

Senate Bill 352

By: Senators Williams of the 19th, Rogers of the 21st, Weber of the 40th, Seabaugh of the 28th, Smith of the 52nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to the "Quality Basic Education Act," so as to require the State Board of Education
3 to include a growth model as a primary factor in its calculation of adequate yearly growth;
4 to assign annual individual school ratings for each public school in this state for academic
5 performance on designated tests; to establish thresholds for measurement of performance;
6 to provide for criteria for school ratings; to provide for bonuses to schools based on
7 appropriations; to provide for consequences; to provide for transmission of data from the
8 Department of Education; to provide for audit exceptions for failure to timely provide such
9 data; to eliminate criterion-referenced competency tests in grades one and two; to replace the
10 Georgia High School Graduation Test with end-of-course assessments for graduation
11 purposes beginning in the 2010-2011 school year; to revise provisions for purposes of
12 conformity; to provide for related matters; to provide for an effective date; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the
17 "Quality Basic Education Act," is amended by adding a new Code section to read as follows:
18 "20-2-245.
19 Subject to federal approval, beginning in the 2010-2011 school year, the State Board of
20 Education shall include as the primary factor in calculating adequate yearly progress as
21 required by the federal No Child Left Behind Act (P.L. 107-110), a growth model which
22 takes into consideration gains in individual student assessment scores. In implementing
23 such growth model, the state board shall determine the percent of students who meet the
24 'year of learning' and 'acceptable growth' thresholds as defined by the Office of Student
25 Achievement pursuant to Code Section 20-2-288. The State Board of Education shall

26 request an amendment to its state plan regarding such requirement from the United States
 27 Department of Education no later than October 1, 2010."

28 **SECTION 2.**

29 Said article is further amended by adding a new part to read as follows:

30 "Part 12A

31 20-2-287.

32 (a) The Office of Student Achievement shall annually establish individual school ratings
 33 for each public school in this state which has grades four through 12 for annual academic
 34 performance, with schools receiving a school grade of A, B, C, D, or F.

35 (b) The initial individual school ratings under this Code section shall be determined no
 36 later than January 1, 2011, for the 2009-2010 school year. Beginning with the 2010-2011
 37 school year and annually thereafter, individual school ratings shall be determined no later
 38 than August 1 for the previous school year.

39 20-2-288.

40 (a)(1) No later than September 1, 2010, the Office of Student Achievement shall define
 41 what constitutes a 'year of learning' for an individual student in grades four through
 42 eight. A 'year of learning' shall be based on the results of criterion-referenced
 43 competency tests administered pursuant to Code Section 20-2-281. Such 'year of
 44 learning' threshold shall be set so that for the 2009-2010 school year, school ratings
 45 calculated pursuant to paragraph (2) of this subsection shall include no more than 20
 46 percent of schools receiving a school grade of A and no more than 20 percent of schools
 47 receiving a school grade of B. Such definition may be revised at the discretion of the
 48 office; provided, however, that for school year 2010-2011 and thereafter, if the total
 49 percent of schools with grades four through eight receiving an individual school rating
 50 of a school grade of either A or B exceeds 60 percent of the schools with grades four
 51 through eight, the office shall revise such definition such that school ratings calculated
 52 pursuant to paragraph (2) of this subsection shall include no more than 20 percent of
 53 schools receiving a school grade of A and no more than 20 percent of schools receiving
 54 a school grade of B.

55 (2)(A) Annual individual school ratings for grades four through eight shall be
 56 calculated as follows:

57 (i) For each subject area of the criterion-referenced competency tests, add the number
 58 of students who met the 'year of learning' threshold with the number of students who

59 exceeded standards as defined by the State Board of Education on the applicable
 60 criterion-referenced competency test and divide by the total number of students who
 61 took the applicable subject and a criterion-referenced competency test who completed
 62 a full academic year. A student who met the 'year of learning' threshold and who also
 63 exceeded standards as defined by the State Board of Education shall only be counted
 64 one time for purposes of this division;

65 (ii) Add the results of division (i) for each subject area together and divide by the
 66 number of subject areas calculated;

67 (iii) For students who scored in the bottom 25 percent on the applicable
 68 criterion-referenced competency test in the school year prior to the school year being
 69 rated for each subject area of the criterion-referenced competency tests, add the
 70 number of students who met the 'year of learning' threshold with the number of
 71 students who exceeded standards as defined by the State Board of Education on the
 72 applicable criterion-referenced competency test and divide by the total number of
 73 students who took the applicable subject and a criterion-referenced competency test
 74 who completed a full academic year. A student who met the 'year of learning'
 75 threshold and who also exceeded standards as defined by the State Board of
 76 Education shall only be counted one time for purposes of this division;

77 (iv) And the results of division (iii) for each subject area together and divide by the
 78 number of subject areas calculated; and

79 (v) Add the results from divisions (ii) and (iv) and divide by two to determine the
 80 score for that school.

