

The House Committee on Education offers the following substitute to HB 1190:

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 change certain provisions regarding early intervention programs; to change certain provisions  
3 relating to expenditure controls for the 2004-2005 school year; to provide for certain reports;  
4 to change certain provisions relating to maximum class size for the 2004-2005 school year;  
5 to provide for automatic repeal; to authorize waiver of certain provisions in order to improve  
6 student performance in specified circumstances; to provide for contents of the application for  
7 waiver; to provide for maximum duration of a waiver; to change certain provisions regarding  
8 effectiveness assessment; to delay the implementation of the Georgia Academic Placement  
9 and Promotion Policy for third graders for one year; to provide for testing policies and  
10 procedures for the 2003-2004 school year; to provide for remedial instruction, retesting,  
11 reports, and reporting subsequent test results separately for certain students who fail the  
12 reading assessment in 2004; to delete a provision prohibiting the identification by name of  
13 any student in records stored at the state level; to prohibit identifying students and employees  
14 by social security number in violation of law; to change certain provisions regarding the  
15 powers and duties of the Office of Education Accountability; to provide for changes to the  
16 accountability assessment program; to amend the Official Code of Georgia Annotated so as  
17 to change the name "Office of Education Accountability" to "Office of Student  
18 Achievement"; to provide for related matters; to provide an effective date; to repeal  
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
23 striking Code Section 20-2-153, relating to early intervention programs, and inserting in its  
24 place a new Code Section 20-2-153 to read as follows:

1 "20-2-153.

2 (a) The State Board of Education shall create and each local board of education shall  
3 provide an early intervention program to serve students in kindergarten through grade five.  
4 The kindergarten early intervention program shall serve students enrolled in kindergarten.  
5 The primary grades early intervention program shall serve students enrolled in grades one  
6 through three. The upper elementary grades early intervention program shall serve students  
7 in grades four through five.

8 (b) The early intervention program shall serve students who are at risk of not reaching or  
9 maintaining academic grade level, including but not limited to students who are identified  
10 through the first grade readiness assessment required by Code Sections 20-2-151 and  
11 20-2-281 and students with identified academic performance below grade levels defined  
12 by the Office of ~~Education Accountability~~ Student Achievement in Code Section 20-14-31  
13 for any criterion-referenced assessment administered in accordance with Code Section  
14 20-2-281 for grades one through five. Local school systems shall devise a process for the  
15 identification of such students at the beginning of each school year and also during the  
16 school year as a continuous process of early identification and monitoring. School systems  
17 may use indicators such as but not limited to the student's scores on previous assessments,  
18 the student's classroom performance in the same or previous years, and other reliable  
19 indicators to identify such students. A student shall be assigned to the early intervention  
20 program as soon as is practicable after the student is identified as at risk or after the results  
21 of the first-grade readiness assessment, ~~or the criterion-referenced assessment,~~ or other  
22 indicators are known. The school shall provide timely notice and an opportunity for a  
23 conference with the student and his or her parents or guardians to discuss the student's  
24 academic performance and the role of the early intervention program.

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

33 (d) The early intervention program shall be designed with the intent of helping the student  
34 to perform at expectations and exit the program in the shortest possible time. Students shall  
35 be moved into this program, provided assistance, and moved out of this program upon  
36 reaching grade level performance. It is not the intent of the General Assembly that students  
37 be assigned to this program on a continuing or permanent basis. ~~In developing~~

1 ~~accountability standards for schools, the Office of Education Accountability shall consider~~  
 2 ~~the length of time that students spend in the early intervention program as one of the~~  
 3 ~~determinants of performing and nonperforming schools.~~

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

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

## 9 SECTION 2.

10 Said title is further amended by striking Code Section 20-2-167.1, relating to the application  
 11 of Code Section 20-2-167 for the 2003-2004 school year, and inserting in lieu thereof the  
 12 following:

13 "20-2-167.1.

