Such  
 24 schools shall be authorized to design a program delivery model for the early intervention  
 25 program that best fits the needs of their students ."

## 26 SECTION 3.

27 Said title is further amended by striking Code Section 20-2-154, relating to remedial  
 28 education programs, and inserting in its place a new Code Section 20-2-154 to read as  
 29 follows:

30 "20-2-154.

31 (a) ~~All~~ Except as provided for in subsection (a.1) of this Code section, all children and  
 32 youth who are eligible for a general and career education program under Code Section  
 33 20-2-151 and who are also eligible under the criteria specified in this Code section shall  
 34 be provided, in accordance with policies adopted by the State Board of Education, the  
 35 remedial education program services needed to address their respective reading,



1 mathematics, or writing deficiencies. The following students shall be eligible for remedial  
2 education services:

3 (1) Students in grades nine through 12 may be eligible for services if they meet two or  
4 more of the following criteria:

5 (A) The student has been through the formal student support team process and has  
6 documented evidence to support the placement in remedial education;

7 (B) The student has been retained in the grade;

8 (C) The student is receiving services under Part A of Chapter 1 of Title 1 of the  
9 Elementary and Secondary Education Act of 1965, as amended by the Improving  
10 America's Schools Act of 1994 (Public Law 103-382);

11 (D) The student has been recommended by the teacher who has documented any of the  
12 following student information:

13 (i) Low performance in the reading series system;

14 (ii) Low performance in the mathematics series; or

15 (iii) The student is unable to verbally express ideas and cannot write or dictate a  
16 meaningful sentence; or

17 (E) Current test information in the student file indicates the student has a score at or  
18 below the twenty-fifth percentile; and

19 (2) Students in grades nine through 12 who are receiving services under the special  
20 education program as authorized by Code Section 20-2-152 and whose Individualized  
21 Education Programs (IEP's) specify that they meet the eligibility requirements specified  
22 in paragraph (1) of this subsection and that their special education program is not  
23 designed to address their respective reading, mathematics, or writing deficiencies.

24 No more than 25 percent of the full-time equivalent population in eligible grades as  
25 specified in paragraphs (1) and (2) of this subsection shall be eligible for the remedial  
26 program; provided, however, that the State Board of Education may develop regulations  
27 whereby a higher percentage may be eligible if the percentage of students receiving free  
28 and reduced price lunches exceeds 50 percent.

29 (a.1) For high-performing schools as defined in Code Section 20-2-287, children and youth  
30 who are eligible for a general and career education program under Code Section 20-2-151  
31 and who are determined eligible under the criteria determined by such school shall be  
32 provided the remedial education program services needed to address their respective  
33 reading, mathematics, or writing deficiencies. Such schools may use the eligible criteria  
34 included in paragraph (1) of subsection (a) in addition to any other criteria determined by  
35 the school.

36 (b) ~~Each~~ Except as provided for in subsection (b.1) of this Code section, each local unit  
37 of administration shall submit to the State Board of Education by July 1 of each year the

1 average achievement scores by subject area and grade level of all students who were  
 2 receiving instructional services under the provisions of this Code section, except those  
 3 students whose Individualized Education Programs under the special education program  
 4 state they shall not be administered such achievement tests. If appropriate evaluation data  
 5 are not received from a local school system by the state board by July 1 of each year, after  
 6 a hearing has been held for the system, the subsequent allocation of funds under this Code  
 7 section for the next fiscal year shall be withheld in accordance with the procedure specified  
 8 in Code Section 20-2-243. The state board shall monitor each local school system's  
 9 remedial education program at least once each year. The state board shall annually request  
 10 sufficient state funds to pay a pro rata share of the costs associated with the staff of the  
 11 federal compensatory education program for disadvantaged children when such staff is  
 12 used to evaluate the remedial education program under this Code section in conjunction  
 13 with the evaluation of the federal compensatory education program for disadvantaged  
 14 children in the same local school system.

15 (b.1) High-performing schools as defined in Code Section 20-2-287, shall submit to the  
 16 State Board of Education the results of their evaluation of academic progress of students  
 17 served by the remedial education program."

