

House Bill 1121

By: Representatives Ramsey of the 72<sup>nd</sup>, Cole of the 125<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Pruett of the 144<sup>th</sup>, Levitas of the 82<sup>nd</sup>, and others

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 under the "Quality Basic  
3 Education Act," so as to provide that tampering with state assessments shall be a  
4 misdemeanor; to specify unlawful acts; to authorize the Attorney General to investigate and  
5 prosecute such violations; to provide for guidelines relating to identification of testing  
6 irregularities; to provide for ineligibility for performance pay raises; to provide for statutory  
7 construction; to provide for cumulative remedies; to amend Article 2 of Chapter 10 of Title  
8 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration  
9 and related offenses, so as to provide for cumulative remedies; to amend Code Section  
10 45-11-1 of the Official Code of Georgia Annotated, relating to offenses involving public  
11 records, documents, and other items, so as to provide for cumulative remedies; to provide for  
12 related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Part 12 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
16 relating to effectiveness of educational programs under the "Quality Basic Education Act,"  
17 is amended by adding a new Code section to read as follows:

18 "20-2-281.1.

19 (a) It shall be unlawful for anyone to knowingly and willfully do any of the following acts  
20 regarding any assessment administered pursuant to Code Section 20-2-281:

- 21 (1) Allow examinees to view test questions prior to or after administration of the test;  
22 (2) Copy or reproduce all or any portion of any secure test booklet;  
23 (3) Provide inappropriate guidance to help examinees arrive at correct answers that they  
24 may not have known on their own before, during, or after test administration or alter or  
25 interfere with examinees' responses in any way;  
26 (4) Make answer keys available;

27 (5) Fail to follow test security protocols before, during, or after test administration; or  
28 (6) Participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts  
29 prohibited by this subsection.

30 This subsection shall not apply to the public release of any assessment or portion thereof  
31 by any person authorized to make such release.

32 (b) It shall be unlawful for any local school superintendent or principal to knowingly or  
33 willfully fail to develop, implement, and enforce local board of education policies and  
34 procedures based on State Board of Education requirements and guidelines and test  
35 publishers' directions to maintain test security.

36 (c) Any person violating subsection (a) or (b) of this Code section shall be guilty of a  
37 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than  
38 \$1,000.00 or by imprisonment not to exceed 30 days, or by both. In addition, if such  
39 person holds certification from the Professional Standards Commission, the Professional  
40 Standards Commission shall take such steps to suspend or revoke such person's  
41 certification.

42 (d) The Attorney General shall be authorized to investigate allegations of violations of this  
43 Code section and to prosecute such violations.

44 (e) The Office of Student Achievement shall annually establish and the State Board of  
45 Education shall adopt statistical guidelines to examine the results of state assessments to  
46 identify testing irregularities. Such guidelines shall set a threshold value above which such  
47 assessments shall be examined and below which such assessments may be examined. The  
48 examination shall determine whether there is evidence of testing irregularities resulting in  
49 false or misleading results in the aggregate or composite test scores of the class, grade, age  
50 group, or local school system. The State Board of Education shall invalidate individual  
51 tests if it determines tampering has occurred.

52 (f) Any person violating subsection (a) or (b) of this Code section shall be ineligible for  
53 performance pay consideration.

54 (g) Nothing in this Code section shall be construed to prohibit or interfere with the  
55 responsibilities of the State Board of Education or the Department of Education in test  
56 development or selection, test form construction, standard setting, test scoring, and  
57 reporting, or any other related activities.

58 (h) The penalty provided in this Code section shall be cumulative of any other penalties and  
59 remedies otherwise provided by law, including, but not limited to, Code Section 16-10-20  
60 and Code Section 45-11-1.

61 (i) Any person violating this Code section may also be subject to forfeiture of rights with  
62 respect to retirement benefits pursuant to Article 2 of Chapter 1 of Title 47, if provided by  
63 law, or pursuant to other laws, if applicable."

64 **SECTION 2.**

65 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
66 obstruction of public administration and related offenses, is amended by revising Code  
67 Section 16-10-20, relating to false statements and writings, concealment of facts, and  
68 fraudulent documents in matters within the jurisdiction of state or political subdivisions, as  
69 follows:

70 "16-10-20.

71 (a) A person who knowingly and willfully falsifies, conceals, or covers up by any trick,  
72 scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or  
73 representation; or makes or uses any false writing or document, knowing the same to  
74 contain any false, fictitious, or fraudulent statement or entry, in any matter within the  
75 jurisdiction of any department or agency of state government or of the government of any  
76 county, city, or other political subdivision of this state shall, upon conviction thereof, be  
77 punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor  
78 more than five years, or both.

79 (b) The penalty provided in this Code section shall be cumulative of any other penalties  
80 and remedies otherwise provided by law, including, but not limited to, Code Section  
81 20-2-281.1 and Code Section 45-11-1."

82 **SECTION 3.**

83 Code Section 45-11-1 of the Official Code of Georgia Annotated, relating to offenses  
84 involving public records, documents, and other items, is amended by adding a new  
85 subsection to read as follows:

86 "(g) The penalty provided in this Code section shall be cumulative of any other penalties  
87 and remedies otherwise provided by law, including, but not limited to, Code Section  
88 16-10-20 and Code Section 20-2-281.1."

89 **SECTION 4.**

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