

The Senate Education and Youth Committee offered the following substitute to HB 897:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 2 elementary and secondary education, so as to update and clarify provisions in law and to
 3 repeal obsolete provisions; to repeal a population act provision; to revise provisions relating
 4 to state required content standards; to remove the middle grades program; to revise
 5 provisions relating to contracts by the State School Superintendent; to revise a process for
 6 student requests for waivers and variances of state requirements; to revise provisions relating
 7 to state required assessments; to revise provisions relating to the honors program; to revise
 8 provisions relating to courses taken through the Georgia Virtual School; to revise provisions
 9 relating to virtual instruction opportunities provided by local school systems; to repeal an
 10 obsolete provision relating to acquiring digital learning; to revise a provision relating to
 11 home study reporting; to revise provisions relating to nonrenewal of a teacher's contract; to
 12 revise provisions relating to health insurance for public school teachers and employees; to
 13 revise provisions relating to appeals to the State Board of Education; to revise provisions
 14 relating to state charter schools; to authorize the State Charter Schools Commission to
 15 establish nonprofit foundations; to provide for related matters; to repeal conflicting laws; and
 16 for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

18 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
 19 secondary education, is amended by repealing subsection (d) of Code Section 20-2-51,
 20 relating to election of local board of education members, persons ineligible to be members
 21 or superintendent, ineligibility for local boards of education, and ineligibility for other
 22 elective offices, and designating said subsection as reserved.
 23

24 **SECTION 2.**

25 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-131, relating
26 to objectives and purposes of the Quality Basic Education Program, as follows:

27 "(1) Implementing a ~~quality basic education~~ highly rigorous curriculum to encompass
28 content standards in public schools state wide which ensures that each student is provided
29 ample opportunity to develop competencies necessary for lifelong learning as well as the
30 competencies needed to maintain good physical and mental health, to participate actively
31 in the governing process and community activities, to protect the environment and
32 conserve public and private resources, and to be an effective worker and responsible
33 citizen of high character;"

34 **SECTION 3.**

35 Said chapter is further amended by revising Code Section 20-2-140, relating to the State
36 Board of Education establishing competencies and a uniformly sequenced core curriculum
37 and college and career readiness competency standards, as follows:

38 "20-2-140.

39 (a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced
40 content standards that each student is expected to master prior to completion of the
41 student's public school education. ~~The state board shall also establish competencies for~~
42 ~~which each student should be provided opportunities, at the discretion of the student and~~
43 ~~the student's parents, to master. Based upon these foregoing competencies, the~~ The state
44 board shall adopt a uniformly sequenced core curriculum content standards for grades
45 students in kindergarten through grade 12. Each local unit of administration ~~shall include~~
46 ~~this uniformly sequenced core curriculum as the basis for its own curriculum, although~~
47 ~~each local unit may sequence, expand, and enrich this curriculum~~ may expand and enrich
48 the content standards to the extent it deems necessary and appropriate for its students and
49 communities. Each local school system shall adopt its own curriculum which shall include
50 appropriate instruction in the content standards.

51 (b) The State Board of Education, working with the Board of Regents of the University
52 System of Georgia and the State Board of the Technical College System of Georgia, shall
53 establish college and career readiness ~~competency~~ standards to demonstrate competency
54 in reading, writing, and mathematics aligned with the ~~core curriculum~~ content standards
55 adopted by the state board pursuant to subsection (a) of this Code section with the level of
56 performance necessary to meet college-readiness standards in the state's technical colleges,
57 community colleges, state colleges, and universities and in other advanced training
58 programs.

59 (c) The State Board of the Technical College System of Georgia shall require its
 60 institutions to accept core ~~curriculum~~ coursework completed by high school students for
 61 purposes of admission into its institutions. ~~This Code section shall apply beginning with~~
 62 ~~students entering such postsecondary institutions in the fall of 2013."~~

63 SECTION 4.

64 Said chapter is further amended by revising Code Section 20-2-140.1, relating to online
 65 learning, as follows:

66 "20-2-140.1.

67 The State Board of Education shall establish rules and regulations to maximize the number
 68 of students, beginning with students entering ninth grade in the 2014-2015 school year,
 69 who complete prior to graduation at least one course containing online learning. This shall
 70 be met through an online course offered by the Georgia Virtual School established pursuant
 71 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
 72 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
 73 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section
 74 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
 75 program pursuant to Code Section 20-2-319.4."

76 SECTION 5.

77 Reserved.

78 SECTION 6.

79 Said chapter is further amended by revising subsection (a) of Code Section 20-2-142, relating
 80 to prescribed courses, as follows:

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

84 (A) A course of study in the background, history, and development of the federal and
 85 state governments and a study of Georgia county and municipal governments; and

86 (B) A course of study in the history of the United States and in the history of Georgia
 87 and in the essentials of the United States and Georgia Constitutions, including the study
 88 of American institutions and ideals which shall include a study of the Pledge of
 89 Allegiance to the flag of the United States and the Georgia flag in addition to other
 90 institutions and ideals.

91 (2) No student shall be eligible to receive a diploma from a high school unless such
 92 student has successfully completed the courses in history and government provided for

93 by this subsection, except as provided in paragraphs (3) and (4) of this subsection. For
 94 students moving to Georgia and unable to take the course or courses available to fulfill
 95 these requirements in the grade level in which such course or courses are ordinarily
 96 offered, the State Board of Education may develop alternative methods, which may
 97 include but shall not be limited to an on-line course of study, for such students to learn
 98 about and demonstrate an adequate understanding of federal or Georgia history and
 99 government.

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

105 (4) The State Board of Education shall promulgate rules and regulations governing the
 106 required course of study in the history of Georgia and in the essentials of the Georgia
 107 Constitution for students who transfer from another state after having completed the year
 108 in which such course or courses are ordinarily offered. The State Board of Education is
 109 authorized to provide for exemptions to the required course of study for such students and
 110 for students whose parent or parents serve in the armed forces of the United States."

111 **SECTION 7.**

112 Said chapter is further amended by revising subsection (a) and paragraph (2) of subsection
 113 (b) of Code Section 20-2-151, relating to general and career education programs, as follows:

114 "(a) The primary purpose for the general and career education programs is to provide the
 115 children and youth of Georgia with a quality opportunity to master ~~student competencies~~
 116 uniformly sequenced content standards adopted by the State Board of Education ~~through~~
 117 ~~instruction which is based upon the uniformly sequenced core curriculum."~~

118 "(2) It is the policy of this state that the purpose of the primary grades program shall be
 119 mastery by enrolled students of the essential basic skills and knowledge which will
 120 enable them to achieve more advanced skills and knowledge offered at the higher grade
 121 levels. For purposes of funding under this article, the primary grades program shall
 122 include grades one, two, and three. To be eligible for enrollment in the first grade of a
 123 state supported primary grades program, a child must attain the age of six by September
 124 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State
 125 Board of Education shall adopt an instrument or instruments, procedures, and policies
 126 necessary to assess the first grade readiness of children enrolled in Georgia's public
 127 school kindergarten programs pursuant to Code Section 20-2-281. Readiness information
 128 obtained by the instrument or instruments adopted by the state board shall be used by

