

SENATE SUBSTITUTE TO HB 897:

AS PASSED SENATE

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 provide for revision of the
4 terms of a flexibility contract under certain circumstances; to revise provisions relating to
5 state required content standards; to include America's founding philosophy and founding
6 principles in content standards and assessments; to provide for legislative findings; to provide
7 for a short title; to provide for curriculum content and teacher training; to provide for
8 applicability; to remove the middle grades program; to revise provisions relating to contracts
9 by the State School Superintendent; to revise a process for student requests for waivers and
10 variances of state requirements; to revise provisions relating to state required assessments;
11 to revise provisions relating to the honors program; to revise provisions relating to courses
12 taken through the Georgia Virtual School; to revise provisions relating to virtual instruction
13 opportunities provided by local school systems; to repeal an obsolete provision relating to
14 acquiring digital learning; to revise a provision relating to home study reporting; to revise
15 provisions relating to nonrenewal of a teacher's contract; to revise provisions relating to
16 health insurance for public school teachers and employees; to revise provisions relating to
17 appeals to the State Board of Education; to revise provisions relating to state charter schools;
18 to authorize the State Charter Schools Commission to establish nonprofit foundations; to
19 amend Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American
20 History Month, so as to declare September of each year to be Georgians of Great Character
21 Month; to provide for effective dates; to provide for related matters; to repeal conflicting
22 laws; and for other purposes.

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

24 **SECTION 1.**

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

30 **SECTION 1A.**

31 Said chapter is further amended by revising Code Section 20-2-83, relating to state board
 32 approval of local school board flexibility contracts, as follows:

33 "20-2-83.

34 (a) Upon approval of a proposed contract of a local school system which has requested
 35 flexibility, the state board shall enter into such contract with the local board of education.

36 (b) The terms of the contract shall include, but not be limited to, accountability, flexibility,
 37 and consequences components as negotiated pursuant to subsection (a) of Code Section
 38 20-2-82 and in accordance with Code Section 20-2-84.

39 (c) Each contract shall be for a term of five years. The terms of the contract may provide
 40 for automatic extension of such contract if a local school system has met its accountability
 41 requirements.

42 (d) The terms of a contract, including the performance goals and the consequences, may
 43 be amended during the term of the contract only:

44 (1) If if warranted due to unforeseen circumstances and upon approval of the state board
 45 and the local board of education; or

46 (2) If the state board has revised any state accountability or performance measures
 47 subsequent to entering into such contract.

48 (e) Any school system subject to a contract under this article as of July 1, 2013, shall have
 49 the right to renegotiate the terms of such contract using the state board approved
 50 accountability and performance measures in effect as of July 1, 2014, without penalty or
 51 consequence to any existing schools in order to comply with the deadline established in
 52 subsection (b) of Code Section 20-2-84.3. The state board may add up to one year to any
 53 such contract in effect on July 1, 2013, for the purpose of contract renegotiations as
 54 provided in this subsection."

55 **SECTION 2.**

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

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

65 **SECTION 3.**

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

69 "20-2-140.

70 (a) The State Board of Education shall establish ~~competencies~~ uniformly sequenced
71 content standards that each student is expected to master prior to completion of the
72 student's public school education. ~~The state board shall also establish competencies for~~
73 ~~which each student should be provided opportunities, at the discretion of the student and~~
74 ~~the student's parents, to master. Based upon these foregoing competencies, the~~ The state
75 board shall adopt a uniformly sequenced core curriculum content standards for grades
76 students in kindergarten through grade 12. Each local unit of administration shall include
77 this uniformly sequenced core curriculum as the basis for its own curriculum, although
78 each local unit may sequence, expand, and enrich this curriculum may expand and enrich
79 the content standards to the extent it deems necessary and appropriate for its students and
80 communities. Each local school system shall adopt its own curriculum which shall include
81 appropriate instruction in the content standards.

82 (b) The State Board of Education, working with the Board of Regents of the University
83 System of Georgia and the State Board of the Technical College System of Georgia, shall
84 establish college and career readiness ~~competency~~ standards to demonstrate competency
85 in reading, writing, and mathematics aligned with the ~~core curriculum~~ content standards
86 adopted by the state board pursuant to subsection (a) of this Code section with the level of
87 performance necessary to meet college-readiness standards in the state's technical colleges,
88 community colleges, state colleges, and universities and in other advanced training
89 programs.

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

94 **SECTION 4.**

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

97 "20-2-140.1.

98 The State Board of Education shall establish rules and regulations to maximize the number
 99 of students, beginning with students entering ninth grade in the 2014-2015 school year,
 100 who complete prior to graduation at least one course containing online learning. This shall
 101 be met through an online course offered by the Georgia Virtual School established pursuant
 102 to Code Section 20-2-319.1, through the clearing-house established pursuant to Code
 103 Section 20-2-319.3, through an online dual enrollment course offered by a postsecondary
 104 institution, or through a provider ~~approved~~ pursuant to ~~subsection (c)~~ of Code Section
 105 20-2-319.4. This shall also include enrollment in a full-time or part-time virtual instruction
 106 program pursuant to Code Section 20-2-319.4."

107 **SECTION 5.**

108 Reserved.

109 **SECTION 6.**

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

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

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

117 (B) A course of study in the history of the United States and in the history of Georgia
 118 and in the essentials of the United States and Georgia Constitutions, including the study
 119 of American institutions and ideals which shall include a study of the Pledge of
 120 Allegiance to the flag of the United States and the Georgia flag in addition to other
 121 institutions and ideals.

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

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

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

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

142 **SECTION 6A.**

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

144 "20-2-142.1.

145 (a) The General Assembly finds that the survival of the Republic requires that the nation's
 146 children, who are the future guardians of its heritage and participants in its governance,
 147 have a clear understanding of the founding philosophy and the founding principles of our
 148 government, which are found in the Declaration of Independence, the United States
 149 Constitution, the Federalist Papers, and the writings of the founders, and an understanding
 150 of the preservation of such founding philosophy, principles, and documents.

151 (b) This Code section shall be known and may be cited as the 'America's Founding
 152 Philosophy and Principles Act.'

