

SENATE 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 provide for the revision of certain provisions regarding education flexibility and
3 accountability; to allow the State Board of Education to prescribe the manner and grade level
4 for certain required courses in history and government; to authorize alternative methods for
5 certain transfer students; to provide for rules and regulations; to authorize certain
6 exemptions; to change certain provisions regarding early intervention programs; to change
7 certain provisions regarding budgeting, funding, and accounting; to change certain provisions
8 regarding program weights; to authorize waiver of certain provisions in order to improve
9 student performance in specified circumstances; to provide for contents of the application for
10 waiver; to provide for maximum duration of a waiver; to change certain provisions regarding
11 effectiveness assessment; to change certain provisions regarding organization of schools; to
12 delete a provision prohibiting the identification by name of any student in records stored at
13 the state level; to prohibit identifying students and employees by social security number in
14 violation of law; to provide for a daily break for certain students; to provide that such break
15 shall be considered academic instruction but not a part of the Quality Core Curriculum; to
16 provide that the break shall not be a replacement for physical education; to provide for
17 policies of local boards; to change penalties for failure to comply with compulsory
18 attendance requirements; to provide for written summaries of penalties and consequences of
19 failure to comply with compulsory attendance requirements; to provide for student
20 attendance protocols and their contents, purpose, and dissemination; to provide for student
21 attendance protocol committees and their membership and duties; to provide for designation
22 of school employees as attendance officers; to change the authority of attendance officers;
23 to require school principals to support the authority of teachers to remove certain students
24 from a classroom; to revise the definition of "disciplinary orders" to include those from
25 private schools and out-of-state schools; to provide for additional requirements for student
26 codes of conduct; to provide that prohibited activities apply to school buses; to provide for
27 provisions in student codes of conduct for off-campus behavior by a student; to eliminate the
28 requirement that local boards of education submit a copy of their student codes of conduct
29 to the State Board of Education; to provide that local board policies require local school

1 superintendents to support the authority of principals and teachers to remove certain students
2 from a classroom; to change certain provisions relating to suspending students for
3 committing acts of physical violence to conform to other Code sections; to revise certain
4 provisions relating to disciplinary hearings by a disciplinary hearing officer, panel, or
5 tribunal; to require that all disciplinary hearings be held within a certain time after the
6 beginning of a student's suspension; to provide for notice to any teacher who is called as a
7 witness for a disciplinary hearing; to delete certain provisions relating to disciplinary actions
8 for children in kindergarten through grade five; to change certain provisions regarding
9 legislative intent with respect to charter schools; to change certain provisions regarding
10 petitions to establish charter schools; to revise provisions relating to petitions for charter
11 schools and funding of charter schools; to provide for revised petitions that address
12 deficiencies cited in the denial; to allow a petitioner seeking to create a start-up charter
13 school to submit the petition to a local board or the state board; to change certain provisions
14 regarding operation, control, and management requirements for charter schools; to provide
15 for governance of charter schools; to provide for qualifications for members of governing
16 boards; to provide a per pupil minimum for funding; to provide for negotiation; to provide
17 for definitions relative to charter schools; to provide for payment for the charter school's
18 portion of administrative costs; to provide for payment of funds to charter schools; to provide
19 for allocation of state categorical program funds and federal funds; to require transportation;
20 to provide for contracts for administrative and educational services; to provide for
21 participation in bulk purchasing programs; to provide for a facilities fund; to provide for
22 procedures relating to such fund; to provide for reversion of certain funds, property, and
23 equipment; to provide for the terms of use by charter schools of certain surplus or unused
24 property of local boards; to authorize the creation and operation of the Special K-12 Distance
25 Learning School; to provide a definition relative to distance learning schools; to provide for
26 authority; to provide for the scope and funding of the school; to authorize contracts; to
27 provide for rules and regulations; to provide for the applicability of reporting and
28 accountability provisions; to provide for certificated teachers; to change certain provisions
29 regarding the powers and duties of the Office of Education Accountability; to provide for
30 changes to the accountability assessment; to amend the Official Code of Georgia Annotated
31 so as to change the name "Office of Education Accountability" to "Office of Student
32 Achievement"; to amend Code Section 40-5-22, relating to persons not to be issued a driver's
33 license, school attendance requirements, and driving training requirements, so as to eliminate
34 permission of a student's parent or guardian as exceptions to the school attendance
35 requirements to obtain a driver's license; to provide for an additional exception for a minor
36 pursuing a general educational development diploma; to provide for additional offenses to
37 prohibit a suspended student from maintaining a driver's license; to provide conditions for

reinstatement of drivers' licenses and permits for suspended students; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Code Section 20-2-142, relating to prescribed courses, by striking subsection (a) and inserting in lieu thereof the following:

"(a)(1) All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education in its quality core curriculum:

(A) A course of study in the background, history, and development of the federal and state governments. ~~The course in the study of federal and state governments shall be supplemented in each high school by~~ and a study of the local Georgia county and municipal governments; and

(B) A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals.

(2) No student shall be eligible to receive a diploma from a high school unless such student has successfully completed the courses in history and government provided for by this subsection, except as provided in ~~paragraph~~ paragraphs (3) and (4) of this subsection. For students moving to Georgia and unable to take the course or courses available to fulfill these requirements in the grade level in which such course or courses are ordinarily offered, the State Board of Education may develop alternative methods, which may include but shall not be limited to an online course of study, for such students to learn about and demonstrate an adequate understanding of federal or Georgia history and government.

(3) Disabled students who are otherwise eligible for a special education diploma pursuant to subsection (c) of Code Section 20-2-281 shall not be denied this diploma if they have not successfully completed either or both of these courses; provided, however, that their Individualized Education Programs have not specified that the disabled students must enroll in and successfully complete both of these courses.

(4) The State Board of Education shall promulgate rules and regulations governing the required course of study in the history of Georgia and in the essentials of the Georgia Constitution for students who transfer from another state after having completed the year

1 in which such course or courses are ordinarily offered. The State Board of Education is
2 authorized to provide for exemptions to the required course of study for such students."

3 SECTION 2.

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

6 "20-2-153.

7 (a) The State Board of Education shall create and each local board of education shall
8 provide an early intervention program to serve students in kindergarten through grade five.
9 The kindergarten early intervention program shall serve students enrolled in kindergarten.
10 The primary grades early intervention program shall serve students enrolled in grades one
11 through three. The upper elementary grades early intervention program shall serve students
12 in grades four through five.

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

30 (c) The State Board of Education shall describe by rules and regulations such additional
31 services, resources, support, or strategies as may be provided by the local school system.
32 The specifications for delivery of early intervention services shall be the responsibility of
33 local boards of education except that the program rules and regulations adopted by the
34 State Board of Education shall be followed in designing the program delivery models.
35 Delivery models may include, but are not limited to, class augmentation, pull-out or

1 self-contained classes, and the Reading Recovery Program delivered by certificated
2 personnel.

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

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

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

16 SECTION 3.

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

20 "20-2-167.

21 (a)(1) The State Board of Education shall annually compute, based upon the initial
22 allotment of funds to each local school system, the total funds needed for direct
23 instructional costs for each program identified in Code Section 20-2-161, specifying the
24 number of positions earned and salaries and operational costs portions. 'Direct
25 instructional costs' is defined as those components of the program weights which are
26 specified in subsections (a) through (g) of Code Section 20-2-182. In computing the total
27 funds needed for direct instructional costs for each program, the state board shall apply
28 the percentage that these costs represent of the total costs used in developing the program
29 weights. The direct instructional costs for the five instructional programs for disabled
30 students shall be summed into one amount for special education. Following the midterm
31 adjustment, the state board shall issue allotment sheets for each local school system ~~and~~
32 ~~each school~~ reflecting the total amount of earnings, initial earnings, and midterm
33 adjustment, if any, for each program authorized by Code Section 20-2-161. ~~For each~~
34 ~~such program, each local school system shall spend a minimum of 90 percent of funds~~
35 ~~designated for direct instructional costs on the direct instructional costs of such program~~
36 ~~at the school site in which the funds were earned, except that funds earned for special~~

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

1 fail to expend funds earned for direct instruction on direct instructional costs, the state
2 board shall increase the local five mill share for an ensuing year by the difference.