129 local school systems in concert with teacher recommendations and other relevant
 130 information to make appropriate student grade placement decisions. The Department of
 131 Education shall develop guidelines for utilization of the instrument or instruments in
 132 grade placement decisions and shall provide such guidelines to local school systems. The
 133 guidelines shall include information pertinent to consideration of the placement of
 134 students who have been identified as being disabled or limited-English-proficient.
 135 Whenever the decision is made not to promote a child to the first grade, the local school
 136 system shall document the reasons for the decision not to promote, according to
 137 guidelines established by the board. The State School Superintendent ~~shall~~ may annually
 138 provide a report summarizing the results of the readiness of first grade Georgia public
 139 school kindergarten children. No student shall remain in kindergarten for more than two
 140 years;"

141 **SECTION 8.**

142 Said chapter is further amended by revising subsections (a) and (h) of Code Section
 143 20-2-154.1, relating to alternative education programs, as follows:

144 "(a) It is the policy of this state that the alternative education program shall provide a
 145 learning environment that includes the objectives of the ~~quality core curriculum~~ content
 146 standards and that the instruction in an alternative education program shall enable students
 147 to return to a general or career education program as quickly as possible. Course credit
 148 shall be earned in an alternative education program in the same manner as in other
 149 education programs. It is the policy of this state that it is preferable to reassign disruptive
 150 students to an alternative education program rather than suspending or expelling such
 151 students from school."

152 "~~(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education~~
 153 ~~programs shall be based upon a full-time equivalent program count that equals 2.5 percent~~
 154 ~~of the sum of the full-time equivalent program count of the middle grades program, the~~
 155 ~~middle school program as defined in Code Section 20-2-290, the high school general~~
 156 ~~education program (grades nine through 12), and the career, technical, and agricultural~~
 157 ~~education laboratory program (grades nine through 12). For the 2002-2003 school year and~~
 158 ~~thereafter, the~~ The amount of state funds appropriated and allocated for the alternative
 159 education program provided for in this Code section shall be based on the actual count of
 160 students served during the preceding year, except that the count of students served shall not
 161 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
 162 ~~grades program, the middle school program as defined in Code Section 20-2-290, the high~~
 163 school general education program (grades nine through 12), and the career, technical, and

164 agricultural education laboratory program (grades nine through 12). Funds earned may be
165 expended in kindergarten and in grades one through 12."

166 **SECTION 9.**

167 Said chapter is further amended by revising Code Section 20-2-159.1, relating to focused
168 programs of study, as follows:

169 "20-2-159.1.

170 No later than July 1, 2013, the Department of Education shall develop, and the State Board
171 of Education shall approve, state models and ~~curriculum framework~~ content standards for
172 the following focused programs of study, as defined in Code Section 20-2-326, including,
173 but not limited to:

- 174 (1) Agriculture, food, and natural resources;
- 175 (2) Architecture and construction;
- 176 (3) Arts, audio-video technology, and communications;
- 177 (4) Business, management, and administration;
- 178 (5) Education and training;
- 179 (6) Finance;
- 180 (7) Health science;
- 181 (8) Hospitality and tourism;
- 182 (9) Human services;
- 183 (10) Information technology;
- 184 (11) Law, public safety, and security;
- 185 (12) Manufacturing;
- 186 (13) Government and public administration;
- 187 (14) Marketing, sales, and service;
- 188 (15) Science, technology, engineering, and mathematics; and
- 189 (16) Transportation, distribution, and logistics.

190 Such focused programs of study may be combined around these and other related clusters."

191 **SECTION 10.**

192 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-159.2,
193 relating to coordination between high schools and postsecondary institutions to minimize the
194 need for remedial course work for students in postsecondary institutions, as follows:

195 "(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master
196 the content standards established pursuant to Code Section 20-2-140 will meet the
197 requirements for purposes of admission into a postsecondary institution, such as grade

198 point average and readiness levels in reading, writing, and mathematics, without having
199 to take remedial coursework. Such policies shall:

200 (A) Establish the benchmarks for college readiness and the method in which students
201 can demonstrate readiness in reading, writing, and mathematics for postsecondary
202 coursework upon completing the ~~core curriculum~~ content standards; and

203 (B) Set the conditions for ensuring college readiness;"

204 **SECTION 11.**

205 Said chapter is further amended by revising subsection (a) of Code Section 20-2-159.3,
206 relating to academic core standards to be embedded in career, technical, and agricultural
207 education courses, as follows:

208 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and
209 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded
210 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~
211 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework
212 meets postsecondary requirements for acceptance of credit for such coursework at the
213 postsecondary level. Such courses shall be taught by a highly qualified teacher in the
214 academic content and trained or experienced in contextualized learning using project based
215 methods; by a highly qualified career, technical, and agricultural education teacher who has
216 completed a state-approved training program to strengthen academic content and has
217 passed a state-approved exam for demonstrating mastery of academic content; or by a team
218 made up of a highly qualified teacher in the academic content and a highly qualified career,
219 technical, and agricultural education teacher working together to teach the course."

220 **SECTION 12.**

221 Said chapter is further amended by revising subsection (a) of Code Section 20-2-160, relating
222 to determination of enrollment by institutional programs, as follows:

223 "(a) The State Board of Education shall designate the specific dates upon which two counts
224 of students enrolled in each instructional program authorized under this article shall be
225 made each school year and by which the counts shall be reported to the Department of
226 Education. The initial enrollment count shall be made after October 1 but prior to
227 November 17 and the final enrollment count after March 1 but prior to May 1. The report
228 shall indicate the student's specific assigned program for each one-sixth segment of the
229 school day on the designated reporting date. No program shall be indicated for a student
230 for any one-sixth segment of the school day that the student is assigned to a study hall; a
231 noncredit course; a course recognized under this article or by state board policy as an
232 enrichment course, except a driver education course; a course which requires participation

233 in an extracurricular activity for which enrollment is on a competitive basis; a course in
 234 which the student serves as a student assistant to a teacher, in a school office, or in the
 235 media center, except when such placement is an approved work site of a recognized career,
 236 technical, and agricultural education laboratory program; an individual study course for
 237 which no outline of course objectives is prepared in writing prior to the beginning of the
 238 course; or any other course or activity so designated by the state board. For the purpose
 239 of this Code section, the term 'enrichment course' means a course which does not dedicate
 240 a major portion of the class time toward the development and enhancement of one or more
 241 ~~student competencies~~ content standards as adopted by the state board under Code Section
 242 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the
 243 school day for which the student is not enrolled in an instructional program or has not
 244 attended a class or classes within the preceding ten days; nor shall a program be indicated
 245 for a student for any one-sixth segment of the school day for which the student is charged
 246 tuition or fees or is required to provide materials or equipment beyond those authorized
 247 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course
 248 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other
 249 appropriate program for each segment in which the student is attending such dual credit
 250 course. The state board shall adopt such regulations and criteria as necessary to ensure
 251 objective and true counts of students in state approved instructional programs. The state
 252 board shall also establish criteria by which students shall be counted as resident or
 253 nonresident students, including specific circumstances which may include, but not be
 254 limited to, students attending another local school system under court order or under the
 255 terms of a contract between two local school systems. If a local school system has a
 256 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 257 program counts from the designated date to a requested alternate date."