153 (c) The State Board of Education shall ensure that any new content standards adopted on
 154 and after July 1, 2014, pursuant to Code Section 20-2-141 for 18 week semester courses
 155 for students during their ninth through twelfth grade years and all new assessments aligned
 156 with such content standards take into consideration the following:

157 (1) America's founding philosophy, to include at least the following:

158 (A) The Creator-endowed unalienable rights of the people;

- 159 (B) The purpose of government, which is to protect the unalienable rights of the people
 160 and to protect the people from violence and fraud;
- 161 (C) The structure of government, separation of powers, and checks and balances; and
 162 (D) The rule of law, with frequent and free elections in a representative government
 163 which governs by majority vote within a constitutional framework;
- 164 (2) America's founding principles, to include at least the following:
- 165 (A) Federalism-government as close to the people as possible, limited federal
 166 government, and strong state and local government;
- 167 (B) Freedoms of speech, press, religion, and peaceful assembly guaranteed by the Bill
 168 of Rights;
- 169 (C) Rights to private property and freedom of individual enterprise;
- 170 (D) The innocence of any crime until proven guilty, with right of habeas corpus, and
 171 no unreasonable searches, seizures, or cruel and unusual punishment;
- 172 (E) The right to a speedy trial by a jury of peers, and grand jury indictment of capital
 173 crimes before a person can be held to account;
- 174 (F) The principles of economy in spending, constitutional limitations on government
 175 power to tax and spend, and prompt payment of public debt;
- 176 (G) Economic system of money with intrinsic value;
- 177 (H) The right of people to keep and bear arms, strong defense capability, supremacy
 178 of civil authority over military;
- 179 (I) Peace, commerce, and honest friendship with all nations, entangling alliances with
 180 none;
- 181 (J) Eternal vigilance by 'We the People'; and
- 182 (K) Founding documents including Declaration of Independence, the United States
 183 Constitution, and the Federalist Papers; and
- 184 (3) Transformational movements in American history, to include at least the following:
- 185 (A) The antislavery movement;
- 186 (B) The Civil Rights movement;
- 187 (C) Women's suffrage;
- 188 (D) The contributions of immigrants to American society; and
- 189 (E) The challenges and history of the Native American population.
- 190 (d) The Department of Education and local boards of education, as appropriate, may
 191 provide, or cause to be provided, curriculum content which reflects the content standards
 192 addressed pursuant to subsection (c) of this Code section and the teacher training to ensure
 193 that the intent and provisions of this Code section are implemented.
- 194 (e) This Code section shall apply beginning in school year 2015-2016."

195

SECTION 7.

196

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

197

198

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

199

200

201

202

"(2) It is the policy of this state that the purpose of the primary grades program shall be mastery by enrolled students of the essential basic skills and knowledge which will enable them to achieve more advanced skills and knowledge offered at the higher grade levels. For purposes of funding under this article, the primary grades program shall include grades one, two, and three. To be eligible for enrollment in the first grade of a state supported primary grades program, a child must attain the age of six by September 1, except as otherwise provided by subsection (b) of Code Section 20-2-150. The State Board of Education shall adopt an instrument or instruments, procedures, and policies necessary to assess the first grade readiness of children enrolled in Georgia's public school kindergarten programs pursuant to Code Section 20-2-281. Readiness information obtained by the instrument or instruments adopted by the state board shall be used by local school systems in concert with teacher recommendations and other relevant information to make appropriate student grade placement decisions. The Department of Education shall develop guidelines for utilization of the instrument or instruments in grade placement decisions and shall provide such guidelines to local school systems. The guidelines shall include information pertinent to consideration of the placement of students who have been identified as being disabled or limited-English-proficient. Whenever the decision is made not to promote a child to the first grade, the local school system shall document the reasons for the decision not to promote, according to guidelines established by the board. The State School Superintendent ~~shall~~ may annually provide a report summarizing the results of the readiness of first grade Georgia public school kindergarten children. No student shall remain in kindergarten for more than two years;"

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

SECTION 8.

226

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

227

228

"(a) It is the policy of this state that the alternative education program shall provide a learning environment that includes the objectives of the ~~quality core curriculum content standards~~ standards and that the instruction in an alternative education program shall enable students

229

230

231 to return to a general or career education program as quickly as possible. Course credit
 232 shall be earned in an alternative education program in the same manner as in other
 233 education programs. It is the policy of this state that it is preferable to reassign disruptive
 234 students to an alternative education program rather than suspending or expelling such
 235 students from school."

236 "~~(h) For the 2000-2001 and 2001-2002 school years, state funding of alternative education~~
 237 ~~programs shall be based upon a full-time equivalent program count that equals 2.5 percent~~
 238 ~~of the sum of the full-time equivalent program count of the middle grades program, the~~
 239 ~~middle school program as defined in Code Section 20-2-290, the high school general~~
 240 ~~education program (grades nine through 12), and the career, technical, and agricultural~~
 241 ~~education laboratory program (grades nine through 12). For the 2002-2003 school year and~~
 242 ~~thereafter, the~~ The amount of state funds appropriated and allocated for the alternative
 243 education program provided for in this Code section shall be based on the actual count of
 244 students served during the preceding year, except that the count of students served shall not
 245 exceed 2.5 percent of the sum of the full-time equivalent program count of the ~~middle~~
 246 ~~grades program, the middle school program as defined in Code Section 20-2-290, the high~~
 247 ~~school general education program (grades nine through 12), and the career, technical, and~~
 248 ~~agricultural education laboratory program (grades nine through 12). Funds earned may be~~
 249 ~~expended in kindergarten and in grades one through 12."~~

250 **SECTION 9.**

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

253 "20-2-159.1.

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

- 258 (1) Agriculture, food, and natural resources;
- 259 (2) Architecture and construction;
- 260 (3) Arts, audio-video technology, and communications;
- 261 (4) Business, management, and administration;
- 262 (5) Education and training;
- 263 (6) Finance;
- 264 (7) Health science;
- 265 (8) Hospitality and tourism;
- 266 (9) Human services;

- 267 (10) Information technology;
 268 (11) Law, public safety, and security;
 269 (12) Manufacturing;
 270 (13) Government and public administration;
 271 (14) Marketing, sales, and service;
 272 (15) Science, technology, engineering, and mathematics; and
 273 (16) Transportation, distribution, and logistics.
 274 Such focused programs of study may be combined around these and other related clusters."

275 **SECTION 10.**

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

279 "(1) Develop policies to ensure that students who ~~complete the core curriculum~~ master
 280 the content standards established pursuant to Code Section 20-2-140 will meet the
 281 requirements for purposes of admission into a postsecondary institution, such as grade
 282 point average and readiness levels in reading, writing, and mathematics, without having
 283 to take remedial coursework. Such policies shall:

- 284 (A) Establish the benchmarks for college readiness and the method in which students
 285 can demonstrate readiness in reading, writing, and mathematics for postsecondary
 286 coursework upon completing the ~~core curriculum~~ content standards; and
 287 (B) Set the conditions for ensuring college readiness;"

288 **SECTION 11.**

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

292 "(a) The ~~competencies and curricula~~ content standards established for career, technical, and
 293 agricultural education courses pursuant to Code Section 20-2-140 shall include embedded
 294 standards in academic core subject areas, as appropriate. In establishing such ~~competencies~~
 295 ~~and curricula~~ content standards, the state board shall work to ensure that the coursework
 296 meets postsecondary requirements for acceptance of credit for such coursework at the
 297 postsecondary level. Such courses shall be taught by a highly qualified teacher in the
 298 academic content and trained or experienced in contextualized learning using project based
 299 methods; by a highly qualified career, technical, and agricultural education teacher who has
 300 completed a state-approved training program to strengthen academic content and has
 301 passed a state-approved exam for demonstrating mastery of academic content; or by a team

302 made up of a highly qualified teacher in the academic content and a highly qualified career,
303 technical, and agricultural education teacher working together to teach the course."