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

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

1 ~~professional development programs authorized pursuant to subsection (h) of Code~~
2 ~~Section 20-2-182.~~

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

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

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

32 (A) Instructional program involved;

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

34 (C) Fund source or sources; and

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

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

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

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

SECTION 4.

Said title is further amended by striking subsection (i) of Code Section 20-2-182, relating to program weights, and inserting in lieu thereof the following:

"(i) The State Board of Education shall adopt for each instructional program authorized pursuant to Part 3 of this article and the middle school program provided for in Code Section 20-2-290 the maximum number of students which may be taught by a teacher in an instructional period. ~~Such maximum class sizes shall be equal to or greater than the teacher-student ratios used in the calculation of the program weights as set forth in subsection (b) of Code Section 20-2-161 but shall not exceed the funding class size by more than 20 percent, unless specifically authorized by the State Board of Education;~~

provided, however, that in no case shall the 20 percent maximum be exceeded for mathematics, science, social studies, or English classes; provided, further, that the The State Board of Education shall provide for a system average maximum class size that shall not exceed the funding class size by more than 20 percent for mathematics, science, social studies, or language arts classes, unless specifically authorized by the State Board of Education. The system average maximum class size for kindergarten and grades one through three shall not exceed 20 percent over the funding ratio except for art, music, or physical education classes; provided, further, that the system average maximum class size for special education, gifted, and English for speakers of other languages classes shall be set by the State Board of Education. For each instructional program, the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class size for the program by more than two students; provided, however, that a system average maximum class size which results in a fractional full-time equivalent shall be rounded up to the nearest whole number. For a period not to exceed ~~four~~ five years, beginning with the 2000-2001 school year, local school systems shall be allowed to exceed the maximum class sizes set forth in this subsection in a manner consistent with State Board of Education rules and subsection (k) of this Code section. The State Board of Education shall lower the current maximum class sizes set by state board rules in effect for the 1999-2000 school year, beginning with the 2000-2001 school year, by a ~~proportional amount each school year~~ an amount so that, beginning with the ~~2003-2004~~ 2005-2006 school year, State Board of Education rules are in compliance with this subsection ~~except as otherwise provided in subsection (k) of this Code section for the 2003-2004 school year only.~~ An aide may be used in programs to increase class size as allowed by State Board of Education rule and subsection (k) of this Code section, except that, beginning with the 2005-2006 school year, an aide shall not be used to increase the maximum class size in kindergarten or grades one through three, ~~except as otherwise provided in subsection (k) of this Code section for the 2003-2004 school year only.~~ The maximum class size for the kindergarten and primary grades programs is defined as the number of students in a physical classroom. Maximum class sizes that result in a fractional full-time equivalent shall be rounded up to the nearest whole number as needed. The middle school program shall use the teacher-student ratio of the middle grades program for the purpose of this subsection. The number of students taught by a teacher at any time after the first 15 school days of a school year may not exceed the maximum such number unless authorization for a specific larger number is requested of the state board, along with the educational justification for granting the requested exemption, and the state board has approved said request. The state board shall not reduce class sizes without the authorization of the General Assembly if this reduction necessitates added costs for

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

5 **SECTION 5.**

6 Said title is further amended by inserting the following:

7 "20-2-244.

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

12 (b) The State Board of Education is not authorized to waive any federal, state, and local
13 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection
14 of the physical health and safety of school students, employees, and visitors; conflicting
15 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful
16 conduct in or near a public school; or any reporting requirements pursuant to Code Section
17 20-2-320 or Chapter 14 of this title. A school or school system that has received a waiver
18 shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the
19 requirement that it shall not charge tuition or fees to its students except as may be
20 authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment
21 in the same manner as before the waiver request.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7.

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

"20-2-290.

(a) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. Local school systems which have organized their schools in such a manner that facilities house grades six, seven, and eight or grades seven and eight shall qualify for the middle school program for students in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below

the middle school grades; provided, however, that such schools also meet all other provisions of this Code section. Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

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

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

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

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

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

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

SECTION 8.

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

"(a) The Governor shall appoint a steering committee, which shall be named the Education Information Steering Committee, composed of representatives from the Department of Education, the Department of Technical and Adult Education, the Board of Regents of the University System of Georgia, the office of the Governor, the Office of Planning and Budget, the Department of Audits and Accounts, the Georgia Technology Authority, the Office of School Readiness, the Professional Standards Commission, the Office of ~~Education Accountability~~ Student Achievement, the State Data and Research Center at the Georgia Institute of Technology, the Georgia Public Telecommunications Commission, the Legislative Budget Office, and local school systems. The steering committee shall identify the data required to implement the Quality Basic Education Program on a fiscally sound basis and the data required to evaluate the effectiveness of the components of public education in Georgia. The steering committee shall identify data that shall be required from local units of administration, public libraries, public colleges and universities through the Board of Regents of the University System of Georgia, pre-kindergarten programs, the Professional Standards Commission, and postsecondary technical colleges and schools for the implementation of this article. Further, the steering committee shall develop a design for a state-wide comprehensive educational information system which will provide for the accurate, seamless, and timely flow of information from local and regional education agencies, units of the University System of Georgia, and technical schools and colleges to the state. The design shall include hardware, software, data, collection methods and times, training, maintenance, communications, security of data, and installation specifications and any other relevant specifications needed for the successful implementation of this system. ~~No student shall be identifiable by name in that portion of the pre-kindergarten through grade 12 record stored at the state level, and any identification number shall be encoded to prevent unauthorized use of a student's information; provided, however, that full-time equivalent student data collected pursuant to Code Section 20-2-160 shall be identifiable for audit purposes in separate files.~~ The state-wide comprehensive educational information system shall not use a student's social security number or an employee's social security number in violation of state or federal law to identify a student or employee. The steering committee shall present such recommendations to the Education Coordinating Council. Upon approval of the boards of the respective education agencies, the steering committee shall issue appropriate requests for proposals to implement a state-wide comprehensive educational information system, subject to appropriation by the General Assembly. The

1 State Data and Research Center, at the direction of the Education Coordinating Council and
2 working through the steering committee, shall initiate contracts with appropriate vendors
3 and local units of administration for the procurement of services, purchase of hardware and
4 software, and for any other purpose as directed by the Education Coordinating Council,
5 consistent with appropriation by the General Assembly."

6 "(c) For the purpose of this article, authorized educational agencies shall be the
7 Department of Education; the Office of School Readiness; the Board of Regents of the
8 University System of Georgia; the Department of Technical and Adult Education; the
9 Education Coordinating Council; the Professional Standards Commission; the State Data
10 and Research Center and units under contract to the State Data and Research Center; the
11 Office of ~~Education Accountability~~ Student Achievement; the education policy and
12 research components of the office of the Governor; the Office of Planning and Budget; the
13 Legislative Budget Office; the House Research Office; and the Senate Research Office.
14 Any information collected over the state-wide comprehensive educational information
15 system, including individual student records and individual personnel records, shall be
16 accessible by authorized educational agencies, provided that any information which is
17 planned for collection over the system but which is temporarily being collected by other
18 means shall also be accessible by authorized educational agencies and provided, further,
19 that adequate security provisions are employed to protect the privacy of individuals. All
20 data maintained for this system shall be used for educational purposes only. In no case shall
21 information be released by an authorized educational agency which would violate the
22 privacy rights of any individual student or employee. Information released by an authorized
23 educational agency in violation of the privacy rights of any individual student or employee
24 shall subject the authorized educational agency to all penalties under applicable state and
25 federal law. Any information collected over the state-wide comprehensive educational
26 information system which is not stored in an individual student or personnel record format
27 shall be made available to the Governor and the House and Senate Appropriations,
28 Education, and Higher Education committees, except information otherwise prohibited by
29 statute. Data which are included in an individual student record or individual personnel
30 record format shall be extracted from such records and made available in nonindividual
31 record format for use by the Governor, committees of the General Assembly, and agencies
32 other than authorized educational agencies."