81 (B) Based on the result calculated pursuant to division (v) of subparagraph (A) of this
 82 paragraph, schools receiving 90 percent or above shall receive a school grade of A,
 83 schools receiving 83 percent or above shall receive a school grade of B, schools
 84 receiving 76 percent or above shall receive a school grade of C, schools receiving 70
 85 percent or above shall receive a school grade of D, and schools receiving below 70
 86 percent shall receive a school grade of F.

87 (b)(1) No later than September 1, 2010, the Office of Student Achievement shall define
 88 what constitutes 'acceptable growth' for an individual student in grades nine through 12.
 89 'Acceptable growth' shall be based on the results of the end-of-course assessments
 90 administered pursuant to Code Section 20-2-281 as compared with eighth grade scores
 91 on criterion-referenced competency tests. Such 'acceptable growth' threshold shall be set
 92 so that for the 2009-2010 school year, school ratings calculated pursuant to paragraph (2)
 93 of this subsection shall include no more than 20 percent of schools receiving a school
 94 grade of A and no more than 20 percent of schools receiving a school grade of B. Such
 95 definition may be revised at the discretion of the office; provided, however, that for

96 school year 2010-2011 and thereafter, if the total percent of schools with grades nine
 97 through 12 receiving an individual school rating of a school grade of either A or B
 98 exceeds 60 percent of the schools with grades nine through 12, the office shall revise such
 99 definition such that school ratings calculated pursuant to paragraph (2) of this subsection
 100 shall include no more than 20 percent of schools receiving a school grade of A and no
 101 more than 20 percent of schools receiving a school grade of B.

102 (2)(A) Annual individual school ratings for grades nine through 12 shall be calculated
 103 as follows:

104 (i) For each subject area of the end-of-course assessments, add the number of
 105 students who met the 'acceptable growth' threshold with the number of students who
 106 exceeded standards as defined by the State Board of Education on the applicable
 107 end-of-course assessment and divide by the total number of students who took the
 108 applicable subject area end-of-course assessment who completed a full academic year
 109 the previous year and in their eighth grade year. A student who met the 'acceptable
 110 growth' threshold and who also exceeded standards as defined by the State Board of
 111 Education shall only be counted one time for purposes of this division;

112 (ii) Add the results of division (i) for each subject area together and divide by the
 113 number of subject areas calculated;

114 (iii) For students who scored in the bottom 25 percent on their eighth grade
 115 criterion-referenced competency tests, for each subject area of the end-of-course
 116 assessments, add the number of students who met the 'acceptable growth' threshold
 117 with the number of students who exceeded standards as defined by the State Board
 118 of Education on the applicable end-of-course assessment and divide by the total
 119 number of students who took the applicable subject area end-of-course assessment
 120 who completed a full academic year the previous year and in their eighth grade year.
 121 A student who met the 'acceptable growth' threshold and who also exceeded standards
 122 as defined by the State Board of Education shall only be counted one time for
 123 purposes of this division;

124 (iv) Add the results of division (iii) for each subject area together and divide by the
 125 number of subject areas calculated;

126 (v) Determine the high school graduation rate for the school based on criteria
 127 designated by the State Board of Education; and

128 (vi) Add the results from divisions (ii), (iv), and (v) and divide by three to determine
 129 the score for that school.

130 (B) Based on the result calculated pursuant to division (vi) of subparagraph (A) of this
 131 paragraph, schools receiving 90 percent or above shall receive a school grade of A,
 132 schools receiving 83 percent or above shall receive a school grade of B, schools

133 receiving 76 percent or above shall receive a school grade of C, schools receiving 70
134 percent or above shall receive a school grade of D, and schools receiving below 70
135 percent shall receive a school grade of F.

136 20-2-289.

137 (a) Subject to appropriations, schools which receive a school grade of A pursuant to Code
138 Section 20-2-288 shall receive a bonus of up to \$50.00 per full-time equivalent student, as
139 determined by the Office of Student Achievement.

140 (b) The school council shall determine how to spend such funds, which shall be spent for
141 the benefit of the school, and may include, but not be limited to, bonuses for personnel,
142 computers, equipment, materials, and classroom supplies.

143 20-2-289.1.

144 (a) A school which receives a school grade of F for one year pursuant to Code Section
145 20-2-288 shall not receive the benefit during the subsequent school year of any waivers of
146 state law which its local school system has received pursuant to Article 4 of this chapter
147 or Code Section 20-2-244.