304 **SECTION 12.**

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

307 "(a) The State Board of Education shall designate the specific dates upon which two counts
308 of students enrolled in each instructional program authorized under this article shall be
309 made each school year and by which the counts shall be reported to the Department of
310 Education. The initial enrollment count shall be made after October 1 but prior to
311 November 17 and the final enrollment count after March 1 but prior to May 1. The report
312 shall indicate the student's specific assigned program for each one-sixth segment of the
313 school day on the designated reporting date. No program shall be indicated for a student
314 for any one-sixth segment of the school day that the student is assigned to a study hall; a
315 noncredit course; a course recognized under this article or by state board policy as an
316 enrichment course, except a driver education course; a course which requires participation
317 in an extracurricular activity for which enrollment is on a competitive basis; a course in
318 which the student serves as a student assistant to a teacher, in a school office, or in the
319 media center, except when such placement is an approved work site of a recognized career,
320 technical, and agricultural education laboratory program; an individual study course for
321 which no outline of course objectives is prepared in writing prior to the beginning of the
322 course; or any other course or activity so designated by the state board. For the purpose
323 of this Code section, the term 'enrichment course' means a course which does not dedicate
324 a major portion of the class time toward the development and enhancement of one or more
325 ~~student competencies~~ content standards as adopted by the state board under Code Section
326 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the
327 school day for which the student is not enrolled in an instructional program or has not
328 attended a class or classes within the preceding ten days; nor shall a program be indicated
329 for a student for any one-sixth segment of the school day for which the student is charged
330 tuition or fees or is required to provide materials or equipment beyond those authorized
331 pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course
332 pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other
333 appropriate program for each segment in which the student is attending such dual credit
334 course. The state board shall adopt such regulations and criteria as necessary to ensure
335 objective and true counts of students in state approved instructional programs. The state
336 board shall also establish criteria by which students shall be counted as resident or
337 nonresident students, including specific circumstances which may include, but not be

338 limited to, students attending another local school system under court order or under the
 339 terms of a contract between two local school systems. If a local school system has a
 340 justifiable reason, it may seek authority from the state board to shift full-time equivalent
 341 program counts from the designated date to a requested alternate date."

342 **SECTION 13.**

343 Said chapter is further amended by revising subsections (b) and (b.1) of Code Section
 344 20-2-161, relating to the Quality Basic Education Formula, as follows:

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

349 (1) Kindergarten program 1.6508
 350 weight and
 351 1 to 15
 352 ratio

353 (2) Kindergarten early intervention program 2.0348
 354 weight and
 355 1 to 11
 356 ratio

357 (3) Primary grades program (1-3) 1.2849
 358 weight and
 359 1 to 17
 360 ratio

361 (4) Primary grades early intervention program (1-3) 1.7931
 362 weight and
 363 1 to 11
 364 ratio

365	(5) Upper elementary grades program (4-5)	1.0355
366		weight and
367		1 to 23
368		ratio
369	(6) Upper elementary grades early intervention program (4-5)	1.7867
370		weight and
371		1 to 11
372		ratio
373	(7) Middle grades program (6-8)	1.0186
374		weight and
375		1 to 23
376		ratio
377	(8)(7) Middle school program (6-8) as defined in Code Section 20-2-290 .	1.1310
378		weight and
379		1 to 20
380		ratio
381	(9)(8) High school general education program (9-12)	1.0000
382		weight and
383		1 to 23
384		ratio
385	(10)(9) Career, technical, and agricultural education	1.1916
386	laboratory program (9-12)	weight and
387		1 to 20
388		ratio
389	(11)(10) Program for persons with disabilities:	
390	Category I	2.3798
391		weight and
392		1 to 8
393		ratio

394	(12) (11) Program for persons with disabilities:	
395	Category II	2.7883
396		weight and
397		1 to 6.5
398		ratio
399	(13) (12) Program for persons with disabilities:	
400	Category III	3.5493
401		weight and
402		1 to 5
403		ratio
404	(14) (13) Program for persons with disabilities:	
405	Category IV	5.7509
406		weight and
407		1 to 3
408		ratio
409	(15) (14) Program for persons with disabilities:	
410	Category V	2.4511
411		weight and
412		1 to 8
413		ratio
414	(16) (15) Program for intellectually gifted students:	
415	Category VI	1.6589
416		weight and
417		1 to 12
418		ratio
419	(17) (16) Remedial education program	1.3087
420		weight and
421		1 to 15
422		ratio

SECTION 15.

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

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

(c) The program weights for the kindergarten, kindergarten early intervention, primary, primary grades early intervention, upper elementary, upper elementary grades early intervention, ~~middle grades~~, middle school, and alternative education programs and the program weights for the high school programs authorized pursuant to paragraph (4) of subsection (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient funds to pay the beginning salaries for at least one school counselor for every 450 full-time equivalent students. Beginning in Fiscal Year 2015 and thereafter, the program weights for the English for speakers of other languages program and the programs for persons with disabilities shall also earn school counselor funding. Further, beginning in Fiscal Year 2016 and thereafter, the program weights for the program for intellectually gifted students and the remedial education program shall also earn school counselor funding. The duties and responsibilities for such school counselors shall be established by the state board to require a minimum of five of the six full-time equivalent program count segments of the counselor's time to be spent counseling or advising students or parents."

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

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

For school years 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this

491 paragraph shall be the same as the maximum individual class size for each such program,
 492 and local boards of education shall be considered in compliance with this paragraph so
 493 long as the system average maximum class size is not exceeded; provided, however, that
 494 if the State Board of Education approves a blanket waiver or variance pursuant to
 495 subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be
 496 the system average maximum class sizes for purposes of this paragraph."

497 **SECTION 16.**

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

500 "(a) The program weights for the kindergarten, kindergarten early intervention, primary,
 501 primary grades early intervention, upper elementary, upper elementary grades early
 502 intervention, ~~middle grades~~, middle school, and remedial programs and the program
 503 weights for the high school programs authorized pursuant to paragraph (4) of subsection
 504 (b) of Code Section 20-2-151, when multiplied by the base amount, shall reflect sufficient
 505 funds to pay the beginning salaries for instructors needed to provide 20 additional days of
 506 instruction for 10 percent of the full-time equivalent count of the respective program. Such
 507 funds shall be used for addressing the academic needs of low-performing students with
 508 programs including, but not limited to, instructional opportunities for students beyond the
 509 regular school day, Saturday classes, intersession classes, summer school classes, and
 510 additional instructional programs during the regular school day. Following the midterm
 511 adjustment, the state board shall issue allotment sheets for each local school system. Each
 512 local school system shall spend 100 percent of the funds designated for additional days of
 513 instruction for such costs at the system level, which may include transportation costs
 514 incurred for transporting students who are attending additional classes funded by these
 515 designated funds."

516 **SECTION 17.**

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

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

524 **SECTION 18.**

525 Reserved.

526 **SECTION 19.**

527 Reserved.

528 **SECTION 20.**

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

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

535 **SECTION 21.**

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

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

541 **SECTION 22.**

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

543 "20-2-244.1.