33 SECTION 9.

34 Said title is further amended by inserting a new Code section to be designated Code Section
35 20-2-323 to read as follows:

36 "20-2-323.

(a) Each local board of education may schedule time for all students in kindergarten and grades one through eight to have a daily break period consisting of at least 15 minutes of supervised, unstructured activity time, preferably outdoors. The break permitted by this Code section shall be considered as academic instruction, but the break shall not be part of the Quality Core Curriculum and shall not be subject to requirements for the Quality Core Curriculum. The break shall not be a replacement for physical education or structured physical activity.

(b) Local boards of education may establish policies to ensure that the break is a safe experience for students, that recess is scheduled so that it provides a break during academic learning, and that recess is not used as reward or punishment on a regular basis."

SECTION 10.

Said title is further amended by striking subsection (b) of Code Section 20-2-690.1, relating to mandatory education for children, and inserting in lieu thereof the following:

"(b) Any parent, guardian, or other person residing in this state who has control or charge of a child or children and who shall violate this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine ~~not to exceed not less than \$25.00 and not greater than \$100.00,~~ or imprisonment not to exceed 30 days, community service, or both any combination of such penalties, at the discretion of the court having jurisdiction. Each day's absence from school in violation of this part after the child's school system notifies the parent, guardian, or other person who has control or charge of a child of five unexcused days of absence for a child shall constitute a separate offense. The school system shall notify such parent, guardian, or other person via certified mail, return receipt requested, after two previous attempts when the child has five unexcused days of absence. Public schools shall provide to the parent, guardian, or other person having control or charge of each child enrolled in public school a written summary of possible consequences and penalties for failing to comply with compulsory attendance under this Code section for children and their parents, guardians, or other persons having control or charge of children, as provided in Code Section 20-2-690.2. The parent, guardian, or other person who has control or charge of a child or children shall sign a statement indicating receipt of such written statement of possible consequences and penalties; children who are age ten years or older by September 1 shall sign a statement indicating receipt of such written statement of possible consequences and penalties. After two reasonable attempts by the school to secure such signature or signatures, the school shall be considered to be in compliance with this subsection if it sends a copy of the statement, via certified mail, return receipt requested, to such parent, guardian, other person

1 who has control or charge of a child, or child. Public schools shall retain signed copies of
2 statements through the end of the school year."

3 SECTION 11.

4 Said title is further amended by inserting a new Code section to be designated Code Section
5 20-2-690.2 to read as follows:

6 "20-2-690.2.

7 (a) The chief judge of the superior court of each county shall establish a student attendance
8 protocol committee for its county. The purpose of the committee shall be to ensure
9 coordination and cooperation among officials, agencies, and programs involved in
10 compulsory attendance issues, to reduce the number of unexcused absences from school,
11 and to increase the percentage of students present to take tests which are required to be
12 administered under the laws of this state. The chief judge is responsible for ensuring that
13 all members of the committee are notified of their responsibility to the committee and shall
14 call the first meeting of the committee in each county. The committee shall elect a
15 chairperson and may elect other officers.

16 (b) Each local board of education shall participate in and implement the recommendations
17 of the committee as provided in this Code section. Independent school systems may
18 participate in the committee in the county in which its system resides. Independent school
19 systems whose geographic area resides in more than one county may select one of the
20 counties in which it resides in which to participate. An independent school system that
21 elects not to participate in the committee of the county in which it resides shall request that
22 the chief judge of the superior court of a county in which it resides establish an independent
23 student attendance protocol committee in the same manner as established for such county.

24 (c) Each of the following agencies, officials, or programs shall designate a representative
25 to serve on the committee:

- 26 (1) The chief judge of the superior court;
27 (2) The juvenile court judge or judges of the county;
28 (3) The district attorney for the county;
29 (4) The solicitor-general of state court, if the county has a state court;
30 (5) The Department of Juvenile Justice, which may include representatives from area
31 youth detention centers or regional youth detention centers;
32 (6) The superintendent and at least one certificated personnel and at least one local
33 school board member from each public school system in the county and a school social
34 worker, if feasible;
35 (7) The sheriff of the county;

- (8) The chief of police of the county police department;
- (9) The chief of police of each municipal police department in the county;
- (10) The county department of family and children services;
- (11) The county board of health;
- (12) The county mental health organization;
- (13) The county Family Connection commission, board, or authority, or other county agency, board, authority, or commission having the duty and authority to study problems of families, children, and youth and provide services to families, children, and youth; and
- (14) The court approved community based risk reduction program established by the juvenile court in accordance with Code Section 15-11-10, if such a program has been established.
- (d) The committee thus established may appoint such additional members as necessary and proper to accomplish the purposes of the committee.
- (e) Each committee shall, by June 1, 2005, adopt a written student attendance protocol for its county school system and for each independent school system within its geographic boundaries which shall be filed with the Department of Education. The protocol shall outline in detail the procedures to be used in identifying, reporting, investigating, and prosecuting cases of alleged violations of Code Section 20-2-690.1, relating to mandatory school attendance. The protocol shall outline in detail methods for determining the causes of failing to comply with compulsory attendance and appropriately addressing the issue with children and their parents or guardians. The protocol shall also include recommendations for policies relating to tardiness. The Department of Education shall provide model school attendance protocols, if requested by the committee.
- (f) A copy of the protocol shall be furnished to each agency, official, or program within the county that has any responsibility in assisting children and their parents or guardians in complying with Code Section 20-2-690.1.
- (g) The committee shall write the summary of possible consequences and penalties for failing to comply with compulsory attendance under Code Section 20-2-690.1 for children and their parents, guardians, or other persons who have control or charge of children for distribution by schools in accordance with Code Section 20-2-690.1. The summary of possible consequences for children shall include possible dispositions for unruly children and possible denial or suspension of a driver's license for a child in accordance with Code Section 40-5-22.
- (h) The committee shall continue in existence after writing the student attendance protocol. The chief judge of the superior court of each county shall ensure that the committee meets at least quarterly during the first year, and twice annually thereafter, to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications.

(i) Each local board of education shall report student attendance rates to the committee and the State Board of Education at the end of each school year, according to a schedule established by the State Board of Education."

SECTION 12.

Said title is further amended by striking Code Section 20-2-695, relating to attendance officers, and inserting in lieu thereof the following:

"20-2-695.

(a) A local board of education may employ an attendance officer or attendance officers in addition to a visiting teacher or visiting teachers. Such an attendance officer must be paid wholly from local funds of the local board unless state funds are specifically appropriated for purposes of employment of attendance officers, in which case state funds may be used to the extent so appropriated. Attendance officers shall not be required to qualify under rules and regulations promulgated by the Professional Standards Commission for the certification of visiting teachers.

(a.1) A local board of education may designate one or more school employees as an attendance officer or attendance officers. Such school employees designated as attendance officers shall have the duties and authority of attendance officers defined in this subpart.

