

House Bill 829

By: Representatives Benfield of the 85th, Casas of the 103rd, and Kaiser of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to educational programs under the "Quality Basic Education Act," so as
3 to provide for early admission to kindergarten or first grade for advanced gifted children; to
4 provide for legislative findings; to provide for state criteria and procedures; to provide for
5 the establishment of criteria and procedures by local school systems; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly hereby finds and declares that provisions to identify and serve
10 advanced gifted children who are four years of age or five years of age for whom early
11 entrance to kindergarten or first grade, respectively, is deemed appropriate by a local school
12 system are important elements of meeting the needs of gifted learners and in line with current
13 research and best practices in gifted education.

14 **SECTION 2.**

15 Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
16 relating to educational programs under the "Quality Basic Education Act," is amended in
17 Code Section 20-2-150, relating to eligibility for enrollment, by revising subsection (a) and
18 adding a new subsection to read as follows:

19 "(a) Except as otherwise provided by ~~subsection~~ subsections (b) or (b.1) of this Code
20 section, all children and youth who have attained the age of five years by September 1 shall
21 be eligible for enrollment in the appropriate general education programs authorized in this
22 part unless they attain the age of 20 by September 1 or they have received high school
23 diplomas or the equivalent. This shall specifically include students who have reenrolled
24 after dropping out and who are married, parents, or pregnant. Special education students
25 shall also be eligible for enrollment in appropriate education programs through age 21 or

26 until they receive high school or special education diplomas or the equivalent; provided,
27 however, that they were enrolled during the preceding school year and had an approved
28 Individualized Education Program (IEP) which indicated that a successive year of
29 enrollment was needed. Other students who have not yet attained the age of 21 by
30 September 1 or received high school diplomas or the equivalent shall be eligible for
31 enrollment in appropriate education programs, provided they have not dropped out of
32 school for one quarter or more. Each local unit of administration shall have the authority
33 to assign students who are married, parents, or pregnant or who have reenrolled after
34 dropping out for one quarter or more to programs of instruction within its regular daytime
35 educational program, provided that a local unit of administration may develop and
36 implement special programs of instruction limited to such students within the regular
37 daytime educational program or, at the option of the student, in an alternative program
38 beyond the regular daytime program; provided, further, that such programs of instruction
39 are designed to enable such students to earn course credit toward receiving high school
40 diplomas. These programs may include instruction in prenatal care and child care. Each
41 local unit of administration shall have the authority to provide alternative programs beyond
42 the regular daytime educational program. Unless otherwise provided by law, the State
43 Board of Education shall have the authority to determine the eligibility of students for
44 enrollment. It is declared to be the policy of this state that general and occupational
45 education be integrated into a comprehensive educational program which will contribute
46 to the total development of the individual."

47 "(b.1)(1) A child who is identified as an advanced gifted child shall be eligible for
48 enrollment in the appropriate general or special education programs authorized in this part
49 if such child is:

50 (A) Four years of age, and early entrance to kindergarten is deemed appropriate for
51 such child by the local school system; or

52 (B) Five years of age, and early entrance to first grade is deemed appropriate for such
53 child by the local school system.

54 (2)(A) A child shall be considered an advanced gifted child as defined by the State
55 Board of Education based on a qualifying composite score on a test approved by the
56 State Board of Education, which may include the Iowa Acceleration Scale, which shall
57 be administered by a qualified examiner, as defined by the State Board of Education.
58 No later than July 1, 2010, the State Board of Education shall establish criteria and a
59 process that local school systems shall use to make determinations regarding early
60 entrance to kindergarten or first grade for eligible advanced gifted students.

61 (B) Local school systems may petition the State Board of Education for the use of an
 62 alternative assessment or assessments of eligibility for early entrance, provided that the
 63 alternative assessment shall include consideration of a child's:

64 (i) Aptitude;

65 (ii) Achievement;

66 (iii) Performance;

67 (iv) Academic readiness for advanced placement;

68 (v) Observable social behavior; and

69 (vi) Motivation to learn.

70 (3) The process established pursuant to paragraph (2) of this subsection shall include:

71 (A) A timeline according to which a child's parent or guardian may apply for early
 72 entrance to kindergarten or first grade for such child;

73 (B) A description of local school system personnel who shall be involved in the
 74 process of identifying advanced gifted children for whom early entrance to kindergarten
 75 or first grade is appropriate;

76 (C) A description of how each child for whom the parent or guardian is seeking early
 77 entrance to kindergarten or first grade shall be evaluated;

78 (D) A description of the entire body of evidence that shall be used to evaluate each
 79 child for whom the child's parent or guardian is seeking early entrance to kindergarten
 80 for first grade;

81 (E) A description of how decisions concerning early entrance to kindergarten or first
 82 grade shall be made collaboratively by local school system personnel and parents or
 83 guardians;

84 (F) A description of how local school systems shall monitor the performance of a child
 85 who has received early entrance to kindergarten or first grade; and

86 (G) A description of the process by which parents or guardians may appeal a decision
 87 and a timeline within which an appeal will be considered.

88 (4)(A) In adopting and implementing criteria and a process to identify and serve
 89 advanced gifted children, each local board of education may include provisions to
 90 identify and serve advanced gifted children who may be eligible for early entrance into
 91 kindergarten or first grade pursuant to this subsection.

92 (B) Local school systems shall make available upon request by any person the criteria
 93 and process for early entrance established pursuant to subparagraph (A) of this
 94 paragraph, including time frames, deadlines, and any specific assessments and threshold
 95 scores used in identifying and making final determinations.

96 (C) Local school systems shall not charge a fee for any assessments or other
 97 procedures performed by the local school system for the purpose of identifying

98 advanced gifted children for whom early entrance to kindergarten or first grade may be
99 appropriate."

100 **SECTION 3.**

101 Said part is further amended in Code Section 20-2-151, relating to general and career
102 education programs, by revising paragraph (1) of subsection (b) as follows:

103 "(1)(A) All local school systems shall offer a full-day kindergarten program. For
104 purposes of this subsection, the term 'full-day ~~basis~~ kindergarten program' means a
105 student is provided classroom instruction for a minimum of four and one-half hours
106 daily for a 180 day school year.

107 (B) It is the policy of this state that the purposes of the kindergarten program shall be
108 to provide all children with an equal opportunity to become prepared for a successful
109 first grade experience and to acquire the foundation for academic progress throughout
110 the students' educational careers. To be eligible for enrollment in a state supported
111 kindergarten program, a child must attain the age of five by September 1, except as
112 otherwise provided by ~~subsection~~ subsections (b) or (b.1) of Code Section 20-2-150;"

113 **SECTION 4.**

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