

House Bill 501

By: Representatives Austin of the 10th, Benton of the 31st, Reese of the 98th, Kaiser of the 59th, and Carter of the 175th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to effectiveness of educational programs, so as to provide for placement
3 and promotion policies for grades one, two, four, six, and seven; to provide for
4 documentation of promotion decisions; to provide for data to the State Board of Education
5 regarding students failing the criterion-referenced assessments in certain grades; to provide
6 for a timetable for implementation; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
11 relating to effectiveness of educational programs, is amended by revising Code Section
12 20-2-283, relating to criteria for a placement and promotion policy, as follows:

13 "20-2-283.

14 (a)(1) No later than January 1, 2002, the State Board of Education shall adopt criteria for
15 the development of a placement and promotion policy by each local board of education
16 consistent with the Georgia Academic Placement and Promotion Policy with respect to
17 third, fifth, and eighth grades.

18 (2) No later than January 1, 2010, the State Board of Education shall adopt criteria for
19 the development of a placement and promotion policy by each local board of education
20 consistent with the Georgia Academic Placement and Promotion Policy with respect to
21 first and second grades.

22 (b) Such criteria as adopted by the State Board of Education shall require the following for
23 students in grades one, two, three, five, and eight:

24 (1) No student shall be promoted, except as provided in this Code section, to:

25 (A) The second grade program to which the student would otherwise be assigned if the
26 student does not achieve grade level as defined by the Office of Student Achievement

27 in accordance with Code Section 20-14-31 on the first grade criterion-referenced
 28 reading assessment developed in accordance with subsection (a) of Code Section
 29 20-2-281 and meet the promotional standards and criteria established by the State
 30 Board of Education and by the local school board for the school that the student attends;
 31 (B) The third grade program to which the student would otherwise be assigned if the
 32 student does not achieve grade level as defined by the Office of Student Achievement
 33 in accordance with Code Section 20-14-31 on the second grade criterion-referenced
 34 reading assessment developed in accordance with subsection (a) of Code Section
 35 20-2-281 and meet the promotional standards and criteria established by the State
 36 Board of Education and by the local school board for the school that the student attends;
 37 ~~(A)~~(C) The fourth grade program to which the student would otherwise be assigned if
 38 the student does not achieve grade level as defined by the Office of Student
 39 Achievement in accordance with Code Section 20-14-31 on the third grade
 40 criterion-referenced reading assessment developed in accordance with subsection (a)
 41 of Code Section 20-2-281 and meet the promotional standards and criteria established
 42 by the State Board of Education and by the local school board for the school that the
 43 student attends;
 44 ~~(B)~~(D) The sixth grade program to which the student would otherwise be assigned if
 45 the student does not achieve grade level as defined by the Office of Student
 46 Achievement in accordance with Code Section 20-14-31 on the fifth grade
 47 criterion-referenced mathematics assessment and fifth grade criterion-referenced
 48 reading assessment developed in accordance with subsection (a) of Code Section
 49 20-2-281 and meet the promotional standards and criteria established by the State
 50 Board of Education and by the local school board for the school that the student attends;
 51 or
 52 ~~(C)~~(E) The ninth grade program to which the student would otherwise be assigned if
 53 the student does not achieve grade level as defined by the Office of Student
 54 Achievement in accordance with Code Section 20-14-31 on the eighth grade
 55 criterion-referenced mathematics assessment and eighth grade criterion-referenced
 56 reading assessment developed in accordance with subsection (a) of Code Section
 57 20-2-281 and meet the promotional standards and criteria established by the State
 58 Board of Education and by the local school board for the school that the student attends;
 59 (2) When a student does not perform at grade level on any criterion-referenced
 60 assessment specified in paragraph (1) of this subsection then the following shall occur:
 61 (A) The parent or guardian of the student shall be notified in writing by first-class mail
 62 by the school principal or such official's designee regarding the student's performance
 63 below grade level on the assessment instrument, the retest to be given the student, the

64 accelerated, differentiated, or additional instruction program to which the student is
 65 assigned, and the possibility that the student might be retained at the same grade level
 66 for the next school year;

67 (B) The student shall receive accelerated, differentiated, or additional instruction in the
 68 subject of the assessment instrument on which the student failed to perform at grade
 69 level; and

70 ~~(B)(C)~~ The student shall be retested with a criterion-referenced assessment or an
 71 alternative assessment instrument that is appropriate for the student's grade level as
 72 provided for by the State Board of Education and the local board of education; and

73 ~~(C) The student shall be given an opportunity for accelerated, differentiated, or~~
 74 ~~additional instruction in the applicable subject; and~~

75 (3) When a student does not perform at grade level on any criterion-referenced
 76 assessment specified in paragraph (1) of this subsection and also does not perform at
 77 grade level on a second additional opportunity as provided for in paragraph (2) of this
 78 subsection then the following shall occur:

79 (A) The school principal or the principal's designee shall ~~retain the student for the next~~
 80 ~~school year except as otherwise provided in this subsection;~~

81 ~~(B) The school principal or the principal's designee shall notify in writing by first-class~~
 82 ~~mail the parent or guardian of the student and the teacher regarding the decision to~~
 83 ~~retain the student. The notice shall describe the option of the parent, guardian, or~~
 84 ~~teacher to appeal the decision to retain the student and shall further describe the~~
 85 ~~composition and functions of the placement committee as provided for in this~~
 86 ~~subsection, including the requirement that a decision to promote the student must be a~~
 87 ~~unanimous decision of the committee;~~