(b) The authority and duties of any attendance officer so appointed by a local board of education shall include:

(1) The duty to cooperate with state agencies, make monthly reports to that officer's school superintendent, and comply with state and local rules as provided in Code Section 20-2-696;

(2) The authority to receive cooperation and attendance reports from that officer's school system as provided for in Code Section 20-2-697;

(3) ~~When specifically authorized by the appointing local board of education, the~~ The authority to assume temporary custody of children absent from school for the purpose of delivering the child to school or to the parent, guardian, or other person who has control or charge of the child, or if the child has been adjudged delinquent or unruly, to the probation officer of the county having jurisdiction over the child in the same manner as authorized for peace officers under Code Sections 20-2-698 through 20-2-700; and any attendance officer ~~so authorized by the appointing local board of education~~ shall, when engaged in such function, have the same duties, authority, rights, privileges, and immunities as applicable to a peace officer engaged in such function, provided that the same shall not extend to the carrying of a weapon unless the attendance officer holds a valid certification as a peace officer from the Georgia Peace Officer Standards and Training Council;

(4) The duty to report children absent from school to the juvenile court or other court having jurisdiction as provided for in Code Section 20-2-701; and

(5) Such other authority and duties as may be provided by law or as may be provided by the appointing local board of education in conformity with law.

Attendance officers and school employees designated as attendance officers pursuant to subsection (a.1) of this Code section, when acting in their official capacity pursuant to this subsection, shall be immune from civil liability for, or arising out of, any act or omission concerning, relating to, or resulting from their performance of duties under this subsection."

SECTION 13.

Said title is further amended by striking subsection (b) of Code Section 20-2-738, relating to authority of teacher over classroom, procedures following removal of student from classroom, and placement review committees, and inserting in lieu thereof the following:

"(b) ~~On and after July 1, 2000, a~~ A teacher shall have the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher. Each school principal shall fully support the authority of every teacher in his or her school to remove a student from the classroom under this Code section, including establishing and disseminating procedures. The teacher shall file with the principal or the principal's designee a report describing the student's behavior, in one page or less, by the end of the school day on which such removal occurs or at the beginning of the next school day. The principal or the principal's designee shall, within one school day after the student's removal from class, send to the student's parents or guardians written notification that the student was removed from class, a copy of the report filed by the teacher, and information regarding how the student's parents or guardians may contact the principal or the principal's designee."

SECTION 14.

Said title is further amended by striking Code Section 20-2-751.2, relating to students subject to disciplinary orders of other school systems, and inserting in lieu thereof the following:

"20-2-751.2.

(a) As used in this Code section, the term 'disciplinary order' means any order of a local school system in this state, a private school in this state, or a public school outside of this

state which imposes short-term suspension, long-term suspension, or expulsion upon a student in such system or school.

(b) A local board of education which has a student who attempts to enroll or who is enrolled in any school in its school system during the time in which that student is subject to a disciplinary order ~~of any other school system~~ is authorized to refuse to enroll or subject that student to short-term suspension, long-term suspension, or expulsion for any time remaining in that other school system's or school's disciplinary order upon receiving a certified copy of such order if the offense which led to such suspension or expulsion in the other school system or school was an offense for which suspension or expulsion could be imposed in the enrolling school.

(c) A local school system or school may request of another school system or school whether any disciplinary order has been imposed by the other school system or school upon a student who is seeking to enroll or is enrolled in the requesting system or school. If such an order has been imposed and is still in effect for such student, the requested school system or private school in this state shall so inform the requesting system or school and shall provide a certified copy of the order to the requesting system or school.

(d) If any school administrator determines from the information obtained pursuant to this Code section or from Code Section 15-11-28 or 15-11-80 that a student has been convicted of or has been adjudicated to have committed an offense which is a designated felony act under Code Section 15-11-63, such administrator shall so inform all teachers to whom the student is assigned. Such teachers and other certificated professional personnel as the administrator deems appropriate may review the information in the student's file provided pursuant to this Code section that has been received from other schools or from the juvenile courts or superior courts. Such information shall be kept confidential."

SECTION 15.

Said title is further amended by striking Code Section 20-2-751.5, relating to student codes of conduct, and inserting in lieu thereof the following:

"20-2-751.5.

(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, ~~and~~ at school related functions, and on the school bus, in a manner that is appropriate to the age of the student:

- (1) Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;
- (2) Physical assault or battery of teachers, administrators, and other school personnel;
- (3) Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;

(4) Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;

(5) Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;

(6) Disrespectful conduct toward other students, including use of vulgar or profane language; and

(7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions;

(8) Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;

(9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;

(10) Inciting, advising, or counseling of others to engage in prohibited acts;

(11) Marking, defacing, or destroying school property;

(12) Possession of a weapon, as provided for in Code Section 16-11-127.1;

(13) Unlawful use or possession of illegal drugs or alcohol;

(14) Willful and persistent violation of the student code of conduct;

(15) Bullying as defined by Code Section 20-2-751.4; and

(16) Marking, defacing, or destroying the property of another student.

With regard to paragraphs (9) and (11) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours.

(b)(1) In addition to the requirements contained in subsection (a) of this Code section, ~~each~~ Each student code of conduct shall include comprehensive and specific provisions prescribing and governing student conduct and safety rules on all public school buses. The specific provisions shall include but not be limited to:

(A) Students shall be prohibited from acts of physical violence as defined by Code Section 20-2-751.6, bullying as defined by subsection (a) of Code Section 20-2-751.4, physical assault or battery of other persons on the school bus, verbal assault of other persons on the school bus, disrespectful conduct toward the school bus driver or other persons on the school bus, and other unruly behavior;

(B) Students shall be prohibited from using any electronic devices during the operation of a school bus, including but not limited to cell phones; pagers; audible radios, tape or compact disc players without headphones; or any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver's operation of the school bus; and

(C) Students shall be prohibited from using mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver's operation of the school bus.

(2) If a student is found to have engaged in physical acts of violence as defined by Code Section 20-2-751.6, the student shall be subject to the penalties set forth in such Code section. If a student is found to have engaged in bullying as defined by subsection (a) of Code Section 20-2-751.4 or in physical assault or battery of another person on the school bus, the local school board policy shall require a meeting of the parent or guardian of the student and appropriate school district officials to form a school bus behavior contract for the student. Such contract shall provide for progressive age-appropriate discipline, penalties, and restrictions for student misconduct on the bus. Contract provisions may include but shall not be not limited to assigned seating, ongoing parental involvement, and suspension from riding the bus. This subsection is not to be construed to limit the instances when a school code of conduct or local board of education may require use of a student bus behavior contract.

~~(3) No later than August 15, 2002, each local board of education shall send to the State Board of Education a copy of the provisions of its student code of conduct that address the items identified in paragraphs (1) and (2) of this subsection. The state board shall review such provisions to ensure that each of the items identified in paragraphs (1) and (2) of this subsection is addressed and shall notify a local board of education, no later than October 15, 2002, of any items which are not addressed in its submission to the state board. Nothing in this subsection shall be construed as authorizing or requiring the state board to review or approve the substance of the student code of conduct.~~

(c) Each student code of conduct shall also contain provisions that address any off-campus behavior of a student which could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process.

(d) Local board policies relating to student codes of conduct shall provide that each local school superintendent shall fully support the authority of principals and teachers in the school system to remove a student from the classroom pursuant to Code Section 20-2-738, including establishing and disseminating procedures. It is the policy of this state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.

~~(c)~~(e) Any student handbook which is prepared by a local board or school shall include a copy or summary of the student code of conduct for that school or be accompanied by a copy of the student code of conduct for that school. If a student handbook contains a summary of the student code of conduct, then a full copy of the student code of conduct

shall be made available for review at the school. When distributing a student code of conduct, a local school shall include a form on which the student's parent or guardian may acknowledge his or her receipt of the code, and the local school shall request that the form be signed and returned to the school."