148 (b) A school which receives a school grade of F for two or more consecutive years
149 pursuant to Code Section 20-2-288 shall have a three-member oversight board appointed
150 by the Governor. The three-member board may recommend to the State Board of
151 Education the imposition of any interventions or sanctions provided for in Code Section
152 20-14-41 up to and including complete restructuring of the school's governance
153 arrangement and internal organization of the school as provided for in subparagraph
154 (a)(6)(G) of Code Section 20-14-41.

155 20-2-289.2.

156 (a) No later than June 10, 2010, the Department of Education shall provide all necessary
157 student level data from the 2008-2009 and 2009-2010 school years to the Office of Student
158 Achievement in order to enable such office to calculate individual school ratings pursuant
159 to Code Section 20-2-288. Annually thereafter, the department shall provide all necessary
160 student level data no later than June 10 of each year to the Office of Student Achievement
161 in order to enable such office to calculate such individual school ratings.

162 (b) The state auditor shall cite as an audit exception any failure by the department to meet
163 any deadline contained in this Code section and shall include any such audit exception on
164 the website established pursuant to Code Section 50-6-32."

165 **SECTION 3.**

166 Said article is further amended in Code Section 20-2-281, relating to the assessment of
 167 effectiveness of educational programs under the "Quality Basic Education Act," by revising
 168 subsections (a), (b), (g), and (j) as follows:

169 "(a) The State Board of Education shall adopt a student assessment program consisting of
 170 instruments, procedures, and policies necessary to implement the program and shall fund
 171 all costs of providing and scoring such instruments, subject to appropriation by the General
 172 Assembly. Each local school system may elect to administer, with state funding, nationally
 173 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 174 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 175 with assistance to such school systems by the State Board of Education with regard to
 176 administration guidance, scoring, and reporting of such assessments. The State Board of
 177 Education shall review, revise, and upgrade the quality core curriculum. Following the
 178 adoption of this revised curriculum, the State Board of Education shall contract for
 179 development of criterion-referenced competency tests to measure the quality core
 180 curriculum. Such tests in English and language arts, mathematics, ~~and reading, shall be~~
 181 ~~administered annually to students in grades one through eight, and such tests in science,~~
 182 and social studies shall be administered annually to students in grades three through eight.
 183 This action shall be completed according to a schedule established by the State Board of
 184 Education. A ~~curriculum-based~~ curriculum based assessment shall be administered in
 185 grade 11 for graduation purposes, except that beginning in the 2013-2014 school year,
 186 end-of-course assessments adopted and administered by the state board pursuant to
 187 subsections (f) and (h) of this Code section shall replace the Georgia High School
 188 Graduation Test for purposes of graduation requirements. Writing assessments shall be
 189 administered to students in grades three, five, eight, and 11. The writing assessments shall
 190 provide students and their parents with performance outcome measures resulting from the
 191 administration of such tests.

192 (b) The nationally normed assessments provided for in subsection (a) of this Code section
 193 shall provide students and their parents with grade equivalencies and percentile ranks
 194 which result from the administration of such tests. Criterion-referenced tests, ~~and the high~~
 195 ~~school graduation test, and the end-of-course assessments~~ provided for in ~~subsection~~
 196 subsections (a) and (f) of this Code section shall provide for results that reflect student
 197 achievement at the individual student, classroom, school, system, and state levels. The
 198 State Board of Education shall participate in the National Assessment of Educational
 199 Progress (NAEP) and may participate in any other tests that will allow benchmarking this
 200 state's performance against national or international performance. The results of such
 201 testing shall be provided to the Governor, the General Assembly, and the State Board of

202 Education and shall be reported to the citizens of Georgia. Further, the state board shall
 203 adopt a school readiness assessment for students entering first grade and shall administer
 204 such assessment pursuant to paragraph (2) of subsection (b) of Code Section 20-2-151.
 205 One of the components in the awarding of salary supplements as part of a pay for
 206 performance or related plan pursuant to Code Section 20-2-213 or other Code sections
 207 under this article may be assessments of student achievement."

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

214 "(j)(1) The high school graduation test provided for in subsection (a) of this Code section
 215 shall continue in effect until ~~all high school core subject end-of-course assessments have~~
 216 ~~been developed and implemented~~ the 2013-2014 school year, at which time the state
 217 board shall discontinue the test ~~according to a schedule to be determined by the state~~
 218 ~~board~~ and the end-of-course assessments adopted and administered by the state board
 219 pursuant to subsections (f) and (h) of this Code section shall replace the Georgia High
 220 School Graduation Test for purposes of graduation requirements.