88 ~~(C) If the parent, guardian, or teacher appeals the decision to retain the student, then~~
 89 ~~the school principal or designee shall establish a placement committee composed of the~~
 90 ~~principal or the principal's designee, the student's parent or guardian, and the teacher~~
 91 ~~of the subject of the assessment instrument on which the student failed to perform at~~
 92 ~~grade level, and another teacher, either in the same grade level or a previous teacher of~~
 93 ~~the student, if possible, or if not possible, another teacher designated by the principal~~
 94 ~~and shall notify in writing by first-class mail the parent or guardian of the time and~~
 95 ~~place for convening the placement committee;~~

96 ~~(D)~~(B) The placement committee shall:

97 (i) Review the overall academic achievement of the student in light of the
 98 performance on the criterion-referenced assessment and the standards and criteria as
 99 adopted by the local board of education and make a determination to promote or
 100 retain. A decision to promote must be a unanimous decision and must determine that

- 101 if promoted and given accelerated, differentiated, or additional instruction during the
 102 next year, the student is likely to perform at grade level as defined by the Office of
 103 Student Achievement in accordance with Code Section 20-14-31 by the conclusion
 104 of the school year. A student who does not perform at grade level on a second
 105 additional assessment opportunity as provided for in paragraph (2) of this subsection
 106 but receives an exceedingly low score, as defined by the State Board of Education,
 107 shall not be promoted except under extenuating circumstances. Such decision shall
 108 be documented by the placement committee and placed in the student's record; and
- 109 (ii) Prescribe for the student, whether the student is retained or promoted, such
 110 accelerated, differentiated, or additional instruction as needed to perform at grade
 111 level by the conclusion of the subsequent school year, prescribe such additional
 112 assessments as may be appropriate in addition to assessments administered to other
 113 students at the grade level during the year, and provide for a plan of continuous
 114 assessment during the subsequent school year in order to monitor the progress of the
 115 student;
- 116 (C) Any decision by the placement committee may be appealed to the local board of
 117 education by filing a written notice of appeal within 20 days from the date such
 118 decision is rendered. The local board of education shall review the record and shall
 119 render a decision in writing. The decision of the local board of education shall be given
 120 to all parties within ten business days from the date the local board of education
 121 receives the notice of appeal. The local board may take any action it determines
 122 appropriate, and any decision of the local board shall be final;
- 123 (D) The local board of education shall annually report to the State Board of Education
 124 in accordance with guidelines established by the state board the number of students who
 125 do not perform at grade level on a second additional assessment opportunity as
 126 provided for in paragraph (2) of this subsection, and of these, the number of students
 127 retained and the number of students promoted;
- 128 ~~(E)~~(E) For students receiving special education or related services, the Individualized
 129 Education Plan Committee shall serve as the placement committee; and
- 130 ~~(F)~~(F) The decision of the placement committee may be appealed only as provided for
 131 by the local board of education.
- 132 (c) This Code section does not preclude the retention by the school principal or the
 133 principal's designee of a student who performs satisfactorily on the criterion-referenced
 134 assessments specified in paragraph (1) of subsection (b) of this Code section as provided
 135 for by the local board of education.
- 136 (d) This Code section does not create a property interest in promotion.

137 (e) The State Board of Education shall establish policies and procedures for
138 implementation of this Code section.

139 (f) A local board of education which does not comply with the requirements of this Code
140 section shall be subject to withholding of funds pursuant to Code Section 20-2-243."

141 **SECTION 2.**

142 Said part is further amended by revising Code Section 20-2-284, relating to criteria for local
143 boards of education relating to a placement and promotion policy, as follows:

144 "20-2-284.

145 (a)(1) No later than July 1, 2003, each local board of education shall develop and adopt
146 a placement and promotion policy in accordance with the criteria established by the State
147 Board of Education as provided in Code Section 20-2-283 with respect to third, fifth, and
148 eighth grades and consistent with the Georgia Academic Placement and Promotion
149 Policy.

150 (2) No later than July 1, 2011, each local board of education shall develop and adopt a
151 placement and promotion policy in accordance with the criteria established by the State
152 Board of Education as provided in Code Section 20-2-283 with respect to first and second
153 grades and consistent with the Georgia Academic Placement and Promotion Policy.

154 ~~(b) Except for those criterion-referenced assessments specified in Code Section 20-2-283,~~
155 ~~the placement and promotion policy as developed and adopted by each local board of~~
156 ~~education shall state how the criterion-referenced competency tests administered under~~
157 ~~Code Section 20-2-281 for grades one through eight will be weighted or otherwise utilized~~
158 ~~by the school principal or the principal's designee in determining the overall academic~~
159 ~~achievement of a student and an appropriate plan of accelerated, differentiated, or~~
160 ~~additional instruction, placement, promotion, or retention of a student.~~

161 (e) To assist each local board of education, the State Board of Education shall develop a
162 model placement and promotion policy which may be utilized by a local board of
163 education."

164 **SECTION 3.**

165 Said part is further amended by revising Code Section 20-2-285, relating to a timetable for
166 implementation of placement and promotion policies, as follows:

167 "20-2-285.

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

170 (1) The first grade beginning with the 2011-2012 school year;

171 (2) The second grade beginning with the 2011-2012 school year;

- 172 ~~(1)~~(3) The third grade beginning with the 2003-2004 school year;
173 ~~(2)~~(4) The fifth grade beginning with the 2004-2005 school year; and
174 ~~(3)~~(5) The eighth grade beginning with the 2005-2006 school year."

175

SECTION 4.

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