258 **SECTION 13.**

259 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
 260 20-2-161, relating to the Quality Basic Education Formula, as follows:

261 "(b) As the cost of instructional programs varies depending upon the teacher-student ratios
 262 and specific services typically required to address the special needs of students enrolled,
 263 state authorized instructional programs shall have the following program weights and
 264 teacher-student ratios:

265	(1) Kindergarten program	1.6508
266		weight and
267		1 to 15
268		ratio
269	(2) Kindergarten early intervention program	2.0348
270		weight and
271		1 to 11
272		ratio
273	(3) Primary grades program (1-3)	1.2849
274		weight and
275		1 to 17
276		ratio
277	(4) Primary grades early intervention program (1-3)	1.7931
278		weight and
279		1 to 11
280		ratio
281	(5) Upper elementary grades program (4-5)	1.0355
282		weight and
283		1 to 23
284		ratio
285	(6) Upper elementary grades early intervention program (4-5)	1.7867
286		weight and
287		1 to 11
288		ratio
289	(7) Middle grades program (6-8)	1.0186
290		weight and
291		1 to 23
292		ratio

293	(8) <u>(7)</u> Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
294		weight and
295		1 to 20
296		ratio
297	(9) <u>(8)</u> High school general education program (9-12)	1.0000
298		weight and
299		1 to 23
300		ratio
301	(10) <u>(9)</u> Career, technical, and agricultural education	1.1916
302	laboratory program (9-12)	weight and
303		1 to 20
304		ratio
305	(11) <u>(10)</u> Program for persons with disabilities:	
306	Category I	2.3798
307		weight and
308		1 to 8
309		ratio
310	(12) <u>(11)</u> Program for persons with disabilities:	
311	Category II	2.7883
312		weight and
313		1 to 6.5
314		ratio
315	(13) <u>(12)</u> Program for persons with disabilities:	
316	Category III	3.5493
317		weight and
318		1 to 5
319		ratio

320	(14) <u>(13)</u> Program for persons with disabilities:	
321	Category IV	5.7509
322		weight and
323		1 to 3
324		ratio
325	(15) <u>(14)</u> Program for persons with disabilities:	
326	Category V	2.4511
327		weight and
328		1 to 8
329		ratio
330	(16) <u>(15)</u> Program for intellectually gifted students:	
331	Category VI	1.6589
332		weight and
333		1 to 12
334		ratio
335	(17) <u>(16)</u> Remedial education program	1.3087
336		weight and
337		1 to 15
338		ratio
339	(18) <u>(17)</u> Alternative education program	1.4711
340		weight and
341		1 to 15
342		ratio
343	(19) <u>(18)</u> English for speakers of other languages (ESOL) program	2.5049
344		weight and
345		1 to 7
346		ratio
347	(b.1) Notwithstanding the provisions of subsection (b) of this Code section and the	
348	requirements of Code Section 20-2-290, beginning July 1, 2014, a nonvirtual middle school	
349	shall have the funding weight included in paragraph (8) of subsection (b) of this Code	

350 section for the middle school program, regardless of whether such middle school meets the
 351 requirements of Code Section 20-2-290."

352 **SECTION 14.**

353 Said chapter is further amended by revising Code Section 20-2-181, relating to calculation
 354 of program weights to reflect base school size, as follows:

355 "20-2-181.

356 The calculation of all program weights shall reflect a base size local school system of 3,300
 357 full-time equivalent students. The calculation of program weights for the kindergarten
 358 program, the kindergarten early intervention program, the primary grades (1-3) early
 359 intervention program, the primary grades (1-3) program, the upper elementary grades (4-5)
 360 early intervention program, and the upper elementary grades (4-5) program shall reflect a
 361 base school size of 450 full-time equivalent students. The calculation of program weights
 362 for the ~~middle grades (6-8) program,~~ the middle school (6-8) program, the special
 363 education programs, the remedial education program, and the English for speakers of other
 364 languages program shall reflect a base school size of 624 full-time equivalent students.
 365 The calculation of ~~the~~ program weights for the high school general education program and
 366 the high school career, technical, and agricultural education laboratory program shall
 367 reflect a base school size of 970 full-time equivalent students. The calculation of program
 368 weights for the alternative education program shall reflect a base school size of 100
 369 full-time equivalent students, except that the calculations for secretaries and media
 370 personnel shall reflect a base school size of 624 full-time equivalent students."

371 **SECTION 15.**

372 Said chapter is further amended by revising subsections (b) and (c) and paragraph (1) of
 373 subsection (i) of Code Section 20-2-182, relating to program weights to reflect funds for
 374 payment of salaries and benefits, as follows:

375 "(b) The program weights for the primary, primary grades early intervention, upper
 376 elementary, upper elementary grades early intervention, ~~middle grades,~~ and middle school
 377 programs, when multiplied by the base amount, shall reflect sufficient funds to pay at least
 378 the beginning salaries of specialists qualified to teach art, music, foreign language, and
 379 physical education, subject to appropriation by the General Assembly.

380 (c) The program weights for the kindergarten, kindergarten early intervention, primary,
 381 primary grades early intervention, upper elementary, upper elementary grades early
 382 intervention, ~~middle grades,~~ middle school, and alternative education programs and the
 383 program weights for the high school programs authorized pursuant to paragraph (4) of
 384 subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect

385 sufficient funds to pay the beginning salaries for at least one school counselor for every 450
 386 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program
 387 weights for the English for speakers of other languages program and the programs for
 388 persons with disabilities shall also earn school counselor funding. Further, beginning in
 389 Fiscal Year 2016 and thereafter, the program weights for the program for intellectually
 390 gifted students and the remedial education program shall also earn school counselor
 391 funding. The duties and responsibilities for such school counselors shall be established by
 392 the state board to require a minimum of five of the six full-time equivalent program count
 393 segments of the counselor's time to be spent counseling or advising students or parents."

394 "(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and
 395 guardians as to the maximum number of students that may be in their child's classroom
 396 in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the
 397 following regular education programs, the maximum individual class size for
 398 mathematics, science, social studies, and language arts classes shall be:

399	(A) Kindergarten program (without full-time aide)	18
400	(B) Kindergarten program (with full-time aide)	20
401	(C) Primary grades program (1-3)	21
402	(D) Upper elementary grades program (4-5)	28
403	(E) Middle grades program (6-8) and middle school program (6-8) as	
404	defined in Code Section 20-2-290	28

405 For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only,
 406 the system average maximum class size for each instructional program covered under this
 407 paragraph shall be the same as the maximum individual class size for each such program,
 408 and local boards of education shall be considered in compliance with this paragraph so
 409 long as the system average maximum class size is not exceeded; provided, however, that
 410 if the State Board of Education approves a blanket waiver or variance pursuant to
 411 subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be
 412 the system average maximum class sizes for purposes of this paragraph."