221 (2) The State Board of Education shall adopt rules and regulations requiring the results
 222 of core subject end-of-course assessments to be included as a factor in a student's final
 223 grade in the core subject course for which the end-of-course assessment is given."

224 SECTION 4.

225 Said article is further amended by revising Code Section 20-2-132, relating to the primary
 226 goals of the "Quality Basic Education Act," as follows:

227 "20-2-132.

228 It is the intent of the General Assembly that the primary goals of this article shall be as
 229 follows:

230 (1) A substantial reduction in the number of teachers who leave the teaching profession
 231 for reasons of job dissatisfaction;

232 (2) A decrease in the percentage and number of students who enter school but drop out
 233 prior to graduation;

234 (3) The elimination of emergency teaching certificates and waivers for teaching outside
 235 of specialty;

236 (4) A decrease in the percentage of students who fail the Georgia High School
 237 Graduation Test, or beginning in the 2013-2014 school year, a decrease in the percentage

238 of students who fail to attain passing scores on end-of-course assessments required for
 239 graduation purposes;

240 (5) A significant increase in the test scores of Georgia students who take the Scholastic
 241 Assessment Test (SAT) or the ACT Assessment (ACT);

242 (6) An increase in the number of students mastering each skill in reading, mathematics,
 243 and other subject areas;

244 (7) An accountability system for education programs that measures efficiency and
 245 effectiveness and ensures that programs produce improvement in student achievement
 246 scores for all students;

247 (8) A comprehensive program and financial information system that provides data that
 248 allow for the accurate evaluation of program effectiveness;

249 (9) A seamless education system that allows students to be served in the most effective
 250 and efficient way possible;

251 (10) The elimination of school violence;

252 (11) A decrease in the percentage of students who perform below grade level;

253 (12) An increase in parental and community involvement in schools;

254 (13) Better coordination between education agencies and other organizations providing
 255 instructional and related services to students;

256 (14) A more competent school work force through the effective use of evaluation tools,
 257 training, and school improvement teams that promote best practices; and

258 (15) More flexibility for high-performing schools so that services can be better adapted
 259 to student needs."

260 **SECTION 5.**

261 Said article is further amended in Code Section 20-2-153, relating to early intervention
 262 program for students at risk of not reaching or maintaining academic grade level, by revising
 263 subsection (b) as follows:

264 "(b) The early intervention program shall serve students who are at risk of not reaching or
 265 maintaining academic grade level, including but not limited to students who are identified
 266 through the first grade readiness assessment required by Code Sections 20-2-151 and
 267 20-2-281 and students with identified academic performance below grade levels defined
 268 by the Office of Student Achievement in Code Section 20-14-31 for any
 269 criterion-referenced assessment administered in accordance with Code Section 20-2-281
 270 for grades ~~one~~ three through five. Local school systems shall devise a process for the
 271 identification of such students at the beginning of each school year and also during the
 272 school year as a continuous process of early identification and monitoring. School systems
 273 may use indicators such as but not limited to the student's scores on previous assessments,

274 the student's classroom performance in the same or previous years, and other reliable
 275 indicators to identify such students. A student shall be assigned to the early intervention
 276 program as soon as is practicable after the student is identified as at risk or after the results
 277 of the first-grade readiness assessment, the criterion-referenced assessment, or other
 278 indicators are known. The school shall provide timely notice and an opportunity for a
 279 conference with the student and his or her parents or guardians to discuss the student's
 280 academic performance and the role of the early intervention program."

281 **SECTION 6.**

282 Said article is further amended in Code Section 20-2-171, relating to minimum direct
 283 classroom expenditure requirements, by revising paragraph (3) of subsection (b) as follows:

284 "(3) A local school system that has direct classroom expenditures that are less than 65
 285 percent of its total operating expenditures and that is unable to meet the expenditure
 286 requirements in paragraph (2) of this subsection may apply to the State Board of
 287 Education for a one-year renewable achievement waiver. The waiver request must
 288 include evidence that the local school system is exceeding the state averages in academic
 289 categories designated by the board, which may include, but not be limited to,
 290 criterion-referenced competency tests, the Georgia High School Graduation Test or
 291 beginning in the 2013-2014 school year, end-of-course assessments, and the SAT, a plan
 292 for obtaining compliance with this Code section, and any other information required at
 293 the discretion of the board; and"

294 **SECTION 7.**

295 Said article is further amended in Code Section 20-2-284, relating to criteria for local boards
 296 of education and model placement and promotion policy, by revising subsection (b) as
 297 follows:

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

305 **SECTION 8.**

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

308

SECTION 9.

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