#### 18 SECTION 4.

19 Said title is further amended by striking Code Section 20-2-156, relating to program for  
 20 limited-English-proficient students, and inserting in its place a new Code Section 20-2-156  
 21 to read as follows:

22 "20-2-156.

23 The State Board of Education shall create a program for limited-English-proficient students  
 24 whose native language is not English, subject to appropriation by the General Assembly.  
 25 The purpose of this program is to assist such students to develop proficiency in the English  
 26 language, including listening, speaking, reading, and writing, sufficient to perform  
 27 effectively at the currently assigned grade level. The state board shall prescribe such rules  
 28 and regulations regarding eligibility criteria and standards as may be needed to carry out  
 29 the provisions of this Code section, provided, however, that high-performing schools as  
 30 defined in Code Section 20-2-287, shall not be required to comply with such rules and  
 31 regulations. This program may also be referred to as the English for speakers of other  
 32 languages (ESOL) program."



1 "(i) The State Board of Education shall adopt for each instructional program authorized  
2 pursuant to Part 3 of this article and the middle school program provided for in Code  
3 Section 20-2-290 the maximum number of students which may be taught by a teacher in  
4 an instructional period. ~~Such~~ Except as provided for in subsection (i.1) of this Code  
5 section, such maximum class sizes shall be equal to or greater than the teacher-student  
6 ratios used in the calculation of the program weights as set forth in subsection (b) of Code  
7 Section 20-2-161 but shall not exceed the funding class size by more than 20 percent,  
8 unless specifically authorized by the State Board of Education; provided, however, that in  
9 no case shall the 20 percent maximum be exceeded for mathematics, science, social  
10 studies, or English classes; provided, further, that the maximum class size for kindergarten  
11 and grades one through three shall not exceed 20 percent over the funding ratio except for  
12 art, music, or physical education classes; provided, further, that the maximum class size for  
13 special education, gifted, and English for speakers of other languages classes shall be set  
14 by the State Board of Education. For a period not to exceed four years, beginning with the  
15 2000-2001 school year, local school systems shall be allowed to exceed the maximum class  
16 sizes set forth in this subsection in a manner consistent with State Board of Education rules.  
17 The State Board of Education shall lower the current maximum class sizes set by state  
18 board rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school  
19 year, by a proportional amount each school year so that, beginning with the 2003-2004  
20 school year, State Board of Education rules are in compliance with this subsection except  
21 as otherwise provided in subsection (k) of this Code section for the 2003-2004 school year  
22 only. ~~An~~ Except as provided for in subsection (i.1) of this Code section, an aide may be  
23 used in programs to increase class size as allowed by State Board of Education rule, except  
24 that an aide shall not be used to increase the maximum class size in kindergarten or grades  
25 one through three, except as otherwise provided in subsection (k) of this Code section for  
26 the 2003-2004 school year only. ~~The~~ Except for high-performing schools as defined in  
27 Code Section 20-2-287, the maximum class size for the kindergarten and primary grades  
28 programs is defined as the number of students in a physical classroom. Maximum class  
29 sizes that result in a fractional full-time equivalent shall be rounded up to the nearest whole  
30 number as needed. The middle school program shall use the teacher-student ratio of the  
31 middle grades program for the purpose of this subsection. ~~The~~ Except for high-performing  
32 schools as defined in Code Section 20-2-287, the number of students taught by a teacher  
33 at any time after the first 15 school days of a school year may not exceed the maximum  
34 such number unless authorization for a specific larger number is requested of the state  
35 board, along with the educational justification for granting the requested exemption, and  
36 the state board has approved said request. The state board shall not reduce class sizes  
37 without the authorization of the General Assembly if this reduction necessitates added costs

1 for facilities, personnel, and other program needs. Local boards of education may reduce  
 2 class sizes, build additional facilities, and provide other resources at local cost if such  
 3 actions are in the best interest of the local school systems' programs as determined by the  
 4 local boards of education.