14 (a) For the purposes of the 2003-2004 and 2004-2005 school year years only, the  
 15 following changes to Code Section 20-2-167 shall apply:

16 (1) Except as otherwise provided in paragraph (2) of this subsection, for each program  
 17 identified in Code Section 20-2-161, each local school system shall spend 100 percent of  
 18 funds designated for direct instructional costs on the direct instructional costs of such  
 19 program on one or more of the programs identified in Code Section 20-2-161 at the  
 20 system level, with no requirement that the school system spend any specific portion of  
 21 such funds at the site where such funds were earned;:

22 (2) Direct instruction funds for the kindergarten early intervention program, the primary  
 23 grades early intervention program, the upper elementary grades early intervention  
 24 program, the remedial education program, and the alternative education program shall be  
 25 expended on one or more of these programs at the system level, with no requirement that  
 26 the school system spend any specific portion of such funds at the site where such funds  
 27 were earned;:

28 (3) Each local school system shall spend 100 percent of the funds designated for media  
 29 center costs for such costs at the system level, and 100 percent of the funds designated  
 30 for media materials ~~for media materials~~ at the system level;:

31 (4) During the 2003-2004 school year, funds Funds allocated for staff development may  
 32 be spent for any program approved under the 'Quality Basic Education Act.' During the  
 33 2004-2005 school year, each school system shall spend 90 percent of funds allocated for  
 34 professional development for such costs at the system level; and

35 (5) Each local school system shall report to the Department of Education its budgets and  
 36 expenditures in accordance with this Code section with expenditures based in the

1 preceding school year for each school site as a part of its report in October for the FTE  
2 count and on March 15.

3 (b) Except as otherwise provided by subsection (a) of this Code section, Code Section  
4 20-2-167 shall apply during the 2003-2004 and 2004-2005 school ~~year~~ years.

5 (c) No penalty shall apply for failure to comply with expenditure controls set out in Code  
6 Section 20-2-167 that are contrary to this Code section, notwithstanding any law to the  
7 contrary, as long as the local school system complies with this Code section.

8 (d) Nothing in this Code section shall be construed to repeal any other provision of Code  
9 Section 20-2-167 or this chapter, or to apply to any time period other than the two fiscal  
10 ~~year~~ years beginning July 1, 2003, and ending June 30, ~~2004~~ 2005.

11 (e) This Code section shall be automatically repealed July 1, ~~2004~~ 2005."

### 12 SECTION 3.

13 Said title is further amended in Code Section 20-2-182, relating to program weights,  
14 maximum class sizes, reporting requirements, and the 2003-2004 school year, by striking  
15 subsections (i) and (k) and inserting in lieu thereof the following:

16 "(i) The State Board of Education shall adopt for each instructional program authorized  
17 pursuant to Part 3 of this article and the middle school program provided for in Code  
18 Section 20-2-290 the maximum number of students which may be taught by a teacher in  
19 an instructional period. Such maximum class sizes shall be equal to or greater than the  
20 teacher-student ratios used in the calculation of the program weights as set forth in  
21 subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by  
22 more than 20 percent, unless specifically authorized by the State Board of Education;  
23 provided, however, that in no case shall the 20 percent maximum be exceeded for  
24 mathematics, science, social studies, or English classes; provided, further, that the  
25 maximum class size for kindergarten and grades one through three shall not exceed 20  
26 percent over the funding ratio except for art, music, or physical education classes;  
27 provided, further, that the maximum class size for special education, gifted, and English  
28 for speakers of other languages classes shall be set by the State Board of Education. For  
29 a period not to exceed four years, beginning with the 2000-2001 school year, local school  
30 systems shall be allowed to exceed the maximum class sizes set forth in this subsection in  
31 a manner consistent with State Board of Education rules. The State Board of Education  
32 shall lower the current maximum class sizes set by state board rules in effect for the  
33 1999-2000 school year, beginning with the 2000-2001 school year, by a proportional  
34 amount each school year so that, beginning with the 2003-2004 school year, State Board  
35 of Education rules are in compliance with this subsection except as otherwise provided in  
36 subsection (k) of this Code section for the 2003-2004 and 2004-2005 school ~~year~~ years