SECTION 16.

Said title is further amended by striking Code Section 20-2-751.6, relating to suspension policy for students committing acts of physical violence resulting in injury to teachers, and inserting in lieu thereof the following:

"20-2-751.6.

(a) As used in this Code section, the term 'physical violence' means:

(1) Intentionally making physical contact of an insulting or provoking nature with the person of another; or

(2) Intentionally making physical contact which causes physical harm to another unless such physical contacts or physical harms were in defense of himself or herself, as provided in Code Section 16-3-21.

(b) Local board of education policies and student codes of conduct shall provide for the penalties to be assessed against a student found by a disciplinary hearing officer, panel, or tribunal pursuant to Code Section 20-2-752 to have committed any act of physical violence against a teacher, school bus driver, or other school official or employee. ~~The local board shall appoint a~~ Such disciplinary hearing officer, panel, or tribunal to shall hold a any disciplinary hearing ~~pursuant to~~ in accordance with the provisions of Code Section 20-2-754 ~~regarding the alleged act of physical violence and penalty.~~ Any student alleged to have committed an act of physical violence shall be suspended pending the hearing by the disciplinary hearing officer, panel, or tribunal. ~~The tribunal shall be composed of three teachers or certificated education personnel, appointed by the local school board. The decision of the disciplinary hearing officer, panel, or tribunal shall determine all issues of fact and intent and shall submit its findings and recommendations may be appealed to the local school board pursuant to Code Section 20-2-754 for imposition of punishment in accordance with this Code section.~~ If appropriate under paragraph (1) of subsection (c) of this Code section, the ~~tribunal's recommendations~~ decision of the disciplinary hearing officer, panel, or tribunal shall include a recommendation as to whether a student may return to public school and, if return is recommended, a recommended time for the student's return to public school. The local school board may ~~follow the recommendations of the tribunal or~~ impose penalties not recommended by the disciplinary hearing officer, panel, or tribunal.

(c)(1) A student found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee shall be expelled from the public school system. The expulsion shall be for the remainder of the student's eligibility to attend public school pursuant to Code Section 20-2-150. The local school board at its discretion may permit the student to attend an alternative education program for the period of the student's expulsion. If the student who commits an act of physical violence is in kindergarten through grade eight, then the local school board at its discretion and on the recommendation of the disciplinary hearing officer, panel, or tribunal may permit such a student to reenroll in the regular public school program for grades nine through 12. If the local school board does not operate an alternative education program for students in kindergarten through grade six, the local school board at its discretion may permit a student in kindergarten through grade six who has committed an act of physical violence as defined in paragraph (2) of subsection (a) of this Code section to reenroll in the public school system;

(2) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence against a teacher, school bus driver, school official, or school employee as defined in paragraph (2) of subsection (a) of this Code section shall be referred to juvenile court with a request for a petition alleging delinquent behavior; and

(3) Any student who is found by a disciplinary hearing officer, panel, or tribunal to have committed an act of physical violence as defined in paragraph (1) of subsection (a) of this Code section against a teacher, school bus driver, school official, or school employee may be disciplined by expulsion, long-term suspension, or short-term suspension.

(d) The provisions of this Code section shall apply with respect to any local school system which receives state funding pursuant to Code Sections 20-2-161 and 20-2-260.

(e) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

SECTION 17.

Said title is further amended by striking Code Section 20-2-753, relating to disciplinary hearings held by a disciplinary hearing officer, panel, or tribunal, and inserting in lieu thereof the following:

"20-2-753.

(a) In addition to any proceedings which are authorized in Code Section 20-2-752, local boards of education shall appoint a disciplinary hearing officer, panel, or tribunal of school officials to hold a disciplinary hearing following any instance of an alleged violation of the student code of conduct where the principal recommends a suspension or expulsion of longer than ten school days or an alleged assault or battery by a student upon any teacher or other school official or employee, if such teacher or other school official or employee so requests.

~~(1) An alleged assault or battery by a student upon any teacher, other school official, or employee;~~

~~(2) An alleged assault or battery by a student upon another student, if, in the discretion of the school principal, the alleged assault or battery could justify the expulsion or long-term suspension of the student; or~~

~~(3) Substantial damage alleged to be intentionally caused by a student on school premises to personal property belonging to a teacher, other school official, employee, or student, if, in the discretion of the school principal, the alleged damage could justify the expulsion or long-term suspension of the student.~~

~~(b) The board of education shall by appropriate rule, regulation, or resolution require that when any instance specified in subsection (a) of this Code section occurs, the teacher, other school official, employee, or student who is subjected to the assault, battery, or damage shall file a complaint with the school administration and with the local board of education.~~

(b) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

SECTION 18.

Said title is further amended by striking subsections (b) and (c) of Code Section 20-2-754, relating to procedures to be followed by disciplinary hearing officers, panels, or tribunals, and inserting in lieu thereof the following:

"(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and

a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) The hearing is held no later than ten school days after the beginning of the suspension;

~~(2)(3)~~ All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved; ~~and~~

(4) Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing; and

~~(3)(5)~~ A verbatim electronic or written record of the hearing shall be made and shall be available to all parties.

(c) If appointed to review an instance ~~specified in~~ pursuant to Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal."

SECTION 19.

Said title is further amended by striking Code Section 20-2-759, relating to children in kindergarten through grade five, and inserting in lieu thereof the following:

"20-2-759.

~~(a) Except as otherwise expressly provided in this subpart, this subpart shall not apply to children in kindergarten through elementary grade five.~~

~~(b) The local school superintendent shall determine the disciplinary actions or proceedings for children exempt from this subpart under subsection (a) of this Code section Reserved.~~"

SECTION 20.

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

"20-2-2061.

It is the intent of the General Assembly to provide a means whereby a petitioner may seek a performance based contract called a charter, which ~~ties improved performance to the waiver of specifically identified state and local rules, regulations, policies, procedures, and~~

identified provisions of this title other than the provisions of this article exempts the petitioner from the provisions of this title, except as provided in this article, or any state or local rule, regulation, policy, or procedure relating to schools within an applicable school system regardless of whether such rule, regulation, policy, or procedure is established by the local board, the State Board of Education, or the Department of Education; provided, however, that the state board may establish rules, regulations, policies, or procedures consistent with this article relating to charter schools. In exchange for such a waiver, the school agrees to meet or exceed the performance based goals included in the petition and approved by the local board, including but not limited to raising student achievement."

SECTION 21.

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

"20-2-2063.

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

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

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

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

SECTION 22.

Said title is further amended by striking subsections (a) and (b) of Code Section 20-2-2064, relating to approval or denial of a charter petition, and inserting in lieu thereof the following:

"(a) A charter petitioner seeking to create a conversion charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 60 days after its submission unless the petitioner requests an extension; provided,

1 however, that a denial of a petition by a local board shall not preclude the submission to
 2 the local board of a revised petition that addresses deficiencies cited in the denial; and
 3 provided, further, that the local board shall not act upon a petition for a conversion charter
 4 school until such petition:

5 (1) Has been freely agreed to, by secret ballot, by a majority of the faculty and
 6 instructional staff members of the petitioning local school at a public meeting called with
 7 two weeks' advance notice for the purpose of deciding whether to submit the petition to
 8 the local board for its approval; and

9 (2) Has been freely agreed to, by secret ballot, by a majority of parents or guardians of
 10 students enrolled in the petitioning local school present at a public meeting called with
 11 two weeks' advance notice for the purpose of deciding whether to submit the petition to
 12 the local board for its approval.