413 **SECTION 16.**

414 Said chapter is further amended by revising subsection (a) of Code Section 20-2-184.1,
 415 relating to funding for additional days of instruction, as follows:

416 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
 417 primary grades early intervention, upper elementary, upper elementary grades early
 418 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 419 weights for the high school programs authorized pursuant to paragraph (4) of subsection

420 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 421 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 422 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 423 funds shall be used for addressing the academic needs of low-performing students with
 424 programs including, but not limited to, instructional opportunities for students beyond the
 425 regular school day, Saturday classes, intersession classes, summer school classes, and
 426 additional instructional programs during the regular school day. Following the midterm
 427 adjustment, the state board shall issue allotment sheets for each local school system. Each
 428 local school system shall spend 100 percent of the funds designated for additional days of
 429 instruction for such costs at the system level, which may include transportation costs
 430 incurred for transporting students who are attending additional classes funded by these
 431 designated funds."

432 **SECTION 17.**

433 Said chapter is further amended by revising subsection (a) of Code Section 20-2-190, relating
 434 to professional development centered on state-wide strategic initiatives, as follows:

435 "(a) Subject to appropriations by the General Assembly, the State Board of Education shall
 436 provide professional development centered on state-wide strategic initiatives. Such
 437 strategic initiatives may include, but are not limited to, training on ~~the new common core~~
 438 curriculum content standards, support for under-performing educators, and mentoring
 439 programs in specific subject areas."

440 **SECTION 18.**

441 Reserved.

442 **SECTION 19.**

443 Reserved.

444 **SECTION 20.**

445 Said chapter is further amended by revising subsection (c) of Code Section 20-2-241, relating
 446 to the State School Superintendent, as follows:

447 "(c) The State School Superintendent shall have the authority to enter into contracts for the
 448 amount of \$50,000.00 or less on behalf of the Department of Education. The State School
 449 Superintendent may delegate to the chief financial officer the authority to execute such
 450 contracts on behalf of the State School Superintendent."

451 **SECTION 21.**

452 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-242, relating
 453 to local school systems, local units of administration, and local governing bodies, as follows:

454 "(1) The instructional programs authorized pursuant to Part 3 of this article and the
 455 uniformly sequenced ~~core curriculum~~ content standards authorized pursuant to Part 2 of
 456 this article are fully and effectively implemented;"

457 **SECTION 22.**

458 Said chapter is further amended by adding a new Code section to read as follows:

459 "20-2-244.1.

460 (a) As used in this Code section, the term:

461 (1) 'Student' means a student who is or was enrolled in a public school in this state.

462 (2) 'Substantial hardship' means a significant, unique, and demonstrable economic,
 463 technological, legal, or other type of hardship to the student requesting a variance or
 464 waiver.

465 (3) 'Variance' means a modification granted by the State Board of Education to all or part
 466 of the literal requirements of a rule to a person who is subject to the rule.

467 (4) 'Waiver' means a decision by the State Board of Education not to apply all or part of
 468 a rule to a person who is subject to the rule.

469 (b) Except as provided in subsection (f) of this Code section, the State Board of Education
 470 is authorized to grant a variance or waiver to a rule when a student subject to that rule
 471 demonstrates that the purpose of the underlying statute upon which the rule is based can
 472 be or has been achieved by other specific means which are agreeable to the person seeking
 473 the variance or waiver and that strict application of the rule would create a substantial
 474 hardship to such person.

475 (c) Except as provided in subsection (f) of this Code section, a student who is subject to
 476 regulation by a State Board of Education rule may file a petition with the state board
 477 requesting a variance or waiver from the state board's rule. In addition to any other
 478 requirements which may be imposed by the state board, each petition shall specify:

479 (1) The rule from which a variance or waiver is requested;

480 (2) The type of action requested;

481 (3) The specific facts of substantial hardship which would justify a variance or waiver
 482 for the petitioner, including the alternative standards which the person seeking the
 483 variance or waiver agrees to meet and a showing that such alternative standards will
 484 afford adequate protection for the public health, safety, and welfare; and

485 (4) The reason why the variance or waiver requested would serve the purpose of the
 486 underlying statute.

487 (d) The state board shall grant or deny a petition for variance or waiver in writing no later
 488 than 60 days after the receipt of the petition. The state board's decision to grant or deny the
 489 petition shall be in writing and shall contain a statement of the relevant facts and the
 490 reasons supporting the state board's action.

491 (e) The state board's decision to deny a petition for variance or waiver shall be subject to
 492 judicial review in accordance with Code Section 50-13-19. The validity of any variance
 493 or waiver which is granted by the state board may be determined in an action for
 494 declaratory judgment in accordance with Code Section 50-13-10.

495 (f) This Code section shall not apply, and no variance or waiver shall be sought or
 496 authorized, when a state board rule or regulation has been adopted or promulgated in order
 497 to implement or promote a federally delegated program.

498 (g) An aggregated report of all waivers granted pursuant to this Code section shall be
 499 prepared and shall contain a description of the waiver granted, including a detail of the
 500 variance from any rule or regulation, but shall not include any identifying information of
 501 the student.

502 (h) The State Board of Education shall not be subject to Code Section 50-13-9.1 with
 503 respect to petitions for variances or waivers of rules by students."

504 **SECTION 23.**

505 Reserved.

506 **SECTION 24.**

507 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
 508 20-2-270.1, relating to services to member local school systems by regional educational
 509 service agencies, as follows:

510 "(3) Developing and implementing curricula and instruction of the highest quality
 511 possible, including implementing the uniformly sequenced ~~core curriculum~~ content
 512 standards adopted by the state board;"

513 **SECTION 25.**

514 Said chapter is further amended by revising Code Section 20-2-281, relating to assessment
 515 of effectiveness of educational programs, as follows:

516 "20-2-281.

517 (a) The State Board of Education shall adopt a student assessment program consisting of
 518 instruments, procedures, and policies necessary to implement the program and shall fund
 519 all costs of providing and scoring such instruments, subject to appropriation by the General
 520 Assembly. Each local school system may elect to administer, with state funding, nationally

521 norm-referenced instruments in reading, mathematics, science, or social studies in grade
 522 three, four, or five and in grade six, seven, or eight, subject to available appropriations,
 523 with assistance to such school systems by the State Board of Education with regard to
 524 administration guidance, scoring, and reporting of such assessments. The State Board of
 525 Education shall review, revise, and upgrade the ~~quality core curriculum~~ content standards.
 526 Following the adoption of ~~this revised curriculum~~ such content standards, the State Board
 527 of Education shall contract for development of ~~criterion-referenced competency state~~
 528 criterion based tests to measure the ~~quality core curriculum~~ content standards. Such tests
 529 in English, ~~and language arts/reading, and~~ mathematics, ~~and reading~~ shall be administered
 530 annually to students in grades ~~three~~ one through eight and such tests in science and social
 531 studies shall be administered annually to students in grades three through eight. These tests
 532 shall contain features that allow for comparability to other states with whom establishing
 533 such comparison would be statistically sound; provided, however, that no such comparison
 534 shall be conducted which would relinquish any measure of control over assessments to any
 535 individual or entity outside the state. This action shall be completed according to a
 536 schedule established by the State Board of Education. ~~A curriculum based assessment shall~~
 537 ~~be administered in grade 11 for graduation purposes.~~ Writing assessments shall be
 538 administered to students in ~~grades three, five, eight, and 11~~ at least one grade at the
 539 elementary school level, middle school level, and high school level and may be
 540 administered in more than one grade at each level as designated by the State Board of
 541 Education. The results of such writing assessments shall ~~provide~~ be provided to students
 542 and their parents ~~with performance outcome measures resulting~~ from the administration of
 543 such tests.