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

19 "(k) For the 2003-2004 and 2004-2005 school ~~year~~ years, the maximum class sizes set by  
 20 the State Board of Education for the 2002-2003 school year shall apply for grades four  
 21 through 12. For the 2003-2004 and 2004-2005 school ~~year~~ years, the maximum class sizes  
 22 set by the State Board of Education for the 2003-2004 school year shall apply to  
 23 kindergarten and grades one through three, except that a kindergarten class may be  
 24 increased to 20 students if a paraprofessional is present in addition to the certificated  
 25 teacher. For the 2003-2004 and 2004-2005 school ~~year~~ years, compliance with maximum  
 26 class size requirements shall be determined by the system average for kindergarten and for  
 27 each grade and no class shall exceed the applicable maximum size by more than two  
 28 students. Except as otherwise provided in this subsection, other provisions of this Code  
 29 section shall apply. This subsection shall not be construed to repeal any other provision  
 30 of this Code section or this chapter, or to apply to any period of time other than the two  
 31 fiscal year years beginning July 1, 2003, and ending June 30, ~~2004~~ 2005. This subsection  
 32 shall be automatically repealed July 1, ~~2004~~ 2005."

#### 33 SECTION 4.

34 Said title is further amended by inserting the following:

1 "20-2-244.

2 (a) The State Board of Education is authorized to waive specifically identified state rules,  
3 regulations, policies, and procedures, or provisions of this chapter, upon the request of a  
4 local school board and in accordance with this Code section. The goal for each waiver shall  
5 be improvement of student performance.

6 (b) The State Board of Education is not authorized to waive any federal, state, and local  
7 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection  
8 of the physical health and safety of school students, employees, and visitors; conflicting  
9 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful  
10 conduct in or near a public school; or any reporting requirements pursuant to Code Section  
11 20-2-320 or Chapter 14 of this title. A school or school system that has received a waiver  
12 shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the  
13 requirement that it shall not charge tuition or fees to its students except as may be  
14 authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment  
15 in the same manner as before the waiver request.

16 (c) The provisions of this Code section shall not apply to charter schools.

17 (d) The board shall require a written application for a waiver that shall include, as a  
18 minimum:

19 (1) Identification of the specific state rules, regulations, policies, and procedures, or  
20 provisions of this chapter that are requested for waiver;

21 (2) A description of the policies and procedures the school or school system shall  
22 substitute for the waived state rules, regulations, policies, and procedures, or provisions;

23 (3) A description of how the proposed waiver will improve student performance;

24 (4) A description of the students who will be affected by the proposed waiver, including  
25 their estimated number, current performance, grade level, and any common demographic  
26 traits;

27 (5) A list of schools by name that will be affected by the proposed waiver, and a  
28 description of each school, including current performance, grade levels, and demographic  
29 traits of the students of each such school;

30 (6) Methods for collection of data, and for measuring and evaluating any change in  
31 student performance resulting from the proposed waiver;

32 (7) The period of time for which the proposed waiver is requested and the proposed  
33 starting date; and

34 (8) A resolution from the local school board approving the waiver request.

35 (e) The State Board of Education may grant or deny a waiver request, or grant a waiver  
36 request subject to specified modifications in the waiver request.

1 (f) A waiver may be granted in accordance with this Code section for any period of time  
 2 not to exceed five years. The State Board of Education shall require reports regarding the  
 3 effect of the waiver at least annually, and may require more frequent reports if necessary  
 4 to monitor the effect of the waiver effectively. The State Board of Education shall report  
 5 annually to the General Assembly regarding the waivers granted, the effect of each waiver,  
 6 and any recommendations for legislative changes generated by successful waivers."

#### 7 SECTION 5.

8 Said title is further amended by striking subsections (e) through (o) of Code Section  
 9 20-2-281, relating to effectiveness assessment, and inserting in lieu thereof the following:

10 "(e) The State Board of Education is authorized to adopt rules, regulations, policies, and  
 11 procedures regarding accommodations and the participation of limited-English-proficient  
 12 students, as defined in Code Section 20-2-156, in the assessments described in this Code  
 13 section.