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

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

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

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

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

553 (b) Except as provided in subsection (f) of this Code section, the State Board of Education
554 is authorized to grant a variance or waiver to a rule when a student subject to that rule
555 demonstrates that the purpose of the underlying statute upon which the rule is based can
556 be or has been achieved by other specific means which are agreeable to the person seeking

557 the variance or waiver and that strict application of the rule would create a substantial
558 hardship to such person.

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

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

564 (2) The type of action requested;

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

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

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

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

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

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

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

588 **SECTION 23.**

589 Reserved.

590

SECTION 24.

591

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

592

593

594

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

595

596

597

SECTION 25.

598

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

599

600

"20-2-281.

601

(a) The State Board of Education shall adopt a student assessment program consisting of instruments, procedures, and policies necessary to implement the program and shall fund all costs of providing and scoring such instruments, subject to appropriation by the General Assembly. Each local school system may elect to administer, with state funding, nationally norm-referenced instruments in reading, mathematics, science, or social studies in grade three, four, or five and in grade six, seven, or eight, subject to available appropriations, with assistance to such school systems by the State Board of Education with regard to administration guidance, scoring, and reporting of such assessments. The State Board of Education shall review, revise, and upgrade the ~~quality core curriculum content standards~~. Following the adoption of ~~this revised curriculum~~ such content standards, the State Board of Education shall contract for development of ~~criterion-referenced competency state criterion based~~ tests to measure the ~~quality core curriculum content standards~~. Such tests in English, ~~and language arts/reading, and,~~ mathematics, ~~and reading~~ shall be administered annually to students in grades ~~three~~ one through eight and such tests in science and social studies shall be administered annually to students in grades three through eight. These tests shall contain features that allow for comparability to other states with whom establishing such comparison would be statistically sound; provided, however, that no such comparison shall be conducted which would relinquish any measure of control over assessments to any individual or entity outside the state. This action shall be completed according to a schedule established by the State Board of Education. ~~A curriculum based assessment shall be administered in grade 11 for graduation purposes.~~ Writing assessments shall be administered to students in grades three, five, eight, and 11 and may be administered in additional grade levels as designated by the State Board of Education. The results of such writing assessments shall provide be provided to students and their parents ~~with performance outcome measures resulting~~ from the administration of such tests.

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626 (b) The nationally normed assessments provided for in subsection (a) of this Code section
 627 shall provide students and their parents with grade equivalencies and percentile ranks
 628 which result from the administration of such tests. ~~Criterion-referenced~~ State criterion
 629 based tests ~~and the high school graduation test~~ provided for in subsection (a) of this Code
 630 section shall provide for results that reflect student achievement at the individual student,
 631 classroom, school, system, ~~and state,~~ and national levels. The State Board of Education
 632 shall participate in the National Assessment of Educational Progress (NAEP) and may
 633 participate in any other tests that will allow benchmarking this state's performance against
 634 national or international performance. The results of such testing shall be provided to the
 635 Governor, the General Assembly, and the State Board of Education and shall be reported
 636 to the citizens of Georgia. Further, the state board shall adopt a school readiness
 637 assessment for students entering first grade and shall administer such assessment pursuant
 638 to paragraph (2) of subsection (b) of Code Section 20-2-151. One of the components in the
 639 awarding of salary supplements as part of a pay for performance or related plan under this
 640 article may be assessments of student achievement.

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

648 (c) The State Board of Education shall have the authority to condition the awarding of a
 649 high school diploma to a student upon achievement of satisfactory scores on instruments
 650 or tests adopted and administered by the state board pursuant to ~~subsection~~ subsections (a)
 651 and (f) of this Code section. The state board is authorized and directed to adopt regulations
 652 providing that any disabled child, as defined by the provisions of this article, shall be
 653 afforded opportunities to take any test adopted by the state board as a condition for the
 654 awarding of a high school diploma. Said regulations shall further provide for appropriate
 655 accommodations in the administration of such test. Said regulations shall further provide
 656 for the awarding of a special education diploma to any disabled student who is lawfully
 657 assigned to a special education program and who does not achieve a passing score on said
 658 test or who has not completed all of the requirements for a high school diploma but who
 659 has nevertheless completed his or her Individualized Education Program.

660 (d)(1) The State Board of Education shall develop or adopt alternate assessments to be
 661 administered to ~~each student receiving special education services pursuant to Code~~
 662 ~~Section 20-2-152~~ who does not receive instruction in the essential knowledge and skills

663 ~~identified in the quality core curriculum developed pursuant to Code Section 20-2-140~~
 664 ~~those students with significant cognitive disabilities, receiving special education services~~
 665 ~~pursuant to Code Section 20-2-152, who cannot access the state adopted content~~
 666 ~~standards without appropriate accommodations to those standards~~ and for whom the
 667 assessment instruments adopted under ~~subsection~~ subsections (a) and (f) of this Code
 668 section, even with allowable ~~modifications~~ accommodations, would not provide an
 669 appropriate measure of student achievement, as determined by the student's
 670 Individualized Education Program team. ~~A student's Individualized Education Program~~
 671 ~~may serve as an alternate assessment for that student.~~

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

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

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

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

691 (h) The State Board of Education, through the Department of Education, shall administer
 692 the end-of-course assessments for core subject areas as defined by state board policy. The
 693 state board shall promulgate a schedule for the development and administration of all
 694 end-of-course tests. By the 2015-2016 school year, the State Board of Education shall
 695 make all end-of-course assessments available online and shall establish rules and
 696 regulations to maximize the number of students and school systems utilizing such online
 697 assessments.

698 (i) The Department of Education shall develop study guides for the ~~criterion-referenced~~
 699 state criterion based tests and end-of-course assessments administered pursuant to

700 subsections (a) and (f) of this Code section. Each school system shall distribute the study
701 guides to students who do not perform satisfactorily on one or more parts of an assessment
702 instrument administered under this Code section and to the parents or guardians of such
703 students.

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

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

711 (k)(~~1~~) In addition to the assessment instruments adopted by the State Board of Education
712 and administered by the Department of Education, a local school system may adopt and
713 administer criterion-referenced or norm-referenced assessment instruments, or both, at
714 any grade level. Such locally adopted assessment instruments may not replace the state's
715 adopted assessment instruments for purposes of state accountability programs, except as
716 otherwise provided in paragraph (2) of this subsection. A local school system shall be
717 responsible for all costs and expenses incurred for locally adopted assessment
718 instruments. Students with Individualized Education Programs must be included in the
719 locally adopted assessments or provided an alternate assessment in accordance with the
720 federal Individuals with Disabilities Education Act.