13 (b) A charter petitioner seeking to create a start-up charter school ~~must~~ may submit a
 14 petition to the local board of the local school system in which the proposed charter school
 15 will be located. The local board must by a majority vote approve or deny a petition no later
 16 than 60 days after its submission unless the petitioner requests an extension. A denial of
 17 a petition by a local board shall not preclude the submission to the local board of a revised
 18 petition that addresses deficiencies cited in the denial."

19 SECTION 23.

20 Said title is further amended by striking Code Section 20-2-2064.1, relating to reviews of
 21 charter petitions by the state board and charters for state chartered special schools, and
 22 inserting in lieu thereof the following:

23 "20-2-2064.1.

24 (a) The state board shall approve the charter of a charter petitioner if the petition has been
 25 approved by the local board of the local school system in which the proposed charter
 26 school will be located and the state board finds that the petition complies with the rules,
 27 regulations, policies, and procedures promulgated in accordance with Code Section
 28 20-2-2063 and the provisions of this title and is in the public interest. If the state board
 29 denies a petition, it must within 60 days specifically state the reasons for the denial, list all
 30 deficiencies with regard to the rules, regulations, policies, and procedures established
 31 pursuant to Code Section 20-2-2063, and provide a written statement of the denial to the
 32 charter petitioner and to the local board.

33 (b) No application may be made to the state board by a petitioner for a conversion charter
 34 school ~~that has been denied by a local board.~~

35 ~~(c) Upon denial of a petition for a start-up charter school by a local board and upon~~
 36 ~~application to the state board by the petitioner, A charter petitioner seeking to create a state~~

chartered special start-up charter school shall submit a petition to the state board. the The
state board shall approve the charter of a start-up charter petitioner for a state chartered
special school if the state board finds that such petition meets the requirements set forth in
the rules, regulations, policies, and procedures established pursuant to Code Section
20-2-2063 and the provisions of this title, and is in the public interest. A denial of a petition
by the state board shall not preclude the submission to the state board of a revised petition
that addresses deficiencies cited in the denial. If the state board denies a petition, it must
within 60 days specifically state the reasons for the denial, list all deficiencies with regard
to the rules, regulations, policies, and procedures established pursuant to Code Section
20-2-2063, and provide a written statement of the denial to the charter petitioner."

SECTION 24.

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

"20-2-2065.

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

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

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

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

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

(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to ~~conversion charter schools~~ any charter petitioner who is a local school or state or local public entity;

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

SECTION 25.

Said title is further amended by striking Code Section 20-2-2068.1, relating to operational funding of charter schools, and inserting in lieu thereof the following:

"20-2-2068.1.

~~(a) A local charter school shall be included in the allotment of QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants to the local school system in which the local charter school is located under Article 6 of this chapter. The local board and the state board shall treat a conversion charter school no less favorably than other local schools located within the applicable local school system unless otherwise provided by law. The local board and the state board shall treat a start-up charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction and school administration and, where feasible, transportation, food services, and building programs.~~

~~(b) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants earned by a local charter school shall be distributed to the local charter school by the local board; provided, however, that state equalization grant earnings shall be distributed as provided in subsection (c) of this Code section. The local charter school shall report enrolled students in a manner consistent with Code Section 20-2-160.~~

~~(c) In addition to the earnings set out in subsection (b) of this Code section local tax revenue shall be earned by a local charter school and calculated as follows:~~

- ~~(1) Determine the amount of funds earned by students enrolled in the local charter school as calculated by the Quality Basic Education Formula pursuant to Code Section 20-2-160;~~
- ~~(2) Determine the amount of funds earned by all students in the public schools of the local school system, including any charter schools that receive local tax revenue, as calculated by the Quality Basic Education Formula;~~
- ~~(3) Divide the amount obtained in paragraph (1) of this subsection by the amount obtained in paragraph (2) of this subsection; and~~
- ~~(4) Multiply the quotient obtained in paragraph (3) of this subsection by the school system's local tax revenue.~~

~~The product obtained in paragraph (4) of this subsection shall be the amount of local funds to be distributed to the local charter school by the local board; provided, however, that nothing in this subsection shall preclude a charter petitioner and a local board of education from specifying in the charter a greater amount of local funds to be provided by the local board to the local charter school if agreed upon by all parties to the charter. Local funds so earned shall be distributed to the local charter school by the local board. Where feasible and where services are provided, funds for transportation, food service programs, and construction projects shall also be distributed to the local charter school as earned. In all other fiscal matters, including applicable federal allotments, the local board shall treat the local charter school no less favorably than other local schools located within the applicable school system.~~

~~(d) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants that are earned by a state chartered special school shall be distributed to the local board of the local school system in which the state chartered special school is located which shall distribute the same amount to the state chartered special school; provided, however, that a state chartered special school shall not be included in the calculation and distribution of the local school system's equalization grant unless the voters of the local school system have approved the use of local tax revenue to support the state chartered special school in accordance with subsection (e) of this Code section. If such approval has been given, state equalization grant earnings shall be earned for the state chartered special school and shall be distributed as provided in subsection (f) of this Code section. The local board shall not be responsible for the fiscal management, accounting, or oversight of the state chartered special school. The state chartered special school shall report enrolled students in a manner consistent with Code Section 20-2-160. Any data required to be reported by the state chartered special school shall be submitted directly by the school to the appropriate state agency. Where feasible, the state board shall treat a state chartered special school no less favorably than other public schools within the state with respect to the provision of funds for transportation and building programs.~~

~~(e) The state board may require a local referendum of the qualified voters in the local school system in which the proposed state chartered special school will be located. Such referendum shall be held at the next regularly scheduled general election or as may otherwise be authorized at an earlier date by the local board or boards of education affected. Such referendum shall be held for the purpose of deciding whether the local board of education shall provide funds from school tax levies to support such state chartered special school or incur bonded indebtedness to support such state chartered special school or both. The ballot question shall be approved by the state board.~~

~~(f) The local board shall treat a state chartered special school for which the use of funds from local bonded indebtedness and local school tax levies has been approved by qualified voters in the system in accordance with subsection (e) of this Code section no less favorably than other public schools located within the applicable school system.~~

~~(g) The local board shall not distribute funds from local bond indebtedness and local school tax levies to a state chartered special school unless such use has been approved by qualified voters in accordance with subsection (e) of this Code section.~~

(a) Each local charter school governing board or petitioner shall negotiate funding with its local board as a provision of its charter at a minimum of 95 percent of the local school board's expenditures per pupil for each pupil enrolled in the charter school. As used in this Code section, the term 'expenditures per pupil' includes expenditures of revenues from local taxation and bonds and from funds provided by the federal and state governments, and excludes funds for capital expenses. The local board may retain up to 5 percent of the expenditures per pupil for pupils enrolled in the charter school as payment for the charter school's portion of central administrative costs incurred by the local board. Each local charter school shall be included in the allotment of funds to the local school system in which the charter school is located. All federal, state, and local funds due to the local charter school shall be forwarded to the school from time to time as specified in the charter.

(b) Each state chartered special school governing board or petitioner shall negotiate funding per pupil enrolled in the state chartered special school with the state board as a provision of its charter at a minimum of 100 percent of funds available for expenditure per pupil from state and federal funds, excluding capital expenses.

(c) The state shall meet the financial obligations to state chartered special schools in accordance with this Code section; provided, however, that the state shall not be obligated to pay an amount greater than the per pupil state average as determined annually by the state board. The state board and the Department of Education shall have the joint responsibility to assess the funding needs of all state chartered special schools in the state and ensure that appropriate funds are included in the department's annual budget proposal. Payment of funds for the first month shall be sent directly from the department to state

1 chartered special schools on July 1 of each fiscal year. All other payments shall be sent
2 directly to state chartered special schools from time to time as specified in each such
3 school's charter.