5 (i.1) For high-performing schools as defined in Code Section 20-2-287, maximum class  
 6 sizes shall be equal to or greater than the teacher-student ratios used in the calculation of  
 7 the program weights as set forth in subsection (b) of Code Section 20-2-161 and which can  
 8 be set by the school provided that the average teacher-student ratio within the school  
 9 system does not exceed 20 percent above the largest ratio for the grade level; and provided,  
 10 further, that the maximum class size for special education classes shall be set by the State  
 11 Board of Education. An aide may be used in programs to increase class size as allowed by  
 12 State Board of Education rule, including kindergarten and grades one through three, if the  
 13 average student to teacher ratio for the system does not exceed 20 percent pursuant to this  
 14 subsection."

#### 15 SECTION 7.

16 Said title is further amended by striking Code Section 20-2-184.1, relating to funding for  
 17 additional days of instruction and programs for low-performing students, and inserting in its  
 18 place a new Code Section 20-2-184.1 to read as follows:

19 "20-2-184.1.

20 The program weights for the kindergarten, kindergarten early intervention, primary,  
 21 primary grades early intervention, upper elementary, upper elementary grades early  
 22 intervention, middle grades, middle school, and remedial programs and the program  
 23 weights for the high school programs authorized pursuant to paragraph (4) of subsection  
 24 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient  
 25 funds to pay the beginning salaries for instructors needed to provide 20 additional days of  
 26 instruction for 10 percent of the full-time equivalent count of the respective program. Such  
 27 funds shall be used for addressing the academic needs of low-performing students with  
 28 programs including, but not limited to, instructional opportunities for students beyond the  
 29 regular school day, Saturday classes, intersession classes, and summer school classes,  
 30 except that, for high-performing schools as defined in Code Section 20-2-287, such schools  
 31 may use such funds for addressing the academic needs of low-performing students in a  
 32 manner determined by the school. Following the midterm adjustment, the state board shall  
 33 issue allotment sheets for each local school system. ~~Each~~ Except for high-performing  
 34 schools as defined in Code Section 20-2-287, each local school system shall spend 100  
 35 percent of the funds designated for additional days of instruction for such costs at the  
 36 system level. Up to 15 percent of funds designated for additional days of instruction may

1 be spent for transportation costs incurred for transporting students who are attending the  
2 additional classes funded by these designated funds."

3 **SECTION 8.**

4 Said title is further amended by striking Code Section 20-2-281, relating to assessment of  
5 effectiveness of educational programs, and inserting in its place a new Code Section  
6 20-2-281 to read as follows:

7 "20-2-281.

8 (a) The State Board of Education shall adopt a student assessment program consisting of  
9 instruments, procedures, and policies necessary to implement the program and shall fund  
10 all costs of providing and scoring such instruments, subject to appropriation by the General  
11 Assembly. Nationally Except for high-performing schools as defined in Code Section  
12 20-2-287, nationally norm-referenced instruments in reading, mathematics, science, and  
13 social studies shall be administered to students in grades three, five, and eight. For  
14 high-performing schools, norm-referenced instruments in reading, mathematics, science,  
15 and social studies shall be administered in one or more grades as determined by such  
16 school; provided, however, that each high-performing elementary or middle school shall  
17 administer such instruments in at least one grade. The State Board of Education shall  
18 review, revise, and upgrade the quality core curriculum. Following the adoption of this  
19 revised curriculum, the State Board of Education shall contract for development of  
20 criterion-referenced competency tests to measure the quality core curriculum. Such tests  
21 in English and language arts, mathematics, and reading shall be administered annually to  
22 students in grades one through eight, and such tests in science and social studies shall be  
23 administered annually to students in grades three through eight, except that for  
24 high-performing schools as defined in Code Section 20-2-287, such test in social studies  
25 shall be optional. This action shall be completed according to a schedule established by the  
26 State Board of Education. A curriculum-based assessment shall be administered in grade  
27 11 for graduation purposes. Writing Except for high-performing schools as defined in Code  
28 Section 20-2-287, writing assessments shall be administered to students in grades three,  
29 five, eight, and 11. For high-performing schools, writing assessments, other than the grade  
30 11 writing assessment given for graduation purposes shall be optional. The writing  
31 assessments shall provide students and their parents with performance outcome measures  
32 resulting from the administration of such tests.