721 ~~(2) The State Board of Education shall have the authority to grant waivers until Fiscal~~
722 ~~Year 2003 to local boards of education exempting said boards from the administration~~
723 ~~of the state criterion-referenced competency tests at any or all of the subject areas and~~
724 ~~grade levels for which the local board of education implements a locally developed~~
725 ~~criterion-referenced competency test or tests based on the Quality Core Curriculum which~~
726 ~~increases the expectations for student achievement beyond that of the applicable state~~
727 ~~criterion-referenced competency test or tests and meets all other requirements of this~~
728 ~~Code section, including reliability and validity requirements, with the exception of~~
729 ~~subsection (g) of this Code section. Local boards of education with such waivers shall~~
730 ~~submit to the State Board of Education school and local school system score reports of~~
731 ~~the locally developed criterion-referenced competency tests.~~

732 (l) In adopting academic skills assessment instruments under this Code section, the State
733 Board of Education or local school system shall ensure the security of the instruments in
734 their preparation, administration, and scoring. Notwithstanding any other provision of law,
735 meetings or portions of meetings held by the state board or a local board of education at
736 which individual assessment instruments or assessment instrument items are discussed or

737 adopted shall not be open to the public, and the assessment instruments or assessment
738 instrument items shall be confidential.

739 (m) The results of individual student performance on academic skills assessment
740 instruments administered under this Code section shall be confidential and may be released
741 only in accordance with the federal Family Educational Rights and Privacy Act of 1974,
742 20 U.S.C. Section 1232g.

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

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

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

757 (q) The State Board of Education shall consider the passage by a student of an industry
758 certification examination or a state licensure examination which is approved by the State
759 Board of Education or a COMPASS score approved by the State Board of Education when
760 considering whether to grant such student a variance ~~for~~ or a waiver of one or more
761 portions of the high school graduation test required by the State Board of Education
762 pursuant to subsection (a) of this Code section in order to obtain a Georgia high school
763 diploma; provided, however, that the state board shall not grant a variance to a student
764 unless the student has attempted and failed to pass the relevant portion of the high school
765 graduation test at least four times."

766 **SECTION 26.**

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

769 "20-2-290.

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

779 (2)(b) The board of education of any local school system shall be authorized to employ
 780 school administrative managers in lieu of or in addition to assistant principals. Such
 781 school administrative managers shall not be required to be certificated by the Professional
 782 Standards Commission but shall have such qualifications as determined by the local
 783 board with a minimum requirement of a bachelor's degree or satisfactory business
 784 experience. The duties of school administrative managers shall be to oversee and manage
 785 the financial and business affairs of the school. The principal shall retain authority over
 786 the curriculum and instructional areas. The school administrative manager shall report
 787 directly to the principal. In the event that a local board considers hiring or utilizing
 788 school administrative managers pursuant to this subsection, it shall receive and give all
 789 due consideration to recommendations by the school council as to whether or not to
 790 utilize such position and as to selection of the manager. Existing employees of the local
 791 board shall be eligible to serve as school administrative managers if they meet other
 792 qualifications and requirements established by the local board for such position. For
 793 purposes of earning funds for such positions, school administrative managers shall be
 794 treated in all respects the same as assistant principals.

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

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

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

- 805 ~~(3) An interdisciplinary team of academic teachers with common planning time of a~~
 806 ~~minimum of 55 minutes.~~
- 807 ~~(c) Local school systems shall comply with subsection (b) of this Code section in order to~~
 808 ~~qualify for the middle school program.~~
- 809 ~~(d) If a local school system has a combination of qualified and nonqualified schools, it~~
 810 ~~shall qualify for the middle school program only for those students counted in the full-time~~
 811 ~~equivalent count for the middle school program in qualified middle schools."~~

812 **SECTION 27.**

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

815 "~~the State Board of Education~~ Office of Student Achievement is authorized to
 816 ~~inaugurate~~ continue and administer an honors program for students in the public and
 817 private high schools of this state and for resident students who attend a home school study
 818 program who have manifested exceptional abilities or unique potentials or who have made
 819 exceptional academic achievements. This program shall be conducted during summer
 820 months between normal school year terms at institutions of higher learning or other
 821 appropriate centers within this state with facilities adequate to provide challenging
 822 opportunities for advanced study and accomplishments by such students. The student
 823 honors program shall be implemented and operated in accordance with criteria established
 824 by the ~~state board~~ Office of Student Achievement, and operating costs shall be paid by the
 825 ~~state board~~ Office of Student Achievement from funds made available for this purpose by
 826 the General Assembly. The ~~state board~~ Office of Student Achievement is authorized to
 827 enter into cooperative agreements with the Board of Regents of the University System of
 828 Georgia for operating and sharing the costs of such programs."

829 **SECTION 28.**

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

833 "20-2-314.

834 The State Board of Education shall develop, with input from appropriate experts, such as
 835 rape crisis centers and family violence shelters, a rape prevention and personal safety
 836 education program and a program for preventing teen dating violence for grade eight
 837 through grade 12 which are consistent with the ~~core curriculum content standards~~ provided
 838 for in Code Section 20-2-140. Local boards may implement such programs at any time and
 839 for any grade level local boards find appropriate, and the state board shall encourage the

840 implementation of such programs. In addition, the state board shall make information
 841 regarding such programs available to the Board of Regents of the University System of
 842 Georgia."

843 **SECTION 29.**

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

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

849 **SECTION 30.**

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

852 "20-2-319.1.

853 (a) The State Board of Education is authorized to establish the Georgia Virtual School
 854 whereby students may enroll in ~~state-funded~~ courses via the Internet or in any other manner
 855 not involving on-site interaction with a teacher. Any Georgia student who is age 21 or
 856 younger shall be eligible to enroll in the Georgia Virtual School, ~~at no cost to the student.~~

857 The State Board of Education is authorized to promulgate rules and regulations pertaining
 858 to the Georgia Virtual School. Such rules and regulations, if established, shall include, at
 859 a minimum, a process for students to enroll in Georgia Virtual School courses and a
 860 process whereby a student's grade in the course is reported on the student's transcript. All
 861 teachers who provide instruction through the Georgia Virtual School shall be certified by
 862 the Professional Standards Commission. A local school system shall not prohibit any
 863 student from taking a course through the Georgia Virtual School, regardless of whether the
 864 school in which the student is enrolled offers the same course.

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

873 (2) The local school system shall pay to the department costs for tuition, materials, and
 874 fees directly related to the approved course taken by a student in its school system

875 through the Georgia Virtual School; provided, however, that in no event shall the amount
 876 of tuition charged to and paid by the local school system on behalf of such student exceed
 877 \$250.00 per student per semester course; and provided, further, that if a student
 878 participates in courses through the Georgia Virtual School that are in excess of the
 879 maximum number of courses a student may be enrolled in during a school day, such
 880 student shall be subject to the cost of tuition not to exceed \$250.00 per student per
 881 semester course.

882 (3) Students in home study programs and private schools in this state may enroll in
 883 courses through the Georgia Virtual School at no cost, if appropriations are provided for
 884 such purpose in accordance with paragraph (1) of this subsection. If appropriations are
 885 not provided or if appropriations are provided but have been expended for such purpose,
 886 students in home study programs and private schools in this state may enroll in courses
 887 through the Georgia Virtual School based on availability of slots; provided, however, that
 888 such students shall be subject to the cost of tuition not to exceed \$250.00 per student per
 889 semester course.