4 ~~(e)~~ (d) The state board may require a local referendum of the qualified voters in the local
5 school system in which the proposed state chartered special school will be located. Such
6 referendum shall be held at the next regularly scheduled general election or as may
7 otherwise be authorized at an earlier date by the local board or boards of education
8 affected. Such referendum shall be held for the purpose of deciding whether the local
9 board of education shall provide funds from school tax levies to support such state
10 chartered special school or incur bonded indebtedness to support such state chartered
11 special school or both. The ballot question shall be approved by the state board.

12 ~~(g)~~ (e) The local board shall not distribute funds from local bond indebtedness and local
13 school tax levies to a state chartered special school unless such use has been approved by
14 qualified voters in accordance with subsection ~~(e)~~ (d) of this Code section.

15 (f) Charter schools having students or programs that meet the eligibility criteria for state
16 categorical program funds shall be entitled to their proportionate share of such funds. Any
17 such funds shall be forwarded to each charter school as specified in such charter school's
18 charter.

19 (g) Each charter school shall provide transportation of charter school students within a
20 reasonable distance of the charter school. As used in this Code section, the term 'a
21 reasonable distance of the charter school' shall be determined by the charter but in any case
22 shall be no greater than the largest busing area served by any school within the local school
23 system where the charter school is located. The governing body of a local charter school
24 may provide transportation through an agreement or contract with the local board, a private
25 provider, or one or more parents. A local charter school and the local board shall cooperate
26 in making arrangements that ensure that transportation is not a barrier to equal access for
27 all students residing within a reasonable distance of the local charter school. A state
28 chartered special school and the state board shall cooperate in making arrangements that
29 ensure that transportation is not a barrier to equal access for all students residing within a
30 reasonable distance of the state chartered special school.

31 (h) If a charter school is located in a local school system that is providing programs or
32 services to students that are funded by federal funds, such charter school shall receive
33 federal funds for any eligible students enrolled in such charter school for the same level of
34 service provided to eligible students in the schools operated by the local board.

35 (i) State chartered special schools may elect to contract with the local board for the school
36 system where the state chartered special school is located for any administrative and
37 educational services.

1 (j) If other goods and services are made available to a charter school through its charter,
2 such goods and services shall be provided to the charter school at a rate no greater than the
3 actual cost to the local board or state board. To maximize the use of state funds, the local
4 board and state board shall allow charter schools to participate in their bulk purchasing
5 program if applicable.

6 20-2-2068.2.

7 (a) From moneys specifically appropriated for such purpose, the state board shall create
8 a facilities fund for local charter schools and state chartered special schools for the purpose
9 of establishing a per pupil, need based facilities aid program.

10 (b) A charter school may receive moneys from the facilities fund if the charter school has
11 received final approval from the local board or from the state board for operation during
12 that fiscal year.

13 (c) A charter school's governing body may use moneys from the facilities fund for the
14 following purposes:

15 (1) Purchase of real property;

16 (2) Construction of school facilities;

17 (3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;

18 (4) Purchase of vehicles to transport students to and from the charter school; and

19 (5) Renovation, repair, and maintenance of school facilities that the charter school owns
20 or is purchasing through a lease-purchase or long-term lease of five years or longer.

21 (d) The Department of Education shall specify procedures for submitting and approving
22 requests for funding under this Code section and for documenting expenditures.

23 (e) Local boards are required to renovate, repair, and maintain the school facilities of
24 charter schools in the district to the same extent as other public schools in the district if the
25 local board owns the charter school facility.

26 (f)(1) Prior to releasing moneys from the facilities fund, the Department of Education
27 shall ensure that the governing board of the local charter school and the local board shall
28 enter into a written agreement that includes a provision for the reversion of any
29 unencumbered funds and all equipment and property purchased with public education
30 funds to the ownership of the local board in the event the local charter school terminates
31 operations.

32 (2) Prior to releasing moneys from the facilities fund, the Department of Education shall
33 ensure that the governing board of the state chartered special school and the state board
34 shall enter into a written agreement that includes a provision for the reversion of any
35 unencumbered funds and all equipment and property purchased with public education

funds to the ownership of the state board in the event the state chartered special school terminates operations.

(g) The reversion of property in accordance with subsection (f) of this Code section is subject to the complete satisfaction of all lawful liens or encumbrances.

(h) Each local board of education that has designated any facility or property as surplus, intended for disposal, or otherwise unused shall make such facility or property available for lease or purchase by a local charter school on the same basis as it makes such facility or property available to other public schools under the control and management of the local board of education. A conversion charter school may not be charged a rental or leasing fee for the existing facility or for property normally used by the public school which became the conversion charter school. A local charter school that receives property from a local board may not sell or dispose of such property without the written permission of the local board."

SECTION 26.

Said title is further amended by inserting a new article to be designated Article 32 to read as follows:

"ARTICLE 32

20-2-2100.

As used in this article, the term 'distance learning school' means a school in which the teacher and the students may be in different locations for a majority of the time in which instruction occurs, and the teacher establishes the curriculum, all lesson plans, and all assessments in accordance with regulations promulgated by the State Department of Education.

20-2-2101.

(a) The provisions of this article are enacted in accordance with the authority granted by Article VIII, Section V, Paragraph VII of the Georgia Constitution.

(b) This article authorizes the State Board of Education and the State Department of Education to create a special school, the Special K-12 Distance Learning School, which shall be made available state wide for public school students in kindergarten and grades one through 12. The school may also be made available for students under age 21 who are in the physical custody of the Department of Juvenile Justice and the Department of Corrections.

(c) The State Board of Education and the State Department of Education are authorized to provide for the creation, governing, and operation of the school through contract.

(d) The State Board of Education is authorized to promulgate rules and regulations for the creation and operation of the Special K-12 Distance Learning School. Such rules and regulations shall ensure, in a manner consistent with the inherent differences between traditional education methods and the methods of a distance learning school, that students in the Special K-12 Distance Learning School receive instruction that complies to the extent feasible with the provisions of this title.

20-2-2102.

The entity operating the Special K-12 Distance Learning School shall receive full QBE formula funds for each student enrolled and participating in the same manner as local boards of education receive such funds. The Special K-12 Distance Learning School shall report enrolled students and students attending in a manner consistent with Code Section 20-2-160. The rules promulgated by the State Board of Education may include procedures to ensure an accurate count of students enrolled and participating in the Special K-12 Distance Learning School.

20-2-2103.

(a) Each teacher in the Special K-12 Distance Learning School shall hold and maintain a valid Georgia teaching certificate as defined by the Professional Standards Commission.

(b) The Special K-12 Distance Learning School shall be subject to all reporting and accountability provisions in this chapter and Chapter 14 of this title."

SECTION 27.

Said title is further amended by striking subsection (a) of Code Section 20-14-26, relating to powers and duties of the Office of Education Accountability, and inserting in lieu thereof the following:

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

(1) ~~To develop accountability systems with components that include but are not limited to expectations of student achievement, measurement of student achievement, data bases of such measurements, analysis of such data for trends in achievement, interventions, awards, the intended and efficient expenditure of allotted education funds, and public awareness of all such components;~~ To create, with the approval of the State Board of Education, a performance-based accountability system, establish indicators of performance, rate schools and school systems, develop annual report cards for elementary, middle, and secondary schools, and formulate a system of school rewards

1 and interventions. The State Board of Education shall approve no later than December
 2 31, 2004, a single state-wide accountability system for local schools and school systems
 3 that incorporates federal law, rules, and regulations relating to accountability;

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

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

15 ~~(4)~~(3) To assist the council in the development of a state-wide education student
 16 information system;

17 ~~(5)~~(4) To serve as staff to the council; and

18 ~~(6)~~(5) To exercise the powers and discharge duties of the council, as set forth in Code
 19 Section 20-14-8, under the supervision and oversight of the council."