544 (b) The nationally normed assessments provided for in subsection (a) of this Code section
 545 shall provide students and their parents with grade equivalencies and percentile ranks
 546 which result from the administration of such tests. ~~Criterion-referenced~~ State criterion
 547 based tests ~~and the high school graduation test~~ provided for in subsection (a) of this Code
 548 section shall provide for results that reflect student achievement at the individual student,
 549 classroom, school, system, ~~and state, and national~~ and national levels. The State Board of Education
 550 shall participate in the National Assessment of Educational Progress (NAEP) and may
 551 participate in any other tests that will allow benchmarking this state's performance against
 552 national or international performance. The results of such testing shall be provided to the
 553 Governor, the General Assembly, and the State Board of Education and shall be reported
 554 to the citizens of Georgia. Further, the state board shall adopt a school readiness
 555 assessment for students entering first grade and shall administer such assessment pursuant
 556 to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the

557 awarding of salary supplements as part of a pay for performance or related plan under this
 558 article may be assessments of student achievement.

559 (b.1) The State Board of Education shall notify local school systems and individual
 560 schools of the results of the assessment instruments administered under this Code section
 561 at the earliest possible date determined by the state board, but not later than the beginning
 562 of the subsequent school year. In the event the state board is unable to provide timely
 563 results in the first year of implementation of a substantially new assessment instrument, the
 564 provisions in paragraphs (2) and (3) of subsection (b) of Code Section 20-2-283 shall not
 565 apply.

566 (c) The State Board of Education shall have the authority to condition the awarding of a
 567 high school diploma to a student upon achievement of satisfactory scores on instruments
 568 or tests adopted and administered by the state board pursuant to ~~subsection~~ subsections (a)
 569 and (f) of this Code section. The state board is authorized and directed to adopt regulations
 570 providing that any disabled child, as defined by the provisions of this article, shall be
 571 afforded opportunities to take any test adopted by the state board as a condition for the
 572 awarding of a high school diploma. Said regulations shall further provide for appropriate
 573 accommodations in the administration of such test. Said regulations shall further provide
 574 for the awarding of a special education diploma to any disabled student who is lawfully
 575 assigned to a special education program and who does not achieve a passing score on said
 576 test or who has not completed all of the requirements for a high school diploma but who
 577 has nevertheless completed his or her Individualized Education Program.

578 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 579 administered to ~~each student receiving special education services pursuant to Code~~
 580 ~~Section 20-2-152 who does not receive instruction in the essential knowledge and skills~~
 581 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~
 582 those students with significant cognitive disabilities, receiving special education services
 583 pursuant to Code Section 20-2-152, who cannot access the state adopted content
 584 standards without appropriate accommodations to those standards and for whom the
 585 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
 586 section, even with allowable ~~modifications~~ accommodations, would not provide an
 587 appropriate measure of student achievement, as determined by the student's
 588 Individualized Education Program team. ~~A student's Individualized Education Program~~
 589 ~~may serve as an alternate assessment for that student.~~

590 (2) A student's Individualized Education Program team shall determine appropriate
 591 participation in assessment and identify necessary accommodations in accordance with
 592 the federal Individuals with Disabilities Education Act and state board regulations.

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

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

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

609 (h) The State Board of Education, through the Department of Education, shall administer
610 the end-of-course assessments for core subject areas as defined by state board policy. The
611 state board shall promulgate a schedule for the development and administration of all
612 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall
613 make all end-of-course assessments available online and shall establish rules and
614 regulations to maximize the number of students and school systems utilizing such online
615 assessments.

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

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

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

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

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

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

657 (m) The results of individual student performance on academic skills assessment
 658 instruments administered under this Code section shall be confidential and may be released
 659 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
 660 20 U.S.C. Section 1232g.

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

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

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

675 (q) The State Board of Education shall consider the passage by a student of an industry
 676 certification examination or a state licensure examination which is approved by the State
 677 Board of Education or a COMPASS score approved by the State Board of Education when
 678 considering whether to grant such student a variance for or a waiver of one or more
 679 portions of the high school graduation test required by the State Board of Education
 680 pursuant to subsection (a) of this Code section in order to obtain a Georgia high school
 681 diploma; provided, however, that the state board shall not grant a variance to a student
 682 unless the student has attempted and failed to pass the relevant portion of the high school
 683 graduation test at least four times."

684 **SECTION 26.**

685 Said chapter is further amended by revising Code Section 20-2-290, relating to organization
 686 of schools, middle school programs, and schedule, as follows:

687 "20-2-290.

688 (a)(~~1~~) The board of education of any local school system is authorized to organize or
 689 reorganize the schools and fix the grade levels to be taught at each school in its
 690 jurisdiction. ~~Schools which house grades six, seven, or eight, or any combination thereof,~~
 691 ~~shall qualify for the middle school program for students, provided, however, that such~~
 692 ~~schools also meet all other provisions of this Code section and criteria and standards~~
 693 ~~prescribed by the State Board of Education. Further, two or more adjacent local school~~
 694 ~~systems shall qualify for the middle school program if through their contractual~~
 695 ~~arrangement they jointly meet the requirements of this Code section and the criteria and~~
 696 ~~standards prescribed by the state board.~~

697 (~~2~~)(b) The board of education of any local school system shall be authorized to employ
 698 school administrative managers in lieu of or in addition to assistant principals. Such
 699 school administrative managers shall not be required to be certificated by the Professional
 700 Standards Commission but shall have such qualifications as determined by the local

701 board with a minimum requirement of a bachelor's degree or satisfactory business
 702 experience. The duties of school administrative managers shall be to oversee and manage
 703 the financial and business affairs of the school. The principal shall retain authority over
 704 the curriculum and instructional areas. The school administrative manager shall report
 705 directly to the principal. In the event that a local board considers hiring or utilizing
 706 school administrative managers pursuant to this subsection, it shall receive and give all
 707 due consideration to recommendations by the school council as to whether or not to
 708 utilize such position and as to selection of the manager. Existing employees of the local
 709 board shall be eligible to serve as school administrative managers if they meet other
 710 qualifications and requirements established by the local board for such position. For
 711 purposes of earning funds for such positions, school administrative managers shall be
 712 treated in all respects the same as assistant principals.