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

892 SECTION 31.

893 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
 894 20-2-319.3, relating to the online clearing-house of interactive distance learning courses, as
 895 follows:

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

898 SECTION 32.

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

902 "20-2-319.4.

903 (a) Beginning with the 2013-2014 school year, each local school system shall provide
 904 opportunities to all students in grades three through 12 enrolled in public schools within
 905 its boundaries for participation in part-time and full-time virtual instruction program
 906 options. Written notice of such opportunities, including an open enrollment period for
 907 full-time students of at least 90 days and not ending earlier than 30 days prior to the first
 908 day of the school year, shall be provided directly to parents of all students. The purpose
 909 of the program shall be to make quality virtual instruction available to students using online

910 and distance learning technology in the nontraditional classroom. The program shall
911 provide at least three options for:

- 912 (1) Full-time virtual instruction for students enrolled in grades three through 12; and
913 (2) Part-time virtual instruction for students enrolled in grades three through 12.

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

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

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

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

925 ~~(2)(3) Enter into a contract with an approved a provider under subsection (c) of this Code~~
926 ~~section~~ for the provision of a full-time program under paragraph (1) of subsection (a) of
927 this Code section or a part-time program under paragraph (2) of subsection (a) of this
928 Code section; or

929 ~~(3)(4) Enter into an agreement with another local school system or systems to allow the~~
930 ~~participation of its students in an approved virtual instruction program provided by such~~
931 ~~other local school system or systems. The agreement shall indicate a process for the~~
932 ~~transfer of funds.~~

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

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

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

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

946 ~~(A) Courses and programs that meet the nationally recognized standards for K-12~~
 947 ~~online learning;~~
 948 ~~(B) Instructional content and services that align with and measure student attainment~~
 949 ~~of proficiency in the state-approved curriculum; and~~
 950 ~~(C) Mechanisms that determine and ensure that a student has satisfied requirements for~~
 951 ~~grade level promotion and high school graduation with a standard diploma, as~~
 952 ~~appropriate; and~~
 953 ~~(3) Publishes, in accordance with disclosure requirements adopted by the State Board of~~
 954 ~~Education, for the general public, as part of its application as a provider, and in all~~
 955 ~~contracts negotiated pursuant to this Code section:~~
 956 ~~(A) Information and data about each full-time and part-time program regarding its~~
 957 ~~curriculum;~~
 958 ~~(B) School policies and procedures;~~
 959 ~~(C) Certification status of all administrative and instructional personnel;~~
 960 ~~(D) Teacher-student ratios;~~
 961 ~~(E) Student completion and promotion rates; and~~
 962 ~~(F) Student, educator, and school performance accountability outcomes.~~
 963 ~~(d) An approved provider shall retain its approved status for a period of five years after the~~
 964 ~~date of the department's approval pursuant to subsection (c) of this Code section as long~~
 965 ~~as the provider continues to comply with all requirements of this Code section; provided,~~
 966 ~~however, that each provider approved by the department for the 2013-2014 school year~~
 967 ~~shall reapply for approval to provide a part-time program for students in grades three~~
 968 ~~through 12.~~
 969 ~~(e)(c) Each contract entered into pursuant to paragraph (3) of subsection (b) of this Code~~
 970 ~~section with an approved a provider shall at a minimum set forth a detailed curriculum plan~~
 971 ~~that illustrates how students will be provided services for, and be measured for attainment~~
 972 ~~of, proficiency in state curriculum requirements for content standards for each grade level~~
 973 ~~and subject."~~

974 **SECTION 33.**

975 Said chapter is further amended by repealing Code Section 20-2-319.5, relating to report on
 976 assisting local boards of education in acquiring digital learning, and designating said Code
 977 section as reserved.

978 **SECTION 34.**

979 Said chapter is further amended by revising paragraph (5) of Code Section 20-2-326, relating
 980 to definitions relative to the "Building Resourceful Individuals to Develop Georgia's
 981 Economy Act," as follows:

982 "(5) 'Focused program of study' means a rigorous academic core combined with a focus
 983 in mathematics and science; a focus in humanities, fine arts, and foreign language; or a
 984 coherent sequence of career pathway courses that is aligned with graduation requirements
 985 established by the State Board of Education and ~~curriculum requirements~~ content
 986 standards established pursuant to Part 2 of this article that prepares a student for
 987 postsecondary education or immediate employment after high school graduation."

988 **SECTION 35.**

989 Said chapter is further amended by revising paragraph (1) of Code Section 20-2-329, relating
 990 to requirements for high schools that receive a reform grant, as follows:

991 "(1) Provide focused programs of study which are designed to provide a well-rounded
 992 education for students by fostering artistic creativity, critical thinking, and self-discipline
 993 through the teaching of academic content, knowledge, and skills that students will use in
 994 the workplace, further education, and life. The focused programs of study, whether
 995 provided at a choice technical high school, a college and career academy, a traditional
 996 high school, or on site at a technical school or college or a public college or university,
 997 shall be aligned with graduation requirements established by the State Board of Education
 998 and ~~curriculum requirements~~ content standards established pursuant to Part 2 of this
 999 article, including, at a minimum, four years of mathematics, Algebra I and higher, and
 1000 four years of English, with an emphasis on developing reading and writing skills to meet
 1001 college and career readiness standards;"

1002 **SECTION 36.**

1003 Said chapter is further amended by revising subsection (c) of Code Section 20-2-690, relating
 1004 to educational entities and requirements for private schools and home study programs, as
 1005 follows:

1006 "(c) Parents or guardians may teach their children at home in a home study program which
 1007 meets the following requirements:

1008 (1) The parent, parents, or guardian must submit within 30 days after the establishment
 1009 of a home study program and by September 1 annually thereafter a declaration of intent
 1010 to utilize a home study program to the Department of Education, which shall provide for
 1011 written or electronic submittal of such declaration of intent;

- 1012 (2) The declaration shall include a list of the names and ages of the students who are
1013 enrolled in the home study program, the address where the home study program is
1014 located, the local school system in which the home study program is located, and a
1015 statement of the 12 month period that is to be considered the school year for that home
1016 study program. Enrollment records and reports shall not be used for any purpose except
1017 providing necessary enrollment information, except with the permission of the parent or
1018 guardian of a child, or pursuant to the subpoena of a court of competent jurisdiction;
- 1019 (3) Parents or guardians may teach only their own children in the home study program,
1020 provided the teaching parent or guardian possesses at least a high school diploma or a
1021 general educational development diploma, but the parents or guardians may employ a
1022 tutor who holds a high school diploma or a general educational development diploma to
1023 teach such children;
- 1024 (4) The home study program shall provide a basic academic educational program which
1025 includes, but is not limited to, reading, language arts, mathematics, social studies, and
1026 science;
- 1027 (5) The home study program must provide instruction each 12 months to home study
1028 students equivalent to 180 school days of education with each school day consisting of
1029 at least four and one-half school hours unless the child is physically unable to comply
1030 with the rule provided for in this paragraph;
- 1031 (6) The parent or guardian shall have the authority to execute any document required by
1032 law, rule, regulation, or policy to evidence the enrollment of a child in a home study
1033 program, the student's full-time or part-time status, the student's grades, or any other
1034 required educational information. This shall include, but not be limited to, documents for
1035 purposes of verification of attendance by the Department of Driver Services, for the
1036 purposes set forth in subsection (a.1) of Code Section 40-5-22, documents required
1037 pursuant to Chapter 2 of Title 39 relating to employment of minors, and any documents
1038 required to apply for the receipt of state or federal public assistance;
- 1039 (7) Students in home study programs shall be subject to an appropriate nationally
1040 standardized testing program administered in consultation with a person trained in the
1041 administration and interpretation of norm reference tests to evaluate their educational
1042 progress at least every three years beginning at the end of the third grade and records of
1043 such tests and scores shall be retained but shall not be required to be submitted to public
1044 educational authorities; and
- 1045 (8) The home study program instructor shall write an annual progress assessment report
1046 which shall include the instructor's individualized assessment of the student's academic
1047 progress in each of the subject areas specified in paragraph (4) of this subsection, and