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

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

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

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

34 ~~(i)~~(j)(1) The high school graduation test provided for in subsection (a) of this Code  
 35 section shall continue in effect until all high school core subject end-of-course

1 assessments have been developed and implemented, at which time the state board shall  
2 discontinue the test according to a schedule to be determined by the state board.

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

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

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

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

31 ~~(k)~~(l) In adopting academic skills assessment instruments under this Code section, the  
32 State Board of Education or local school system shall ensure the security of the instruments  
33 in their preparation, administration, and scoring. Notwithstanding any other provision of  
34 law, meetings or portions of meetings held by the state board or a local board of education  
35 at which individual assessment instruments or assessment instrument items are discussed  
36 or adopted shall not be open to the public, and the assessment instruments or assessment  
37 instrument items shall be confidential.

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

5 (m)(n) Overall student performance data shall be disaggregated by ethnicity, sex,  
 6 socioeconomic status, disability, language proficiency, grade level, subject area, school,  
 7 and system.

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

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

## 18 SECTION 6.

19 Said title is further amended by striking Code Section 20-2-285, relating to the timetable for  
 20 implementation of the promotion policy, and inserting in lieu thereof new Code Sections  
 21 20-2-285 and 20-2-285.1 to read as follows:

22 "20-2-285.

23 The State Board of Education shall provide for a timetable of implementation of this Code  
 24 section and the Georgia Academic Placement and Promotion Policy which shall include:

- 25 (1) The third grade beginning with the ~~2003-2004~~ 2004-2005 school year;
- 26 (2) The fifth grade beginning with the 2004-2005 school year; and
- 27 (3) The eighth grade beginning with the 2005-2006 school year.

28 20-2-285.1.

29 (a) This Code section will apply to students tested with the third grade criterion-referenced  
 30 reading assessment in the 2003-2004 school year only.

31 (b) The third grade criterion-referenced reading assessment shall be given as required by  
 32 other provisions of this chapter, but results of the test shall not be used in any way in  
 33 determining whether any student shall be promoted or retained at the end of the 2003-2004  
 34 school year. Other promotional standards and criteria established by the State Board of

1 Education and the local school board, including but not limited to academic performance,  
2 shall be the basis for placement decisions for the 2003-2004 school year.

3 (c) Each school system shall provide remedial instruction for each student who does not  
4 pass the third grade criterion-referenced reading assessment. Each school system shall  
5 report to the Department of Education the number of students not passing the third grade  
6 criterion-referenced reading assessment and the remedial instruction provided to such  
7 students.

8 (d) Each school system shall retest each student who does not pass the third grade  
9 criterion-referenced reading assessment. Each school system shall report to the Department  
10 of Education the number of students who pass and fail when tested for the second time.  
11 Each school system shall develop a plan of remedial instruction for each student who does  
12 not pass the test the second time, whether the student is in the third grade or the fourth  
13 grade for the 2004-2005 school year. Each school system shall report such plans for  
14 remedial instruction to the Department of Education during the first month of the  
15 2004-2005 school year.

16 (e) When reporting the results for criterion-referenced reading assessments in 2005 to the  
17 Department of Education, each school system shall report test results for students who  
18 failed the third grade reading assessment in the 2003-2004 school year separately.

19 (f) The Department of Education shall report to the General Assembly on the results of the  
20 third grade criterion-referenced tests in the 2003-2004 school year, remedial instruction for  
21 students, students who failed the reading assessment a second time, remedial instruction  
22 for such students, and subsequent test results for students who failed the reading  
23 assessment once or twice."