713 ~~(b) Local boards of education shall schedule each middle school so as to provide the~~
 714 ~~following:~~

715 ~~(1) A minimum of five hours of instruction in English and language arts, reading,~~
 716 ~~mathematics, science, social studies, and such other academic subjects as the State Board~~
 717 ~~of Education shall prescribe;~~

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

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

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

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

730 SECTION 27.

731 Said chapter is further amended by revising subsection (a) of Code Section 20-2-306, relating
 732 to honors program and residential high school program, as follows:

733 "(a) The ~~State Board of Education~~ Office of Student Achievement is authorized to
 734 ~~inaugurate~~ continue and administer an honors program for students in the public and
 735 private high schools of this state and for resident students who attend a home school study
 736 program who have manifested exceptional abilities or unique potentials or who have made

737 exceptional academic achievements. This program shall be conducted during summer
 738 months between normal school year terms at institutions of higher learning or other
 739 appropriate centers within this state with facilities adequate to provide challenging
 740 opportunities for advanced study and accomplishments by such students. The student
 741 honors program shall be implemented and operated in accordance with criteria established
 742 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the
 743 ~~state board~~ Office of Student Achievement from funds made available for this purpose by
 744 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to
 745 enter into cooperative agreements with the Board of Regents of the University System of
 746 Georgia for operating and sharing the costs of such programs."

747 **SECTION 28.**

748 Said chapter is further amended by revising Code Section 20-2-314, relating to development
 749 of rape prevention, personal safety education, and teen dating violence prevention program,
 750 as follows:

751 "20-2-314.

752 The State Board of Education shall develop, with input from appropriate experts, such as
 753 rape crisis centers and family violence shelters, a rape prevention and personal safety
 754 education program and a program for preventing teen dating violence for grade eight
 755 through grade 12 which are consistent with the ~~core curriculum~~ content standards provided
 756 for in Code Section 20-2-140. Local boards may implement such programs at any time and
 757 for any grade level local boards find appropriate, and the state board shall encourage the
 758 implementation of such programs. In addition, the state board shall make information
 759 regarding such programs available to the Board of Regents of the University System of
 760 Georgia."

761 **SECTION 29.**

762 Said chapter is further amended by revising subsection (j) of Code Section 20-2-315, relating
 763 to the prohibition of gender discrimination, as follows:

764 "(j) The Department of Education ~~shall~~ may publish an annual report of local school
 765 systems to include information regarding expenditures and participation rates for each
 766 gender and such other information as the state board and department deem relevant."

767 **SECTION 30.**

768 Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia
 769 Virtual School, as follows:

770 "20-2-319.1.

771 (a) The State Board of Education is authorized to establish the Georgia Virtual School
772 whereby students may enroll in ~~state-funded~~ courses via the Internet or in any other manner
773 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or
774 younger shall be eligible to enroll in the Georgia Virtual School, ~~at no cost to the student.~~
775 The State Board of Education is authorized to promulgate rules and regulations pertaining
776 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at
777 a minimum, a process for students to enroll in Georgia Virtual School courses and a
778 process whereby a student's grade in the course is reported on the student's transcript. All
779 teachers who provide instruction through the Georgia Virtual School shall be certified by
780 the Professional Standards Commission. A local school system shall not prohibit any
781 student from taking a course through the Georgia Virtual School, regardless of whether the
782 school in which the student is enrolled offers the same course.

783 (b)(1) The department is authorized to establish a Georgia Virtual School grant account
784 with funds appropriated by the General Assembly. The department shall use funds from
785 ~~this such~~ grant account to pay for costs associated with the Georgia Virtual School
786 incurred by the department, including, but not limited to, actual costs associated with the
787 maintenance of the Georgia Virtual School, such as new course development, credit
788 recovery, blended learning training, and operating a ~~clearinghouse~~ clearing-house, and
789 costs for tuition, materials, and fees for courses taken through the Georgia Virtual School
790 by students in home study programs or private schools in this state.

791 (2) The local school system shall pay to the department costs for tuition, materials, and
792 fees directly related to the approved course taken by a student in its school system
793 through the Georgia Virtual School; provided, however, that in no event shall the amount
794 of tuition charged to and paid by the local school system on behalf of such student exceed
795 \$250.00 per student per semester course; and provided, further, that if a student
796 participates in courses through the Georgia Virtual School that are in excess of the
797 maximum number of courses a student may be enrolled in during a school day, such
798 student shall be subject to the cost of tuition not to exceed \$250.00 per student per
799 semester course.

800 (3) Students in home study programs and private schools in this state may enroll in
801 courses through the Georgia Virtual School at no cost, if appropriations are provided for
802 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
803 not provided or if appropriations are provided but have been expended for such purpose,
804 students in home study programs and private schools in this state may enroll in courses
805 through the Georgia Virtual School based on availability of slots; provided, however, that

806 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
 807 semester course.

808 (c) The Georgia Virtual School shall not be considered a school for purposes of Article 2
 809 of Chapter 14 of this title."

810 **SECTION 31.**

811 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 812 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 813 follows:

814 "(2) 'Clearing-house' means the clearing-house established pursuant to subsection ~~(b)~~(c)
 815 of this Code section."

816 **SECTION 32.**

817 Said chapter is further amended by revising Code Section 20-2-319.4, relating to virtual
 818 instruction programs, notice of opportunities, mechanisms for compliance, approved
 819 providers, approval status, and curriculum plan, as follows:

820 "20-2-319.4.

821 (a) Beginning with the 2013-2014 school year, each local school system shall provide
 822 opportunities to all students in grades three through 12 enrolled in public schools within
 823 its boundaries for participation in part-time and full-time virtual instruction program
 824 options. Written notice of such opportunities, including an open enrollment period for
 825 full-time students of at least 90 days and not ending earlier than 30 days prior to the first
 826 day of the school year, shall be provided directly to parents of all students. The purpose
 827 of the program shall be to make quality virtual instruction available to students using online
 828 and distance learning technology in the nontraditional classroom. The program shall
 829 provide at least three options for:

830 (1) Full-time virtual instruction for students enrolled in grades three through 12; and

831 (2) Part-time virtual instruction for students enrolled in grades three through 12.

832 A virtual instruction program conducted by a local school system shall include specific
 833 ~~provision~~ provisions for at least two full-time options and one part-time option for students
 834 enrolled in dropout prevention and academic intervention programs or Department of
 835 Juvenile Justice education programs under Code Section 20-2-133.

836 (b) To provide students with the option of participating in virtual instruction programs as
 837 required by subsection (a) of this Code section, a local school system may apply one or all
 838 of the following mechanisms:

839 (1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code
 840 Section 20-2-319.1;

841 (2) Facilitate enrollment in one or more courses pursuant to the clearing-house
 842 established pursuant to Code Section 20-2-319.3;

843 ~~(2)(3) Enter into a contract with an approved a provider under subsection (c) of this Code~~
 844 ~~section for the provision of a full-time program under paragraph (1) of subsection (a) of~~
 845 ~~this Code section or a part-time program under paragraph (2) of subsection (a) of this~~
 846 ~~Code section; or~~

847 ~~(3)(4) Enter into an agreement with another local school system or systems to allow the~~
 848 ~~participation of its students in an approved virtual instruction program provided by such~~
 849 ~~other local school system or systems. The agreement shall indicate a process for the~~
 850 ~~transfer of funds.~~

851 Contracts and agreements entered into pursuant to paragraph ~~(2)(3)~~ or ~~(3)(4)~~ of this
 852 subsection may include multidistrict contractual arrangements that may be executed by a
 853 regional educational service agency for its member school systems.