1048 such progress reports shall be retained by the parent, parents, or guardian of children in
 1049 the home study program for a period of at least three years."

1050 **SECTION 37.**

1051 Said chapter is further amended by revising subsection (b) of Code Section 20-2-892, relating
 1052 to contributions by employees, state, and local employers and withholding or deducting
 1053 employees' contributions for health insurance for public school teachers, as follows:

1054 "(b) As the local employer's share, the local employer shall contribute to the health
 1055 insurance fund such portion of the cost of such benefits as may be established by the
 1056 Governor and the board and, in addition thereto, an amount to be established by the board
 1057 to defray the cost of administration. The board shall determine whether such portion shall
 1058 be determined based upon a percentage of the total outlay for the salaries of teachers
 1059 employed by the local employer or determined on an amount per employee electing
 1060 coverage under the plan based on the coverage elected, in accordance with the
 1061 appropriation of funds. If a local employer fails to remit the employer's share as calculated
 1062 by the commissioner, as provided in this Code section, it shall be the duty of the
 1063 commissioner to notify the State Board of Education of such failure and it shall be the duty
 1064 of the State Board of Education to, with reasonable promptness, withhold from the
 1065 employer which has failed to comply ~~all appropriations allotted to such employer until such~~
 1066 ~~employer has fully complied with the provisions of this Code section by making remittance~~
 1067 ~~of the sums required~~ sufficient state funds as calculated by the commissioner to fully
 1068 satisfy the outstanding obligation of the local employer to the health insurance fund. Such
 1069 withheld funds shall be promptly transmitted by the state board to the Department of
 1070 Community Health."

1071 **SECTION 38.**

1072 Said chapter is further amended by revising subsection (b) of Code Section 20-2-920, relating
 1073 to withholding or deducting employees' contributions for health insurance for public school
 1074 employees, as follows:

1075 "(b) The Department of Education and local school systems shall contribute to the health
 1076 insurance fund such portion of the costs of such benefits as may be established by the board
 1077 to maintain the employee contributions consistent with other health insurance plans
 1078 administered by the board. In the event that the commissioner shall determine that a local
 1079 employer has failed to contribute the full amount of such portion, as calculated by the
 1080 commissioner, it shall be the duty of the commissioner to notify the State Board of
 1081 Education of such failure and it shall be the duty of the State Board of Education to, with
 1082 reasonable promptness, withhold from the employer which has failed to comply ~~all~~

1083 ~~appropriations allotted to such employer until such employer has fully complied with the~~
 1084 ~~provisions of this Code section by making remittance of the sums required~~ sufficient state
 1085 funds as calculated by the commissioner to fully satisfy the outstanding obligation of the
 1086 local employer to the health insurance fund. Such withheld funds shall be promptly
 1087 transmitted by the state board to the Department of Community Health."

1088 **SECTION 39.**

1089 Said chapter is further amended by revising subsection (b) of Code Section 20-2-942, relating
 1090 to procedure for nonrenewal after acceptance by teacher of school year contract for fourth
 1091 consecutive school year, as follows:

1092 "(b)(1) A teacher who accepts a school year contract for the fourth consecutive school
 1093 year from the same local board of education may be demoted or the teacher's contract
 1094 may not be renewed only for those reasons set forth in subsection (a) of Code Section
 1095 20-2-940.

1096 (2) In order to demote or fail to renew the contract of a teacher who accepts a school year
 1097 contract for the fourth or subsequent consecutive school year from the same local board
 1098 of education, the teacher must be given written notice of the intention to demote or not
 1099 renew the contract of the teacher. Such notice shall be given by certified mail or statutory
 1100 overnight delivery as provided in subsection (c) of Code Section 20-2-940. Such notice
 1101 shall contain a conspicuous statement in substantially the following form:

1102 You have the right to certain procedural safeguards before you can be demoted or
 1103 dismissed. These safeguards include the right to notice of the reasons for the action
 1104 against you and the right to a hearing. If you desire these rights you must send to the
 1105 school superintendent by certified mail or statutory overnight delivery a statement that
 1106 you wish to have a hearing; and such statement must be mailed to the school
 1107 superintendent within 20 days after this notice was mailed to you. Your rights are
 1108 governed by subsection (b) of Code Section 20-2-211, Code Section 20-2-940, and
 1109 Code Sections 20-2-942 through 20-2-947, and a copy of this law is enclosed.

1110 A copy of subsection (b) of Code Section 20-2-211, Code Section 20-2-940, this Code
 1111 section, and Code Sections 20-2-943 through 20-2-947 shall be enclosed with the notice.
 1112 A teacher who is so notified that he or she is to be demoted or that his or her contract will
 1113 not be renewed has the right to the procedures set forth in subsections (b) through (f) of
 1114 Code Section 20-2-940 before the intended action is taken. A teacher who has the right
 1115 to these procedures must serve written notice on the superintendent of the local board
 1116 employing the teacher within 20 days of the day the notice of the intended action is
 1117 served that he or she requests a hearing. In order to be effective, such written notice that
 1118 the teacher requests implementation of such procedures must be served by certified mail

1119 or statutory overnight delivery as provided in subsection (c) of Code Section 20-2-940.
1120 Within 14 days of service of the request to implement the procedures, the local board
1121 must furnish the teacher a notice that complies with the requirements of subsection (b)
1122 of Code Section 20-2-940.

1123 (3) A teacher is deemed to have accepted a fourth consecutive school year contract if,
1124 while the teacher is serving under the third consecutive school year contract, the local
1125 board does not serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew
1126 the teacher's contract for the ensuing school year, and the teacher does not serve notice
1127 in writing on the local board of education by ~~May 1~~ June 1 of the third consecutive school
1128 year that he or she does not accept the fourth consecutive school year contract.