20 **SECTION 28.**

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

23 "Part 3

24 20-14-30.

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

29 20-14-31.

30 Except as otherwise provided in this article, the office shall establish the ~~level~~ levels of
 31 performance ~~considered to be satisfactory~~ on each assessment instrument administered
 32 under Code Section 20-2-281 by establishing the standard that should be achieved by
 33 students in each subject area at each grade level. Data and information regarding the

1 establishment of the standard shall be included in the annual report provided for in
2 paragraph (2) of subsection (a) of Code Section 20-14-27.

3 20-14-32.

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

9 20-14-33.

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

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

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

17 (2) Dropout rates for each school;

18 (3) Student attendance rates for each school;

19 (4) School completion rates for each school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(g)~~(f) The office shall develop, ~~the council shall approve,~~ and the State Board of Education shall adopt a uniform definition of 'dropout.' All schools and school systems shall report student dropout information to the Department of Education's educational information system in accordance with rules and timelines established by the state board as provided

in subsection (b) of Code Section 20-2-167. Each school system shall cooperate with the office in determining whether a student is a dropout under this subsection and shall adopt the uniform definition of 'dropout.' Data and information regarding the establishment of the definition and the tracking of dropout and school completion data shall be included in the annual report provided for in paragraph (2) of subsection (a) of Code Section 20-14-27.

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

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

20-14-34.

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

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

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

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

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

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

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

20-14-35.

(a) The office may:

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

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

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

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

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

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

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

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

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

20-14-36.

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

20-14-37.

The Office of Student Achievement shall develop and the State Board of Education shall approve a Georgia schools awards system ~~is created~~ to recognize those schools and school systems that demonstrate progress or success in achieving the education goals of the state and achieving excellence on the ~~office~~ school rating system as ~~defined~~ provided for in Code Section 20-14-33.

20-14-38.

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

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

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

8 (c) The Governor may present proclamations or certificates to schools and school systems
9 determined to have met or exceeded the state's education goals under Code Section
10 20-14-30.

11 20-14-39.

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

20 20-14-40.

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

24 20-14-41.

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

1 intervention, the State Board of Education shall ~~prescribe the appropriate level of~~
2 ~~intervention and~~ consider the number of years a school has received an unacceptable rating
3 and may include one or more of the following ~~increasingly severe~~ interventions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Mandated public school choice;

(2) Specified maximum class sizes; and

(3) Site based expenditure controls.

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

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

~~(c)~~(d) A school improvement team appointed under this Code section may consist of currently employed or retired teachers, principals, other educational professionals,

1 Department of Education school improvement employees, or local school superintendents
2 recognized for excellence in their roles and appointed by the State Board of Education to
3 serve as members of a team.

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

8 **SECTION 29.**

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

- 12 (1) Code Section 20-2-154.1, relating to alternative education programs;
- 13 (2) Code Section 20-2-212.3, relating to increasing teachers' salaries in areas of shortage
14 and criteria for determining shortage;
- 15 (3) Code Section 20-2-283, relating to criteria and specific requirements for the
16 development of a placement and promotion policy;
- 17 (4) Code Section 20-2-286, relating to Georgia Closing the Achievement Gap
18 Commission;
- 19 (5) Code Section 20-14-6, relating to selection of personnel to support the Education
20 Coordinating Council;
- 21 (6) Code Section 20-14-8, relating to general powers and duties of the Education
22 Coordinating Council;
- 23 (7) Code Section 20-14-20, relating to definitions regarding education accountability
24 assessment programs;
- 25 (8) Code Section 20-14-25, relating to the creation of the Office of Education
26 Accountability;
- 27 (9) Code Section 47-3-127.1, relating to employment of retired teacher as full-time
28 teacher; and
- 29 (10) Code Section 50-18-72, relating to when public disclosure of government records
30 is not required.

31 **SECTION 30.**

32 Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to
33 be issued a driver's license, school attendance requirements, and driving training
34 requirements, is amended by striking subsection (a.1) and inserting in lieu thereof the
35 following:

"(a.1)(1) The department shall not issue an instruction permit or driver's license to a person who is younger than 18 years of age unless at the time such minor submits an application for an instruction permit or driver's license the applicant presents acceptable proof that he or she has received a high school diploma, a general educational development (GED) ~~equivalency~~ diploma, a special diploma, or a certificate of high school completion, ~~has permission of his or her parent or guardian to withdraw from school,~~ or has terminated his or her secondary education and is enrolled in a postsecondary school, pursuing a general educational development (GED) diploma, or the records of the department indicate that said applicant:

(A) Is enrolled in and not under suspension from a public or private school and satisfies relevant attendance requirements as set forth in paragraph (2) of this subsection; or

(B) Is enrolled in a home education program that satisfies the requirements of all state laws governing such courses.

(2) The department shall forthwith notify by certified mail or statutory overnight delivery, return receipt requested, any minor issued an instruction permit or driver's license in accordance with this subsection other than a minor who has terminated his or her secondary education and is enrolled in a postsecondary school ~~or who has permission of his or her parent or guardian to withdraw from school~~ or who is pursuing a general educational development (GED) diploma that such minor's instruction permit or driver's license is suspended subject to review as provided for in this subsection if the records of the department indicate that such minor:

(A) Has dropped out of school without graduating and has remained out of school for ten consecutive school days;

(B) Has more than ten ~~consecutive~~ school days of unexcused absences in any semester or combination of two consecutive quarters; ~~or~~

(C) Has been suspended from school for:

(i) Threatening, striking, or causing bodily harm to a teacher or other school personnel;

(ii) Possession or sale of drugs or alcohol on school property; ~~or~~

(iii) Possession or use of a weapon on school property. For purposes of this subparagraph, the term 'weapon' shall be defined in accordance with Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project;

(iv) Any sexual offense prohibited under Chapter 6 of Title 16; or

(v) Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student; or

1 (D) Has been suspended from school, for any reason, for more than ten cumulative
2 days.

3 Notice given by certified mail or statutory overnight delivery with return receipt
4 requested mailed to the person's last known address shall be prima-facie evidence that
5 such person received the required notice. The minor so notified may request in writing
6 a hearing within ten business days from the date of receipt of notice. Within 30 days after
7 receiving a written request for a hearing, the department shall hold a hearing as provided
8 for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such
9 hearing, the department shall sustain its order of suspension or rescind such order. Appeal
10 from such hearing shall be in accordance with said chapter. If no hearing is requested
11 within the ten business days specified above, the right to a hearing shall have been
12 waived and the instruction permit or driver's license of the minor shall remain suspended.
13 The suspension provided for in this paragraph shall be for a period to end upon the date
14 of such minor's eighteenth birthday, but such minor's instruction permit or driver's
15 license shall be reinstated if the minor submits evidence satisfactory to the department
16 that he or she has resumed regular studies as determined by the State Board of Education
17 or is pursuing a general educational development (GED) diploma and qualifies for an
18 instruction permit or driver's license under the provisions of this subsection, upon
19 payment of a restoration fee of \$50.00; provided, however, that any instruction permit or
20 driver's license suspended pursuant to subparagraph (C) or (D) of this paragraph shall not
21 be reinstated until ~~90 days~~ six months after the effective date of the suspension of such
22 permit or license by the department or for the duration of the minor's suspension from
23 school, whichever is longer.

24 (3) The State Board of Education and the commissioner of motor vehicle safety are
25 authorized to promulgate rules and regulations to implement the provisions of this
26 subsection."

27 **SECTION 31.**

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

30 **SECTION 32.**

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