854 ~~(c) The department shall annually provide local school systems with a list of providers~~
 855 ~~approved to offer virtual instruction programs. To be approved by the department, a~~
 856 ~~provider shall document that it:~~

857 ~~(1) Possesses prior, successful experience offering online courses to elementary, middle,~~
 858 ~~or high school students, as demonstrated through quantified student performance~~
 859 ~~improvements for each subject area and grade level provided for consideration as~~
 860 ~~instructional program options;~~

861 ~~(2) Assures instructional and curricular quality through a detailed curriculum and student~~
 862 ~~performance accountability plan that addresses every subject and grade level intended for~~
 863 ~~provision within local school system contracts, including:~~

864 ~~(A) Courses and programs that meet the nationally recognized standards for K-12~~
 865 ~~online learning;~~

866 ~~(B) Instructional content and services that align with and measure student attainment~~
 867 ~~of proficiency in the state-approved curriculum; and~~

868 ~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for~~
 869 ~~grade level promotion and high school graduation with a standard diploma, as~~
 870 ~~appropriate; and~~

871 ~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of~~
 872 ~~Education, for the general public, as part of its application as a provider, and in all~~
 873 ~~contracts negotiated pursuant to this Code section:~~

874 ~~(A) Information and data about each full-time and part-time program regarding its~~
 875 ~~curriculum;~~

876 ~~(B) School policies and procedures;~~

877 ~~(C) Certification status of all administrative and instructional personnel;~~

912 the workplace, further education, and life. The focused programs of study, whether
 913 provided at a choice technical high school, a college and career academy, a traditional
 914 high school, or on site at a technical school or college or a public college or university,
 915 shall be aligned with graduation requirements established by the State Board of Education
 916 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this
 917 article, including, at a minimum, four years of mathematics, Algebra I and higher, and
 918 four years of English, with an emphasis on developing reading and writing skills to meet
 919 college and career readiness standards;”

920 **SECTION 36.**

921 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating
 922 to educational entities and requirements for private schools and home study programs, as
 923 follows:

924 “(c) Parents or guardians may teach their children at home in a home study program which
 925 meets the following requirements:

926 (1) The parent, parents, or guardian must submit within 30 days after the establishment
 927 of a home study program and by September 1 annually thereafter a declaration of intent
 928 to utilize a home study program to the Department of Education, which shall provide for
 929 written or electronic submittal of such declaration of intent;

930 (2) The declaration shall include a list of the names and ages of the students who are
 931 enrolled in the home study program, the address where the home study program is
 932 located, the local school system in which the home study program is located, and a
 933 statement of the 12 month period that is to be considered the school year for that home
 934 study program. Enrollment records and reports shall not be used for any purpose except
 935 providing necessary enrollment information, except with the permission of the parent or
 936 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;

937 (3) Parents or guardians may teach only their own children in the home study program,
 938 provided the teaching parent or guardian possesses at least a high school diploma or a
 939 general educational development diploma, but the parents or guardians may employ a
 940 tutor who holds a high school diploma or a general educational development diploma to
 941 teach such children;

942 (4) The home study program shall provide a basic academic educational program which
 943 includes, but is not limited to, reading, language arts, mathematics, social studies, and
 944 science;

945 (5) The home study program must provide instruction each 12 months to home study
 946 students equivalent to 180 school days of education with each school day consisting of

947 at least four and one-half school hours unless the child is physically unable to comply
 948 with the rule provided for in this paragraph;

949 (6) The parent or guardian shall have the authority to execute any document required by
 950 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
 951 program, the student's full-time or part-time status, the student's grades, or any other
 952 required educational information. This shall include, but not be limited to, documents for
 953 purposes of verification of attendance by the Department of Driver Services, for the
 954 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
 955 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
 956 required to apply for the receipt of state or federal public assistance;

957 (7) Students in home study programs shall be subject to an appropriate nationally
 958 standardized testing program administered in consultation with a person trained in the
 959 administration and interpretation of norm reference tests to evaluate their educational
 960 progress at least every three years beginning at the end of the third grade and records of
 961 such tests and scores shall be retained but shall not be required to be submitted to public
 962 educational authorities; and

963 (8) The home study program instructor shall write an annual progress assessment report
 964 which shall include the instructor's individualized assessment of the student's academic
 965 progress in each of the subject areas specified in paragraph (4) of this subsection, and
 966 such progress reports shall be retained by the parent, parents, or guardian of children in
 967 the home study program for a period of at least three years."

968 **SECTION 37.**

969 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating
 970 to contributions by employees, state, and local employers and withholding or deducting
 971 employees' contributions for health insurance for public school teachers, as follows:

972 "(b) As the local employer's share, the local employer shall contribute to the health
 973 insurance fund such portion of the cost of such benefits as may be established by the
 974 Governor and the board and, in addition thereto, an amount to be established by the board
 975 to defray the cost of administration. The board shall determine whether such portion shall
 976 be determined based upon a percentage of the total outlay for the salaries of teachers
 977 employed by the local employer or determined on an amount per employee electing
 978 coverage under the plan based on the coverage elected, in accordance with the
 979 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 980 by the commissioner, as provided in this Code section, it shall be the duty of the
 981 commissioner to notify the State Board of Education of such failure and it shall be the duty
 982 of the State Board of Education to, with reasonable promptness, withhold from the

983 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 984 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 985 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 986 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 987 withheld funds shall be promptly transmitted by the state board to the Department of
 988 Community Health."

989 **SECTION 38.**

990 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 991 to withholding or deducting employees' contributions for health insurance for public school
 992 employees, as follows:

993 "(b) The Department of Education and local school systems shall contribute to the health
 994 insurance fund such portion of the costs of such benefits as may be established by the board
 995 to maintain the employee contributions consistent with other health insurance plans
 996 administered by the board. In the event that the commissioner shall determine that a local
 997 employer has failed to contribute the full amount of such portion, as calculated by the
 998 commissioner, it shall be the duty of the commissioner to notify the State Board of
 999 Education of such failure and it shall be the duty of the State Board of Education to, with
 1000 reasonable promptness, withhold from the employer which has failed to comply ~~all~~
 1001 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1002 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1003 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1004 local employer to the health insurance fund. Such withheld funds shall be promptly
 1005 transmitted by the state board to the Department of Community Health."

1006 **SECTION 39.**

1007 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1008 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1009 consecutive school year, as follows:

1010 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1011 year from the same local board of education may be demoted or the teacher's contract
 1012 may not be renewed only for those reasons set forth in subsection (a) of Code Section
 1013 20-2-940.