#### 24 **SECTION 7.**

25 Said title is further amended in Code Section 20-2-320, relating to the state-wide  
26 comprehensive educational information network, by striking subsections (a) and (c) and  
27 inserting in lieu thereof the following:

28 "(a) The Governor shall appoint a steering committee, which shall be named the Education  
29 Information Steering Committee, composed of representatives from the Department of  
30 Education, the Department of Technical and Adult Education, the Board of Regents of the  
31 University System of Georgia, the office of the Governor, the Office of Planning and  
32 Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the  
33 Office of School Readiness, the Professional Standards Commission, the Office of  
34 Education Accountability, the State Data and Research Center at the Georgia Institute of  
35 Technology, the Georgia Public Telecommunications Commission, the Legislative Budget  
36 Office, and local school systems. The steering committee shall identify the data required

1 to implement the Quality Basic Education Program on a fiscally sound basis and the data  
2 required to evaluate the effectiveness of the components of public education in Georgia.  
3 The steering committee shall identify data that shall be required from local units of  
4 administration, public libraries, public colleges and universities through the Board of  
5 Regents of the University System of Georgia, pre-kindergarten programs, the Professional  
6 Standards Commission, and postsecondary technical colleges and schools for the  
7 implementation of this article. Further, the steering committee shall develop a design for  
8 a state-wide comprehensive educational information system which will provide for the  
9 accurate, seamless, and timely flow of information from local and regional education  
10 agencies, units of the University System of Georgia, and technical schools and colleges to  
11 the state. The design shall include hardware, software, data, collection methods and times,  
12 training, maintenance, communications, security of data, and installation specifications and  
13 any other relevant specifications needed for the successful implementation of this system.  
14 ~~No student shall be identifiable by name in that portion of the pre-kindergarten through~~  
15 ~~grade 12 record stored at the state level, and any identification number shall be encoded to~~  
16 ~~prevent unauthorized use of a student's information; provided, however, that full-time~~  
17 ~~equivalent student data collected pursuant to Code Section 20-2-160 shall be identifiable~~  
18 ~~for audit purposes in separate files. The state-wide comprehensive educational information~~  
19 ~~system shall not use a student's social security number or an employee's social security~~  
20 ~~number in violation of state or federal law to identify a student or employee.~~ The steering  
21 committee shall present such recommendations to the Education Coordinating Council.  
22 Upon approval of the boards of the respective education agencies, the steering committee  
23 shall issue appropriate requests for proposals to implement a state-wide comprehensive  
24 educational information system, subject to appropriation by the General Assembly. The  
25 State Data and Research Center, at the direction of the Education Coordinating Council and  
26 working through the steering committee, shall initiate contracts with appropriate vendors  
27 and local units of administration for the procurement of services, purchase of hardware and  
28 software, and for any other purpose as directed by the Education Coordinating Council,  
29 consistent with appropriation by the General Assembly."

30 "(c) For the purpose of this article, authorized educational agencies shall be the  
31 Department of Education; the Office of School Readiness; the Board of Regents of the  
32 University System of Georgia; the Department of Technical and Adult Education; the  
33 Education Coordinating Council; the Professional Standards Commission; the State Data  
34 and Research Center and units under contract to the State Data and Research Center; the  
35 Office of Education Accountability; the education policy and research components of the  
36 office of the Governor; the Office of Planning and Budget; the Legislative Budget Office;  
37 the House Research Office; and the Senate Research Office. Any information collected

1 over the state-wide comprehensive educational information system, including individual  
 2 student records and individual personnel records, shall be accessible by authorized  
 3 educational agencies, provided that any information which is planned for collection over  
 4 the system but which is temporarily being collected by other means shall also be accessible  
 5 by authorized educational agencies and provided, further, that adequate security provisions  
 6 are employed to protect the privacy of individuals. All data maintained for this system shall  
 7 be used for educational purposes only. In no case shall information be released by an  
 8 authorized educational agency which would violate the privacy rights of any individual  
 9 student or employee. Information released by an authorized educational agency in violation  
 10 of the privacy rights of any individual student or employee shall subject the authorized  
 11 educational agency to all penalties under applicable state and federal law. Any information  
 12 collected over the state-wide comprehensive educational information system which is not  
 13 stored in an individual student or personnel record format shall be made available to the  
 14 Governor and the House and Senate Appropriations, Education, and Higher Education  
 15 committees, except information otherwise prohibited by statute. Data which are included  
 16 in an individual student record or individual personnel record format shall be extracted  
 17 from such records and made available in nonindividual record format for use by the  
 18 Governor, committees of the General Assembly, and agencies other than authorized  
 19 educational agencies."