33 (b) The nationally normed assessments provided for in subsection (a) of this Code section  
34 shall provide students and their parents with grade equivalencies and percentile ranks  
35 which result from the administration of such tests. Criterion-referenced tests and the high  
36 school graduation test provided for in subsection (a) of this Code section shall provide for

1 results that reflect student achievement at the individual student, classroom, school, system,  
2 and state levels. The State Board of Education shall participate in the National Assessment  
3 of Educational Progress (NAEP) and may participate in any other tests that will allow  
4 benchmarking this state's performance against national or international performance. The  
5 results of such testing shall be provided to the Governor, the General Assembly, and the  
6 State Board of Education and shall be reported to the citizens of Georgia. Further, the state  
7 board shall adopt a school readiness assessment for students entering first grade and shall  
8 administer such assessment pursuant to paragraph (2) of subsection (b) of Code Section  
9 20-2-151. One of the components in the awarding of salary supplements as part of a pay  
10 for performance or related plan pursuant to Code Section 20-2-213 or other Code sections  
11 under this article may be assessments of student achievement.

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

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

28 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be  
29 administered to each student receiving special education services pursuant to Code  
30 Section 20-2-152 who does not receive instruction in the essential knowledge and skills  
31 identified in the quality core curriculum developed pursuant to Code Section 20-2-140  
32 and for whom the assessment instruments adopted under subsection (a) of this Code  
33 section, even with allowable modifications, would not provide an appropriate measure  
34 of student achievement, as determined by the student's Individualized Education Program  
35 team. ~~A student's Individualized Education Program may serve as an alternate~~  
36 ~~assessment for that student.~~

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

4 (e) The Except for high-performing schools as defined in Code Section 20-2-287, the State  
5 Board of Education shall adopt end-of-course assessments for students in grades nine  
6 through 12 for all core subjects to be determined by the state board. For high-performing  
7 schools, end-of-course assessments for students in grades nine through 12 shall be optional.  
8 High-performing schools that elect to administer end-of-course assessments shall determine  
9 such tests and grade levels to be administered prior to the beginning of each school year.

10 For those students with an Individualized Education Program, the student's Individualized  
11 Education Program team shall determine appropriate participation in assessments and  
12 identify necessary accommodations in accordance with the federal Individuals with  
13 Disabilities Education Act.

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

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

23 (h) The Department of Education shall develop study guides for the criterion-referenced  
24 tests and end-of-course assessments administered pursuant to subsections (a) and (e) of this  
25 Code section. Each school system shall distribute the study guides to students who do not  
26 perform satisfactorily on one or more parts of an assessment instrument administered under  
27 this Code section and to the parents or guardians of such students.

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

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

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



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

11 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~  
12 ~~Year 2003 to local boards of education exempting said boards from the administration~~  
13 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~  
14 ~~grade levels for which the local board of education implements a locally developed~~  
15 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~  
16 ~~increases the expectations for student achievement beyond that of the applicable state~~  
17 ~~criterion-referenced competency test or tests and meets all other requirements of this~~  
18 ~~Code section, including reliability and validity requirements, with the exception of~~  
19 ~~subsection (f) of this Code section. Local boards of education with such waivers shall~~  
20 ~~submit to the State Board of Education school and local school system score reports of~~  
21 ~~the locally developed criterion-referenced competency tests.~~

22 (k) In adopting academic skills assessment instruments under this Code section, the State  
23 Board of Education or local school system shall ensure the security of the instruments in  
24 their preparation, administration, and scoring. Notwithstanding any other provision of law,  
25 meetings or portions of meetings held by the state board or a local board of education at  
26 which individual assessment instruments or assessment instrument items are discussed or  
27 adopted shall not be open to the public, and the assessment instruments or assessment  
28 instrument items shall be confidential.

29 (l) The results of individual student performance on academic skills assessment  
30 instruments administered under this Code section shall be confidential and may be released  
31 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,  
32 20 U.S.C. Section 1232g.