1129 (4) A teacher who has satisfied the conditions set forth in paragraph (1) of this subsection
1130 who is subsequently employed by another local board of education and who accepts a
1131 second consecutive school year contract from the local board at which the teacher is
1132 subsequently employed may be demoted or the teacher's contract may not be renewed
1133 only for those reasons set forth in subsection (a) of Code Section 20-2-940. The
1134 provisions set forth in paragraph (2) of this subsection shall likewise apply to such a
1135 teacher.

1136 (5) A teacher is deemed to have accepted a second consecutive school year contract if,
1137 while the teacher is serving under the first school year contract, the local board does not
1138 serve notice on the teacher by ~~April 15~~ May 15 that it intends not to renew the teacher's
1139 contract for the ensuing school year, and the teacher does not serve notice in writing on
1140 the local board of education by ~~May 1~~ June 1 of the first school year that he or she does
1141 not accept the second consecutive school year contract.

1142 (6) Local boards shall make contract offers available to teachers for a minimum ten-day
1143 review period. A teacher accepts the contract by signing and returning it any time during
1144 the ten-day period.

1145 (7)(A) Professional certificated personnel employed by a county or independent local
1146 school system that becomes consolidated with or merged into another county or
1147 independent local school system as provided in Article 8 of this chapter or otherwise
1148 shall retain their employment, except as provided in subparagraph (B) of this paragraph,
1149 in the newly created, or surviving, school system. Said professional certificated
1150 personnel shall retain and carry over all the rights already accrued and earned in the
1151 professional certificated personnel's prior school system and as set forth in this
1152 paragraph.

1153 (B) Any reductions in staff due to loss of students or cancellation of programs in the
1154 newly created, or surviving, school system necessitated by the consolidation or merger
1155 shall be made first in preference of retaining professional certificated personnel on the

1156 basis of uniformly applied criteria set forth in local school board policies of the newly
 1157 created, or surviving, school system."

1158 **SECTION 40.**

1159 Said chapter is further amended by revising subsection (b) of Code Section 20-2-1160,
 1160 relating to local board tribunals to determine school law controversies, appeals, and special
 1161 provisions for disabled children, as follows:

1162 "(b) Any party aggrieved by a decision of the local board rendered on a contested issue
 1163 after a hearing shall have the right to appeal therefrom to the State Board of Education.
 1164 The appeal shall be in writing and shall distinctly set forth the question in dispute, the
 1165 decision of the local board, and a concise statement of the reasons why the decision is
 1166 complained of; and the party taking the appeal shall also file with the appeal a transcript
 1167 of testimony certified as true and correct by the local school superintendent. The appeal
 1168 shall be filed with the superintendent within 30 days of the decision of the local board, and
 1169 within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the
 1170 appeal together with the transcript of evidence and proceedings, the decision of the local
 1171 board, and other matters in the file relating to the appeal to the state board. The state board
 1172 shall adopt regulations governing the procedure for hearings before the local board and
 1173 proceedings before it. The state board may affirm, reverse, or remand the local board
 1174 decision or may refer the matter to mediation."

1175 **SECTION 41.**

1176 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section
 1177 20-2-2084, relating to petition for charter schools, requirements of school, governing board
 1178 membership, and annual training, as follows:

1179 "(2) For petitions for state charter schools with a defined attendance zone, the petitioner
 1180 shall concurrently submit such petition to the commission, to the local board of education
 1181 in which the school is proposed to be located, and to each local school system from which
 1182 the proposed school plans to enroll students. The commission shall not act on a petition
 1183 unless the local board of education in which the school is proposed to be located denies
 1184 the petition; provided, however, that such local board shall approve or deny the petition
 1185 no later than ~~60~~ 90 days after its submission, as required pursuant to subsection (b) of
 1186 Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve
 1187 or deny such petition by such local board, in violation of Code Section 20-2-2064, shall
 1188 be deemed a denial for purposes of this paragraph. A local board that has denied a
 1189 petition for a state charter school shall be permitted to present to the commission in

1190 writing or in person the reasons for denial and the deficiencies in such petition resulting
1191 in such denial."

1192 **SECTION 42.**

1193 Said chapter is further amended by adding a new Code section to read as follows:

1194 "20-2-2092.

1195 (a) The commission shall have the power and authority to incorporate a nonprofit
1196 corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal
1197 Revenue Code to aid the commission in carrying out any of its powers and in
1198 accomplishing any of its purposes. Any nonprofit corporation created pursuant to this
1199 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit
1200 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

1201 (b) Any nonprofit corporation created pursuant to this Code section shall be subject to the
1202 following provisions:

1203 (1) In accordance with the Constitution of Georgia, no governmental functions or
1204 regulatory powers shall be conducted by any such nonprofit corporation;

1205 (2) Upon dissolution of any such nonprofit corporation incorporated by the commission,
1206 any assets shall revert to the commission or to any successor to the commission or, failing
1207 such succession, to the State of Georgia;

1208 (3) As used in this paragraph, the term 'direct employee costs' means salary, benefits, and
1209 travel expenses. To avoid the appearance of undue influence on regulatory functions by
1210 donors, no donations to any such nonprofit corporation from private sources shall be used
1211 for direct employee costs of the commission;

1212 (4) Any such nonprofit corporation shall be subject to all laws relating to open meetings
1213 and the inspection of public records;

1214 (5) The commission shall not be liable for the action or omission to act of any such
1215 nonprofit corporation; and

1216 (6) No debts, bonds, notes, or other obligations incurred by any such nonprofit
1217 corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall
1218 any act of any such nonprofit corporation constitute or result in the creation of an
1219 indebtedness of the state. No holder or holders of any such bonds, notes, or other
1220 obligations shall ever have the right to compel any exercise of the taxing power of the
1221 state nor to enforce the payment thereof against the state.

1222 (c) Pursuant to this Code section, the commission may establish a nonprofit corporation
1223 to be designated as the State Charter Schools Foundation for the sole purpose of actively
1224 seeking supplemental revenue and in-kind goods, services, and property to promote state
1225 charter schools and any other purpose of the commission. Funds received by the

1226 foundation may be awarded through a competitive grant process administered by the
 1227 commission.
 1228 (d) Any nonprofit corporation created pursuant to this Code section shall make public and
 1229 provide an annual report showing the identity of all donors and the amount each person or
 1230 entity donated as well as all expenditures or other disposal of money or property donated.
 1231 Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the
 1232 House of Representatives, and the chairpersons of the House Committee on Education and
 1233 the Senate Education and Youth Committee. Any such nonprofit corporation shall also
 1234 provide such persons with a copy of all corporate filings with the federal Internal Revenue
 1235 Service."

1236 **SECTION 42A.**

1237 Code Section 1-4-3 of the Official Code of Georgia Annotated, relating to American History
 1238 Month, is amended by adding a new subsection to read as follows:

1239 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
 1240 effective July 1, 2014.

1241 (b) Section 1A of this Act shall become effective upon its approval by the Governor or
 1242 upon its becoming law without such approval.

1243 "(c) The month of September of each year is designated as Georgians of Great Character
 1244 Month to encourage the recognition of outstanding persons in Georgia history."

1245

1246 **SECTION 43.**

1247 All laws and parts of laws in conflict with this Act are repealed.