## 20 SECTION 8.

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 9.

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.

16 20-14-38.

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

22 (b) Financial awards will be provided to each school that is identified by the director  
 23 ~~achieves a grade of A or B as defined in Code Section 20-14-33~~ for performance on either  
 24 or both ~~the absolute student achievement standard~~ excellence in student achievement and  
 25 progress on student achievement. The certificated personnel in a school that ~~achieves the~~  
 26 ~~grade of A or B~~ is identified by the director as either a best performing school or better  
 27 performing school in either or both categories will be provided a bonus for the year the  
 28 school ~~achieved those grades~~ was identified of \$1,000.00 for each ~~grade of A~~ best  
 29 performing school designation and \$500.00 for each ~~grade of B~~ better performing school  
 30 designation. The maximum individual annual bonus for certificated personnel shall not  
 31 exceed \$2,000.00 and shall be provided subject to appropriation by the General Assembly  
 32 or as otherwise may be provided. An additional financial award will be provided to each  
 33 school for noncertificated personnel in the amount of \$10,000.00 for each ~~A grade for the~~  
 34 ~~school~~ designation of best performing school and \$5,000.00 for each ~~B grade for the school~~

1 designation of better performing school, provided that the total lump sum noncertificated  
 2 personnel award for an individual school shall not exceed \$20,000.00; provided, further,  
 3 that funds for this purpose are appropriated by the General Assembly or as otherwise may  
 4 be provided. ~~The local school council of the school receiving this noncertificated personnel~~  
 5 award shall determine the distribution of the award among such personnel of its school.

6 (c) The Governor may present proclamations or certificates to schools and school systems  
 7 determined to have met or exceeded the state's education goals under Code Section  
 8 20-14-30.

9 20-14-39.

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

18 20-14-40.

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

22 20-14-41.

23 (a) ~~If a school has a grade of D or F~~ The State Board of Education shall by policies, rules,  
 24 or regulations establish a coherent and sustained system of assistance and support for  
 25 schools not meeting identified levels of achievement or not showing specified levels of  
 26 progress as determined by the office. The State Board of Education shall by policies, rules,  
 27 or regulations specify appropriate levels of assistance and intervention for schools that  
 28 receive an unacceptable rating on student performance for the absolute student achievement  
 29 standard or on progress on improved student achievement, ~~as determined by the office, the~~  
 30 ~~office, in the audit report on an individual school, shall report findings and recommend~~  
 31 ~~appropriate levels of interventions for that school, based on a scale of increasingly severe~~  
 32 ~~interventions, to the State Board of Education. The~~ In specifying levels of assistance and  
 33 intervention, the State Board of Education shall ~~prescribe the appropriate level of~~

1 ~~intervention and~~ consider the number of years a school has received an unacceptable rating  
 2 and may include one or more of the following ~~increasingly severe~~ interventions:

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

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

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

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

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

19 (B) Recommend actions, including reallocation of resources and technical assistance,  
 20 changes in school procedures or operations, ~~staff development~~ professional learning  
 21 focused on student achievement for instructional and administrative staff, intervention  
 22 for individual administrators or teachers, instructional strategies based on scientifically  
 23 based research, waivers from state statutes or rules, adoption of policies and practices  
 24 to ensure all groups of students meet the state's proficiency level, extended instruction  
 25 time for low-performing students, strategies for parental involvement, incorporation of  
 26 a teacher mentoring program, smaller class size for low-performing students, or other  
 27 actions the team considers appropriate;

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

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

32 ~~(5)(b)~~ If a school has received a grade of D or F an unacceptable rating for a period of two  
 33 consecutive years or more, ~~appointing~~ the State Board of Education shall offer the local  
 34 board of education for such school the opportunity to show cause why the State Board of  
 35 Education should not appoint a school master or management team for the school or  
 36 impose mandated school choice. After the local board of education has had an opportunity  
 37 to show cause, the State Board of Education may, in its discretion, appoint a school master