33 (m) Overall student performance data shall be disaggregated by ethnicity, sex,  
34 socioeconomic status, disability, language proficiency, grade level, subject area, school,  
35 and system.

36 (n) Student performance data shall be made available to the public, with appropriate  
37 interpretations, by the State Board of Education, the Office of Education Accountability,

1 and local school system. The information made available to the public shall not contain the  
2 names of individual students or teachers.

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

### 9 SECTION 9.

10 Said title is further amended by adding a new Code Section 20-2-287 to read as follows:

11 "20-2-287.

12 (a) For purposes of this Code section, the term:

13 (1) 'Adequate yearly progress' shall mean meeting the series of performance goals set by  
14 the state for each school as required under the No Child Left Behind Act of 2001, P.L.  
15 107-110.

16 (2) 'High-performing school' shall mean a school which has attained adequate yearly  
17 progress for two consecutive years.

18 (b) Local school systems shall be authorized to allow high-performing schools in their  
19 district to opt-out of designated statutory requirements upon request by the school.

20 (c) A high-performing school that has opted-out under subsection (b) of this Code section  
21 shall be exempt from such designated statutory requirements for as long as such school  
22 continues to attain adequate yearly progress. Upon failing to attain adequate yearly  
23 progress, a high-performing school that has opted-out shall have one academic year in  
24 which the school will retain its exempt status but will be considered on probation. If a  
25 high-performing school that is on probation attains adequate yearly progress during its  
26 probationary year, it shall be eligible to continue its opt-out status in full. If the  
27 high-performing school fails to attain adequate yearly progress during its probationary  
28 year, the school shall lose its exempt status.

29 (d) The State Board of Education shall submit an evaluation report to the General  
30 Assembly no later than October 1, 2005, and every year thereafter which shall include the  
31 high-performing schools that have opted-out under this Code section and whether such  
32 schools have retained their status as exempt schools. The report shall also include best  
33 practices of such high-performing schools.



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

26 (d)(1) Except as provided for in paragraph (2) of this subsection, the The office shall  
27 establish individual school ratings for each school in this state for annual academic  
28 performance on the assessment instruments required under Code Section 20-2-281, with:

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

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

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

35 (2) For a high-performing school as defined in Code Section 20-2-287, the office shall  
36 assign the highest rating as provided for in this subsection to such school for as long as

1 such school maintains its status as a high-performing school in accordance with Code  
 2 Section 20-2-287.

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

9 (f) ~~Each~~ Except for high-performing schools as defined in Code Section 20-2-287, each  
 10 school system shall provide all student performance data and all other student school  
 11 completion and attendance data to the Department of Education's educational information  
 12 system in accordance with rules and timelines established by the office. High-performing  
 13 schools shall not be required to submit any data pursuant to this subsection beyond the data  
 14 element requirements of the Georgia State Consolidated Plan as required and approved  
 15 under the No Child Left Behind Act of 2001, P.L. 107-110.

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

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

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

## 34 **SECTION 12.**

35 Said title is further amended by striking subsection (a) of Code Section 20-14-34, relating  
 36 to school report cards, and inserting in its place a new subsection (a) to read as follows:

1 "(a) Each school year, the office shall prepare and distribute to each school system a report  
2 card for each school in the State of Georgia. ~~The~~ Except for high-performing schools as  
3 defined in Code Section 20-2-287, the school report cards must be based on the most  
4 current data available disaggregated by student groups. School performance must be  
5 compared to:

- 6 (1) Previous school and local school system performance;
- 7 (2) Current school and local school system performance in relation to the absolute  
8 student achievement standards and progress on improved student achievement; and
- 9 (3) Comparable school group performance.

10 This report card on schools shall be the official state education performance report and  
11 supersedes all other reports that may be issued by departments of the state government for  
12 matters of funding, awards, and interventions. For high-performing schools, the school  
13 report card must be based on the school's status as high-performing as well as any data  
14 element requirements of the Georgia State Consolidated Plan as required and approved  
15 under the No Child Left Behind Act of 2001, P.L. 107-110."

16 **SECTION 13.**

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