1014 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year
 1015 contract for the fourth or subsequent consecutive school year from the same local board
 1016 of education, the teacher must be given written notice of the intention to demote or not
 1017 renew the contract of the teacher. Such notice shall be given by certified mail or statutory

1018 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice
1019 shall contain a conspicuous statement in substantially the following form:

1020 You have the right to certain procedural safeguards before you can be demoted or
1021 dismissed. These safeguards include the right to notice of the reasons for the action
1022 against you and the right to a hearing. If you desire these rights you must send to the
1023 school superintendent by certified mail or statutory overnight delivery a statement that
1024 you wish to have a hearing; and such statement must be mailed to the school
1025 superintendent within 20 days after this notice was mailed to you. Your rights are
1026 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and
1027 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1028 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code
1029 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.
1030 A teacher who is so notified that he or she is to be demoted or that his or her contract will
1031 not be renewed has the right to the procedures set forth in subsections (b) through (f) of
1032 Code Section 20-2-940 before the intended action is taken. A teacher who has the right
1033 to these procedures must serve written notice on the superintendent of the local board
1034 employing the teacher within 20 days of the day the notice of the intended action is
1035 served that he or she requests a hearing. In order to be effective, such written notice that
1036 the teacher requests implementation of such procedures must be served by certified mail
1037 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.
1038 Within 14 days of service of the request to implement the procedures, the local board
1039 must furnish the teacher a notice that complies with the requirements of subsection (b)
1040 of Code Section 20-2-940.

1041 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,
1042 while the teacher is serving under the third consecutive school year contract, the local
1043 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew
1044 the teacher's contract for the ensuing school year, and the teacher does not serve notice
1045 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school
1046 year that he or she does not accept the fourth consecutive school year contract.

1047 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection
1048 who is subsequently employed by another local board of education and who accepts a
1049 second consecutive school year contract from the local board at which the teacher is
1050 subsequently employed may be demoted or the teacher's contract may not be renewed
1051 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The
1052 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a
1053 teacher.

1054 (5) A teacher is deemed to have accepted a second consecutive school year contract if,
 1055 while the teacher is serving under the first school year contract, the local board does not
 1056 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's
 1057 contract for the ensuing school year, and the teacher does not serve notice in writing on
 1058 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does
 1059 not accept the second consecutive school year contract.

1060 (6) Local boards shall make contract offers available to teachers for a minimum ten-day
 1061 review period. A teacher accepts the contract by signing and returning it any time during
 1062 the ten-day period.

1063 (7)(A) Professional certificated personnel employed by a county or independent local
 1064 school system that becomes consolidated with or merged into another county or
 1065 independent local school system as provided in Article 8 of this chapter or otherwise
 1066 shall retain their employment, except as provided in subparagraph (B) of this paragraph,
 1067 in the newly created, or surviving, school system. Said professional certificated
 1068 personnel shall retain and carry over all the rights already accrued and earned in the
 1069 professional certificated personnel's prior school system and as set forth in this
 1070 paragraph.

1071 (B) Any reductions in staff due to loss of students or cancellation of programs in the
 1072 newly created, or surviving, school system necessitated by the consolidation or merger
 1073 shall be made first in preference of retaining professional certificated personnel on the
 1074 basis of uniformly applied criteria set forth in local school board policies of the newly
 1075 created, or surviving, school system."

1076 **SECTION 40.**

1077 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 1078 relating to local board tribunals to determine school law controversies, appeals, and special
 1079 provisions for disabled children, as follows:

1080 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 1081 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 1082 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 1083 decision of the local board, and a concise statement of the reasons why the decision is
 1084 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1085 of testimony certified as true and correct by the local school superintendent. The appeal
 1086 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1087 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1088 appeal together with the transcript of evidence and proceedings, the decision of the local
 1089 board, and other matters in the file relating to the appeal to the state board. The state board

1090 shall adopt regulations governing the procedure for hearings before the local board and
 1091 proceedings before it. The state board may affirm, reverse, or remand the local board
 1092 decision or may refer the matter to mediation."

1093 **SECTION 41.**

1094 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 1095 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1096 membership, and annual training, as follows:

1097 "(2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1098 shall concurrently submit such petition to the commission, to the local board of education
 1099 in which the school is proposed to be located, and to each local school system from which
 1100 the proposed school plans to enroll students. The commission shall not act on a petition
 1101 unless the local board of education in which the school is proposed to be located denies
 1102 the petition; provided, however, that such local board shall approve or deny the petition
 1103 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
 1104 Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve
 1105 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
 1106 be deemed a denial for purposes of this paragraph. A local board that has denied a
 1107 petition for a state charter school shall be permitted to present to the commission in
 1108 writing or in person the reasons for denial and the deficiencies in such petition resulting
 1109 in such denial."

1110 **SECTION 42.**

1111 Said chapter is further amended by adding a new Code section to read as follows:

1112 "20-2-2092.

1113 (a) The commission shall have the power and authority to incorporate a nonprofit
 1114 corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal
 1115 Revenue Code to aid the commission in carrying out any of its powers and in
 1116 accomplishing any of its purposes. Any nonprofit corporation created pursuant to this
 1117 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit
 1118 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

1119 (b) Any nonprofit corporation created pursuant to this Code section shall be subject to the
 1120 following provisions:

1121 (1) In accordance with the Constitution of Georgia, no governmental functions or
 1122 regulatory powers shall be conducted by any such nonprofit corporation;

1123 (2) Upon dissolution of any such nonprofit corporation incorporated by the commission,
 1124 any assets shall revert to the commission or to any successor to the commission or, failing
 1125 such succession, to the State of Georgia;

1126 (3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and
 1127 travel expenses. To avoid the appearance of undue influence on regulatory functions by
 1128 donors, no donations to any such nonprofit corporation from private sources shall be used
 1129 for direct employee costs of the commission;

1130 (4) Any such nonprofit corporation shall be subject to all laws relating to open meetings
 1131 and the inspection of public records;

1132 (5) The commission shall not be liable for the action or omission to act of any such
 1133 nonprofit corporation; and

1134 (6) No debts, bonds, notes, or other obligations incurred by any such nonprofit
 1135 corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall
 1136 any act of any such nonprofit corporation constitute or result in the creation of an
 1137 indebtedness of the state. No holder or holders of any such bonds, notes, or other
 1138 obligations shall ever have the right to compel any exercise of the taxing power of the
 1139 state nor to enforce the payment thereof against the state.

1140 (c) Pursuant to this Code section, the commission may establish a nonprofit corporation
 1141 to be designated as the State Charter Schools Foundation for the sole purpose of actively
 1142 seeking supplemental revenue and in-kind goods, services, and property to promote state
 1143 charter schools and any other purpose of the commission. Funds received by the
 1144 foundation may be awarded through a competitive grant process administered by the
 1145 commission.

1146 (d) Any nonprofit corporation created pursuant to this Code section shall make public and
 1147 provide an annual report showing the identity of all donors and the amount each person or
 1148 entity donated as well as all expenditures or other disposal of money or property donated.
 1149 Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the
 1150 House of Representatives, and the chairpersons of the House Committee on Education and
 1151 the Senate Education and Youth Committee. Any such nonprofit corporation shall also
 1152 provide such persons with a copy of all corporate filings with the federal Internal Revenue
 1153 Service."

1154 **SECTION 43.**

1155 All laws and parts of laws in conflict with this Act are repealed.