1 or management team to oversee and direct the duties of the principal of the school in  
 2 relation to the school until school performance improves and the school is released from  
 3 intervention by the director, with the cost of the master or management team to be paid by  
 4 the state; ~~2~~ or may impose mandated public school choice. The State Board of Education  
 5 is also authorized to impose additional restrictions or mandates on schools subject to this  
 6 subsection, as deemed appropriate by the State Board of Education and in accordance with  
 7 its rules and regulations.

8 ~~(6)(c)~~ If a school has received a grade of D or F an unacceptable rating for a period of  
 9 three consecutive years or more, the State Board of Education shall offer the local board  
 10 of education for such school the opportunity to show cause why the State Board of  
 11 Education should not implement one or more of the following interventions or sanctions;  
 12 in order of severity:

13 ~~(A)~~(1) Removal of school personnel on recommendation of the master or the school  
 14 improvement team, including the principal and personnel whose performance has  
 15 continued not to produce student achievement gains over a three-year period as a  
 16 condition for continued receipt of state funds for administration;

17 ~~(B)~~(2) Allow for the implementation of a state charter school through the designation by  
 18 the State Board of Education;

19 ~~(C)~~(3) Mandate the complete reconstitution of the school, removing all personnel,  
 20 appointing a new principal, and hiring all new staff. Existing staff may reapply for  
 21 employment at the newly reconstituted school but shall not be rehired if their  
 22 performance regarding student achievement has been negative for the past three years;

23 ~~(D)~~(4) Mandate that the parents have the option to relocate the student to other public  
 24 schools in the local school system to be chosen by the parents of the student with  
 25 transportation costs borne by the system; or

26 ~~(E)~~(5) Mandate a monitor, master, or management team in the school that shall be paid  
 27 by the district;

28 (6) Continue the intensive student achievement improvement plan provided for in  
 29 paragraph (3) of subsection (a) of this Code section; or

30 (7) Mandate a complete restructuring of the school's governance arrangement and  
 31 internal organization of the school.

32 After the local board of education has had an opportunity to show cause, the State Board  
 33 of Education may, in its discretion, impose any of the interventions or sanctions listed in  
 34 this subsection on a school subject to this subsection.

35 ~~(b)~~(d) The State Board of Education shall clearly define the powers and duties of a master  
 36 or management team appointed to oversee the operations of a school.

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

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

### 10 **SECTION 10.**

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

- 14 (1) Code Section 20-2-86, relating to school councils;
- 15 (2) Code Section 20-2-154.1, relating to alternative education programs;
- 16 (3) Code Section 20-2-167, relating to funding, budgeting, and accounting;
- 17 (4) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage  
 18 and criteria for determining shortage;
- 19 (5) Code Section 20-2-281, relating to assessment of effectiveness of educational  
 20 programs;
- 21 (6) Code Section 20-2-283, relating to criteria and specific requirements for the  
 22 development of a placement and promotion policy;
- 23 (7) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap  
 24 Commission;
- 25 (8) Code Section 20-2-320, relating to the Education Information Steering Committee  
 26 and identification of data to implement the Quality Basic Education Program;
- 27 (9) Code Section 20-14-6, relating to selection of personnel to support the Education  
 28 Coordinating Council;
- 29 (10) Code Section 20-14-8, relating to general powers and duties of the Education  
 30 Coordinating Council;
- 31 (11) Code Section 20-14-20, relating to definitions regarding education accountability  
 32 assessment programs;
- 33 (12) Code Section 20-14-25, relating to the creation of the Office of Education  
 34 Accountability;
- 35 (13) Code Section 47-3-127.1, relating to employment of retired teacher as full-time  
 36 teacher; and

1 (14) Code Section 50-18-72, relating to when public disclosure of government records  
2 is not required.

3 **SECTION 11.**

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

6 **SECTION 12.**

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